



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

AGENDA

Tuesday, February 13, 2024 – 6:30 p.m.

CALL TO ORDER:

ROLL CALL: Elizabeth Flowers, Dan Koukol, Ruben Rodriguez (Vice-Chairman), Brooke Shanley, and Seth Wormley (Chairman)

APPROVAL OF AGENDA (VV):

APPROVAL OF MINUTES (VV): Approval of Minutes from January 8, 2024, Meeting (Pages 3-28)
Approval of Minutes from February 3, 2024, Special Meeting (Pages 29-41)

PUBLIC COMMENT:

EXPENDITURE REPORT: Review of Expenditures from January 2024 (Pages 42-47)

PETITIONS (Roll Call Vote):

1. **Petition 23 – 32 – Alan Drake on Behalf of Grainco FS, Inc (Property Owner) and Andrew and Robert Schwartz on Behalf of A.B. Schwartz, LLC (Contract Purchaser) (Pages 48-101)**
Request: Amendment to the Future Land Use Map in the Land Resource Management Plan Reclassifying the Subject Parcels from Transportation Corridor to Mixed Use Business
PINs: 05-09-300-006, 05-09-300-007, 05-16-100-003, 05-16-100-004, and 05-16-100-020
Location: 8115 Route 47, Yorkville, in Kendall Township
Purpose: Petitioners Wish to Rezone the Property to M-1 in Order to Operate a Tile Business, Offices, Warehouses, Fuel Storage, and Other Light Industrial Uses; Property is Zoned A-1 and A-1 with Special Use Permits
2. **Petition 23 – 33 – Alan Drake on Behalf of Grainco FS, Inc (Property Owner) and Andrew and Robert Schwartz on Behalf of A.B. Schwartz, LLC (Contract Purchaser) (Pages 102-192)**
Request: Map Amendment Rezoning the Subject Parcels from A-1 Agricultural District and A-1 Agricultural with Special Use Permits to M-1 Limited Manufacturing District
PINs: 05-09-300-006, 05-09-300-007, 05-16-100-003, 05-16-100-004, and 05-16-100-020
Location: 8115 Route 47, Yorkville, in Kendall Township
Purpose: Petitioners Wish to Rezone the Property to M-1 in Order to Operate a Tile Business, Offices, Warehouses, Fuel Storage, and Other Light Industrial Uses; Property is Zoned A-1 and A-1 with Special Use Permits

NEW BUSINESS:

1. Approval of Publishing the Annual Noxious Weed Notice in the Kendall County Record at a Cost Not to Exceed \$125.00; Related Invoice(s) to Be Paid from the PBZ Legal Publications Line Item 11001902-62090 (Roll Call Vote) (Pages 193-194)

2. Approval of a Resolution Approving an Intergovernmental Agreement for Reciprocal Building Inspection Services between Kendall County, Illinois and the United City of Yorkville, Illinois (Roll Call Vote) (Pages 195-207)
3. Approval of Proposal from WBK Engineering for Work Related to the Submittal of the Annual Report for the 2023 NPDES – MS 4 Requirements in an Amount Not to Exceed \$2,650 Plus Reimbursable Costs (Costs + 10%) (Roll Call Vote) (Pages 208-209)
4. Follow-Up on Kendall County Regional Planning Commission Annual Meeting (Pages 29-41)
5. Follow-Up on January 31, 2024, Stormwater Training Event (Pages 210-300)
6. 2023 County-Wide Building Permit Memo (Page 301)

OLD BUSINESS:

1. Update on Stormwater Permit at 13039 McKanna Road (PIN: 09-09-100-002) in Seward Township (Pages 302-304)
2. Short-Term Rental Renewal Update

REVIEW VIOLATION REPORT (Page 305-307):

REVIEW PRE-VIOLATION REPORT (Pages 308-312):

UPDATE FROM HISTORIC PRESERVATION COMMISSION:

1. Kendall County Historic Preservation Commission Annual Meeting-February 21, 2024, at 6:00 p.m., at Aux Sable Grove Presbyterian Church, at 5021 Wheeler Road, Yorkville (Page 313)

REVIEW PERMIT REPORT (Pages 314-317):

REVIEW REVENUE REPORT (Page 318):

CORRESPONDENCE:

COMMENTS FROM THE PRESS:

EXECUTIVE SESSION:

ADJOURNMENT (VV):

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

KENDALL COUNTY PLANNING, BUILDING & ZONING COMMITTEE

Kendall County Office Building

Rooms 209 and 210

111 W. Fox Street, Yorkville, Illinois

6:30 p.m.

Meeting Minutes of January 8, 2024 – Unofficial until Approved

CALL TO ORDER

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

ROLL CALL

Committee Members Present: Elizabeth Flowers, Dan Koukol, Ruben Rodriguez, and Seth Wormley

Committee Members Absent: Brooke Shanley

Also Present: Matthew H. Asselmeier, Wanda A. Rolf, Dan Kramer, and Greg Chismark

APPROVAL OF AGENDA

Member Rodriguez made a motion, seconded by Member Flowers, to approve agenda. With a voice vote of four (4) ayes, the motion carried.

APPROVAL OF MINUTES

Member Flowers made a motion, seconded by Member Koukol, to approve the minutes of the November 13, 2023, meeting. With a voice vote of four (4) ayes, the motion carried.

PUBLIC COMMENT

None

EXPENDITURE REPORT

The Committee reviewed the Expenditure Report from November 2023, the end of Fiscal Year Escrow Report, and the Expenditure Report from December 2023.

PETITIONS

Petition 23-31 Jorge A. and Hilda G. Montes

Chairman Wormley discussed the vacation.

A five foot (5') public utility and drainage easement exists on the north and south lot lines of Lots 27 and 28 in the Grove Estates Subdivision.

The Petitioners would like to merge the two (2) lots and construct a new house over the easements.

The application materials and plat of vacation were provided.

The property address is 7216 and 7280 Roberts Court, Oswego.

The property is approximately one point five (1.5) acres in size.

The property is zoned RPD-2.

The current land use is Wooded.

The future land use is Rural Residential (Max 0.65 Du/Acre).

Roberts Court is a Township Road classified as a Local Road.

There are no trails planned in the area.

There are no floodplains or wetlands on the property.

The adjacent land uses are wooded and single-family residential.

The adjacent properties are RPD-2.

The future land use for the area is Rural Residential (Max 0.65 Du/Acre).

The property immediately to the east of the subject also vacated drainage and utility easements for the same reason in 2020.

Na-Au-Say Township was emailed information on November 17, 2023. No comments received.

The Village of Oswego was emailed information on November 17, 2023. No comments received.

The Oswego Fire Protection District was emailed information on September 21, 2023. No comments received.

ZPAC reviewed the proposal at their meeting on December 5, 2023. The Petitioners' Attorney indicated that they had secured all signatures, including Comed's signature. ZPAC recommended approval of the proposal by a vote of seven (7) in favor and zero (0) in opposition with three (3) members absent. The minutes of the meeting were provided.

Staff requested that the Petitioners provide information stating that none of the utilities were in opposition to the request. On November 16, 2023, the Petitioners' Attorney submitted an email stating that all of the utilities had signed the plat except Comed. This email was provided.

The homeowners' association submitted an email on November 14, 2023, expressing no opposition to the request. This email was provided.

Mr. Asselmeier read a memo from WBK Engineering stating that they had no objections to the vacation from a drainage perspective.

Staff recommended approval of the requested vacation with the following conditions:

1. Lots 27 and 28 of Grove Estates Subdivision shall not be sold as individual lots upon the successful recording of the plat of vacation. Within ninety (90) days of the effective date of this ordinance, the Petitioners shall submit a parcel consolidation request to Kendall County.
2. This vacation shall become effective upon the successful recording of the plat of vacation in the timeframe outlined in Section 7.06.H of the Kendall County Subdivision Control Ordinance unless an extension is granted by the Kendall County Board.

The draft ordinance was provided.

Dan Kramer, Attorney for the Petitioner, stated that all utilities have signed off on the vacation.

Member Koukol made a motion, seconded by Member Flowers, to recommend approval of the vacation.

The votes were as follows:

Yeas (4): Flowers, Koukol, Rodriguez, and Wormley

Nays (0): None

Abstain (0): None

Absent (1): Shanley

The motion carried.

The proposal goes to the January 16, 2024, County Board meeting on the consent agenda.

NEW BUSINESS

Approval of Annual Renewal Mobile Home Permit 13443 Fennel Road

Member Koukol made a motion, seconded by Member Flowers, to approve the renewal.

The votes were as follows:

Yeas (4): Flowers, Koukol, Rodriguez, and Wormley

Nays (0): None

Abstain (0): None

Absent (1): Shanley

The motion carried.

Discussion of Stormwater Training Event

Mr. Asselmeier explained the reason for the event. Mr. Asselmeier asked if any Committee Members were planning on attending the January 31, 2024, event. Member Flowers asked if there will be a copy of the presentations after the event. Greg Chismark, WBK Engineering, LLC, discussed the upcoming presentations and said that a copy of it would be made available for Committee and Board Members.

Approval of Contract for Engineering Review, Inspection and Consultation Services with WBK Engineering, LLC; Committee Could Forward the Proposal to the State's Attorney's Office for Review

Mr. Asselmeier spoke about the proposal and the increase in fees. The contract was last approved in 2009. The revised proposal, which had been reviewed by the State's Attorney's Office, was given to the Committee.

Member Flowers made a motion, seconded by Member Rodriguez, to approve the revised proposal

The votes were as follows:

Yeas (4): Flowers, Koukol, Rodriguez, and Wormley

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

The motion carried.

The proposal goes to the January 16, 2024, County Board meeting on the consent agenda.

Review of 2024 Application Calendar

The Committee reviewed the 2024 Application Calendar.

Short-Term Rental Renewal Update

Mr. Asselmeier discussed the Short-Term Rentals. There were eleven (11) short-term rentals registered with the county. There were two (2) that did not renew and one (1) that planned to renew in January.

Kendall County Regional Planning Commission Annual Meeting-February 3, 2024, at 9:00 a.m.

Mr. Asselmeier reported the Kendall County Regional Planning Commission Annual Meeting would be February 3rd in the County Boardroom.

Mr. Asselmeier stated there were about two hundred (200) invitees. Chairman Wormley asked if representatives from the Villages of Oswego and Plainfield were planning on attending. Mr. Asselmeier responded that Plainfield attended last year, but Oswego did not attend. Chairman Wormley requested Mr. Asselmeier to send email to the Village of Oswego asking them directly to attend.

OLD BUSINESS

Update on Stormwater Permit at 13039 McKanna Road (Pin: 09-09-100-002) in Seward Township

The Committee reviewed the status of the Stormwater Permit at 13039 McKanna Road. Mr. Asselmeier stated that WBK Engineering requested additional information from the Petitioner. The Petitioner was given until January 22, 2024 to submit the outstanding items.

Approval to Extend or Revoke Building 01-2020-146 for a Single Family Home at 7782 Tanglewood Trails

Mr. Holdiman recommended a three (3) month extension of the permit.

Member Rodriguez made a motion, seconded by Member Flowers, to grant the three (3) month extension.

The votes were as follows:

Yeas (4): Rodriguez, Wormley, Flowers, and Koukol
Nays (0): None
Abstain (0): None
Absent (1): Shanley

The motion carried.

REVIEW VIOLATION REPORT

Review of FY 2022-2023 Inspection Report

The Committee reviewed the report.

The total number of permits were down in 2023 compared to 2022.

Review of Violation Report for December 2023

The Committee reviewed the violation report.

Most of the violations that are pending will be going to court in January 2024. Chairman Wormley asked why the noxious weeds violation was not on the report. Mr. Asselmeier responded that it has been postponed until April 2024 due to the weather and the item was on the Pre-Violation Report.

REVIEW PRE-VIOLATION REPORT

The Committee reviewed the report.

UPDATE FOR HISTORIC PRESERVATION COMMISSION

Kendall County Historic Preservation will have their Annual Meeting on February 21, 2024, at 6:00 p.m., at Aux Sable Grove Presbyterian Church, at 5021 Wheeler Road, Yorkville.

Topics will be Au Sable Grove Presbyterian Church which celebrated their one hundred seventy-fifth (175th) anniversary. Jon Pressley from the Illinois Department of Natural Resources will also be speaking about the importance of landmarking a building. The Commission was also needing help in identifying the oldest structures and buildings in Kendall County.

REVIEW PERMIT REPORT

Review November 2023 Permit Report

The Committee reviewed the report.

Review December 2023 Permit Report

The Committee reviewed the report.

Review of End of Year Permit Report

The Committee reviewed the report.

REVIEW REVENUE REPORT

Review of November 2023 Revenue Report

The Committee reviewed the report.

Review of 2011-2022 Revenue Report

The Committee reviewed the report.

Review of December 2023 Revenue Report

The Committee reviewed the report.

CORRESPONDENCE

None

COMMENTS FROM THE PRESS

None

EXECUTIVE SESSION

None

ADJOURNMENT

Member Flowers made a motion, seconded by Member Rodriguez, to adjourn. With a voice vote of four (4) ayes, the motion carried.

Chairman Wormley adjourned the meeting at 7:02 p.m.

Minutes prepared by Wanda A. Rolf, Administrative Assistant

Enc.

Q

**KENDALL COUNTY
PLANNING, BUILDING, & ZONING COMMITTEE
JANUARY 8, 2024**

**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)
<i>Don Kramer</i>		



Proposal for Engineering Review, Inspection and Consultation Services

Kendall County, IL

December 4, 2023

Matthew Asselmeier, MPA, AICP, CFM
Director at Kendall County Planning, Building & Zoning
Kendall County
111 West Fox Street
Yorkville, IL 60560

Dear Mr. Asselmeier,

WBK Engineering, LLC (WBK) is pleased to provide this proposal to Kendall County (known hereafter as "the County") for professional engineering, stormwater, development review and construction inspection services. WBK looks forward to the opportunity to continue service to the County with development review services on a project-by-project basis. Included below is our understanding of the assignment, scope of services, project assumptions, and estimate of fee.

PROJECT UNDERSTANDING

It is our understanding that the County wishes to contract for professional engineering, stormwater, development review and construction inspection services for projects and development applications within the unincorporated area of Kendall County. We understand that the County wants qualified professional consultant to provide services for preliminary and final engineering plan review including storm water (storm sewer, detention, floodplains and wetlands), streets and roads, street lighting, water supply, wastewater treatment, and erosion and sediment control measures. WBK is also adept at performing, reviewing and scoping development impact traffic studies, the suitability of the preliminary development proposals as well as the practical aspects of final engineering plans review from a maintenance perspective. We understand services will be coordinated through the Planning, Building & Zoning Department. We also intend to work closely with other County Departments as appropriate.

SCOPE OF SERVICES

TASK 1 | Concept Development Review

At the request of the County, we will review conceptual development plans to determine if the submittal is reasonably consistent with the transportation, utility and drainage context in which it is proposed and relative to the requirements of County stormwater ordinance. This review will also assist with determining permit requirements and third-party jurisdiction. Available data regarding site conditions, (topography, soils, environmental resources including wetlands, flood plain and offsite drainage patterns) utilities and traffic in relation to the proposed concept plan will be reviewed from information provided by the engineer/applicant. Upon request of the staff, we will meet with the staff and/or the developer's team to identify issues needing additional information.

We will prepare a summary of third-party agencies that require permits for the project so that County staff is aware of constraints associated with a project at the concept stage. We will draft concept plan review comments if required and submit the review to the County.

Field Reconnaissance: If requested, an investigation of the project site will be made to identify site constraints and opportunities and will be based on conditions present at the time of the reconnaissance; visible utility locations, roadway conditions, sight distance, soil borings, available topographic data, environmental resources, existing buildings and structures and drainage conditions.

Stormwater Management: Based on the information provided to us, we will confirm appropriate stormwater management measures are appropriate for the concept planning process.

TASK 2 | Preliminary Engineering Review

At the request of the County, we will review the preliminary site plan, preliminary engineering design plan consisting of the storm sewers, water supply, wastewater treatment, roadways, pavement, and grading for the proposed project. We will review the following documents during the preliminary review phase of the development process including but not limited to:

- Preliminary Site Plan & Engineering Plan
- Preliminary Stormwater Management Report
- Wetland Delineation and Assessment Report
- Preliminary Subdivision Plat
- Preliminary Utility Studies
- Entitlement Documents (Annexation Agreement, PUD, Zoning, Special Use)

The review will be based upon the County ordinances related to development including the Subdivision and Stormwater Ordinances, special use requirements, IDOT, Kendall County transportation standards / policies, County Building Codes and general engineering and construction practices. We will draft a plan review for the County staff to use in the preliminary approval process. We will provide a plan review for each preliminary plan resubmittal to the County.

Meetings: We will attend meetings as needed with the applicant's team, third party review agencies and the County staff to determine the standards to be used in the design as well as the adequacy of existing or proposed infrastructure to serve the project. We will attend meetings at the request of the County.

TASK 3 | Final Engineering Review

At the request of the County, we will review the final site plan, final engineering design plan consisting of the storm sewers, water supply, wastewater treatment, roadways, pavement, and grading for the project. We will review the following documents against the Subdivision and the Stormwater Ordinance, annexation agreement, or special use requirements, IDOT, Kendall County transportation standards / policies, County Building Codes and general engineering and construction practices. We will identify third party permits including but not limited to IEPA, IDOT, USACE and IDNR. We will review the following documents during the final review phase of

planning and building permit processes including but not limited to:

- The Final Site Geometry
- Final Engineering Plans including Mass Grading, Stormwater Facilities, Storm Sewer, Sanitary Sewer, Water Mains, and Roadway Construction
- Final Landscape Plans
- Final Stormwater Management Report
- Final Wetland Documentation including all USACE correspondence
- Threatened and Endangered Species Clearances
- Historic Preservation Clearance
- Traffic Studies
- Review of Structural Calculations & Drawings
- BMP / Sustainable Practice review (including soils and landscape plants as appropriate)
- Engineer's Opinion of Probable Construction Cost
- Final Subdivision Plat

We will draft a plan review comments for the County staff to use in the final approval process. We will provide a plan review for each final plan resubmittal to the County.

Meetings: We will attend meetings as needed with the applicant's team, third party review agencies and the County staff to determine the standards to be used in the design as well as the adequacy of existing or proposed infrastructure to serve the project. We will attend meetings at the request of County staff.

Task 4 | Construction Inspection

At the request of the County we will serve as the County representative related to land disturbance / development improvements and construction inspections of the same. We understand the construction inspections may be requested on a part-time or full-time basis depending on the scope of the project and proposed improvements. Land Improvements typically may include:

- Soil Erosion Control and Mass Grading Operations
- Utility Construction including water main, sanitary sewer, storm sewers and street lighting improvements
- Roadway Construction
- Stormwater Management Improvements including stormwater basins and overland flow routes
- Off-site utility and roadway improvements
- Coordination with third party permit requirements (IDOT, USACE, etc.)

Construction inspection services include the following elements:

- Preconstruction meeting coordination and facilitation
- Utility and third-party permit coordination
- Site inspections and documentation for plan and County specification compliance
- Inspection of site material deliveries
- Testing coordination and documentation
- Conflict resolution facilitation with Developer and County

- Final Inspection and Punch List
- Project close out

All site visits will be documented with a written daily report of the length and detail necessary to document activities. Reports are typically supported with photos for the project record. Test results are verified and documented in the project file. Conflict and final punchlist correspondence is generated and maintained by the WBK project representative.

Task 5 | Professional Engineering Consultation

At the request of the County WBK will provide professional civil engineering consultation on topics that relate to residential and commercial building and land development, drainage investigations including IDNR and USACE coordination, code and ordinance violations, National Pollution Discharge Elimination System concerns and any other County interest or functions that requires the opinion, input or guidance from civil engineering professionals.

SCHEDULE FOR SERVICES

We will complete plan reviews within 10 business days of WBK receipt of a complete application, set of plans and calculations. We will endeavor to provide an initial review of documents within 3 business days of receipt to determine if the submittal is complete to continue with a comprehensive review. We understand that some projects may require reviews and responses quicker than 10 business days and we will endeavor to work with the County and the applicant to provide as timely response as reasonably possible. If for any reason the afore-noted timeframes cannot be reached WBK shall advise the County prior to proceeding with further services.

PROJECT ASSUMPTIONS

In preparing this proposal, we have attempted to provide you with a scope of services based on the needs of the County. We can provide many additional services through WBK staff or subconsultants whom we have a strong business relationship. The following are exceptions to our scope of services:

- Geotechnical services are not included in this proposal
- Environmental services are not included in this proposal
- Survey services are not included in this proposal
- Building inspection services are not included in this proposal including utility inspections required by the State of Illinois to be performed by a licensed plumber

ESTIMATE OF FEES

Due to the variability of the project size and complexity it is not in the applicant's or County's interest to set a flat fee for review and inspection services. However, we proposed the following fee schedule as the initial fund amount for an escrow account to fund review and inspection services.

- Tasks 1, 2 and 3 – Review Services - \$2,500 Initial funding balance
- Task 4 – Construction Inspection Services - \$3,500 Initial funding balance
- Task 5 – General Consultation – Detailed proposal required

Initial Funding balances may be increased or decreased as mutually determined by the County and WBK on a project by project basis based on the scale and complexity of the project.

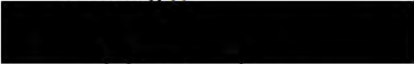
The actual amount invoiced will be based on the level of effort required and actual time spent on each project. Each project will be invoiced separately. WBK will monitor escrow balance amounts and seek replenishment as necessary. Administration of escrow account balances is considered billable time to a project. Reimbursable expenses, such as postage, overnight delivery, printing, copying, etc. are not included in our budget/fee amounts, and will be invoiced to you at our cost plus 10%.

We propose to bill projects monthly based on the attached Schedule of Charges. We establish our contract in accordance with the attached General Terms and Conditions. These General Terms and Conditions are expressly incorporated into and are made an integral part of this contract for professional services. We reserve the right to increase billing rates on December 31st of each calendar year by five percent (5%) or Consumer Price Index whichever is less.

This contract shall run for a term of two years with the option to be renewed on an annual basis as determined by the County.

If this proposal is acceptable, please return one (1) signed copy to us for our files to serve as a notice to proceed. Thank you for the opportunity to provide service to Kendall County. If you have any questions, please do not hesitate to call.

Sincerely,


Greg Chismark, PE
President

Encl: 2023 Schedule of Charges
General Terms and Conditions

THIS PROPOSAL, SCHEDULE OF CHARGES, AND GENERAL TERMS & CONDITIONS ACCEPTED
FOR KENDALL COUNTY:

Authorized By

Position

Date

WBK ENGINEERING, LLC
2024 Standard Charges for Professional Services

<u>Classification</u>	<u>Hourly Rate</u>
Principal	\$ 245
Engineer VI	\$ 210
Engineer V	\$ 190
Engineer IV	\$ 170
Engineer III	\$ 150
Engineer II	\$ 135
Engineer I	\$ 125
Urban Planner VI	\$ 215
Urban Planner V	\$ 190
Urban Planner IV	\$ 160
Urban Planner III	\$ 125
Urban Planner II	\$ 115
Environmental Resource Specialist V	\$ 152
Environmental Resource Specialist IV	\$ 140
Environmental Resource Specialist III	\$ 122
Environmental Resource Specialist II	\$ 115
Environmental Resource Specialist I	\$ 100
Technician V	\$ 170
Technician IV	\$ 150
Technician III	\$ 135
Technician II	\$ 115
Technician I	\$ 100
Intern	\$ 75
Administrative	\$ 85
Direct Costs: Copies & Prints, Messenger & Delivery Services, Mileage, etc.	Cost +10%

WBK ENGINEERING, LLC
GENERAL TERMS AND CONDITIONS WITH KENDALL COUNTY, ILLINOIS

1. Relationship Between Engineer and Kendall County: WBK ENGINEERING, LLC (Engineer) shall serve as Kendall County's professional engineer consultant in those phases of the Project to which this Agreement applies. This relationship is that of a buyer and seller of professional services and as such the Engineer is an independent contractor in the performance of this Agreement and it is understood that the parties have not entered into any joint venture or partnership with the other. The Engineer shall not be considered to be the agent of the Client. Nothing contained in this Agreement shall create a contractual relationship with a cause of action in favor of a third party against either the Client or Engineer.

Furthermore, causes of action between the parties to this Agreement pertaining to acts or failures to act shall be deemed to have accrued and the applicable statute of limitations shall commence to run not later than the date of substantial completion.

2. Responsibility of the Engineer: Engineer will strive to perform services under this Agreement in accordance with generally accepted and currently recognized engineering practices and principles, and in a manner consistent with that level of care and skill ordinarily exercised by members of the profession currently practicing in the same locality under similar conditions. No other representation, express or implied, and no warranty or guarantee is included or intended in this Agreement, or in any report, opinion, document, or otherwise.

Notwithstanding anything to the contrary which may be contained in this Agreement or any other material incorporated herein by reference, or in any Agreement between the Client and any other party concerning the Project, the Engineer shall not have control or be in charge of and shall not be responsible for the means, methods, techniques, sequences or procedures of construction, or the safety, safety precautions or programs of the Client, the construction contractor, other contractors or subcontractors performing any of the work or providing any of the services on the Project. Nor shall the Engineer be responsible for the acts or omissions of the Client, or for the failure of the Client, any architect, engineer, consultant, contractor or subcontractor to carry out their respective responsibilities in accordance with the Project documents, this Agreement or any other agreement concerning the Project. Any provision which purports to amend this provision shall be without effect unless it contains a reference that the content of this condition is expressly amended for the purposes described in such amendment and is signed by the Engineer.

3. Changes: Client reserves the right by written change order or amendment to make changes in requirements, amount of work, or engineering time schedule adjustments, and Engineer and Client shall negotiate appropriate adjustments acceptable to both parties to accommodate any changes, if commercially possible. It is understood by Engineer that this agreement is with a government entity. As such, any further price adjustments must be provided to the County in advance for approval and voted upon by the County Board prior to acceptance and expenditure. Client understands that the project schedule will be adjusted to accommodate the formal County procedure. The Engineer is not obligated to begin any additional work until County Board approval.
4. Suspension of Services: Client may, at any time, by written order to Engineer (Suspension of Services Order) require Engineer to stop all, or any part, of the services required by this Agreement. Upon receipt of such an order, Engineer shall immediately comply with its terms and take all reasonable steps to minimize the costs associated with the services affected by such order. Client, however, shall pay all costs incurred by the suspension, including all costs necessary to maintain continuity and for the resumption of the services upon expiration of the Suspension of Services Order. Any costs greater than the "not to exceed" fee referenced herein and by attachments must be provided to the County in advance for approval and voted upon by the County Board prior to acceptance and expenditure. Engineer will not be obligated to provide the same personnel employed prior to suspension, when the services are resumed, in the event that the period of suspension is greater than thirty (30) days.
5. Termination: This Agreement may be terminated by either party upon thirty (30) days written notice in the event of substantial failure by the other party to perform in accordance with the terms hereof through no fault of the terminating party. This Agreement may be terminated by Client, under the same terms, whenever Client shall determine that termination is in its best interests. Upon receipt of a termination notice, Engineer shall immediately comply with its terms and take all reasonable steps to minimize the costs associated with termination of services. Client shall not be liable for those costs and expenses resulting from Engineer's failure to mitigate such losses. Further, Client shall not be responsible for salaries, overhead and fees accrued after Agreement's termination.
6. Documents Delivered to Client: Drawings, specifications, reports, and any other Project Documents prepared by Engineer in connection with any or all of the services furnished hereunder shall be delivered to the Client for the use of the Client. Engineer shall have the right to retain originals of all Project Documents and drawings for its files. Furthermore, it is understood and agreed that the Project Documents such as, but not limited to reports, calculations, drawings, and specifications prepared for the Project, whether in hard copy or machine readable form, are instruments of professional service intended for one-time use in the construction of this Project. These Project Documents are and shall remain the property of the Engineer. The Client may retain copies, including copies stored on magnetic tape or disk, for information and reference in connection with the occupancy and use of the Project.

When and if record drawings are to be provided by the Engineer, Client understands that information used in the preparation of record drawings is provided by others and Engineer is not responsible for accuracy, completeness, nor sufficiency of such information. Client also understands that the level of detail illustrated by record drawings will generally be the same as the level of detail illustrated by the design drawing used for project construction. If

additional detail is requested by the Client to be included on the record drawings, then the Client understands and agrees that the Engineer will be due additional compensation for additional services.

It is also understood and agreed that because of the possibility that information and data delivered in machine readable form may be altered, whether inadvertently or otherwise, the Engineer reserves the right to retain the original tapes/disks and to remove from copies provided to the Client all identification reflecting the involvement of the Engineer in their preparation. The Engineer also reserves the right to retain hard copy originals of all Project Documentation delivered to the Client in machine readable form, which originals shall be referred to and shall govern in the event of any inconsistency between the two.

The Client understands that the automated conversion of information and data from the system and format used by the Engineer to an alternate system or format cannot be accomplished without the introduction of inexactitudes, anomalies, and errors. In the event Project Documentation provided to the Client in machine readable form is so converted, the Client agrees to assume all risks associated therewith.

The Client recognizes that changes or modifications to the Engineer's instruments of professional service introduced by anyone other than the Engineer may result in adverse consequences which the Engineer can neither predict nor control.

7. Reuse of Documents: All Project Documents including but not limited to reports, opinions of probable costs, drawings and specifications furnished by Engineer pursuant to this Agreement are intended for use on the Project only. They cannot be used by Client or others on extensions of the Project or any other project. Any reuse, without specific written verification or adaptation by Engineer, shall be at Client's sole risk.
8. The Engineer shall have the right to include representations of the design of the Project, including photographs of the exterior and interior, among the Engineer's promotional and professional materials. The Engineer's materials shall not include the Client's confidential and proprietary information if the Client has previously advised the Engineer in writing of the specific information considered by the Client to be confidential and proprietary.
9. Standard of Practice: The Engineer will strive to conduct services under this agreement in a manner consistent with that level of care and skill ordinarily exercised by members of the profession currently practicing in the same locality under similar conditions as of the date of this Agreement.
10. Compliance with Laws: The Engineer will strive to exercise usual and customary professional care in his/her efforts to comply with those laws, codes, ordinance and regulations which are in effect as of the date of this Agreement. With specific respect to prescribed requirements of the Americans with Disabilities Act of 1990 or certified state or local accessibility regulations (ADA), Client understands ADA is a civil rights legislation and that interpretation of ADA is a legal issue and not a design issue and, accordingly, retention of legal counsel (by Client) for purposes of interpretation is advisable.

Further to the law and code compliance, the Client understands that the Engineer will strive to provide designs in accordance with the prevailing Standards of Practice as previously set forth, but that the Engineer does not warrant that any reviewing agency having jurisdiction will not for its own purposes comment, request changes and/or additions to such designs. In the event such design requests are made by a reviewing agency, but which do not exist in the form of a written regulation, ordinance or other similar document as published by the reviewing agency, then such design changes (at substantial variance from the intended design developed by the Engineer), if effected and incorporated into the project documents by the Engineer, shall be considered as Supplementary Task(s) to the Engineer's Scope of Service and compensated for accordingly. However, Engineer acknowledges that any such compensation will be contingent upon prior submittal of costs to the County for review and approval by the Kendall County Board.

11. Affirmative Action: The Engineer is committed to the principles of equal employment opportunity. Moreover, as a government contractor bound by Executive Order 11246, Engineer takes its affirmative action obligations very seriously. Engineer states as its Policy of Affirmative Action the following:

It will be the policy of the Engineer to recruit, hire, train and promote persons in all job titles without regard to race, color, religion, sex, age, disability, veteran status, national origin, or any other characteristic protected by applicable law.

All employment decisions shall be consistent with the principle of equal employment opportunity, and only job-related qualifications will be required.

All personnel actions, such as compensation, benefits, transfers, tuition assistance, social and recreational programs, etc. will be administered without regard to race, color, religion, sex, age, disability, veteran status, national origin, or any other characteristic protected by applicable law.

12. Indemnification: Engineer shall indemnify, hold harmless and defend with counsel of Kendall County's own choosing, Client Kendall County, its officials, officers, employees, including their past, present, and future board members, elected officials and agents from and against all liability, claims, suits, demands, proceedings and actions, including costs, reasonable fees and expense of defense, arising from, to, any loss, damage, injury, death, or loss or damage to property (collectively, the "Claims"), to the extent such Claims result from the Engineer's negligent or willful acts, errors or omissions in its performance under this Agreement. Nothing contained herein shall be construed as prohibiting Kendall County, its officials, directors, officers, agents and employees, from defending through the selection and use of their own agents, attorneys and experts, any claims, suits, demands, proceedings and actions brought against them. Pursuant to Illinois law, 55 ILCS 5/3- 9005, any attorney representing the County, under this paragraph, shall be approved by the Kendall County State's Attorney and shall be appointed a Special Assistant State's Attorney, as provided in 55 ILCS 5/3-9005. Kendall County's participation in its defense shall not remove Engineer's duty to indemnify and hold the County harmless, as set forth above.

In the event of joint or concurrent negligence of Engineer and Client, each shall bear that portion of the loss or expense that its share of the joint or concurrent negligence bears to

the total negligence (including that of third parties), which caused the personal injury or property damage.

13. Opinions of Probable Cost: Since Engineer has no control over the cost of labor, materials or equipment, or over the Contractor(s) method of determining process, or over competitive bidding or market conditions, his/her opinions of probable Project Construction Cost provided for herein are to be made on the basis of his/her experience and qualifications and represent his/her judgement as a design professional familiar with the construction industry, but Engineer cannot and does not guarantee that proposal, bids or the Construction Cost will not vary from opinions of probable construction cost prepared by him/her. If prior to the Bidding or Negotiating Phase, Client wishes greater accuracy as to the Construction Cost, the Client shall employ an independent cost estimator Consultant for the purpose of obtaining a second construction cost opinion independent from Engineer.
14. Not Used.
15. Successors and Assigns: The terms of this Agreement shall be binding upon and inure to the benefit of the parties and their respective successors and assigns: provided, however, that neither party shall assign this Agreement in whole or in part without the prior written approval of the other.
16. Waiver of Contract Breach: The waiver of one party of any breach of this Agreement or the failure of one party to enforce at any time, or for any period of time, any of the provisions hereof, shall be limited to the particular instance, shall not operate or be deemed to waive any future breaches of this Agreement and shall not be construed to be a waiver of any provision, except for the particular instance.
17. Entire Understanding of Agreement: This Agreement represents and incorporates the entire understanding of the parties hereto, and each party acknowledges that there are no warranties, representations, covenants or understandings of any kind, matter or description whatsoever, made by either party to the other except as expressly set forth herein or within the Proposal for Engineering Services and the Schedule of Charges, which are herein incorporated by reference. Client and the Engineer hereby agree that any purchase orders, invoices, confirmations, acknowledgments or other similar documents executed or delivered with respect to the subject matter hereof that conflict with the terms of the Agreement, Proposal for Engineering Services and the Schedule of Charges shall be null, void and without effect to the extent they conflict with the terms of this Agreement.
18. Amendment: This Agreement shall not be subject to amendment unless another instrument is duly executed by duly authorized representatives of each of the parties and entitled "Amendment of Agreement".
19. Severability of Invalid Provisions: If any provision of the Agreement shall be held to contravene or to be invalid under the laws of any particular state, county or jurisdiction where used, such contravention shall not invalidate the entire Agreement, but it shall be construed as if not containing the particular provisions held to be invalid in the particular state, country or jurisdiction and the rights or obligations of the parties hereto shall be construed and enforced accordingly.

20. Force Majeure: Neither Client nor Engineer shall be liable for any fault or delay caused by any contingency beyond their control including but not limited to acts of God, wars, fires, natural calamities.
21. Subcontracts: Engineer may subcontract portions of the work, but each subcontractor must be approved by Client in writing. Engineer hereby waives any claim of lien against subject premises on behalf of Engineer, its officers, insurers, employees, agents, suppliers and/or sub-contractors employed by this Agreement. Upon completion of the project and as a condition prior to payment in full, Engineer shall tender to Client a final waiver of lien for all subcontractors and/or suppliers.
22. Access and Permits: Client shall arrange for Engineer to enter upon public and private property and obtain all necessary approvals and permits required from all governmental authorities having jurisdiction over the Project. Client shall pay costs (including Engineer's employee salaries, overhead and fee) incident to any effort by Engineer toward assisting Client in such access, permits or approvals, if Engineer performs such services. Should such services be necessary, Engineer shall provide a written quote to Client in advance for approval.
23. Designation of Authorized Representative: Each party (to this Agreement) shall designate one or more persons to act with authority in its behalf in respect to appropriate aspects of the Project. The persons designated shall review and respond promptly to all communications received from the other party.
24. Notices: Any notice or designation required to be given to either party hereto shall be in writing, and unless receipt of such notice is expressly required by the terms hereof shall be deemed to be effectively served when deposited in the mail with sufficient first class postage affixed, and addressed to the party to whom such notice is directed at such party's place of business or such other address as either party shall hereafter furnish to the other party by written notice as herein provided.

In the case of notice to Kendall County, County Administrator, County of Kendall, 111 West Fox Street, Room 316, Yorkville, IL 60560, Fax (630) 553-4214 with copy sent to: Kendall County State's Attorney, 807 John Street, Yorkville, Illinois 60560, fax (630) 553-4204. And, in the case of Engineer, to: Greg Chismark, WBK Engineering, LLC, 116 W. Main Street, Suite 201, St. Charles, IL 60174

25. Limit of Liability: The Client and the Engineer have discussed the risks, rewards, and benefits of the project and the Engineer's total fee for services. In recognition of the relative risks and benefits of the Project to both the Client and the Engineer, the risks have been allocated such that the Client agrees that to the fullest extent permitted by law, the Engineer's total aggregate liability to the Client for any and all injuries, claims, costs, losses, expenses, damages of any nature whatsoever or claim expenses arising out of this Agreement from any cause or causes, including attorney's fees and costs, and expert witness fees and costs, shall not exceed those amounts that are equal to what Engineer has retained insurance coverage for at the time of contracting. Said insurance limits at the time of contracting include: Professional Liability of \$2,000,000.00 each occurrence and \$4,000,000.00 general aggregate; General Liability of \$1,000,000.00 per occurrence and \$2,000,000.00 aggregate; Automobile Liability of \$1,000,000.00; and an Excess/Umbrella of \$10,000,000.00 per occurrence. Engineer understands that said limits on liability are

based upon the coverage amounts that may be paid by his insurer and such liability limits are set irrespective of whether the insurer(s) actually pay such limits on Engineer's behalf. Engineer further understands that should insurance not provide the coverage amounts above, Engineer shall still be responsible for its liability up to the amounts listed. Such causes included but are not limited to the Engineer's negligence, errors, omissions, strict liability or breach of contract. It is intended that this limitation apply to any and all liability or cause of action however alleged or arising, unless otherwise prohibited by law.

26. Client's Responsibilities: The Client agrees to provide full information regarding requirements for and about the Project, including a program which shall set forth the Client's objectives, schedule, constraints, criteria, special equipment, systems and site requirements.

The Client agrees to furnish and pay for all legal, accounting and insurance counseling services as may be necessary at any time for the Project, including auditing services which the Client may require to verify the Contractor's Application for Payment or to ascertain how or for what purpose the Contractor has used the money paid by or on behalf of the Client.

The Client agrees to require the Contractor, to the fullest extent permitted by law, to indemnify, hold harmless, and defend the Engineer, its consultants, and the employees and agents of any of them from and against any and all claims, suits, demands, liabilities, losses, damages, and costs ("Losses"), including but not limited to costs of defense, arising in whole or in part out of the negligence of the Contractor, its subcontractors, the officers, employees, agents, and subcontractors of any of them, or anyone for whose acts any of them may be liable, regardless of whether or not such Losses are caused in part by a party indemnified hereunder. Specifically excluded from the foregoing are Losses arising out of the preparation or approval of maps, drawings, opinions, reports, surveys, change orders, designs, or specifications, and the giving of or failure to give directions by the Engineer, its consultants, and the agents and employees of any of them, provided such giving or failure to give is the primary cause of Loss. The Client also agrees to require the Contractor to provide to the Engineer the required certificate of insurance.

The Client further agrees to require the Contractor to name the Engineer, its agents and consultants as additional insureds on the Contractor's policy or policies of comprehensive or commercial general liability insurance. Such insurance shall include products and completed operations and contractual liability coverages, shall be primary and noncontributing with any insurance maintained by the Engineer or its agents and consultants, and shall provide that the Engineer be given thirty days, unqualified written notice prior to any cancellation thereof.

When Contract Documents prepared under the Scope of Services of this contract require insurance(s) to be provided, obtained and/or otherwise maintained by the Contractor, the Client agrees to be wholly responsible for setting forth any and all such insurance requirements. Furthermore, any document provided for Client review by the Engineer under this Contract related to such insurance(s) shall be considered as sample insurance requirements and not the recommendation of the Engineer. Client agrees to have their own risk management department review any and all insurance requirements for adequacy and to determine specific types of insurance(s) required for the project. Client further agrees that

decisions concerning types and amounts of insurance are specific to the project and shall be the product of the Client. As such, any and all insurance requirements made part of Contract Documents prepared by the Engineer are not to be considered the Engineer's recommendation, and the Client shall make the final decision regarding insurance requirements.

27. Information Provided by Others: The Engineer shall indicate to the Client the information needed for rendering of the services of this Agreement. The Client shall provide to the Engineer such information as is available to the Client and the Client's consultants and contractors, and the Engineer shall be entitled to rely upon the accuracy and completeness thereof. The Client recognizes that it is impossible for the Engineer to assure the accuracy, completeness and sufficiency of such information, either because it is impossible to verify, or because of errors or omissions which may have occurred in assembling the information the Client is providing.
28. Payment: Client shall be invoiced once each month for work performed during the preceding period. Payment shall be made in accordance with the Illinois Local Government Prompt Payment Act, as amended (50 ILCS 505/1 et seq.)
29. Not Used
30. Job Site Safety/Supervision & Construction Observation: The Engineer shall neither have control over or charge of, nor be responsible for, the construction means, methods, techniques, sequences of procedures, or for safety precautions and programs in connection with the Work since they are solely the Contractor's rights and responsibilities. The Client agrees that the Engineer has no responsibility to supervise and direct the work; and that the Contractor shall be solely responsible for the means, methods, techniques, sequences and procedures of construction and safety at the job site. The Client agrees that this intent shall be carried out in the Client's contract with the Contractor. The Client further agrees that the Contractor shall be contracted with to be responsible for initiating, maintaining and supervising all safety precautions and programs in connection with the work; and that the Contractor shall be required to take all necessary precautions for the safety of, and shall provide the necessary protection to prevent damage, injury or loss to all employees on the subject site and all other persons who may be affected thereby. The Engineer shall have no authority to stop the work of the Contractor or the work of any subcontractor on the project. Nothing within this paragraph shall be construed to constitute a warranty or guarantee as to the safety of the services the Contractor shall perform or to intimate the existence of a duty for providing indemnification or shared liability on behalf of the County for any actions, inactions or failures of contractors to provide proper safety precautions in the performance of their work.

When construction observation services are included in the Scope of Services, the Engineer shall visit the site at intervals appropriate to the stage of the Contractor's operation, or as otherwise agreed to by the Client and the Engineer to: 1) become generally familiar with and to keep the Client informed about the progress and quality of the Work; 2) to strive to bring to the Client's attention defects and deficiencies in the Work and; 3) to determine in general if the Work is being performed in a manner indicating that the Work, when fully completed, will be in accordance with the Contract Documents. However, the Engineer shall not be required to make exhaustive or continuous on-site inspections to check the quality or quantity of the Work. If the Client desires more extensive project observation, the Client shall

request that such services be provided by the Engineer as Additional and Supplemental Construction Observation Services in accordance with the terms of this Agreement.

The Engineer, and the Client, shall not be responsible for any acts or omissions of the Contractor, subcontractor, any entity performing any portions of the Work, or any agents or employees of any of them. The Engineer and the Client do not guarantee the performance of the Contractor and shall not be responsible for the Contractor's failure to perform its Work in accordance with the Contract Documents or any applicable laws, codes, rules or regulations.

When municipal review services are included in the Scope of Services, the Engineer (acting on behalf of the municipality), when acting in good faith in the discharge of its duties, shall not thereby render itself liable personally and is, to the maximum extent permitted by law, relieved from all liability for any damage that may accrue to persons or property by reason of any act or omission in the discharge of its duties. The Engineer shall be entitled to all defenses and municipal immunities that are, or would be, available to the Client.

31. Insurance and Indemnification: The Engineer and the Client understand and agree that the Client will contractually require the Contractor to defend and indemnify the Engineer and/or any subconsultants from any claims arising from the Work. The Engineer and the Client further understand and agree that the Client will contractually require the Contractor to procure commercial general liability insurance naming the Engineer as an additional named insured with respect to the work. The Contractor shall be required to provide to the Client certificates of insurance evidencing that the contractually required insurance coverage has been procured. However, the Contractor's failure to provide the Client with the requisite certificates of insurance shall not constitute a waiver of this provision by the Engineer.
32. Hazardous Materials/Pollutants: Unless otherwise provided by this Agreement, the Engineer and Engineer's consultants shall have no responsibility for the discovery, presence, handling, removal or disposal of or exposure of persons to hazardous materials/pollutants in any form at the Project site, including but not limited to mold/mildew, asbestos, asbestos products, polychlorinated biphenyl (PCB) or other toxic/hazardous/pollutant type substances.

Furthermore, Client understands that the presence of mold/mildew and the like are results of prolonged or repeated exposure to moisture and the lack of corrective action. Client also understands that corrective action is an operation, maintenance and repair activity for which the Engineer is not responsible.
33. Not Used
34. Compliance With State and Federal Laws: Engineer agrees to comply with all applicable federal, state and local laws and regulatory requirements and to secure such licenses as may be required for its employees and to conduct business in the state, municipality, county and location. Such obligation includes, but is not limited to, environmental laws, civil rights laws, prevailing wage and labor laws.
35. Authority To Execute Agreement: The County of Kendall and Engineer each hereby warrant and represent that their respective signatures set forth in the attached Proposal for

Engineering Services have been and are on the date of this Agreement duly authorized by all necessary and appropriate corporate and/or governmental action to execute this Agreement.

36. Venue: The parties agree that the venue for any legal proceedings between them shall be the Circuit Court of Kendall County, Illinois, Twenty-Third Judicial Circuit, State of Illinois.
37. Non-Appropriation: In the event Kendall County is in default under the Agreement because funds are not appropriated for a fiscal period subsequent to the one in which the Agreement was entered into which are sufficient to satisfy all or part of the County's obligations under this Agreement during said fiscal period, the County agrees to provide prompt written notice of said occurrence to Engineer. In the event of a default due to nonappropriation of funds, both parties have the right to terminate the Agreement upon providing thirty (30) days written notice to the other party. No additional payments, penalties and/or early termination charges shall be required upon termination of the Agreement.
38. Insurance. See Exhibit 1
39. Certification: Engineer certifies that Engineer, its parent companies, subsidiaries, and affiliates are not barred from entering into this Agreement as a result of a violation of either 720 ILCS 5/33E-3 or 5/33E-4 (bid rigging or bid rotating) or as a result of a violation of 820 ILCS 130/1 et seq. (the Illinois Prevailing Wage Act).
40. Drug Free Workplace: Engineer and its consultants, employees, contractors, subcontractors, and agents agree to comply with all provisions of the Substance Abuse Prevention on Public Works Act, 820 ILCS 265/1 et seq. and the Illinois Drug Free Workplace Act, 30 ILCS 580/1 et seq.
41. Vendor Information Reporting: In accordance with 35 ILCS 200/18-50.2, Engineer shall notify Kendall County, in writing, (1) whether Engineer or any of its subcontractors is a minority-owned, women-owned, or veteran-owned business, as defined in the Business Enterprise for Minorities, Women, and Persons with Disabilities Act (30 ILCS 575/0.01 et seq.); and (2) whether Engineer or any of its subcontractors holds any certifications for those categories or if they are self-certifying. If Engineer or any of its subcontractors self-certifies, Engineer shall notify Kendall County in writing whether Engineer or its subcontractors vendor qualifies as a small business under federal Small Business Administration standards.
42. Both parties affirm no Kendall County officer or elected official has a direct or indirect pecuniary interest in WBK or this Agreement, or, if any Kendall County officer or elected official does have a direct or indirect pecuniary interest in WBK or this Agreement, that interest, and the procedure followed to effectuate this Agreement has and will comply with 50 ILCS 105/3.
43. Employment of Illinois Workers on Public Works Act. If at the time the Contract Documents are executed, or if during the term of the Contract Documents, there is a period of excessive unemployment in Illinois as defined in the Employment of Illinois Workers on Public Works Act, 30 ILCS 570/0.01 et seq., (hereinafter referred to as "the Act"), Engineer, its consultants, contractors, subcontractors and agents agree to employ Illinois laborers on this

Project in accordance with the Act. Engineer understands that the Act defines (a) “period of excessive unemployment” as “as any month following two consecutive calendar months during which the level of unemployment in the State of Illinois has exceeded 5%, as measured by the United States Bureau of Labor Statistics in its monthly publication of employment and unemployment figures”, and (b) “Illinois laborer” as “any person who has resided in Illinois for at least thirty (30) days and intends to become or remain an Illinois resident.” See 30 ILCS 570/1. Engineer understands and agrees that its failure to comply with this provision of the Contract Documents may result in immediate termination of the Contract Documents.

44. Engineer agrees to comply with The Davis Bacon Act – 40 U.S. C. 3141 et seq. as may be necessary. The Davis-Bacon and Related Acts, apply to contractors and subcontractors performing on federally funded or assisted contracts in excess of \$2,000 for the construction, alteration, or repair (including painting and decorating) of public buildings or public works. Davis-Bacon Act and Related Act contractors and subcontractors must pay their laborers and mechanics employed under the contract no less than the locally prevailing wages and fringe benefits for corresponding work on similar projects in the area. The Davis-Bacon Act directs the Department of Labor to determine such locally prevailing wage rates. The DavisBacon Act prevailing wage provisions apply to the “Related Acts,” under which federal agencies assist construction project through grants, loans, loan guarantees, and insurance. Examples of the related Acts are the American Recovery and Reinvestment Act of 2009, the Federal-Aid Highway Acts, the Housing and Community Development Act of 1974, and the Federal Water Pollution Control Act.

EXHIBIT 1 – WBK ENGINEERING AGREEMENT

38. Insurance. Engineer will obtain and continue in force, during the term of this Agreement, all insurance as set forth below. All coverage shall be placed with insurers authorized to conduct business in Illinois with a current A.M. Best's rating of no less than A:VII. Each insurance policy shall not be cancelled or changed without thirty (30) days prior written notice, given by the insurance carrier to Client at the address set forth herein.

Before starting work hereunder, Engineer shall deposit with Kendall County certificates evidencing the insurance it is to provide hereunder: (a) Worker's Compensation and Occupational Disease Disability insurance, in compliance with the laws of the jurisdiction where the work is being performed, and Employer's liability insurance with limit of no less than \$1,000,000 per accident for bodily injury or disease; (b) comprehensive commercial general liability insurance for bodily injury, personal and advertising injury, products and completed operations, and property damage in the minimum amount of at least \$1,000,000 per occurrence, and \$2,000,000 per aggregate per project; (c) Comprehensive business automobile liability insurance in the minimum amount of \$1,000,000 per accident for bodily injury and property damage; (d) Minimum umbrella occurrence insurance of \$5,000,000 per occurrence and \$5,000,000 aggregate; (e) Professional liability (Errors and Omissions) insurance appropriate to Engineer's profession, with limits no less than \$2,000,000 per occurrence or claim and \$2,000,000 aggregate.

If Engineer maintains broader coverage and/or higher limits than the minimums shown above, Client shall be entitled to the broader coverage and/or higher limits maintained by the Engineer. Any available insurance proceeds in excess of the specified minimum limits of insurance and coverage shall be available to Client.

Client shall be named as Additional Insureds on a Primary and Non-Contributory basis with respect to liability arising out of work or operations performed by or on behalf of Engineer including materials, parts, or equipment furnished in connection with such work or operations. General liability coverage can be provided in the form of an endorsement to Engineer's insurance. For any claims related to this Agreement, the Engineer's insurance coverage shall be the primary insurance primary coverage (at least as broad as ISO CG 20 01 04 13) with respect to Client. Any insurance maintained by Client shall be excess of the Engineer's insurance and shall not contribute with it.

Engineer hereby grants to Client a waiver of any right to subrogation which any insurer of Engineer may acquire against Client by virtue of the payment of any loss under such insurance. Engineer agrees to obtain any endorsement that may be necessary to affect this waiver of subrogation, but this provision applies regardless of whether or not Client has received a waiver of subrogation endorsement from the insurer.

Self-insured retentions must be declared to and approved by Client. Client may require Engineer to provide proof of ability to pay losses and related investigations, claim administration, and defense expenses within the retention. The policy language shall provide, or be endorsed to provide, that the self-insured retention may be satisfied by either the named insured or Client.

If any of the required policies provide coverage on a claims-made basis, (1) the Retroactive Date must be shown and must be before the date of the contract or the beginning of contract work, (2) insurance must be maintained and evidence of insurance must be provided *for at least five (5) years after completion of the contract of work*, and (3) if coverage is canceled or non-renewed, and not *replaced*

with another claims-made policy form with a Retroactive Date prior to the contract effective date, Engineer must purchase “extended reporting” coverage for a minimum of *five (5)* years after completion of contract work.

Engineer shall furnish Client with original Certificates of Insurance including all required amendatory endorsements (or copies of the applicable policy language effecting coverage required by this clause) and a copy of the Declarations and Endorsement Page of the CGL policy listing all policy endorsements to Client before work begins. However, failure to obtain the required documents prior to the work beginning shall not waive the Engineer’s obligation to provide them. Client reserves the right to require complete, certified copies of all required insurance policies, including endorsements required by these specifications, at any time.

Engineer shall require and verify that all subcontractors maintain insurance meeting all the requirements stated herein, and Engineer shall ensure that Client is an additional insured on insurance required from subcontractors.

Client reserves the right to modify these requirements, including limits, based on the nature of the risk, prior experience, insurer, coverage, or other special circumstances.

**KENDALL COUNTY
PLANNING, BUILDING AND ZONING COMMITTEE
REGIONAL PLANNING COMMISSION**

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

Unapproved Meeting Minutes of February 3, 2024 - Annual Meeting

Call to Order: Kendall County Regional Chairman Bill Ashton called the meeting to order at 9:02 a.m.

Kendall County Planning, Building and Zoning Committee Chairman Seth Wormley called the meeting to order at 9:02 a.m.

KCRPC Roll Call

Members Present: Bill Ashton (Chairman), Eric Bernacki, Dave Hamman, Karin McCarthy-Lange, Ruben Rodriguez (Vice-Chairman), Bob Stewart, Claire Wilson, and Seth Wormley

Members Absent: Tom Casey and Larry Nelson (Secretary)

Planning, Building and Zoning Committee Roll Call

Members Present: Dan Koukol, Ruben Rodriguez (Vice-Chairman), and Seth Wormley (Chairman)

Members Absent: Elizabeth Flowers and Brooke Shanley

Staff Present: Matt Asselmeier, Director, Wanda A. Rolf, Administrative Assistant, Todd Volker, Economic Development Coordinator, and Christina Burns, County Administrator

Members of the Audience: Mike Hoffman, Patrick Pope, Clarence DeBold, Judy Ogalla, Matt Kellogg, Jeff Sobotka, Ray Heitner, Helen Miller, Jonathan Proulx, Demetra Turman, Krysti Barksdale-Noble, Sonya Abt, Vito Bonomo, Rachel Riemenschneider, Joan Soltwisch, Kimberly Fladhammer, Natalie Engel, Steve Gengler, Cliff Fox, and Tom LeCuyer

Welcoming Remarks

Kendall County Regional Planning Commission Chairman Ashton welcomed and thanked everyone for attending the annual meeting and explained the purpose of the meeting. He announced that no business will be transacted at this meeting.

Approval of Agenda

Mr. Wormley made a motion, seconded by Mr. Stewart, to approve the agenda as written.

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

Review of Minutes from 2023 Annual Meeting

Mr. Bernacki made a motion, seconded by Mr. Hamman, to approve the Minutes from the 2023 Annual Meeting.

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

Request for Plan Amendments

Reclassifying Properties Located Between 7775 A/B and 8175 Route 47 from Transportation Corridor to Mixed Use Business on the Future Land Use Map and Related Text Changes

Mr. Asselmeier presented a notice of public hearing to reclassify several properties south of Yorkville from Transportation Corridor to Mixed Use Business on the Future Land Use Map. He noted that the GrainCo property had already petitioned the County to change its classification at 8115 Route 47. Mr. Asselmeier also presented several changes to the text of the Land Resource Management Plan that were needed if the proposed reclassification occurred. The public hearing will be February 28, 2024, at 7:00 p.m., in the County Boardroom.

Amendments to the Kendall County Zoning Ordinance Pertaining to Obstructions and Parking Lots in the Front Yard Setback

Mr. Asselmeier presented a table outlining permitted obstructions within the front yard setback. In particular, accessory structures were not allowed in the front yard setback and parking was not allowed in the front yard setback except in the M-1 and M-2 Districts. He also provided a table of setback requirements for the zoning districts. He noted a case involving a proposed landscaping company on Stewart Road where the Petitioner requested a variance to allow parking and loading in the front yard setback and to allow accessory structures in the front yard setback. This proposal would reduce the front yard setback from one hundred fifty feet (150') from the centerline of Stewart Road to fifty-one feet (51'). Discussion occurred regarding the history and need for front yard setback regulations. The property is presently farmland. It was noted that allowing the variance could impact the ability to widen Stewart Road in the future. Mr. Asselmeier noted that the Petitioner for landscaping business on Stewart Road submitted a revised site plan on February 1, 2024, showing the accessory structures and hoop houses removed from the setback.

Mike Hoffman, Teska Associates, Inc., said that the setbacks were created to protect the rural characteristic of the area. He did not recall the placement of accessory structures or parking facilities factoring into the discussion when the setbacks were amended in 2000.

Ms. Wilson discussed the one hundred fifty foot (150') setback. She believed the distance should be looked at and scrutinized. Attendees discussed the basis for the setbacks.

Patrick Pope, Fire Chief of the Lisbon-Seward Fire Protection District, stated that some roads should be allowed to have smaller setbacks and larger arterial roads should not be changed.

Mr. Wormley was concerned about setting a precedent if an exception was made as requested. He stated that the business is too large for the parcel. The reason for the setbacks on A-1 land protects natural areas and limits conflicts that may arise between agricultural use and other land uses.

Chairman Ashton recommended this topic be moved to the Comprehensive Land Plan and Ordinance Committee for additional discussion. Without objection, the topic will be forwarded to the Comprehensive Land Plan and Ordinance Committee's meeting on February 28, 2024, meeting.

2023 PBZ Projects Summary & 2024 Future Projects/Goals

Mr. Asselmeier reported the summary for 2023 and 2024 future projects and goals.

Highlights from 2023:

Thirty-five (35) Petitions filed in 2023; Twenty-Seven (27) Petitions filed in 2022; Fifty-One (51) Petitions Filed in 2021; Thirty-Two (32) Petitions Filed in 2020; Forty-Six (46) Petitions Filed in 2019; Thirty-Three (33) Petitions Filed in 2018; Thirty-Three (33) Petitions Filed in 2017

Thirty-One (31) New Housing Starts in 2023; Thirty-Six (36) New Housing Starts in 2022; Thirty-Two (32) New Housing Starts in 2021; Thirty-Four (34) New Housing Starts in 2020; Twenty (20) New Housing Starts in 2019

Three Hundred Fifty-Seven (357) Total Permits in 2023; Three Hundred Eighty-Two (382) Total Permits in 2022; Three Fifty-Four (354) Total Permits in 2021; Three Hundred Twenty-Six (326) Total Permits in 2020; Two Hundred Fifty-Seven (257) Total Permits in 2019

Total Deposits (Building Fees, Zoning Fees, Land Cash Fees, and Off-Site Roadway) for the FY2023 was Two Hundred Eleven Thousand, Three Dollars and Fifty Cents (\$211,003.50); Down from Two Hundred Sixty-Four Thousand, Four Hundred Eighty-Seven Dollars (\$264,487) in FY2022 and from Two Hundred Ninety-Three Thousand, Nine Hundred Forty-One Dollars (\$293,941) in FY2021

Five (5) Violations Found Guilty by the Court (Two (2) Stormwater, One (1) Inoperable Vehicle, One (1) Commercial Vehicle Parked in Residential Zone, and 1 Unsafe Structure)-Largest Fine Two Thousand, Four Hundred Dollars (\$2,400) and Smallest Fine Five Hundred Dollars (\$500)

Senior Planner Promoted to Director

Code Official Celebrated Twenty-Five (25) Years of Service with the County

Hired Part-Time Code Enforcement Officer Vernon Fatima

Code Official Assisted in Hiring Vernon Fatima

Hired Second Part-Time Administrative Assistant Wanda Rolf

Economic Development Reorganized into Planning, Building and Zoning Department and Economic Development Coordinator Todd Volker Hired

Held a Planning and Zoning 101 Training for the Regional Planning Commission and Zoning Board of Appeals

Held Anti-Harassment Training for the Regional Planning Commission, Zoning Board of Appeals, and Historic Preservation Commission

County Board Approved Eight (8) Text Amendments to the Zoning Ordinance and Subdivision Control Ordinance as Part of the Codification Project

Updated the Zoning Ordinance to Comply with the State's Commercial Wind and Solar Regulations

Updated the Zoning Regulations Regarding Residential Chickens

Updated the Zoning Regulations Regarding Kennels

County Board Approved Three (3) Agricultural Conservation Areas

Department Replaced the 2008 Ford Truck with a 2020 GMC Terrain

Code Official Assisted with Obtaining the New Vehicle

Evaluated a Proposal with Teska Associates, Inc. to Update the County's Land Resource Management Plan; Proposal Not Included in Budget for FY23-24

Formalized a Contract with Teska Associates, Inc. for Planning Services

Entered into a Contract with Oswego Township to Utilize the TransUnion TLOxp Program for Code Enforcement

Code Official Assisted the Intergovernmental Agreement Related with the TransUnion TLOxp Program

Worked with GIS to Map Available Residential Lots, Allocations, and Stormwater Permits. Mr. Asselmeier presented the databases.

Code Official Worked with GIS on Testing a Tracking System

Reviewed with WBK Engineering the County's Existing Stormwater Management Ordinance Against the New State Model Floodplain Ordinance

Continued Doing Annual NPDES Surveys to the Townships

Noxious Weed Related Documents and Notices Drafted and Approved by the County Board

Kendall County Historic Preservation Commission Held Special Meetings at the Oswego Brewing Company, Oswego Masonic Lodge, Harris Forest Preserve, Plano Railroad Station, Pickerill-Pigot Forest Preserve, and Helmar Lutheran Church

Worked with Wiss, Janney, Elstner Associates, Inc. on Historic Structure Survey in Unincorporated Kendall and Bristol Townships Funded by a Certified Local Government Grant

County Board Approved Forty-Four Thousand Dollars (\$44,000) for FY23-24 to Conduct an Historic Structure Survey in Unincorporated Na-Au-Say and Seward Townships, Pending Certified Local Government Grant Funding

Continued Historic Preservation Commission Awards

County Board Approved Property Tax Abatement with TMF Plastics

Planning Director Re-Elected President of Illinois Association of County Zoning Officials

Planning Director Represented Department on the County's Hazard Mitigation Plan Update
Code Official Provided Educational Booth at Kendall County Fair

Items for 2024:

Continue to Assist with the Codification Process

Adopt an Updated Contract with WBK Engineering; Last Contract Occurred in 2009

Continue to Implement the Citation Policies for the Various Ordinances

Continue to Explore Opportunities to Start the Process of Updating the Land Resource Management Plan in its Entirety

Work with the Administration Department on Obtaining an Intern for the Department

Review the Calculations in the Kendall County Land Cash Ordinance

Gather and Organize Economic Data for the County

Determine Economic Development Priorities

Continue to Meet with Townships Regarding Their Role in the Development Approval Process

Work with WBK Engineering to Review the County's Stormwater Regulations and Recommend Appropriate Changes Based on Changes in Federal and State Stormwater Regulations (i.e. State Model Floodplain Ordinance)

Continue to Monitor Changes to Zoning Related Regulations at the State Level

Continue to Work with GIS to Ensure Correct Zoning Information for Each Parcel

Continue to Work with GIS to Connect Parcels to the Applicable Special Use and Map Amendment Ordinances

Continue to Work to Ensure Special Use Permits that Require Renewals and Reviews Are Examined in a Timely Manner

Ensure that Noxious Weed and NPDES Permit Documents Are Submitted to the State in a Timely Manner

Start the Historic Structure Survey in Unincorporated Na-Au-Say and Seward Townships, Pending Certified Local Government Grant Funding

Continue to Increase the Visibility and Activities of the Historic Preservation Commission Through Collaboration with Other Historic Preservation Organizations and Events

Work with Kendall County EMA to Pursue Disaster Related Grants and Other Funding

Continue Working with the Northwest Water Planning Alliance

Participate with Implementation of CMAP's 'On To 2050 Plan' for the Chicago Region

Continue Reviewing and Addressing Potential Changes to the Zoning Ordinance and Departmental Operations for Increased Efficiency

Zoning Petitions Initiations

New Special Use Permits – Two (2) (2022: Eight (8); One (1) Denied, One (1) Withdrawn, One (1) Annexed, and One (1) in Millbrook)

Major Special Use Amendments – Zero (0) (2022: Three (3))

Minor Special Use Amendments – Four (4) (2022: Zero (0))

Special Use Permit Revocations – One (1) (2022: Four (4))

Special Use Renewal – Two (2) (2022: Zero (0))

Variances Not Part of Special Use Permit – One (1); (2022: Two (2))

Administrative Variances – Two (2) (2022: Two (2))

Stormwater Ordinance Variances – Zero (0) (2022: (0))

Conditional Use Permits – One (1) (2022: One (1))

Temporary Use Permit – Zero (0) (2022: Zero (0))

Site Plan Review – Two (2) (2022: One (1))

Plat of Vacation – Three (3) (2022: One (1))

Preliminary and Final Plats – Zero (0) (2022: Zero (0))

Amendments Initiations

Text Amendments (Including Changes to the Subdivision Control Ordinance) – Eleven (11)
(2022: Three (3); One (1) On Hold)

Land Use Plan Amendments – One (1) (2022: One (1))

Map Amendments – One (1) (2022: One (1))

Stormwater Ordinance Related Amendments – Zero (0) (2022: Zero (0))

Historic Preservation

Landmarks – Zero (0) (2022: Zero (0))

Text Amendment to Ordinance – Zero (0) (2022: (0))

Other – Zero (0) (2022: (0))

OTHER

– Four (4); Three (3) Agricultural Areas and One (1) Building Code Amendment (2022: 0)

TOTAL PETITIONS – Thirty-Five (35) (2022: (27))

Meetings

ZPAC – Eight (8) (2022: Ten (10))

RPC – Eight (8) Including Annual Meeting (2022: Ten (10))

ZBA – Eight (8) (2022: Ten (10))

HPC – Eleven (11) (2022: Nine (9))

Stormwater Management Oversight Committee – One (1) (2022: One (1))

Comprehensive Land Plan and Ordinance Committee – Zero (0) (2022: (5))

PBZ – Twelve (12) (2022: Fourteen (14))

Of the thirty-eight (38) ordinances approved by the County Board in 2023, twenty-one (21) were Planning, Building and Zoning related. Of the thirty-two (32) ordinances approved by the County Board in 2022, eighteen (18) were Planning, Building and Zoning related. Of the thirty-five (35) ordinances approved by the County Board in 2021, nineteen (19) were Planning, Building and Zoning related. Of the twenty-six (26) ordinances approved by the County Board in 2020, thirteen (13) were Planning, Building and Zoning related. Of the thirty-nine (39) ordinances approved by the County Board in 2019, twenty-two (22) were Planning, Building and Zoning related.

The Department investigated one (1) noxious weed violation in 2023 compared to zero (0) noxious weed violation investigation in 2022, 2021, 2020, and 2019.

Construction Activity

Single-Family Dwelling Units – Thirty-One (31) (Thirty-Six (36) approved in 2022)

New Homes by Township 2023 (2022)

Kendall Township – 9 (10)	Bristol Township – 2 (1)	Na-Au-Say Township – 5 (9)
---------------------------	--------------------------	----------------------------

Fox Township – 7 (3)	Little Rock Township – 1 (4)	Oswego Township – 2 (4)
----------------------	------------------------------	-------------------------

Lisbon Township – 0 (0)	Seward Township – 3 (4)	Big Grove – 2 (1)
-------------------------	-------------------------	-------------------

New Homes by Select Subdivisions (Approximate Number of Vacant/Total Lots)

Whitetail Ridge – 5 (133/241)	Brighton Oaks – 1 (10/20)	Rosehill – 1 (12/57)
-------------------------------	---------------------------	----------------------

Riverview Heights – 1 (2/72)	Schaefer Woods South – 1 (3/37)
------------------------------	---------------------------------

Estates of Millbrook – 3 (72/175)	Tanglewood Trails – 2 (24/39)	Other (Not in Subdivision): 17
-----------------------------------	-------------------------------	--------------------------------

Total Available Single-Family Lots in Subdivisions – Nine Hundred Fifty-Eight (958)

Estimated A-1 Available Single-Family Housing Allocations – Three Hundred Seventy-One (371)

Average New Single Family Home Permits Since 2000 – Forty-Nine (49)

Average New Single Family Home Permits Since 2010 – Twenty-Three (23)

Average New Single Family Home Permits Since 2020 – Thirty-Three (33)

Available Lots in RPD Subdivisions (Total Platted Lots)

Deere Crossing – 15 (18)	Whitetail Ridge – 133 (241)	Brighton Oaks – 10 (20)
Equestrian Estates – 9 (17)	Grove Estates – 39 (49)	Henneberry Woods – 40 (107)
Rosehill – 12 (57)	Schaefer Glen – 6 (6)	Tanglewood Trails – 24 (39)
Highpoint Meadows – 24 (24)	Matlock – 10 (10)	Ravine Woods – 10 (18)
Total Platted RPD Lots – 606	Total Available RPD Lots – 33	Total Developed RPD Lots - 274

Fiscal Year 2023 Detailed Inspection Report

Site Visit	One Hundred Seventy-Five (175) (2022: Two Hundred Ten (210))
Footing	Sixty-Seven (67) (2022: Ninety-One (91))
Backfill	Sixteen (16) (2022: Twenty-Four (24))
Wall	Eighteen (18) (2022: Thirty (30))
Slab	Forty-One (41) (2022: Fifty-Two (52))
Electric Service	Twenty-One (21) (2022: Nineteen (19))
Frame/Wire	Eighty-One (81) (2022: One Hundred One (101))
Insulation	Thirty (30) (2022: Thirty-Two (32))
Final	Two Hundred Seventeen (217) (2022: Two Hundred Ten (210))
Red Tag	Zero (0) (2022: Zero (0))
Hearing Signs	Four (4) (2022: Twenty-Nine (29))
Meetings in Field	Eighty-Seven (87) (2022: One Hundred Twenty-One (121))
Violation Investigations	Three Hundred Five (305) (2022: Three Hundred Sixty-Eight (368))
NPDES	Zero (0) (2022: Zero (0))
Yorkville Back for County	Thirty-Eight (38) (2022: Sixty-Five (65))
Zoning Issues	Seventeen (17) (2022: Thirty-Three (33))

Total Field Visits and Investigations: One Thousand One Hundred Seventeen (1117) (2022: One Thousand Three Hundred Ninety (1390))

Total Permit Reviewed and Issued: Three Hundred Fifty-Eight (358); Four (4) Void (2022: Three Hundred Sixty-Seven (367); Fifteen (15) Void)

Contracted Plumbing Inspections: Ninety-Six (96) (2022: Ninety-Two (92))

Inspections for Yorkville per IGA: Zero (0) (2022: Ten (10))

2024 Goals of Code Official

1. Implement Violation Tracking System created by GIS
2. Test Permit Tracking System created by GIS
3. Provide Public Educational Event
4. Renew ICC Certification Expiring April 2024

Clarence DeBold, Mayor of Village of Shorewood, discussed the pre-annexation of properties near the corporate limits of the Village of Shorewood. Mr. DeBold stated that the Village is currently working with a variety of developments that will bring Shorewood further into Kendall County. Mr. Rodriguez asked Mr. DeBold about solar panels. Mr. DeBold stated that solar panels are fine in appropriate instances. Mr. DeBold stated that solar farms are a liability to water output. Ms. Wilson asked how a solar farm would be a liability for water output. Mr. DeBold stated that a forty-five (45) acre solar farm can take up the same amount of space as one hundred (100) homes; this creates property tax and sales tax issues. Mr. DeBold also spoke about the intersection of Route 52 and County Line Road; there will be a roundabout installed at the intersection.

Judy Ogalla, Chair of Will County Board, said that solar farms are a problem in Will County. She stated that Will County did not have this type of meeting. She said the information was great and would like to start these meetings in Will County. She thanked the County for the invitation to attend.

Matt Kellogg, Chair of the Kendall County Board, thanked everyone on the Planning, Building and Zoning Committee and the Regional Planning Commission for their work. He discussed the importance of this meeting. Mr. Kellogg commended Mr. Asselmeier for doing an amazing job for the County. Mr. Kellogg also introduced Kristina Burns and spoke about the great work she was doing.

Jeff Sobotka, Director of Planning, Building, and Zoning for the City of Plano. The City of Plano continued to see steady growth within the residential and commercial markets. A total of five hundred forty-four (544) permits were issued last year, a thirty percent (30%) increase over the previous year. Lakewood was completely built out, except for a few private lots. Commercially, Plano had grand openings of Gas N' Wash and Culvers. There were nine (9) other new businesses opened in existing buildings. The amount of interest in Plano was quite palpable. The City was constantly working on methods to improve customer service. They hired their first City Administrator, Marty Shanahan. They developed a portfolio of available commercial properties. They completed several renovations on the Historic Train Depot, including updating energy efficiency on windows and attic insulation. Plano hosted events in the city center including Midweek Music Series, Independence Day Family Fun Parade, Hispanic Heritage Fest in, and Plano Rockin' Christmas which had two hundred fifty-nine (259) families attending. Plano applied for and were awarded two (2) grants, one (1) for Forty Thousand Dollars (\$40,000) for lead service pipe inventory. They also received a Three Hundred Twenty-Five Thousand Dollars (\$325,000) grant for sewer and lining. Mr. Rodriguez mentioned how helpful the people of Plano were on projects. Mr. Rodriguez asked Mr. Sobotka if he is using the Kendall County GIS system. Mr. Sobotka stated he is constantly utilizing the Kendall County GIS

system. Mr. Asselmeier asked Mr. Sobotka about updating Plano's comprehensive plan and the timeline for updating the plan. Mr. Sobotka responded that the timeframe for updating the plan was preliminary at this time.

Ray Heitner and Helen Miller, Planners of Joliet, stated that development in Kendall County has included three (3) subdivisions. Deer Crossing was approved for sixty-four (64) single-family lots. Lakewood Prairie had one hundred eighty (180) townhome units and preliminary approval for two hundred fourteen (214) single family units. Greywall Club was almost built out except for a few remaining lots. Gas N' Wash on Caton Farm Road and Ridge Road was now open. There were two (2) historic districts in Will County, one (1) in downtown Joliet and one (1) for The Illinois State Penitentiary. RockRun Collection was a mixed use development of three hundred nine (309) acres on the Northeast portion of Interstate 80 and Interstate 55. Darcy Hyundai Dealership in Joliet is the largest in Hyundai Dealership in North America. Joliet continued to work on its comprehensive plan; that project will likely take another eighteen (18) to twenty-four (24) months.

Jonathan Proulx, Director of Planning for the Village of Plainfield, reported three hundred seventy-one (371) single-family home permits, thirty-two (32) of which were in Kendall County. Plainfield was moving forward with the extension of 143rd Street between Steiner Road and Ridge Road and intersection improvements at Johnson Road and Ridge Road; Kendall County was a financial partner in this development. This project includes new signalized intersection, realigning the intersection to help with the vertical curve and there will be turn lanes added to Ridge Road both north and south. Mr. Proulx stated that Plainfield has approved a large warehouse distribution center and some industrial development at the southeast corner of 143rd Street; DHL is the developer on this project and they were responsible for extending a sanitary sewer out to the site. Mr. Proulx discussed a two (2) year project between Route 59 and Route 126 (Main Street) which will connect 143rd Street out to the Interstate 55 interchange. Mr. Proulx noted that Plainfield continued to work on updating its comprehensive plan. Mr. Asselmeier asked Mr. Proulx how quickly the plan would be adopted. Mr. Proulx responded the earliest would be in the summer, but possibly in the fall.

Demetra Turman, Superintendent of Newark School District 66, stated that Newark Grade School consisted of Pre-K through fourth (4th) grades. Millbrook Junior High is fifth (5th) through eighth (8th) grades. Her main focus was concentrating on the social and emotional wellness of students and staff. Over the summer, both schools added another set of doors to secure entrance to the schools with cameras and panic buttons. Upgrades were made to the schools such as new roof, HVAC system, and boiler system. Ms. Turman stated that the District used the GIS system to make sure residents were in compliance with the district boundaries. They were partnering with the Kendall County Food Pantry; she has mobile food markets scheduled

for the near future. The food markets are set up as a drive through mobile market where people can drive through with no questions asked.

Krysti Barksdale Noble, Community Development Director for the United City of Yorkville, presented from: <https://storymaps.arcgis.com/stories/1c7a95a5624b428eb8e308a5208fbd13>. Her department was the staff liaison to the City Council, including the Planning and Zoning Commission and Economic Development Committee as well as boards and commissions. Yorkville just completed their Unified Development Ordinance. Yorkville had four hundred fourteen (414) new housing starts in 2023, including two hundred sixty-seven (267) detached homes and one hundred forty (140) townhomes. Yorkville issued over eighteen hundred (1800) permits last year for different types of projects. Yorkville experienced growth in the five (5) top subdivisions, Grand Reserve, Bristol Bay, Kendall Marketplace, Timber Ridge Estates, and the Caledonia Subdivision. Yorkville experienced many restaurant openings; a list of new restaurants was provided. She discussed moving toward Lake Michigan water along with Montgomery and Oswego. Preliminary plans included a thirty (30) mile pipeline with the hope to be connected by 2028. Unified Development Ordinance is a comprehensive ordinance of all related developments that are in one document and was launched in January 2024. Yorkville has been very aggressive with using the GIS system and her department has become fully digitized. Mr. Rodriguez asked about the festivities in the summer. The events were planned by the Parks and Recreation Department; Yorkville was looking into a river walk. Mr. Asselmeier asked if Yorkville plans on doing a special census in the next few years. The response was yes around 2026.

Sonya Abt, Community Development Director for the Village of Montgomery. There were four (4) new commercial/industrial permits issued. Freddy's Frozen Custard & Steamburgers recently opened, Starbucks is open at Orchard and Route 30, and Coopershawk will open mid-year of 2024. Ravago Plastics is building a five hundred thousand (500,000) square-foot building. This will be Ravago's Midwest headquarters and they are an international company that does plastics manufacturing and distribution. Montgomery also approved a new solar manufacturer coming into The Grid, which will occupy one million (1,000,000) square feet. Once the solar manufacturer arrives, The Grid should be at one hundred percent (100%) occupancy. Mr. Rodriguez asked how many people will be hired. Ms. Abt replied Ravago Plastics anticipates six hundred (600) employees.

Vito Bonomo, Fire Chief of Plainfield Fire Protection District stated that the Plainfield Fire Protection District operates out of four (4) fire stations in Will County. They were looking to expand services into Kendall County.

Rachel Riemenschneider, Planner for the Village of Oswego, reported six hundred fifteen (615) new home starts in Oswego in 2023. Total permits issued was three thousand one hundred

nine (3109) in 2023. Commercial projects include VASA Fitness (next to Target on Route 34) and Barnes and Noble Book Store (next to Best Buy where the DSW used to be). The Village preliminarily approved a cricket stadium at Orchard Road just north of Tuscany Trail that will be developed in four (4) phases; current approval was for the stadium. The White Tail Ridge Golf Dome on Orchard Road was open for business. There was a new Belle Tire at Route 34 and Kendall Point Drive. The Village approved a new Starbucks and Valvoline on Orchard Road in front of Jewel. Residential developments included Sonoma Trails south of Wolf's Crossing and west of Roth Road for eight hundred one (801) units. Piper Glen located south of Wolf's Crossing and west of Douglas Road was approved for three hundred twenty-six (326) single family homes. Hudson Pointe was south of Wolf's Crossing closer to Route 30 with an initial phase for three hundred twelve (312) apartment units and one hundred forty-five (145) single family homes. Redwood, approved in 2022, was under construction at the corner of Mill and Orchard Roads with one hundred eighty-eight (188) single-story attached apartment homes. Deville Manor was a four (4) story, forty-two (42) unit independent living facility. Tuscany Station was approved for four hundred eighty (480) residential apartments and seven point eight (7.8) acres of commercial land. The Brant Senior Living near Oswego Village Hall has assisted living as well as independent living available. Oswego was also working on a Unified Development Ordinance, combining zoning and subdivision regulations into one (1) document. Oswego was working on improvements to Wolf's Crossing Road; the Harvey Road roundabout was open to traffic. Construction was planned at the roundabout at Douglas Road and Wolf's Crossing Road; Route 30 and Wolf's Crossing will be constructed after the Douglas Road improvements were finished. The Village of Oswego was also working on connecting to Lake Michigan Water with a targeted connection date of 2027-2028. Lastly, downtown Oswego between Jackson and Washington on Main Street was accepted on the National Historic Registry of Historic Places in August 2022. Mr. Asselmeier asked Ms. Riemenschneider for a status update on the annexation of 1038 Harvey Road. Ms. Riemenschneider stated they are working on the annexation agreement at this time. Mr. Koukol asked about the property to the west of Avanterra. Ms. Riemenschneider responded there was a proposal for townhomes.

Old Business

None

New Business

None

Other Business

None

Public Comment

None

Adjournment

Mr. Koukol made a motion, seconded by Mr. Wormley, to adjourn the Planning, Building and Zoning Committee meeting.

With a voice vote of three (3) ayes, the motion carried.

Ms. McCarthy-Lange, made a motion, seconded by Mr. Stewart, to adjourn the Kendall County Regional Planning Commission meeting.

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

At 10:51 a.m. the Planning, Building and Zoning Committee and the Regional Plan Commission adjourned.

Respectfully Submitted by,
Wanda A. Rolf
Administrative Assistant

Kendall County



PBZ&E 01052024

CLERK: pherber BATCH: 4129

NEW INVOICES

VENDOR REMIT NAME INVOICE PO CHECK RUN NET AMOUNT EXCEEDS PO BY PO BALANCE CHK/WIRE

PENDING UNPAID INVOICES

1153 00000 KENDALL CO HIGHW December 2023 111524 59.84 .00 .00

CASH 000008 2024/02 INV 01/05/2024 SEP-CHK: Y DISC: .00 11001902 62170 59.84 1099:
ACCT 1Y210 DEPT 19 DUE 01/05/2024 DESC:PBZ TRUCK FUEL

CONDITIONS THAT PREVENT POSTING INVOICE 1153/48672

* Invoice must be approved or voided to post.

1849 00001 VERIZON 9952253315 111524 42.27 .00 .00

CASH 000008 2024/02 INV 01/05/2024 SEP-CHK: Y DISC: .00 131505 62070 42.27 1099: Econ Dev
ACCT 1Y210 DEPT 19 DUE 01/05/2024 DESC:ECON CELL PHONE

CONDITIONS THAT PREVENT POSTING INVOICE 1849/48674

* Invoice must be approved or voided to post.

1849 00001 VERIZON 9952253315- 111524 126.81 .00 .00

CASH 000008 2024/02 INV 01/05/2024 SEP-CHK: Y DISC: .00 11001902 62070 126.81 1099:
ACCT 1Y210 DEPT 19 DUE 01/05/2024 DESC:PBZ Cellphones

CONDITIONS THAT PREVENT POSTING INVOICE 1849/48675

* Invoice must be approved or voided to post.

3883 00000 MAYER PLUMBING L DECEMBER 2023 111524 1,260.00 .00 .00

CASH 000008 2024/02 INV 01/05/2024 SEP-CHK: Y DISC: .00 11001902 63610 1,260.00 1099:
ACCT 1Y210 DEPT 19 DUE 01/05/2024 DESC:DECEMBER PLUMBING INSPECTIONS

CONDITIONS THAT PREVENT POSTING INVOICE 3883/48673

* Invoice must be approved or voided to post.

4 PENDING UNPAID INVOICES TOTAL 1,488.92

0 INVOICE(S) REPORT POST TOTAL .00

REPORT TOTALS .00

Kendall County



PBZ 01192024

CLERK: pherber BATCH: 4164

NEW INVOICES

VENDOR REMIT NAME	INVOICE	PO	CHECK RUN	NET AMOUNT	EXCEEDS PO BY	PO BALANCE	CHK/WIRE
PENDING UNPAID INVOICES							
107 00000 AUTOMOTIVE SPECI 25986			013124	436.15	.00	.00	
CASH 000008 2024/02 INV 01/11/2024 SEP-CHK: Y DISC: .00					11001902 62170		436.15 1099:
ACCT 1Y210 DEPT 19 DUE 01/11/2024 DESC:2017 PBZ Truck - Battery							
CONDITIONS THAT PREVENT POSTING INVOICE 107/49214							
* Invoice must be approved or voided to post.							
135 00000 BUILDING & ZONIN 01.11.2024			013124	40.02	.00	.00	
CASH 000008 2024/02 INV 01/11/2024 SEP-CHK: Y DISC: .00					11001902 62170		40.02 1099: *
ACCT 1Y210 DEPT 19 DUE 01/11/2024 DESC:GMC ICE SCRAPER & WINDSHIELD WIPER							
CONDITIONS THAT PREVENT POSTING INVOICE 135/49215							
* Invoice must be approved or voided to post.							
995 00000 INTERNATIONAL CO Q15.000017799			013124	160.00	.00	.00	
CASH 000008 2024/02 INV 01/11/2024 SEP-CHK: Y DISC: .00					11001902 62030		160.00 1099:
ACCT 1Y210 DEPT 19 DUE 01/11/2024 DESC:ICC MEMBERSHIP FEE							
CONDITIONS THAT PREVENT POSTING INVOICE 995/49194							
* Invoice must be approved or voided to post.							
2063 00000 RUNCO OFFICE SUP 928444-0			013124	100.77	.00	.00	
CASH 000008 2024/02 INV 01/11/2024 SEP-CHK: Y DISC: .00					11001902 62000		100.77 1099:
ACCT 1Y210 DEPT 19 DUE 01/11/2024 DESC:OFFICE SUPPLIES							
CONDITIONS THAT PREVENT POSTING INVOICE 2063/49216							
* Invoice must be approved or voided to post.							
2663 00000 PRINT SOURCE GRA 3818			013124	69.00	.00	.00	
CASH 000008 2024/02 INV 01/11/2024 SEP-CHK: Y DISC: .00					11001902 62170		69.00 1099: *
ACCT 1Y210 DEPT 19 DUE 01/11/2024 DESC:GMC KC Vehicle Magnet							
CONDITIONS THAT PREVENT POSTING INVOICE 2663/49213							
* Invoice must be approved or voided to post.							
5 PENDING UNPAID INVOICES				TOTAL	805.94		

Kendall County



Zoning 1-23-24

CLERK: WROlf BATCH: 4170

NEW INVOICES

VENDOR REMIT NAME INVOICE PO CHECK RUN NET AMOUNT EXCEEDS PO BY PO BALANCE CHK/WIRE

PENDING UNPAID INVOICES

541 00000 FIRST NATIONAL B 0778 013124 980.00 .00

CASH 000008 2024/02 INV 01/16/2024 SEP-CHK: Y DISC: .00 980.00 1099: Econ Dev Todd Clary
ACCT 1Y210 DEPT 19 DUE 01/16/2024 DESC:Econ-Credit Analysis 131505 62040

CONDITIONS THAT PREVENT POSTING INVOICE 541/49366

* Invoice must be approved or voided to post.

1165 00000 KENDALL COUNTY R 452-1 013124 152.00 .00

CASH 000008 2024/02 INV 01/16/2024 SEP-CHK: Y DISC: .00 152.00 1099:
ACCT 1Y210 DEPT 19 DUE 01/16/2024 DESC:Zoning Recordings 11001902 63700

CONDITIONS THAT PREVENT POSTING INVOICE 1165/49360

* Invoice must be approved or voided to post.

1165 00000 KENDALL COUNTY R 452-2 013124 57.00 .00

CASH 000008 2024/02 INV 01/16/2024 SEP-CHK: Y DISC: .00 57.00 1099:
ACCT 1Y210 DEPT 19 DUE 01/16/2024 DESC:Econ Recordings 131505 66500

CONDITIONS THAT PREVENT POSTING INVOICE 1165/49362

* Invoice must be approved or voided to post.

1928 00000 WBK ENGINEERING, 25097 013124 200.00 .00

CASH 000008 2024/02 INV 01/16/2024 SEP-CHK: N DISC: .00 200.00 1099:
ACCT 1Y210 DEPT 19 DUE 01/16/2024 DESC:Prof Svcs from Nov 26, 2023 to Dec 31, 2023 11001902 63630

CONDITIONS THAT PREVENT POSTING INVOICE 1928/49219

* Invoice must be approved or voided to post.

1928 00000 WBK ENGINEERING, 25107 013124 321.58 .00

CASH 000008 2024/02 INV 01/16/2024 SEP-CHK: Y DISC: .00 321.58 1099:
ACCT 1Y210 DEPT 19 DUE 01/16/2024 DESC:Weinler-Schlapp Road 180119 63150
22-16 -CONTSVC -002 WBK -

CONDITIONS THAT PREVENT POSTING INVOICE 1928/49356

* Invoice must be approved or voided to post.

Recording of TMF Agreement
Econ Dev

Kendall County

Zoning 1-23-24

CLERK: WR01F BATCH: 4170

NEW INVOICES

VENDOR REMIT NAME	INVOICE	PO	CHECK RUN	NET AMOUNT	EXCEEDS	PO BY	PO BALANCE	CHK/WTRE
1928 00000 WBK ENGINEERING, 25110				013124	117.50	.00	.00	
CASH 000008 2024/02 INV 01/16/2024	SEP-CHK: Y	DISC: .00			180119 63150	117.50	1099:	
ACCT 1Y210 DEPT 19 DUE 01/16/2024	DESC:Yogi Bear Stormwater Permit				22-20	-CONTSVC	-002 WBK	-
CONDITIONS THAT PREVENT POSTING INVOICE	1928/49357							
* Invoice must be approved or voided to post.								
1928 00000 WBK ENGINEERING, 25110				013124	135.81	.00	.00	
CASH 000008 2024/02 INV 01/16/2024	SEP-CHK: Y	DISC: .00			180119 63150	135.81	1099:	
ACCT 1Y210 DEPT 19 DUE 01/16/2024	DESC:SP2307 Hanson (Obrien Rd)				23-07	-CONTSVC	-002 WBK	-
CONDITIONS THAT PREVENT POSTING INVOICE	1928/49358							
* Invoice must be approved or voided to post.								
1928 00000 WBK ENGINEERING, 25115				013124	162.70	.00	.00	
CASH 000008 2024/02 INV 01/16/2024	SEP-CHK: Y	DISC: .00			180119 63150	162.70	1099:	
ACCT 1Y210 DEPT 19 DUE 01/16/2024	DESC:19-47 Vet & Kennel				19-47	-CONTSVC	-002 WBK	-
CONDITIONS THAT PREVENT POSTING INVOICE	1928/49359							
* Invoice must be approved or voided to post.								
1928 00000 WBK ENGINEERING, 25109				013124	315.81	.00	.00	
CASH 000008 2024/02 INV 01/16/2024	SEP-CHK: Y	DISC: .00			180119 63150	315.81	1099:	
ACCT 1Y210 DEPT 19 DUE 01/16/2024	DESC:16901 O'Brien Road				23-05	-CONTSVC	-002 WBK	-
CONDITIONS THAT PREVENT POSTING INVOICE	1928/49363							
* Invoice must be approved or voided to post.								
1928 00000 WBK ENGINEERING, 25111				013124	1,057.50	.00	.00	
CASH 000008 2024/02 INV 01/16/2024	SEP-CHK: Y	DISC: .00			180119 63150	1,057.50	1099:	
ACCT 1Y210 DEPT 19 DUE 01/16/2024	DESC:13039 McKanna Road				23-10	-CONTSVC	-002 WBK	-
CONDITIONS THAT PREVENT POSTING INVOICE	1928/49364							
* Invoice must be approved or voided to post.								

Report generated: 01/23/2024 11:10
 User: WR01F
 Program ID: apinvent

Kendall County



Zoning 1-23-24

CLERK: WROlf BATCH: 4170

NEW INVOICES

VENDOR REMIT NAME		INVOICE	PO	CHECK RUN	NET AMOUNT	EXCEEDS PO BY	PO BALANCE	CHK/WIRE
1928	00000 WBK ENGINEERING, 25112			013124	470.00	.00	.00	
CASH 000008	2024/02	INV 01/16/2024	SEP-CHK: Y	DISC: .00		180119 63150		
ACCT 1V210	DEPT 19	DUE 01/16/2024	DESC:5753 Whitetail Ridge Rd	23-11		-CONTSVC	-002 WBK	470.00 1099:
CONDITIONS THAT PREVENT POSTING INVOICE 1928/49365								
* Invoice must be approved or voided to post.								
1 PENDING UNPAID INVOICES					TOTAL	3,969.90		

0 INVOICE(S)	REPORT POST TOTAL	.00
--------------	-------------------	-----

REPORT TOTALS .00

Kendall County



Invoice Browse

Vendor Name	Item Document	Invoice	Payment Method	PO	Contract	Voucher	S
1635 SANDWICH AREA CHAM	0 48677	11700	NORMAL				A
1936 YORKVILLE CHAMBER OF	0 48787	38528	NORMAL				A

Sandwich membership - \$105.00
Yorkville membership - \$195.00
131505-62030

** END OF REPORT - Generated by Wanda Rolf **



Kendall County Agenda Briefing

Meeting Type: Planning, Building and Zoning
Meeting Date: 2/13/2024
Subject: Approval of Petition 23-32, Future Land Use Amendment for 8115 Route 47
Prepared by: Matthew H. Asselmeier, AICP, CFM
Department: Planning, Building and Zoning

Action Requested:

Approval of Petition 23-32, A from Alan Drake on Behalf of Grainco FS, Inc. (Property Owner) and Andrew and Robert Schwartz on Behalf of A.B. Schwartz, LLC (Contract Purchaser) for an Amendment to the Future Land Use Map in the Land Resource Management Plan Reclassifying 8115 Route 47, Yorkville, in Kendall Township (PINs: 05-09-300-006, 05-09-300-007, 05-16-100-003, 05-16-100-004, and 05-16-100-020) from Transportation Corridor to Mixed Use Business; Property is Zoned A-1 and A-1 with Special Use Permits

Board/Committee Review:

ZPAC-Approval (7-0-3); Kendall Township Planning Commission-Approval; Kendall Township Board-Approval; Yorkville Planning Commission-No Objections; Yorkville City Council-No Objections; Bristol-Kendall Fire-No Comments; Kendall County Regional Planning Commission-Approval (7-0-3); Kendall County Zoning Board of Appeals-Approval (7-0)

Fiscal impact:

N/A

Background and Discussion:

A.B. Schwartz, LLC would like an amendment to the Future Land Use Map contained in the Land Resource Management Plan for approximately nineteen point eight more or less (19.8 +/-) acres located on the west side of Route 47 addressed as 8115 Route 47. If the change to the Future Land Use Map is approved, the Petitioner would like to rezone the property to M-1 in order to operate a tile business, offices, warehouses, fuel storage, and other light industrial uses.

Staff Recommendation:

Approval

Attachments:

Memo Dated January 24, 2024



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 203

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

Petition 23-32

**Alan Drake on Behalf of Grainco FS, Inc. (Current Owner) and
Andrew and Robert Schwartz on Behalf of A.B. Schwartz, LLC
(Contract Purchaser)**

**Amendment to Future Land Use Map in Land Resource
Management Plan**

Transportation Corridor to Mixed Use Business

INTRODUCTION

A.B. Schwartz, LLC would like an amendment to the Future Land Use Map contained in the Land Resource Management Plan for approximately nineteen point eight more or less (19.8 +/-) acres located on the west side of Route 47 addressed as 8115 Route 47. If the change to the Future Land Use Map is approved, the Petitioner would like to rezone the property to M-1 in order to operate a tile business, offices, warehouses, fuel storage, and other light industrial uses.

The application letter is included as Attachment 1. Pictures of the property are included as Attachments 2-8.

The map amendment request is a separate petition (Petition 23-33).

SITE INFORMATION

PETITIONERS: Alan Drake on Behalf of Grainco FS, Inc. and Andrew and Robert Schwartz on Behalf of A.B. Schwartz, LLC

ADDRESS: 8115 Route 47, Yorkville

LOCATION: West Side of Route 47 Approximately 0.33 Miles North of Ament Road



TOWNSHIP: Kendall

PBZ Memo – Prepared by Matt Asselmeier – January 24, 2024

PARCEL #s: 05-09-300-006
 05-09-300-007
 05-16-100-003
 05-16-100-004
 05-16-100-020

LOT SIZE: 19.8 +/- Acres

EXISTING LAND USE: Vacant and Improved Commercial

ZONING: 05-09-300-006 A-1 Agricultural
 05-09-300-007 A-1 Agricultural with Special Use Permits
 05-16-100-003 A-1 Agricultural
 05-16-100-004 A-1 Agricultural with Special Use Permits
 05-16-100-020 A-1 Agricultural with Special Use Permits

LRMP:	Future Land Use	Transportation Corridor (Petitioner is requesting a change to Mixed Use Business) Yorkville's Plan calls for the property to be Agricultural.
	Roads	Route 47 is a State maintained arterial road.
	Trails	There are no trails planned in this area.
	Floodplain/Wetlands	There are no floodplains or wetlands on the property.

REQUESTED ACTIONS: Amendment to Future Land Use Map from Transportation Corridor to Mixed Use Business

Map Amendment Rezoning Property from A-1 Agricultural and A-1 Agricultural with Special Use Permits to M-1 Limited Manufacturing District

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	Improved Commercial and Agricultural	B-3	Transportation Corridor (County) Estate/Conservation Residential (Yorkville)	A-1, R-1, B-3 (County) R-2, R-3, B-1, and B-3 (Yorkville)
South	Transportation/Community/Utility (IDOT Yard) and Agricultural	A-1	Transportation Corridor and Commercial (County) Agricultural (Yorkville)	A-1, A-1 SU, R-3, and B-3

East	Agricultural/Farmstead	A-1 (County) R-2 and R-3 (Yorkville)	Transportation Corridor and Commercial (County) Agricultural (Yorkville)	A-1 (County) R-2 and R-3 (Yorkville)
West	Agricultural	A-1	Rural Residential (Max 0.65 DU/Acre (County) Agricultural (Yorkville)	A-1

The A-1 special use permits to the south are for a church, an illuminated sign, and a cemetery.

ACTION SUMMARY

KENDALL TOWNSHIP

Petition information was sent to Kendall Township on November 17, 2023. At their meeting on November 21, 2023, the Kendall Township Planning Commission recommended approval of the request. At their meeting on January 26, 2024, the Kendall Township Board recommended approval of the request. The minutes of these meetings are included as Attachments 15 and 16.

UNITED CITY OF YORKVILLE

Petition information was sent to the United City of Yorkville on November 17, 2023. The Yorkville Planning Commission recommended not filing a formal objection on the proposal at their meeting on January 10, 2024. At their meeting on January 23, 2024, the Yorkville City Council recommended not filing a formal objection to the proposal. The email stating Yorkville's position is included as Attachment 17.

BRISTOL-KENDALL FIRE PROTECTION DISTRICT

Petition information was sent to the Bristol-Kendall Fire Protection District on November 17, 2023.

ZPAC

ZPAC reviewed the proposal at their meeting on December 5, 2023. It was noted that the septic system was designed for a maximum fifteen (15) people. The Petitioner's Attorney indicated that fewer people will be on the property compared to the number of people onsite for previous uses. The Illinois Department of Transportation had not been in negotiations with the property owners related to land acquisition for right-of-way expansion. With two (2) access points, the property possessed good access onto Route 47. ZPAC recommended approval of the proposal by a vote of seven (7) in favor and zero (0) in opposition with three (3) members absent. The minutes of the meeting were included as Attachment 13.

RPC

The Kendall County Regional Planning Commission held a public hearing on this proposal on December 13, 2023. Other than the Petitioner's Attorney, nobody from the public testified at the public hearing. He explained the proposed land transaction and proposed uses at the property. He also believed the reclassification and rezoning more closely matches the uses in the area. Discussion occurred about reclassifying and rezoning other non-agricultural properties in the area. It was the Petitioner's Attorney's understanding that underground fuel tanks had been removed. Discussion occurred regarding obtaining an A-1 special use instead of a map amendment; Commissioners reviewed the list of allowable uses in the M-1. It was noted that most of the more objectionable uses in the M-1 have to occur entirely indoors. Discussion occurred about possible annexations to Yorkville; annexations were considered doubtful. The Kendall County Regional Planning Commission recommended approval of the proposal by a vote of seven (7) in favor and zero (0) in opposition with

three (3) members absent. The minutes of the hearing were included as Attachment 14.

ZBA

The Kendall County Zoning Board of Appeals held a public hearing on the proposal on December 18, 2023. The Kendall Township Clerk asked why the reclassification and rezoning were needed; they were needed in order to allow the Petitioners the ability to operate their business at the property. Discussion occurred regrading non-conforming land uses. The Petitioners might rent out the buildings. The Kendall County Zoning Board of Appeals recommended approval of the proposal by a vote of seven (7) in favor and zero (0) in opposition. The minutes of the hearing were included as Attachment 18.

ANALYSIS

The portions of the property identified by parcel identification numbers 05-09-300-007, 05-16-100-004, and 05-16-100-020 were originally rezoned to M-1 in 1966 by Ordinance 1966-08. These properties were rezoned back to A-1 and granted a special use permit during the County-wide rezoning in 1974. A special use permit was granted at these properties to expand the gas facilities in 1979 by Ordinance 1979-20. A special use permit for an illuminated sign was granted at the property in 1998 by Ordinance 1998-09. Ordinances 1966-08, 1979-20, and 1998-09 are included as Attachments 9-11.

In addition to the various zoning actions previously mentioned, the portion of the property identified by parcel identification number 05-16-100-020 was granted variances in 1997 for a reduction of the front yard setback by twenty feet (20') for a canopy and fuel pumps and a ten foot (10') front yard setback reduction for post placement. The information for this variance is included as Attachment 12.

Those portions of the property identified by parcel identification numbers 05-16-100-003 and 05-09-300-006 appear to have always been zoned A-1.

According to the definition of Transportation Corridor found on page 7-36 of the Land Resource Management Plan, this type of land use would be associated with the B-5 Business Planned Development District, B-6 Office and Research Park District, and limited B-3 Highway Business District.

The proposed tile business, offices, warehouses, fuel storage, and other light industrial uses would more applicably fit on properties zoned M-1, which more closely corresponds to the Mixed Use Business classification.

If the request is granted, the adjacent properties on the west side of Route 47 (the former Aux Sable Building and the Illinois Department of Transportation yard) could submit the same reclassification request in the future. The types of uses of those buildings and properties could also fit into the Mixed Use Business classification.

RECOMMENDATION

Staff recommends approval of the requested amendment.

The draft resolution is included as Attachment 19.

ATTACHMENTS

1. Application Letter
2. Picture of Main Building
3. Picture of Looking South by Main Building
4. Picture of South Side of Main Building and South Outbuildings
5. Picture South Outbuildings and Tanks
6. Picture Facing East
7. Picture Facing North
8. Picture of North Outbuilding
9. Ordinance 1966-08
10. Ordinance 1979-20
11. Ordinance 1998-09
12. Variance 1997-17
13. December 5, 2023, ZPAC Minutes (This Petition Only)

14. December 13, 2023, RPC Minutes (This Petition Only)
15. November 17, 2023, Kendall Township Planning Commission Minutes
16. December 2023, Kendall Township Board Minutes
17. January 23, 2024, United City of Yorkville Email
18. December 18, 2023, Kendall County Zoning Board of Appeals Minutes (This Petition Only)
19. Draft Resolution

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

November 15, 2023

Matt Asselmeier, Senior Planner
Kendall County Building & Zoning

Seth Wormley
Chairman of PB & Z Committee

Via E-mail: Masselmeier@co.kendall.il.us

RE: Grainco FS Owner Contract Purchaser A.B. Schwartz, LLC M-1 Zoning

Dear Gentlemen:

Let this letter stand as our Application and Request that we modify the existing Kendall County Land Resource Management Plan for tax parcels 05-16-100-004, 05-09-300-006, 05-16-100-003, 05-09-300-007, and 05-16-100-020 address 8115 Route 47, Yorkville, Illinois to be reclassified on the Future Land Use Map contained in the Kendall County Land Resource Management Plan from Transportation Corridor to Mixed Use Business for the purposes of the rezoning the properties to M-1 to allow for the operation of offices, warehouses, fuel storage and light industrial type uses.

Very truly yours,

Daniel J. Kramer

Daniel J. Kramer
Attorney at Law

DJK:cth





11/15/2023 15:27



11/15/2023 15:28



11/15/2023 15:28





11/15/2023 15:27



11/15/2023 15:27

05-16-100-004

005

05-09-300-007

Rezone
A-1 SU after
74 Zoning change

ORDINANCE

66-8

now A-1-SU
79-20

AMENDING KENDALL COUNTY ZONING ORDINANCE AS AMENDED

WHEREAS, John T. Hoffman did petition the Zoning Board of Appeals of Kendall County for a public hearing in the manner required by law and the ordinances of Kendall County, Illinois for a proposed amendment to the Kendall County Zoning Ordinance adopted May 10, 1960, and

WHEREAS, said Zoning Board of Appeals did thereupon publish notice of a hearing on said proposed amendment to said Zoning Ordinance as provided by the Statutes of the State of Illinois, and did then hold a public hearing on said proposed amendment on the 6th day of May, A.D. 1966 on the site described in the petition and at the conclusion of said hearing said Zoning Board of Appeals voted in favor of recommending to the Board of Supervisors of Kendall County, Illinois that the petition be granted and the Zoning maps and ordinance be amended in the manner required by law

NOW THEREFORE, BE IT ORDAINED by the Board of Supervisors of Kendall County, Illinois that the following described property be and it is hereby rezoned from "A" Agriculture to "M1" Light Manufacturing and that the County Clerk be and is hereby ordered and directed to change the zoning map, to show the change in zoning classification;

Commencing at a point on the East line of the Northwest quarter of Section 16, Township 36 North, Range 7 East of the Third Principal Meridian at a point 869.22 feet South of the Northeast corner of said Northwest quarter of said section; thence West 39.6 feet to the West line of Highway Route 47, for a place of beginning; thence North 89°53' West, 575 feet; thence North 24°15' West, 769.2 feet; thence North 45°48' West, 886.9 feet to the West line of highway Route 47; thence Southerly along said Westerly line of highway Route 47, 1072.6 feet to the point of beginning, containing 15.25 acres, all in Kendall Township, Kendall County, Illinois,

47

Passed this 10th day of May, 1966.


Chairman County Board of Supervisors
Kendall County

ATTEST:


County Clerk

05-09-300-007
 05-16-100-004
 05-16-100-005

ORDINANCE 79-20
 AMENDING KENDALL COUNTY ZONING ORDINANCE AS AMENDED

F923

WHEREAS, Kendall-Grundy F. S. did petition the Zoning Board of Appeals of Kendall County for a public hearing in the manner required by law and the ordinances of Kendall County, Illinois for a proposed amendment to the Kendall County Zoning Ordinance adopted January 16, 1940; and

WHEREAS, said Zoning Board of Appeals did thereupon publish notice of a hearing on said proposed amendment to said Zoning Ordinance as provided by the Statutes of the State of Illinois, and did then hold a public hearing on said proposed amendment on the 3rd day of August, 1979, A.D., on the site described in the petition and at the conclusion of said hearing said Zoning Board of Appeals voted in favor of recommending to the County Board of Kendall County, Illinois that the petition be granted and the zoning maps and ordinance be amended in the manner required by law; and

NOW THEREFORE, BE IT ORDAINED by the County Board of Kendall County, Illinois that the following described property be and it is hereby rezoned from A1, Agricultural District Special Use to expand facilities and that the County Clerk be and she is hereby ordered and directed to change the zoning map, to show the change in zoning classification:

That part of the West half of Section 9 and that part of the Northwest quarter of Section 16, Township 36 North, Range 7 East of the Third Principal Meridian, described as follows: Commencing at the Northeast corner of said Section 16; thence Westerly along the northerly line of said Section 2672.0 feet to the tangent center line of Illinois State Route No. 47, extended from the South, thence South 0°00'00" East along said tangent center line of said tangent center line extended 869.22 feet; thence South 89°34'04" West 615.0 feet; thence North 24°54'19" West 778.36 feet to the point of beginning; thence continuing North 24°54'19" West 237.56 feet; thence North 65°13'06" East 942.72 feet to the westerly right of way line of said State Route No. 47 being 40.0 feet normally distance Southwesterly from the center line of said Route; thence Southeasterly along said Westerly right of way line being on a curve to the right having a radius of 5344.41 feet; an arc distance of 243.46 feet to a line drawn North 65°13'06" East from the point of beginning; thence South 65°13'06" West along said line 889.01 feet to the point of beginning; containing 5.00 acres,


AND, That part of the West half of Section 9 and that part of the Northwest quarter of Section 16, Township 36 North, Range 7 East of the Third Principal Meridian, described as follows: Commencing at the Northeast corner of said Section 16; thence westerly along the Northerly line of said Section 2672.0 feet to the tangent center line of Illinois State Route No. 47, extended from the South, thence South 0°00'00" East along said tangent center line and said Tangent center line extended, 869.22 feet; thence south 89°34'04" West 615.0 feet for the point of beginning; thence North 24°54'19" West 778.36 feet; thence North 65°13'06" East 889.01 feet to the Westerly right of way line of said State Route No. 47 being 40.0 feet normally distant southwesterly from the center line of said Route; thence Southeasterly along said Westerly right of way line being

on a curve to the right having a radius of 5344.41 feet; an arc distance of 1012.51 feet; thence South $0^{\circ}00'00''$ East along said Westerly right of way line being tangent to the last described curve at the last described point 67.82 feet to a line drawn North $89^{\circ}34'04''$ East from the point of beginning; thence South $89^{\circ}34'04''$ West 575.0 feet to the point of beginning; containing 15.4829 acres in the Township of Kendall, Kendall County, Illinois.


BE IT FURTHER ORDAINED that the above special use classification shall be expressly made subject to the following conditions:

1. The County Board to make determination of fencing requirement around berm.
2. Engineer shall make a study and recommendations to control water runoff and retain any chemical spills.
3. IDOT shall be contacted to make recommendations for improving ingress and egress to Rt. 47. F. S. to cooperate and install, within reason, recommended improvements.
4. Additional lighting shall be installed.

PASSED THIS 14th day of August, 1979.


Chairman, County Board of Kendall
County, Illinois

ATTEST:


County Clerk

State of Illinois
County of Kendall

05-16-100-004
05-09-300-007
05-16-100-005
Zoning Petition
#9808

listed as 79-6

ORDINANCE NUMBER 98- 09

GRANTING SPECIAL USE ZONING PERMIT
KENDALL- GRUNDY F.S.
SIGN - 8115 IL ROUTE 47

WHEREAS, Larry Mattison, the operations manager and duly authorized agent for the Kendall-Grundy F.S. property at 8115 IL Route 47 in Section 16 of Kendall Township, filed a petition for special use approval of a sign; and

WHEREAS, said property is currently zoned A-1 Agricultural District with a Special Use in accordance with Ordinance 79-20, with tax parcel identification number 05-16-100-005, and is further identified on the attached Exhibit A: Legal Description; and

WHEREAS, said property and project site is further detailed on the attached Exhibit B: Plot Plan; and

WHEREAS, said property conducts motor fuel retail sales; and

WHEREAS, said petition is for an illuminated sign that would be two-sided, with face no greater than 36 square feet in area, and conforming to all other regulations, including the advertising the sale of products on the property; and

WHEREAS, said sign is further illustrated on the attached Exhibit C: Sign Dimensions; and


WHEREAS, all procedures required by the Kendall County Zoning Ordinance were followed including notice for public hearing, findings of fact, and recommendation by the Zoning Board of Appeals; and


WHEREAS, the Kendall County Board finds that said petition, along with the conditions specified in this ordinance, is in conformance with the provisions of the Kendall County Zoning Ordinance;

NOW, THEREFORE, BE IT ORDAINED, that the Kendall County Board hereby grants approval of a special use zoning permit to construct an illuminated sign on the property at 8115 IL Route 47 at the site specified on Exhibit B, and in the size and manner specified in Exhibit C, in conformance to the Kendall County Zoning Ordinance.

Failure to comply with the terms of this ordinance may be cited as a basis for amending or revoking this special use permit.

IN WITNESS OF, this ordinance has been enacted on June 16, 1998.


John A. Church
Kendall County Board Chairman


Paul Anderson
Kendall County Clerk

**LEGAL DESCRIPTION
FOR KENDALL GRUNDY FS, INC.**

THAT PART OF THE WEST HALF OF SECTION 9 AND THAT PART OF THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 36 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 16; THENCE WESTERLY ALONG THE NORTHERLY LINE OF SAID SECTION 2672.0 FEET TO THE TANGENT CENTER LINE OF ILLINOIS STATE ROUTE NO. 47, EXTENDED FROM THE SOUTH; THENCE SOUTH 0°00'00" EAST ALONG SAID TANGENT CENTER LINE AND SAID TANGENT CENTER LINE EXTENDED, 869.22 FEET; THENCE SOUTH 89°34'04" WEST 615.0 FEET FOR THE POINT OF BEGINNING; THENCE NORTH 24°54'19" WEST 778.36 FEET; THENCE NORTH 65°13'06" EAST 889.01 FEET TO THE WESTERLY RIGHT OF WAY LINE OF SAID STATE ROUTE NO. 47, BEING 40.0 FEET NORMALLY DISTANT SOUTHWESTERLY FROM THE CENTER LINE OF SAID ROUTE; THENCE SOUTHEASTERLY ALONG SAID WESTERLY RIGHT OF WAY LINE BEING ON A CURVE TO THE RIGHT HAVING A RADIUS OF 5344.41 FEET, AN ARC DISTANCE OF 1012.51 FEET; THENCE SOUTH 0°00'00" EAST ALONG SAID WESTERLY RIGHT OF WAY LINE BEING TANGENT TO THE LAST DESCRIBED CURVE AT THE LAST DESCRIBED POINT 67.82 FEET TO A LINE DRAWN NORTH 89°34'04" EAST FROM THE POINT OF BEGINNING; THENCE SOUTH 89°34'04" WEST 575.0 FEET TO THE POINT OF BEGINNING; CONTAINING 15.4829 ACRES IN THE TOWNSHIP OF KENDALL, KENDALL COUNTY, ILLINOIS.

**EXHIBIT A: LEGAL DESCRIPTION
#9808 · Kendall-Grundy F.S. · Sign · Special Use**

ROWMARK INC. Engineering Services 781 Towanda Avenue Bloomington, Illinois 61701	Revisions PETRO TANKS 7/29/79 GENERAL 7/18/79 BULK NSERVE 11/29/81 GEN 4/25/84 CHANGE WHE 8/31/84 NEW WHE 11/24/84 RELOCATE 11/19/84 30,000 NH/3 3/25/88 ASCHEN UPDATE PERMIT 12/92 3/93, 2/95 EQUIP/TRUCK BLDGS 1/29/97 FUEL 24 3/14/97 LS 6/30/97 LS 8/4/97 LS		Date 7/23/78 Scale 1" = 50' 0" Designed by SANDS Drawn by MYERS		1 of 2 Dir 039 File 52-PP	WICKENDALL GRUNDY FS INC YORKVILLE, ILLINOIS One PLOT PLAN
---	---	--	--	--	---------------------------------	--

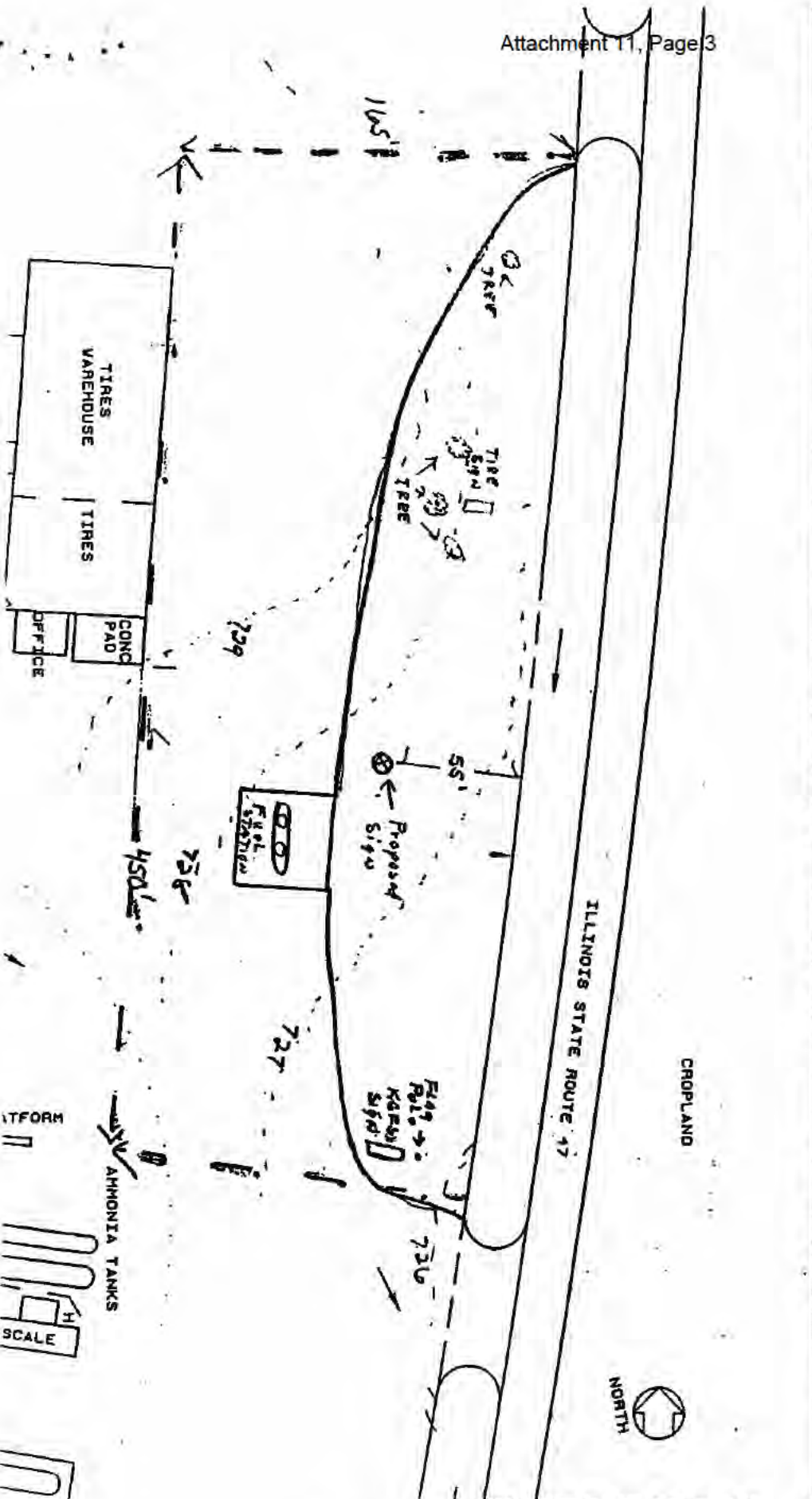


EXHIBIT B: PLOT PLAN
 #9808 · Kendall-Grundy F.S. · Sign · Special Use

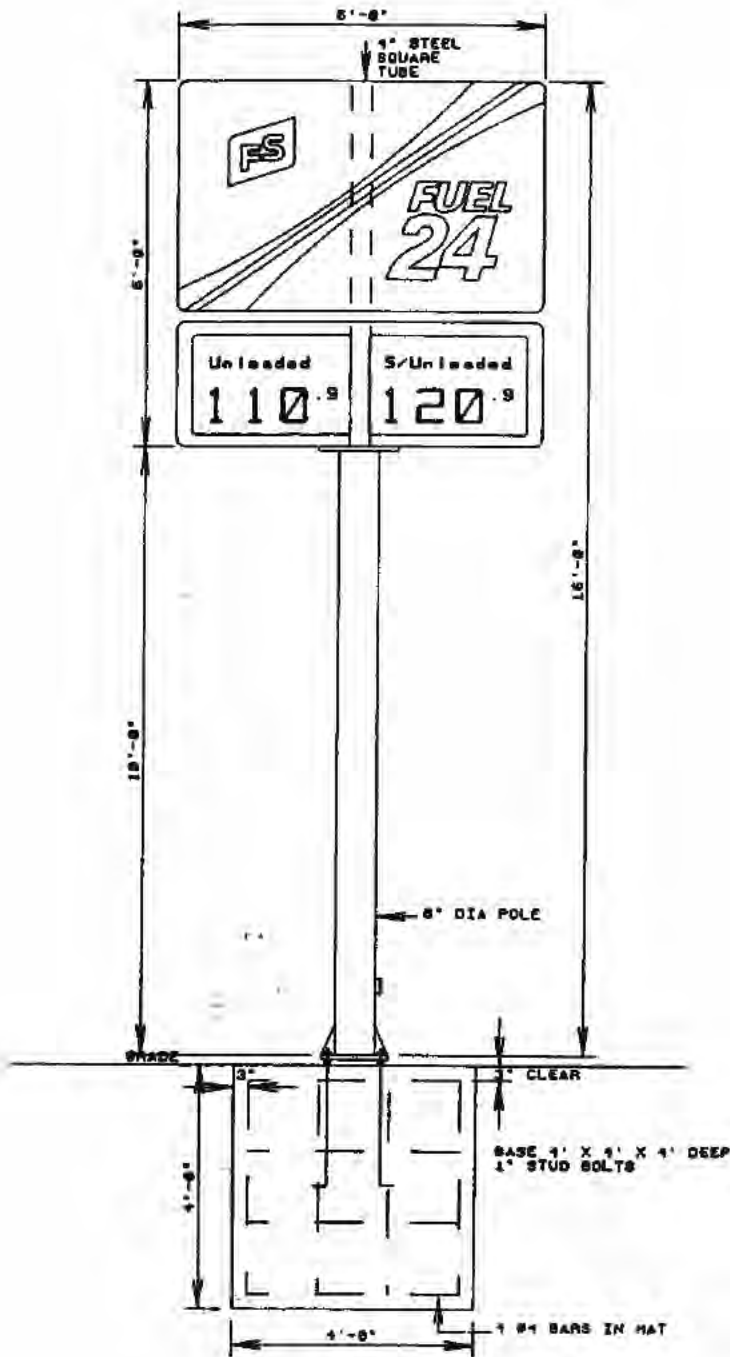


EXHIBIT C: SIGN DIMENSIONS
#9808 · Kendall-Grundy F.S. · Sign · Special Use

**ZONING BOARD OF APPEALS
COUNTY OF KENDALL
111 West Fox Street
Yorkville, Illinois 60560**

Roll Call:

Hearing: #740

Richard Bark present
Floyd Dierzen present
William Ford present
James Friedrich present
Paul Scholtes present
Mary Ann Stees present

File: #9717

Date: July 29, 1997

Time: 7:00 p.m.

RE: Kendall - Grundy FS - Variation

An application for a variance from Section 7.0.D.1.A of the Kendall County Zoning Ordinance pursuant to Section 13.04.B.2 was submitted to the Kendall County Zoning Officer.

The applicant is requesting a variance of the front yard setback in the agricultural district.

After due notice as required by law, the Zoning Board of Appeals held a public hearing on Tuesday, July 29, 1997 at 7:00 p.m. in the Kendall County Board Room at 111 West Fox Street in Yorkville, Illinois.

At the hearing Mr. Manning explained a petition was received from the owner of the Kendall - Grundy Farm Service property for their facility located at 8115 So. Rt. 47, Kendall Township. The property currently has an A-1 Special Use. It was determined when that Special Use was established, that a petroleum service station and sales use of the property would be a permitted use. The petitioners would now like to establish and construct that on this property. They have submitted a site plan showing a pump island set back 90' from the right-of-way on Rt. 47 with an overhead canopy set back 80' from the right-of-way.

Mr. Manning stated he had received a letter from Andrew Sviria, an engineer for District 3 of IDOT. The letter contained IDOT's long range plan to shift the right-of-way for Rt. 47 and showed their drawing. The plan will shift the west right-of-way line another 20' west. When that occurs, it would put the canopy setback at 60'.

Dan Kramer, attorney, and Larry Matteson, FS manager, were sworn in by Chairman Ford. Mr. Kramer explained the current right-of-way is 120' (60' west and 60' east). He talked to Mr. Sviria and explained that the canopy would not be an enclosed building. Jason Poppen from IDOT called him and said the head engineer reviewed this and did not see a problem. Mr. Kramer asked for this to be put in writing as soon as possible. He said that when asking for a recommendation tonight, that the vote be contingent upon Mr. Manning receiving that letter withdrawing their objection.

Mr. Kramer entered petitioners exhibit #1 showing an aerial view of the property and pointed out the IDOT building is as close as the variance FS is asking for. (80' off the right-of-way line). FS plans on putting a two pump island in on this specific spot so there will be a wide enough swing area for the trucks.

Hearing #740

Petition #9717

7/29/97

This location is right next to the existing building which houses the computers and the cash register. There will be no additional buildings constructed. Mr. Kramer entered a color picture of the proposed canopy as exhibit #2. The canopy top will be 80' and will cover the two pumps north and south to the road. He is asking for a variance of 20' for the canopy and a 10' variance for the posts.

Mr. Manning questioned if there could not be other locations. Mr. Matteson explained why this location is the best in his opinion due to congestion and the loading docks. He said they will sell to the public both deisel and gas with the two pumps.


After testimony the Zoning Board made the following findings of fact: (13.04.A.2)


1. Are there particular physical surroundings, shape or topographical condition of the property involved that would result in a hardship upon the owner as distinguished from a mere inconvenience or loss of revenue? NO
2. The conditions upon the requested variation is based applicable to other property within the same zoning classification. UNIQUE
3. Does the alleged difficulty or hardship been created by any person having interest in the property? NO
4. At the granting of the variation detrimentally effect the public welfare or injurious to other property or improvements in the neighborhood. NO
5. Will the proposed variation impair adequate supply of light or air to adjacent property or increase congestion in the public street or increase danger of fire or endanger of public safety or substantially diminish or impair property values? NO, modest increase in traffic.
6. Does the proposed variance comply with the spirit and intent of the ordinance? YES

Member Dierzen motioned and Member Friedrich seconded to grant the variance request with the following stipulations: pending approval from the State of Illinois IDOT in writing.

VOTE:	Bark	YES	Dierzen	YES
	Friedrich	YES	Scholtes	YES
	Stees	YES	Ford	YES

MOTION CARRIED.


Recording Secretary


Chairman, Zoning Board of Appeals

**ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)
December 5, 2023 – Unapproved Meeting Minutes**

PBZ Chairman Seth Wormley called the meeting to order at 9:00 a.m.

Present:

Matt Asselmeier – PBZ Department
David Guritz – Forest Preserve
Brian Holdiman – PBZ Department
Fran Klaas – Highway Department
Commander Jason Langston – Sheriff's Department
Aaron Rybski – Health Department
Seth Wormley – PBZ Committee Chair

Absent:

Meagan Briganti – GIS Department
Greg Chismark – WBK Engineering, LLC
Alyse Olson – Soil and Water Conservation District

Audience:

Dan Kramer, Andrew Schwartz, and Robert Schwartz

PETITIONS

Petitions 23-32 and 23-33 Alan Drake on Behalf of Grainco FS, Inc (Property Owner) and Andrew and Robert Schwartz on Behalf of A.B. Schwartz, LLC (Contractor Purchaser)

Mr. Asselmeier summarized the request.

A.B. Schwartz, LLC would like an amendment to the Future Land Use Map contained in the Land Resource Management Plan for approximately nineteen point eight more or less (19.8 +/-) acres located on the west side of Route 47 addressed as 8115 Route 47. If the change to the Future Land Use Map is approved, the Petitioner would like to rezone the property to M-1 in order to operate a tile business, offices, warehouses, fuel storage, and other light industrial uses.

The application letter and pictures of the property were provided.

The property is located at 8115 Route 47, Yorkville.

The property is vacant and improved commercial.

Two (2) of the parcels are zoned A-1 and three (3) of the parcels are zoned A-1 with special use permits.

The County's plan calls for the property to be Transportation Corridor.

Yorkville's plan calls for the property to be Agricultural.

Route 47 is a State maintained arterial road.

There are no trails planned in this area.

There are no floodplains or wetlands on the property.

The adjacent land uses are Improved Commercial, Agricultural, Farmstead, and Transportation/Community/Utility (IDOT Yard).

The adjacent properties are zoned A-1 and B-3 in the County and R-2 and R-3 in Yorkville.

The County's plan calls for the area to be Transportation Corridor, Commercial, and Rural Residential (Max 0.65 DU/Acre).

Yorkville's plan calls for the area to be Estate/Conservation Residential, and Agricultural.

Properties within one point five (1.5) miles were zoned A-1, A-1SU, R-1, R-3, and B-3 in the County and R-2, R-3, B-1, and B-3 inside Yorkville.

The A-1 special use permits to the south are for a church, an illuminated sign, and a cemetery.

EcoCAT Report submitted and consultation was terminated.

The application for NRI was submitted on November 12, 2023.

Petition information was sent to Kendall Township on November 17, 2023. At their meeting on November 21, 2023, the Kendall Township Planning Commission recommended approval of the request. The Kendall Township Board was still reviewing the proposal.

Petition information was sent to the United City of Yorkville on November 17, 2023. Yorkville plans to review the proposal in January 2024.

Petition information was sent to the Bristol-Kendall Fire Protection District on November 17, 2023. No comments received.

The portions of the property identified by parcel identification numbers 05-09-300-007, 05-16-100-004, and 05-16-100-020 were originally rezoned to M-1 in 1966 by Ordinance 1966-08. These properties were rezoned back to A-1 and granted a special use permit during the County-wide rezoning in 1974. A special use permit was granted at these properties to expand the gas facilities in 1979 by Ordinance 1979-20. A special use permit for an illuminated sign was granted at the property in 1998 by Ordinance 1998-09. Ordinances 1966-08, 1979-20, and 1998-09 were provided.

In addition to the various zoning actions previously mentioned, the portion of the property identified by parcel identification number 05-16-100-020 was granted variances in 1997 for a reduction of the front yard setback by twenty feet (20') for a canopy and fuel pumps and a ten foot (10') front yard setback reduction for post placement. The information for this variance was provided.

Those portions of the property identified by parcel identification numbers 05-16-100-003 and 05-09-300-006 appear to have always been zoned A-1.

Per the site plan, there are seven (7) buildings presently located on the property. Any new buildings, expansion of existing buildings, or remodeling of these buildings would require applicable building permits and the work would be required to meet applicable building codes. The Petitioners indicate that no new buildings are planned at this time. Any structures or uses that encroach into required setbacks would be considered lawfully non-conforming. Any changes to site, such as new buildings or expanded parking areas, would trigger site plan review and approval under the Zoning Ordinance.

The site is serviced by a well and septic. There is electricity onsite. There are several LP tanks onsite.

The property fronts Route 47 and has two (2) access points off of Route 47. Deceleration lanes exist at both entrances on Route 47.

The site plan shows several gravel and asphalt areas. No dedicated parking spaces appear onsite. Any new parking lots would have to meet applicable regulations.

Based on the proposed uses, no new odors are foreseen. The owners of the property would have to follow applicable odor control regulations based on potential other future M-1 allowable uses.

The site plan shows one (1) light pole and there are some existing lights on several of the buildings.

The amount of lighting could expand on the property if they install a larger parking lot or if different uses move onto the property.

No changes to the landscaping or property screening are proposed.

If improvements are made to the site in the future, landscaping and screening would be required as part of site plan review.

Any signage would have to meet applicable regulations and secure permits.

Based on the proposed uses, no new noise issues are foreseen. The owners of the property would have to follow applicable noise control regulations based on potential other future M-1 allowable uses.

The site plan shows two (2) stormwater inlets.

Since no new buildings or impervious surfaces were proposed, a stormwater permit was not required. However, if additional buildings or impervious surfaces are added to the site in the future, stormwater permits could be required at that time.

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, larger lot single-family residential uses, Illinois Department of Transportation storage yard, and vacant commercial space that might seek rezoning to industrial in the future.

The Zoning classification of property within the general area of the property in question. The surrounding properties are zoned A-1 and B-3 in the unincorporated area and R-2 and R-3 inside the United City of Yorkville.

The suitability of the property in question for the uses permitted under the existing zoning classification. The Petitioners propose to use the property for more light industrial type uses that are not allowed in the A-1 Agricultural Zoning District.

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, storage and warehousing, and other light industrial type uses.

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 Transportation Corridor. The United City of Yorkville's Plan calls for the property to be Agricultural. The Petitioners are also pursuing a change to the County's Future Land Use Map to Mixed Use Business. If this change is approved, then the requested map amendment would be consistent with the County's Land Resource Management Plan.

If the requested amendment to the Future Land Use Map in the Land Resource Management Plan reclassifying this property as Mixed Use Business is approved, Staff recommended approval of the proposed map amendment.

According to the definition of Transportation Corridor found on page 7-36 of the Land Resource Management Plan, this type of land use would be associated with the B-5 Business Planned Development District, B-6 Office and Research Park District, and limited B-3 Highway Business District.

The proposed tile business, offices, warehouses, fuel storage, and other light industrial uses would more applicably fit on properties zoned M-1, which more closely corresponds to the Mixed Use Business classification.

If the request is granted, the adjacent properties on the west side of Route 47 (the former Aux Sable Building and the Illinois Department of Transportation yard) could submit the same reclassification request in the future. The types of uses of those buildings and properties could also fit into the Mixed Use Business classification.

Staff recommended approval of the requested amendment and, if the requested amendment to the Future Land Use Map in the Land Resource Management Plan reclassifying this property as Mixed Use Business was approved, Staff recommended approval of the proposed map amendment.

Mr. Rybski said that the septic system was installed in 2008 and designed for fifteen (15) employees. Dan Kramer, Attorney for the Petitioner, said that the proposed uses would have less people onsite.

Mr. Kramer said that the conservation designation in Yorkville's plan was a placeholder.

Mr. Klaas asked if the Illinois Department of Transportation had acquired additional right-of-way at this property. Mr. Kramer responded no as it related to the subject property.

No additional access was planned for the property.

Chairman Wormley expressed his support for the project.

Mr. Klaas made a motion, seconded by Mr. Rybski, to recommend approval of the reclassification and map amendment.

The votes were follows:

Ayes (7): Asselmeier, Guritz, Klaas, Holdiman, Langston, Rybski, and Wormley

Nays (0): None

Abstain (0): None

Absent (3): Briganti, Chismark, and Olson

The motion passed.

The proposals go to the Kendall County Regional Planning Commission on December 13, 2023.

PUBLIC COMMENT

None

ADJOURNMENT

Mr. Guritz made a motion, seconded by Mr. Rybski, to adjourn.

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

The ZPAC, at 9:16 a.m., adjourned.

Respectfully Submitted,
Matthew H. Asselmeier, AICP, CFM
Director

Enc.

Attachment 14, 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 December 13, 2023 - 7:00 p.m.

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

ROLL CALL

Members Present: Bill Ashton, Eric Bernacki, Dave Hamman, Larry Nelson, Ruben Rodriguez, Claire Wilson, and Seth Wormley (Arrived at 7:07 p.m.)

Members Absent: Tom Casey, Karin McCarthy-Lange, and Bob Stewart

Staff Present: Matthew H. Asselmeier, Director, and Wanda A. Rolf, Administrative Assistant

Others Present: Dan Kramer, Andrew Schwartz, Robert Schwartz, and Carrie Barns

PUBLIC HEARING

The Kendall County Regional Planning Commission started their review of Petition 23-32 at 7:06 p.m.

Petition 23-32 Alan Drake on Behalf of Grainco FS, Inc. (Property Owner) and Andrew and Robert Schwartz on Behalf of A.B. Schwartz, LLC (Contract Purchaser)

Mr. Asselmeier summarized the request.

Member Wormley arrived at this time (7:07 p.m.)

A.B. Schwartz, LLC would like an amendment to the Future Land Use Map contained in the Land Resource Management Plan for approximately nineteen point eight more or less (19.8 +/-) acres located on the west side of Route 47 addressed as 8115 Route 47. If the change to the Future Land Use Map is approved, the Petitioner would like to rezone the property to M-1 in order to operate a tile business, offices, warehouses, fuel storage, and other light industrial uses.

The application letter and pictures of the property were provided.

The property is located at 8115 Route 47, Yorkville.

The property is vacant and improved commercial.

Two (2) of the parcels are zoned A-1 and three (3) of the parcels are zoned A-1 with special use permits.

The County's plan calls for the property to be Transportation Corridor.

Yorkville's plan calls for the property to be Agricultural.

Route 47 is a State maintained arterial road.

There are no trails planned in this area.

There are no floodplains or wetlands on the property.

The adjacent land uses are Improved Commercial, Agricultural, Farmstead, and Transportation/Community/Utility (IDOT Yard).

The adjacent properties are zoned A-1 and B-3 in the County and R-2 and R-3 in Yorkville.

The County's plan calls for the area to be Transportation Corridor, Commercial, and Rural Residential (Max 0.65 DU/Acre).

Yorkville's plan calls for the area to be Estate/Conservation Residential, and Agricultural.

Properties within one point five (1.5) miles were zoned A-1, A-1SU, R-1, R-3, and B-3 in the County and R-2, R-3, B-1, and B-3 inside Yorkville.

The A-1 special use permits to the south are for a church, an illuminated sign, and a cemetery.

Petition information was sent to Kendall Township on November 17, 2023. At their meeting on November 21, 2023, the Kendall Township Planning Commission recommended approval of the request. The Kendall Township Board was still reviewing the proposal.

Petition information was sent to the United City of Yorkville on November 17, 2023. Yorkville plans to review the proposal in January 2024.

Petition information was sent to the Bristol-Kendall Fire Protection District on November 17, 2023. No comments received.

ZPAC reviewed the proposal at their meeting on December 5, 2023. It was noted that the septic system was designed for a maximum fifteen (15) people. The Petitioner's Attorney indicated that fewer people will be on the property compared to the number of people onsite for previous uses. The Illinois Department of Transportation had not been in negotiations with the property owners related to land acquisition for right-of-way expansion. With two (2) access points, the property possessed good access onto Route 47. ZPAC recommended approval of the proposal by a vote of seven (7) in favor and zero (0) in opposition with three (3) members absent. The minutes of the meeting were provided.

The portions of the property identified by parcel identification numbers 05-09-300-007, 05-16-100-004, and 05-16-100-020 were originally rezoned to M-1 in 1966 by Ordinance 1966-08. These properties were rezoned back to A-1 and granted a special use permit during the County-wide rezoning in 1974. A special use permit was granted at these properties to expand the gas facilities in 1979 by Ordinance 1979-20. A special use permit for an illuminated sign was granted at the property in 1998 by Ordinance 1998-09. Ordinances 1966-08, 1979-20, and 1998-09 were provided.

In addition to the various zoning actions previously mentioned, the portion of the property identified by parcel identification number 05-16-100-020 was granted variances in 1997 for a reduction of the front yard setback by twenty feet (20') for a canopy and fuel pumps and a ten foot (10') front yard setback reduction for post placement. The information for this variance was provided.

Those portions of the property identified by parcel identification numbers 05-16-100-003 and 05-09-300-006 appear to have always been zoned A-1.

According to the definition of Transportation Corridor found on page 7-36 of the Land Resource Management Plan, this type of land use would be associated with the B-5 Business Planned Development District, B-6 Office and Research Park District, and limited B-3 Highway Business District.

The proposed tile business, offices, warehouses, fuel storage, and other light industrial uses would more applicably fit on properties zoned M-1, which more closely corresponds to the Mixed Use Business classification.

If the request is granted, the adjacent properties on the west side of Route 47 (the former Aux Sable Building and the Illinois Department of Transportation yard) could submit the same reclassification request in the future. The types of uses of those buildings and properties could also fit into the Mixed Use Business classification.

Staff recommended approval of the requested amendment.

Chairman Ashton opened the public hearing at 7:11 p.m.

Dan Kramer, Attorney for the Petitioner, stated that changing the Kendall County Land Resource Management Plan made sense because the proposal conforms with the various uses at the property for the past forty (40) years. He noted Grainco FS' previous operations at the site. Grainco FS will continue to be a tenant and sell the LP and bulk gas. The tile business will focus on agricultural clients. Mr. Kramer believed that the United City of Yorkville's conservation classification was a placeholder.

Member Wilson asked if the underground fuel tanks have been removed. Mr. Kramer stated that all tanks are above ground.

Member Nelson asked why the request was for a map amendment instead of special use under A-1. Member Wormley commented that, if it was a special use permit, the owner would have to obtain a special use permit for every tenant, which creates much more work for the Planning, Building and Zoning Department.

Member Nelson asked about the allowable uses in M-1. Commissioners reviewed the list of permitted uses in the M-1.

Member Nelson felt the local fire department should play a role in reviewing the types of business allowed at the site.

Mr. Kramer noted that the Petitioners were requesting Mixed Use Business and they were not constructed any new buildings.

Member Wilson noted that the more objectionable uses allowed in the M-1, like the slaughtering of rabbits, has to occur indoors. Member Nelson concurred and noted that the Health Department would be heavily involved in the regulation of that use.

Member Wilson asked about the possibility of annexation into Yorkville. Mr. Kramer stated he doesn't believe it would be annexed because Yorkville was focused on retail development and Yorkville did not have any utilities in the vicinity.

Member Rodriguez and Member Wormley visited the site and stated the business has much potential.

Member Nelson asked about the process to change the Plan for all the businesses in the vicinity to M-1. Mr. Asselmeier recommended bringing a proposal to the January 2024 meeting identifying specific properties and

giving property owners the opportunity to be contacted to see if they were in favor of reclassification. The property owners could be invited the February 2024 Annual Meeting.

Member Rodriguez made a motion, seconded by Member Bernacki, to adjourn the public hearing. With a voice vote of seven (7) ayes, the motion carried.

Chairman Ashton closed the public hearing at 7:34 p.m.

Member Wormley made a motion, seconded by Member Hamman, to recommend approval of the reclassification.

The votes were as follows:

Ayes (7): Ashton, Bernacki, Hamman, Nelson, Rodriguez, Wilson, and Wormley

Nays (0): None

Absent (3): Casey, McCarthy-Lange, and Stewart

Abstain (0): None

The motion carried. The proposal will go to the Kendall County Zoning Board of Appeals on December 18, 2023.

The Kendall County Regional Planning Commission completed their review of Petition 23-32 at 7:34 p.m.

ADJOURNMENT

Member Nelson made a motion, seconded by Member Wilson, to adjourn. With a voice vote of seven (7) ayes, the motion carried.

The Kendall County Regional Planning Commission meeting adjourned at 8:16 p.m.

Respectfully submitted by,
Wanda A. Rolf
Administrative Assistant

Enclosure and Exhibits

1. Memo on Petition 23-32 Dated December 5, 2023
2. Certificate of Publication and Certified Mail Receipts for Petition 23-32 (Not Included with Report but on file in Planning, Building and Zoning Office)

**KENDALL COUNTY
REGIONAL PLANNING COMMISSION
DECEMBER 13, 2023**

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 Kramer	1127 A S. Bonville St Yonkers IL 60560	#23-32 23 33
Andy Schwartz		
Bob Schwartz		
Carrie Barnes		

Planning & Zoning Committee

AB Schwartz LLC Zoning Application – Petition 23-32 & 23-33

November 21, 2023

7:18pm – Meeting Called to Order by Jake Cooper

Those in attendance included:

Supervisor – Steve Gengler

Planning Commission Chair – Jake (Ronald Cooper)

Planning Commission members – Brian Anderson, Pat Lippold by phone

Presenter – Dan Kramer

Dan Kramer introduced Proposal of Rezoning Subject Property from A-1 to M-1 (Light Manufacturing)

Discussion ensued.

Motion was made by Brian Anderson and seconded by Pat Lippold

Unanimously approved.

Motion to provide positive recommendation to Township Board.

Meeting Adjourned 7:34pm

Respectfully submitted by Steve Grebner Kendall Township Clerk

State of Illinois

Kendall County

Town of Kendall

At the regular monthly Town Meeting held in said town and county, in the state of Illinois at Kendall Township Hall on Tuesday December 19, 2023. Meeting was called to order at 7:32 PM by Supervisor Steve Gengler. Township officials present were Steve Gengler Supervisor, Doug Westphal Highway Commissioner, Steve Grebner, Township Clerk, Cathy Scalise, Kendall Township Assessor and trustees: Carolyn Pottinger, Zach Turnbow, Doug Thanepohn and Don Hirsch.

Public Guests included Linda Gengler, Amy Westphal, Naomi Sweeney Dan Kramer, attorney, Bobby & Cassidy Schwartz, owners of AB Schwartz LLC who are requesting a zoning change and wanted to present to the Township Board.

Supervisor Gengler lead the board in the Pledge of Allegiance to the Flag.

Section III: Sheriff Department Update: Sheriff's Department Rep Deputy Paul Kubinski was in attendance and shared information regarding the number and locations of the Crisis Intervention requests the Sheriff's Dept has responded to over the past year – Not just in our township but the entire county – over 300. He also discussed the potential for taking the Town Hall meeting concept out on the road to the more rural areas of our county (of which the southern part of Kendall Township fits that description) and the need for reaching out to family members for actively assisting is helping identify cases of neglect, mental health issues as well as people taking advantage of our seniors. Clerk Grebner supplied a written report of Sheriff activity in township for month of December to date as well as a wrap up of November. (See Attachment A.) Clerk Grebner mentioned again there is a link on our website to the County Sheriff's transparency page where all this information is available as well as a tutorial on how use the site.

Section IV: Public Comment – Dan Kramer presented followed up last month's meeting with an update to the proposal to the board requesting a zoning change for the property known as Grainco FS from A-1 (Ag) to M-3 Light Manufacturing. Attorney Kramer reviewed the timeline and the changes since the last meeting (County appeals and planning boards have approved this change unanimously, but still awaiting City of Yorkville and BKFD responses. Discussion and questions ensued regarding the change in classification from Transportation Corridor to a Mixed Use Classification. This was also required as the Proposed new use (Contractor) is NOT approved for a Transportation Corridor. There were additional questions regarding the "Legal but Non-Conforming" term as well as what other businesses could be included under the M-1 Classification Mr. Kramer indicated these same questions were broached at the County meetings and were clarified there to the satisfaction of the board), but in summary, if there were substantive changes made in tenants, there are existing zoning or building committees that would be engaged prior to ability to make those changes and the Township would be informed. Additional questions regarding access after widening of RT 47 as well as set back issues were addressed to the satisfaction of the board. Mr. Kramer there will be at least 9 meetings of different committees/boards that must approve this request before it is approved.

It was decided to vote on this action item (Section X sub set (C) now while discussion was fresh. Motion was made by Trustee Turnbow and Seconded by Trustee Thanepohn to approve this zoning petition. Roll was taken and the motion passed unanimously.

Section V: Minutes from November meeting were read. Motion was then made to approve the minutes by Doug Thanepohn and seconded by Carolyn Pottinger and motion was approved unanimously.

Section VI: Financial Business: General Funds and Road District bills were reviewed and motion to approve was made by Carolyn Pottinger and seconded by Zach Turnbow. Motion was approved unanimously by roll call vote.

Reports:

Assessor: Hearing for Assessment appeals are complete with several being tabled by the County Board (this means no decision was made at that time, but will be made at a later date). Question was asked as to what are the potential outcomes of these hearings. Assessor stated there are really 4 outcomes: Agree with the appellate; Hold for the Assessor (agreeing with Assessor's findings); Compromise; or Table. Majority number of the appeals were found in favor of the assessor (Hold for Assessor).

January 28th is the assessor meeting for the county that is open to the public. Assessor staff is using this time during the holidays to get all records electronically scanned and that led to discussion regarding record retentions requirements for paper vs electronic documents.

Highway Commissioner: It was agreed our Truck Chassis will be held here inside out of the weather until Upfitted by Bonnells. However, there is still the question of who will take responsibility for final inspection/approval of rig when completed. Highway commissioner is still in conversation with Manufacturer as well as Upfitter and will get that agreed to. We are also planning on selling our old 6 wheeler, we will use our existing plow with our new Truck when complete and will sell our OLDER plow with our Old 6 wheeler.

Clerk's Report: Shared copy of Sheriff's Dept Activity – (as mentioned above). See attachment "A"

Clerk Grebner informed board the new site is up and running, optimized for all types of equipment – phones, tablets as well as laptops and desktops. There was one issue with iPhones, and clerk Grebner reached out to developer and that issue has been resolved. Clerk Grebner did ask if any of the trustees would like to send him their photos for inclusion in the website.

Supervisor:

Action Assignment A: Discuss and Vote on Approval of Road District Levy. Review and vote on the approval of the Road District Levy Ordinance #23-05. Motion was made to approve by Doug Thanepohn and seconded by Don Hirsch. Request for discussion was made, hearing none, a roll call vote was taken and motion passed unanimously. Clerk Grebner will deliver to County Clerk on Wed Dec 20th for official filing as per statute

Action Assignment B Discuss and Vote on Approval of Township Levy. Review and vote on the approval of the Township Levy Ordinance #23-06. Motion was made to approve by Don Hirsch and seconded by Zach Turnbow. Request for discussion was made, hearing none, a roll call vote was taken and motion passed unanimously. Clerk Grebner will deliver to County Clerk on Wed Dec 20th for official filing as per statute

Action Assignment C: See above this was the Discussion and vote on the proposed Zoning Changes.

Action Assignment D: Discussion and vote to approve the 2024 Meeting dates. It was identified by Trustee Pottinger that in one instance the year was not changed from 2023 to 2024 and appropriate change was made in public notice document and then motion was made to approve the now amended 2024 Monthly Meeting document by Don Hirsch and seconded by Zach Turnbow. Request for further discussion was made and hearing none roll call vote was taken and motion passed unanimously. Clerk Grebner will post these documents in 3 public locations in the township (as well as on the township building bulletin board) promptly. It will also appear in the Kendall Record in the next two editions as well as on our new Township Website.

Action Assignment E: Supervisor wanted to bring to the board's attention the latest update on the Bristol Kendall Townships Joint Cemetery Committee and spirited discussion ensued. Trustee Pottinger was upset that there were discussions with the Sextant of the cemetery that she was not part of. Supervisor Gengler stated that the Sextant had called and asked if he could review the content of the letter that was sent to the Bristol Members of the joint committee and he agreed to meet with him. Trustee Pottinger wanted to know who wrote that letter and Clerk Grebner stated that

he did, and it was simply a collection of a timeline of events and a documentation of facts that were found in research by Cemetery Board member Hirsch and others. She was upset that this was appearing to be done behind her back and that it was a violation of the open meetings act. It was the position of the supervisor it was not, as he is NOT on the Cemetery board, and neither is the Sextant and the only reason for the meeting was a clarification of facts and next steps. Clerk Grebner was in attendance at that meeting as the author of the letter, so to answer any questions regarding it's content and is neither on the Cemetery Committee nor a voting member of the Township board and was in attendance only as resident of Kendall Township. Joint Committee Member Hirsch was there to answer any questions as to the research he did. This letter was discussed in August Monthly Meeting as well as additional discussions were had regarding the Joint Cemetery committee in the September Monthly Meeting. It was the purpose of this meeting's Discussion and pursuant Action Item to ensure all information is out for the entire board to see, as finding out the details of the why things were done over 30 years ago are difficult. Reports regarding the Cemetery Committee are sparse but they fulfill the requirement, per statute. With the recent death of Dave Matlock, member of the Joint Cemetery Committee, the Supervisor has the authority to appoint a replacement to complete the term of the late member. Supervisor Gengler will pursue that action and attend the next Cemetery Meeting on January 10th 2024.

Trustee Hirsch said that he had gotten a lot of information at the State TOI meeting regarding Cemetery Commissions, and that presentation was shared at the last meeting. Clerk Grebner said he had found the Township Code 60 ILCS 1 Art. 135 that dealt with the formation of Joint Township Committees/Boards. See Link [Joint Cemetery Board Statute](#)

Trustee Pottinger requested that this all be pushed into 2024 as the service contracts for cemeteries have been signed, but it was stated that to make any changes in the structure, both townships' Annual Meeting must have the same resolution and both be passed by the voters in each township. So, in order to do that, the Kendall Township supervisor wanted to get permission from the board to act on its behalf when discussion the future of the Joint Committee, in order to have any hope to come to an agreement in principle with Bristol Township prior to 2024's Annual Meeting. With that a Motion was made.

Action Assignment F: Motion was made by Zach Turnbow and seconded by Doug Thanepohn for the following: *"To authorize and allow Kendall Township Supervisor and identified representatives to present Kendall Township's position regarding the Bristol Kendall Joint Cemetery Committee to the Committee"*. When asked for additional comments, Trustee Thanepohn stated that there are a lot of good reasons to get this clarified for the future and everyone agreed with that. Roll was taken and motion was passed Unanimously.

Other Items/Information: None

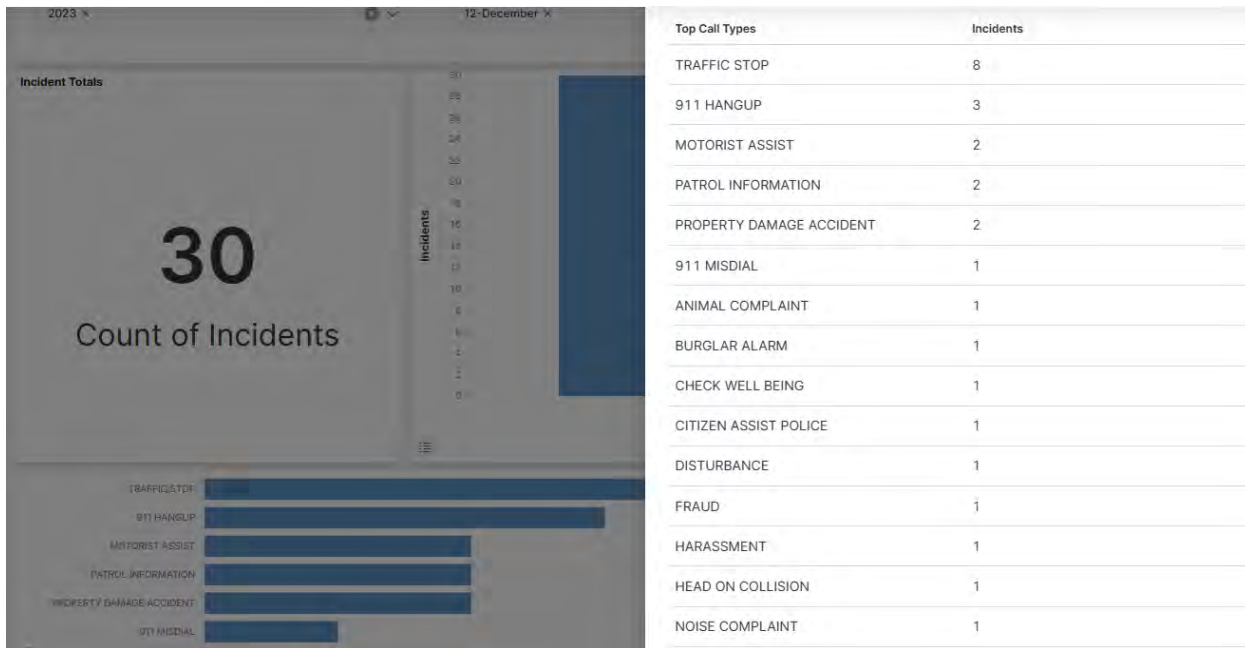
No other items were brought forth and motion to adjourn was made by Carolyn Pottinger and Seconded Doug Thanepohn at 9:50 PM. Approved unanimously by voice vote. Meeting was adjourned.

Next meeting January 26, 2024 at 7:30 PM at Township Building.

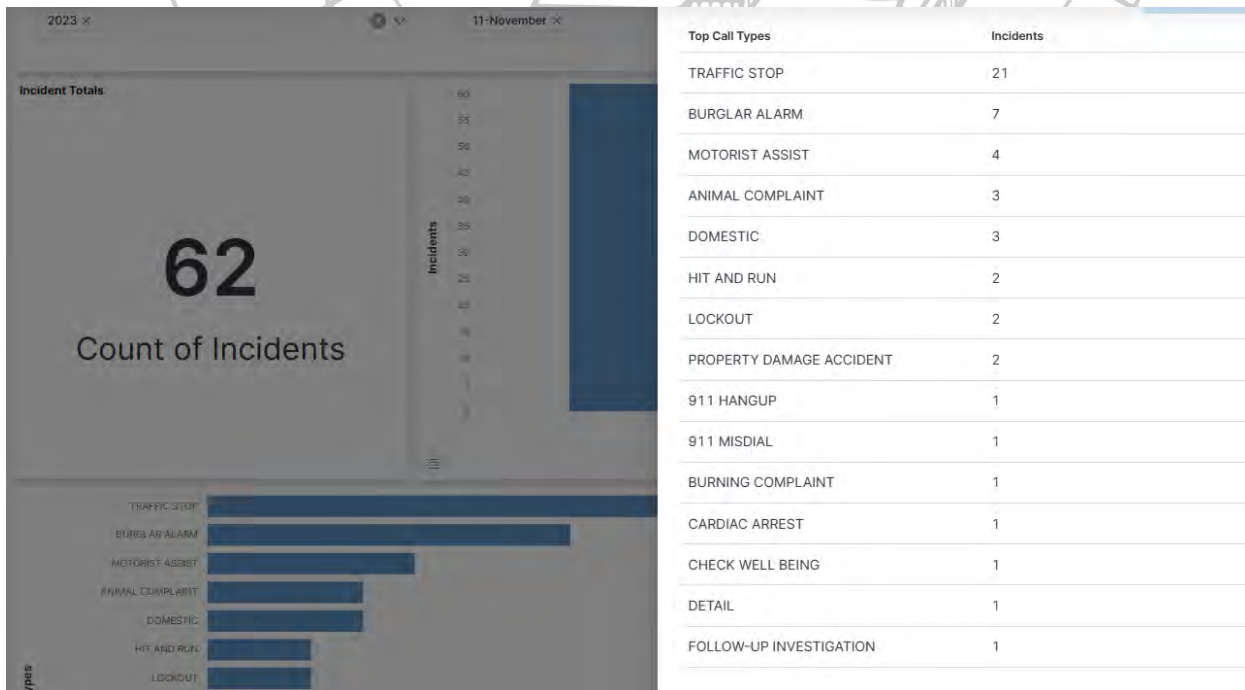
Respectfully submitted by Steve Grebner Kendall Township Clerk

Attachment A

Kendall Township December Incidents - MTD



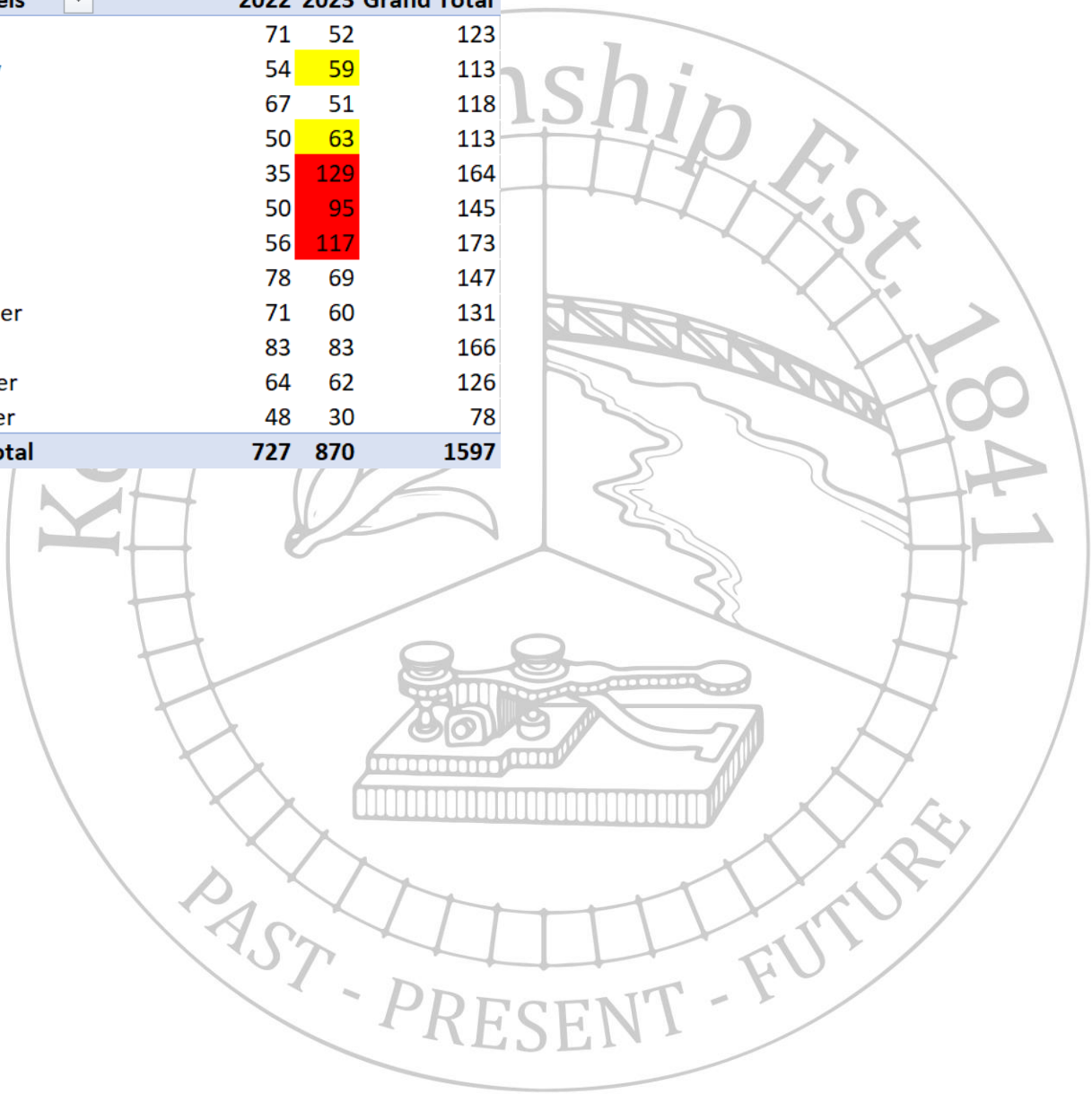
Total of 2023 November Incidents



Year over Year comparison of Sheriff Activity in Kendall Township

May, June, July increase due to Traffic Initiative for those 90 days in Kendall County

Sum of Incidents	Column Labels ▼		
Row Labels ▼	2022	2023	Grand Total
January	71	52	123
February	54	59	113
March	67	51	118
April	50	63	113
May	35	129	164
June	50	95	145
July	56	117	173
August	78	69	147
September	71	60	131
October	83	83	166
November	64	62	126
December	48	30	78
Grand Total	727	870	1597



Matt Asselmeier

From: Krysti Barksdale-Noble <knoble@yorkville.il.us>
Sent: Tuesday, January 23, 2024 8:14 PM
To: Daniel J Kramer; Real estate; Matt Asselmeier
Cc: bolson@yorkville.il.us; Sara Mendez
Subject: [External]RE: A.B. Schwartz Zoning Mile and Half Review

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.

Matt,

The City Council recommended not to object to the request regarding the A.B. Schwartz 1.5-mile review. Let me know if you have any questions.

Best Regards,

Krysti J. Barksdale-Noble, AICP
(she/her)

Community Development Director
 United City of Yorkville
 651 Prairie Pointe Drive
 Yorkville, Illinois 60560
 ☎ (630) 553-8573
 ✉ (630) 742-7808
 🌐 www.yorkville.il.us

From: Krysti Barksdale-Noble
Sent: Friday, January 19, 2024 11:44 AM
To: Daniel J Kramer <[REDACTED]>; Real estate <[REDACTED]>; Matt Asselmeier <masselmeier@kendallcountyil.gov>
Cc: Bart Olson <BOlson@yorkville.il.us>
Subject: RE: A.B. Schwartz Zoning Mile and Half Review
Importance: High

Good Morning Dan & Matt,

The City Council will meet to consider the A.B. Schwartz 1.5-Mile Zoning Request on **Tuesday, January 23, 2024** at 7pm. I have provided links to the packet materials and how to access the meeting remotely via Zoom, if needed.

Meeting	Date/Time	Location	Links
City Council	Tuesday, January 23, 2024 at 7:00PM	City Hall 651 Prairie Pointe Drive, 3 rd FL Yorkville, Illinois	https://www.yorkville.il.us/ArchiveCenter/ViewFile/Item/5516 https://www.yorkville.il.us/ArchiveCenter/ViewFile/Item/5515

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 18, 2023 – 7:00 p.m.

CALL TO ORDER

Chairman Randy Mohr called the Zoning Board of Appeals meeting to order at 7:02 p.m.

ROLL CALL:

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

Members Absent: None

Staff Present: Matthew Asselmeier, AICP, CFM, Director and Wanda Rolf, Administrative Assistant

Others Present: Dan Kramer, Andrew Schwartz, Robert Schwartz, and Steve Grebner

MINUTES:

Member LeCuyer made a motion, seconded by Member Whitfield, to approve the minutes of the October 30, 2023, hearing/meeting.

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

PETITIONS

The Zoning Board of Appeals started their review of Petitions 23-32 and 23-33 at 7:03 p.m.

Petition 23 – 32 – Alan Drake on Behalf of Grainco FS, Inc (Property Owner) and Andrew and Robert Schwartz on Behalf of A.B. Schwartz, LLC (Contractor Purchaser)

Request: Amendment to the Future Land Use Map in the Land Resource Management Plan
Reclassifying the Subject Parcels from Transportation Corridor to Mixed Use Business

PINs: 05-09-300-006, 05-09-300-007, 05-16-100-003, 05-16-100-004, and 05-16-100-020

Location: 8115 Route 47, Yorkville, in Kendall Township

Purpose: Petitioners Wish to Rezone the Property to M-1 in Order to Operate a Tile Business, Offices, Warehouses, Fuel Storage, and Other Light Industrial Uses; Property is Zoned A-1 and A-1 with Special Use Permits

Petition 23 – 33 – Alan Drake on Behalf of Grainco FS, Inc (Property Owner) and Andrew and Robert Schwartz on Behalf of A.B. Schwartz, LLC (Contractor Purchaser)

Request: Map Amendment Rezoning the Subject Parcels from A-1 Agricultural District and A-1 Agricultural with Special Use Permits to M-1 Limited Manufacturing District

PINs: 05-09-300-006, 05-09-300-007, 05-16-100-003, 05-16-100-004, and 05-16-100-020

Location: 8115 Route 47, Yorkville, in Kendall Township

Purpose: Petitioners Wish to Rezone the Property to M-1 in Order to Operate a Tile Business, Offices, Warehouses, Fuel Storage, and Other Light Industrial Uses; Property is Zoned A-1 and A-1 with Special Use Permits

Mr. Asselmeier summarized the request.

A.B. Schwartz, LLC would like an amendment to the Future Land Use Map contained in the Land Resource Management Plan for approximately nineteen point eight more or less (19.8 +/-) acres located on the west side of Route 47 addressed as 8115 Route 47. If the change to the Future Land Use Map is approved, the Petitioner would like to rezone the property to M-1 in order to operate a tile business, offices, warehouses, fuel storage, and other light industrial uses.

The application letter and pictures of the property were provided.

The property is located at 8115 Route 47, Yorkville.

The property is vacant and improved commercial.

Two (2) of the parcels are zoned A-1 and three (3) of the parcels are zoned A-1 with special use permits.

The County's plan calls for the property to be Transportation Corridor.

Yorkville's plan calls for the property to be Agricultural.

Route 47 is a State maintained arterial road.

There are no trails planned in this area.

There are no floodplains or wetlands on the property.

The adjacent land uses are Improved Commercial, Agricultural, Farmstead, and Transportation/Community/Utility (IDOT Yard).

The adjacent properties are zoned A-1 and B-3 in the County and R-2 and R-3 in Yorkville.

The County's plan calls for the area to be Transportation Corridor, Commercial, and Rural Residential (Max 0.65 DU/Acre).

Yorkville's plan calls for the area to be Estate/Conservation Residential, and Agricultural.

Properties within one point five (1.5) miles were zoned A-1, A-1SU, R-1, R-3, and B-3 in the County and R-2, R-3, B-1, and B-3 inside Yorkville.

The A-1 special use permits to the south are for a church, an illuminated sign, and a cemetery.

Petition information was sent to Kendall Township on November 17, 2023. At their meeting on November 21, 2023, the Kendall Township Planning Commission recommended approval of the requests. The Kendall Township Board was still reviewing the proposals.

Petition information was sent to the United City of Yorkville on November 17, 2023. Yorkville plans to review the proposals in January 2024.

Petition information was sent to the Bristol-Kendall Fire Protection District on November 17, 2023. No comments received.

ZPAC reviewed the proposal at their meeting on December 5, 2023. It was noted that the septic system was designed for a maximum fifteen (15) people. The Petitioner's Attorney indicated that fewer people will be on the property compared to the number of people onsite for previous uses. The Illinois Department of Transportation had not been in negotiations with the property owners related to land acquisition for right-of-way expansion. With two (2) access points, the property possessed good access onto Route 47. ZPAC recommended approval of both proposals by a vote of seven (7) in favor and zero (0) in opposition with three (3) members absent. The minutes of the meeting were provided.

The Kendall County Regional Planning Commission held a public hearing on this proposal on December 13, 2023. Other than the Petitioner's Attorney, nobody from the public testified at the public hearing. He explained the proposed land transaction and proposed uses at the property. He also believed the reclassification and rezoning more closely matches the uses in the area. Discussion occurred about reclassifying and rezoning other non-agricultural properties in the area. It was the Petitioner's Attorney's understanding that underground fuel tanks had been removed. Discussion occurred regarding obtaining an A-1 special use instead of a map amendment; Commissioners reviewed the list of allowable uses in the M-1. It was noted that most of the more objectionable uses in the M-1 have to occur entirely indoors. Discussion occurred about possible annexations to Yorkville; annexations were considered doubtful. Future buildings would be based on market demand. Site development, including stormwater development, would be reviewed when the site is altered. The existing fuel tanks will remain. The Kendall County Regional Planning Commission recommended approval of both proposals by a vote of seven (7) in favor and zero (0) in opposition with three (3) members absent. The minutes of the hearing were provided.

The portions of the property identified by parcel identification numbers 05-09-300-007, 05-16-100-004, and 05-16-100-020 were originally rezoned to M-1 in 1966 by Ordinance 1966-08. These properties were rezoned back to A-1 and granted a special use permit during the County-wide rezoning in 1974. A special use permit was granted at these properties to expand the gas facilities in 1979 by Ordinance 1979-20. A special use permit for an illuminated sign was granted at the property in 1998 by Ordinance 1998-09. Ordinances 1966-08, 1979-20, and 1998-09 were provided.

In addition to the various zoning actions previously mentioned, the portion of the property identified by parcel identification number 05-16-100-020 was granted variances in 1997 for a reduction of the front

yard setback by twenty feet (20') for a canopy and fuel pumps and a ten foot (10') front yard setback reduction for post placement. The information for this variance was provided.

Those portions of the property identified by parcel identification numbers 05-16-100-003 and 05-09-300-006 appear to have always been zoned A-1.

According to the definition of Transportation Corridor found on page 7-36 of the Land Resource Management Plan, this type of land use would be associated with the B-5 Business Planned Development District, B-6 Office and Research Park District, and limited B-3 Highway Business District.

The proposed tile business, offices, warehouses, fuel storage, and other light industrial uses would more applicably fit on properties zoned M-1, which more closely corresponds to the Mixed Use Business classification.

If the request is granted, the adjacent properties on the west side of Route 47 (the former Aux Sable Building and the Illinois Department of Transportation yard) could submit the same reclassification request in the future. The types of uses of those buildings and properties could also fit into the Mixed Use Business classification.

EcoCAT Report submitted and consultation was terminated.

The application for NRI was submitted on November 12, 2023. The LESA Score was 184 indicating a low level of protection. The NRI Report was provided.

Per the site plan, there are seven (7) buildings presently located on the property. Any new buildings, expansion of existing buildings, or remodeling of these buildings would require applicable building permits and the work would be required to meet applicable building codes. The Petitioners indicate that no new buildings are planned at this time. Any structures or uses that encroach into required setbacks would be considered lawfully non-conforming. Any changes to site, such as new buildings or expanded parking areas, would trigger site plan review and approval under the Zoning Ordinance.

The site is serviced by a well and septic. There is electricity onsite. There are several LP tanks onsite.

The property fronts Route 47 and has two (2) access points off of Route 47. Deceleration lanes exist at both entrances on Route 47.

The site plan shows several gravel and asphalt areas. No dedicated parking spaces appear onsite. Any new parking lots would have to meet applicable regulations.

Based on the proposed uses, no new odors are foreseen. The owners of the property would have to follow applicable odor control regulations based on potential other future M-1 allowable uses.

The site plan shows one (1) light pole and there are some existing lights on several of the buildings.

The amount of lighting could expand on the property if they install a larger parking lot or if different uses move onto the property.

No changes to the landscaping or property screening are proposed.

If improvements are made to the site in the future, landscaping and screening would be required as part of site plan review.

Any signage would have to meet applicable regulations and secure permits.

Based on the proposed uses, no new noise issues are foreseen. The owners of the property would have to follow applicable noise control regulations based on potential other future M-1 allowable uses.

The site plan shows two (2) stormwater inlets.

Since no new buildings or impervious surfaces were proposed, a stormwater permit was not required. However, if additional buildings or impervious surfaces are added to the site in the future, stormwater permits could be required at that time.

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, larger lot single-family residential uses, Illinois Department of Transportation storage yard, and vacant commercial space that might seek rezoning to industrial in the future.

The Zoning classification of property within the general area of the property in question. The surrounding properties are zoned A-1 and B-3 in the unincorporated area and R-2 and R-3 inside the United City of Yorkville.

The suitability of the property in question for the uses permitted under the existing zoning classification. The Petitioners propose to use the property for more light industrial type uses that are not allowed in the A-1 Agricultural Zoning District.

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, storage and warehousing, and other light industrial type uses.

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 Transportation Corridor. The United City of Yorkville's Plan

calls for the property to be Agricultural. The Petitioners are also pursuing a change to the County's Future Land Use Map to Mixed Use Business. If this change is approved, then the requested map amendment would be consistent with the County's Land Resource Management Plan.

Staff recommended approval of the requested amendment to the Future Land Use Map.

If the requested amendment to the Future Land Use Map in the Land Resource Management Plan reclassifying this property as Mixed Use Business is approved, Staff also recommended approval of the proposed map amendment.

Chairman Mohr opened the public hearing at 7:12 p.m.

Chairman Mohr swore in Dan Kramer, Andrew Schwartz, Robert Schwartz, and Steve Grebner.

Dan Kramer, Attorney for the Petitioners, stated that GrainCo is going to remain as a tenant for their LP and some of their gas businesses for home delivery. There are some empty buildings on the property; the new owners have the opportunity to rent these buildings. Mr. Kramer stated that the Petitioners are requesting that future land use be changed to Mixed Use Business. Currently the property is classified as Transportation Corridor and zoned A-1 Agricultural. The surrounding businesses might submit the same reclassification request in the future. No changes are being made at this time to the property or existing buildings.

Member Thompson asked if the proposed business was a field tile business. Mr. Kramer responded that yes, the proposed business is a field tile business. The current owner has been doing this for many years and has quite a bit of experience in this field.

Steve Grebner, Clerk for Kendall Township asked about the future land use map change. Mr. Asselmeier stated that, since the tiling is not allowed in the B-3 zoning district, the only option was to rezone to M-1 and the Petitioners couldn't rezone to M-1 and be consistent with the comprehensive plan unless they asked for the reclassification.

Mr. Grebner asked what does lawfully nonconforming mean. Mr. Asselmeier responded it's the legal way of saying something is grandfathered. A use that is presently on site is allowed to continue operations "as is" and unchanged. An owner cannot expand the existing use even though the property is going to be zoned something other than A-1. If something wasn't allowed to be in M-1, but they were doing it on the property now, they could continue to do it in the M-1. The Zoning Ordinance says that if a use is outdoors and is discontinued for a period of six (6) months they have to cease it permanently. If the use is indoors, the discontinuing period is one (1) year. The same rules apply if there is a natural disaster or a fire.

Mr. Grebner asked if the fuel usage is lawfully nonconforming with M-1 with the LP and propane. Mr. Asselmeier responded that they might need a Special Use Permit. They don't need to secure a special use permit unless they wanted to expand.

Mr. Grebner asked about the rental space and supervision oversight. Mr. Asselmeier stated they need a change of occupancy permit. The Code Official inspects the property and he checks to see if the use is a valid use under the Zoning Ordinance. If the party renting wants to make changes to the building, then they have to come to the County for site plan review; anything zoned M-1 has to have site plan approval from ZPAC.

Chairman Mohr adjourned public hearing at 7:25 p.m.

Member Thompson made a motion, seconded by Member Fox, to approve the findings of fact.

The votes were as follows:

Ayes (7): Thompson, Whitfield, Cherry, Fox, LeCuyer, Mohr, and Prodehl
Nays (0): None
Abstain (0): None
Absent (0): None

The motion passed.

Chairman Mohr asked for a motion to approve Petition 23-32 and Petition 23-33.

Member LeCuyer made a motion, seconded by Member Cherry, to recommend approval of the reclassification and map amendment.

The votes were as follows:

Ayes (7): LeCuyer, Mohr, Prodehl, Thompson, Whitfield, Cherry, and Fox.
Nays (0): None
Abstain (0): None
Absent (0): None

The motion passed.

These proposals will go to the Planning, Building and Zoning Committee on February 13, 2024.

The Zoning Board of Appeals completed their review of Petitions 23-32 and 23-33 at 7:24 p.m.

NEW BUSINESS/OLD BUSINESS

None

REVIEW OF PETITIONS THAT WENT TO PLANNING BUILDING AND ZONING

Mr. Asselmeier reported that Petition 23-26, the special use permit at 1270 Beecher Road, was approved at the County Board. The host agreement was approved and the owner was given two (2) years to move the materials that were on the property to the east without paying the tipping fee.

PUBLIC COMMENTS

None

ADJOURNMENT OF THE ZONING BOARD OF APPEALS

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

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

The Zoning Board of Appeals meeting adjourned at 7:27 p.m.

The next regularly scheduled meeting/hearing will be on January 29, 2024.

Respectfully submitted by,
Wanda A. Rolf
Administrative Assistant

Exhibits

1. Memo on Petition 23-32 Dated December 14, 2023
2. Memo on Petition 23-33 Dated December 14, 2023
3. Certificate of Publication and Certified Mail Receipts for Petition 23-33 (Not Included with Report but on file in Planning, Building and Zoning Office)

DECEMBER 18, 2023

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]

State of Illinois
County of Kendall

LRMP
Petition #23-32

RESOLUTION NUMBER 2024-_____

**A RESOLUTION ADOPTING AN AMENDMENT TO THE KENDALL COUNTY LAND
RESOURCE MANAGEMENT PLAN TO UPDATE THE FUTURE LAND USE PLAN BY
RECLASSIFYING APPROXIMATELY NINETEEN POINT EIGHT ACRES AT 8115 ROUTE 47
(PINs: 05-09-300-006, 05-09-300-007, 05-16-100-003, 05-16-100-004, AND 05-16-100-020) IN
KENDALL TOWNSHIP FROM TRANSPORTATION CORRIDOR TO MIXED USE BUSINESS**

WHEREAS, 50 ILCS 805/1 et seq. allows Counties to create and adopt Land Resource Management Plans; and

WHEREAS, 55 ILCS 5/5-14001 through 5-14008 specifies how a County may adopt and amend Official Plans; and

WHEREAS, Kendall County adopted a Land Resource Management Plan in March 1994; and

WHEREAS, the Kendall County Board has amended the Land Resource Management Plan on several occasions since its adoption in March 1994; and

WHEREAS, the Kendall County Land Resource Management Plan has adopted official Future Land Use Maps for each township and for the County as a whole; and

WHEREAS, the property which is the subject of this Resolution has been, at all relevant times, and remains currently classified as Transportation Corridor on the Future Land Use Map and consists of approximately 19.8 acres located at 8115 Route 47, Yorkville (PINs: 05-09-300-006, 05-09-300-007, 05-16-100-003, 05-16-100-004, and 05-16-100-020) in Kendall Township. The legal description for the subject property is set forth in Exhibit A attached hereto and incorporated by reference, and this property shall hereinafter be referred to as “the subject property”; and

WHEREAS, the subject property is currently owned by Alan Drake on behalf of Grainco FS, Inc.; and

WHEREAS, Andrew and Robert Schwartz on behalf of A. B. Schwartz, LLC has entered into a contract to purchase the subject property;

WHEREAS, Alan Drake on behalf of Grainco FS, Inc. and Andrew and Robert Schwartz on behalf of A. B. Schwartz, LLC shall hereinafter be referred to as “Petitioner”; and

WHEREAS, on or about November 15, 2023, Petitioner’s representative filed a petition to reclassify the subject property from Transportation Corridor to Mixed Use Business in order to rezone the property from A-1 Agricultural District and A-1 Agricultural District with Special Use Permits to M-1 Limited Manufacturing District; and

WHEREAS, following due and proper notice by publication in the Kendall County Record on November 23, 2023, the Kendall County Regional Planning Commission conducted a public hearing on December 13, 2023, at 7:00 p.m., in the County Office Building at 111 W. Fox Street in Yorkville, at which the Petitioner’s representative presented evidence, testimony, and exhibits in support of the requested amendment and zero members of the public testified in favor or in opposition to the request; and

WHEREAS, based on the evidence, testimony, and exhibits, the Kendall County Regional Planning Commission has recommended approval of the proposed amendment; and

State of Illinois
County of Kendall

LRMP
Petition #23-32

WHEREAS, the Kendall County Zoning Board of Appeals met on December 18, 2023, at 7:00 p.m., in the County Office Building at 111 W. Fox Street in Yorkville, at which the Petitioner's representative presented evidence, testimony, and exhibits in support of the requested amendment and zero members of the public testified in favor or in opposition to the request and one member of the public asked questions regarding the proposal; and

WHEREAS, based on the evidence, testimony, and exhibits, the Kendall County Zoning Board of Appeals has recommended approval of the proposed amendment; and

WHEREAS, the Kendall County Planning, Building and Zoning Committee of the Kendall County Board has reviewed the testimony presented at the aforementioned public hearing and meeting, and has forwarded to the Kendall County Board a recommendation of **approval** of the proposed amendment; and

WHEREAS, the Kendall County Board has considered the recommendation of the Planning, Building and Zoning Committee, the recommendation of the Kendall County Zoning Board of Appeals, the record of the public hearing conducted by the Kendall County Regional Planning Commission, the recommendation of the Kendall County Regional Planning Commission, and has determined that said proposed amendment to the Kendall County Land Resource Management Plan is necessary and in the best interests of Kendall County; and

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

1. The Recommendations of the Kendall County Regional Planning Commission and Kendall County Zoning Board of Appeals attached hereto as Exhibits B and C respectively are hereby accepted.
2. The Kendall County Board hereby grants approval of Petitioner's petition for an amendment to the Future Land Use Map contained in the Kendall County Land Resource Management Plan by reclassifying the subject property from Transportation Corridor to Mixed Use Business.
3. Any text or maps contained in the Kendall County Land Resource Management Plan in conflict with this resolution are hereby amended to match the reclassification of the subject property approved by this resolution.

IN WITNESS OF, this resolution has been enacted by a majority vote of the Kendall County Board and is effective this 20th day of February, 2024.

Attest:

Kendall County Clerk
Debbie Gillette

Kendall County Board Chairman
Matt Kellogg

EXHIBIT A

LEGAL DESCRIPTION:

That Part of the West Half of Section 9 and that Part of the Northwest Quarter of Section 16, Township 36 North, Range 7 East of the Third Principal Meridian described as follows: Commencing at the Northeast Corner of said Section 16; thence Westerly, along the Northerly Line of said Section, 2672.0 feet to the tangent center line of Illinois State Route No. 47, extended from the South; thence South 00°00'00" East, along said tangent center line and said tangent center line extended, 869.22 feet; thence South 89°34'04" West, 615.0 feet for the point of beginning; thence North 24°54'19" West, 1015.92 feet; thence North 65°13'06" East, 942.72 feet to the Westerly Right of Way Line of said State Route No. 47, being 40 feet normally distant, Southwesterly from the center line of said Route; thence Southeasterly, along said Westerly Right of Way Line, being a curve to the right having a radius of 5344.41 feet, an arc distance of 1246.0 feet; thence South 00°00'00" East, along said Westerly Right of Way Line, being tangent to the last described curve at the last described point, 67.82 feet to a line drawn North 89°34'04" East from the point of beginning; thence South 89°34'04" West, 575.0 feet to the point of beginning;

LESS AND EXCEPT that portion of property conveyed to People of the State of Illinois, Department of Transportation from Kendall-Grundy F.S., Inc. by Warranty Deed dated May 29, 1990 and recorded July 9, 1990 in Deed Book 291, Page 269;

AND BEING a portion of the same property conveyed to Grainco FS, Inc. successor by virtue of merger with Kendall-Grundy FS, Inc., formerly Kendall Farmers Oil Company who acquired title from Robert A. Dhuse and Carol V. Dhuse by Deed dated December 2, 1974 and recorded December 2, 1974 in Instrument No. 74-5432.

Exhibit B

The Kendall County Regional Planning Commission held a public hearing on the Petition 23-32 on December 13, 2023. Zero (0) members of the public, other than the Petitioner's Attorney, testified in favor or in opposition to the request. On the same date, the Commission issued the following recommendation by a vote of seven (7) in favor and zero (0) in opposition. Commissioners Casey, McCarthy-Lange, and Stewart were absent.

RECOMMENDATION

Approval

Exhibit C

The Kendall County Zoning Board of Appeals held a public meeting on the Petition 23-32 on December 18, 2023. On the same date, the Kendall County Zoning Board of Appeals issued the following recommendation by a vote of seven (7) in favor and zero (0) in opposition.

RECOMMENDATION

Approval



Kendall County Agenda Briefing

Meeting Type: Planning, Building and Zoning
Meeting Date: 2/13/2024
Subject: Approval of Petition 23-33, Map Amendment for 8115 Route 47
Prepared by: Matthew H. Asselmeier, AICP, CFM
Department: Planning, Building and Zoning

Action Requested:

Approval of Petition 23-33, A from Alan Drake on Behalf of Grainco FS, Inc. (Property Owner) and Andrew and Robert Schwartz on Behalf of A.B. Schwartz, LLC (Contract Purchaser) for a Map Amendment Rezoning 8115 Route 47, Yorkville, in Kendall Township (PINs: 05-09-300-006, 05-09-300-007, 05-16-100-003, 05-16-100-004, and 05-16-100-020) from A-1 and A-1 with Special Use Permits to M-1

Board/Committee Review:

ZPAC-Approval (7-0-3); Kendall Township Planning Commission-Approval; Kendall Township Board-Approval; Yorkville Planning Commission-No Objections; Yorkville City Council-No Objections; Bristol-Kendall Fire-No Comments; Kendall County Regional Planning Commission-Approval (7-0-3); Kendall County Zoning Board of Appeals-Approval (7-0)

Fiscal impact:

N/A

Background and Discussion:

A.B. Schwartz, LLC would like a map amendment rezoning approximately nineteen point eight more or less (19.8 +/-) acres located on the west side of Route 47 addressed as 8115 Route 47 from A-1 Agricultural District and A-1 SU to M-1 Limited Manufacturing District in order to operate a tile business, offices, warehouses, fuel storage, and other light industrial uses.

Staff Recommendation:

Approval

Attachments:

Memo Dated January 24, 2024



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 203

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

Petition 23-33

**Alan Drake on Behalf of Grainco FS, Inc. (Current Owner) and
Andrew and Robert Schwartz on Behalf of A.B. Schwartz, LLC
(Contract Purchaser) Map Amendment Rezoning from A-1 and
A-1 SU to M-1**

INTRODUCTION

A.B. Schwartz, LLC would like a map amendment rezoning approximately nineteen point eight more or less (19.8 +/-) acres located on the west side of Route 47 addressed as 8115 Route 47 from A-1 Agricultural District and A-1 SU to M-1 Limited Manufacturing District in order to operate a tile business, offices, warehouses, fuel storage, and other light industrial uses.

The application materials are included as Attachment 1. Pictures of the property are included as Attachments 2-8.

The amendment to the Future Land Use Map is a separate petition (Petition 23-32).

SITE INFORMATION

PETITIONERS: Alan Drake on Behalf of Grainco FS, Inc. and Andrew and Robert Schwartz on Behalf of A.B. Schwartz, LLC

ADDRESS: 8115 Route 47, Yorkville

LOCATION: West Side of Route 47 Approximately 0.33 Miles North of Ament Road



TOWNSHIP: Kendall

PARCEL #s: 05-09-300-006
 05-09-300-007
 05-16-100-003
 05-16-100-004
 05-16-100-020

LOT SIZE: 19.8 +/- Acres

EXISTING LAND USE: Vacant and Improved Commercial

ZONING: 05-09-300-006 A-1 Agricultural
 05-09-300-007 A-1 Agricultural with Special Use Permits
 05-16-100-003 A-1 Agricultural
 05-16-100-004 A-1 Agricultural with Special Use Permits
 05-16-100-020 A-1 Agricultural with Special Use Permits

LRMP:	Future Land Use	Transportation Corridor (Petitioner is requesting a change to Mixed Use Business) Yorkville's Plan calls for the property to be Agricultural.
	Roads	Route 47 is a State maintained arterial road.
	Trails	There are no trails planned in this area.
	Floodplain/ Wetlands	There are no floodplains or wetlands on the property.

REQUESTED ACTIONS: Amendment to Future Land Use Map from Transportation Corridor to Mixed Use Business

Map Amendment Rezoning Property from A-1 Agricultural and A-1 Agricultural with Special Use Permits to M-1 Limited Manufacturing District

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	Improved Commercial and Agricultural	B-3	Transportation Corridor (County) Estate/Conservation Residential (Yorkville)	A-1, R-1, B-3 (County) R-2, R-3, B-1, and B-3 (Yorkville)
South	Transportation/Community/Utility (IDOT Yard) and Agricultural	A-1	Transportation Corridor and Commercial (County) Agricultural (Yorkville)	A-1, A-1 SU, R-3, and B-3

East	Agricultural/Farmstead	A-1 (County) R-2 and R-3 (Yorkville)	Transportation Corridor and Commercial (County) Agricultural (Yorkville)	A-1 (County) R-2 and R-3 (Yorkville)
West	Agricultural	A-1	Rural Residential (Max 0.65 DU/Acre (County) Agricultural (Yorkville)	A-1

The A-1 special use permits to the south are for a church, an illuminated sign, and a cemetery.

PHYSICAL DATA

ENDANGERED SPECIES REPORT

EcoCAT Report submitted and consultation was terminated (see Attachment 1, Pages 18-20).

NATURAL RESOURCES INVENTORY

The application for NRI was submitted on November 12, 2023 (see Attachment 1, Page 17). The LESA Score was 184 indicating a low level of protection. The NRI Report was included as Attachment 14

ACTION SUMMARY

KENDALL TOWNSHIP

Petition information was sent to Kendall Township on November 17, 2023. At their meeting on November 21, 2023, the Kendall Township Planning Commission recommended approval of the request. At their meeting on January 26, 2024, the Kendall Township Board recommended approval of the request. The minutes of these meetings are included as Attachments 16 and 17.

UNITED CITY OF YORKVILLE

Petition information was sent to the United City of Yorkville on November 17, 2023. The Yorkville Planning Commission recommended not filing a formal objection on the proposal at their meeting on January 10, 2024. At their meeting on January 23, 2024, the Yorkville City Council recommended not filing a formal objection to the proposal. The email stating Yorkville's position is included as Attachment 18.

BRISTOL-KENDALL FIRE PROTECTION DISTRICT

Petition information was sent to the Bristol-Kendall Fire Protection District on November 17, 2023.

ZPAC

ZPAC reviewed the proposal at their meeting on December 5, 2023. It was noted that the septic system was designed for a maximum fifteen (15) people. The Petitioner's Attorney indicated that fewer people will be on the property compared to the number of people onsite for previous uses. The Illinois Department of Transportation had not been in negotiations with the property owners related to land acquisition for right-of-way expansion. With two (2) access points, the property possessed good access onto Route 47. ZPAC recommended approval of the proposal by a vote of seven (7) in favor and zero (0) in opposition with three (3) members absent. The minutes of the meeting were included as Attachment 13.

RPC

The Kendall County Regional Planning Commission reviewed this proposal at their meeting on December 13, 2023. Future buildings would be based on market demand. Site development, including stormwater development, would be reviewed when the site is altered. The existing fuel tanks will

remain. The Kendall County Regional Planning Commission recommended approval of the proposal by a vote of seven (7) in favor and zero (0) in opposition with three (3) members absent. The minutes of the meeting were included as Attachment 15.

ZBA

The Kendall County Zoning Board of Appeals held a public hearing on the proposal on December 18, 2023. The Kendall Township Clerk asked why the reclassification and rezoning were needed; they were needed in order to allow the Petitioners the ability to operate their business at the property. Discussion occurred regrading non-conforming land uses. The Petitioners might rent out the buildings. The Kendall County Zoning Board of Appeals recommended approval of the proposal by a vote of seven (7) in favor and zero (0) in opposition. The minutes of the hearing were included as Attachment 19.

GENERAL INFORMATION

The portions of the property identified by parcel identification numbers 05-09-300-007, 05-16-100-004, and 05-16-100-020 were originally rezoned to M-1 in 1966 by Ordinance 1966-08. These properties were rezoned back to A-1 and granted a special use permit during the County-wide rezoning in 1974. A special use permit was granted at these properties to expand the gas facilities in 1979 by Ordinance 1979-20. A special use permit for an illuminated sign was granted at the property in 1998 by Ordinance 1998-09. Ordinances 1966-08, 1979-20, and 1998-09 are included as Attachments 9-11.

In addition to the various zoning actions previously mentioned, the portion of the property identified by parcel identification number 05-16-100-020 was granted variances in 1997 for a reduction of the front yard setback by twenty feet (20') for a canopy and fuel pumps and a ten foot (10') front yard setback reduction for post placement. The information for this variance is included as Attachment 12.

Those portions of the property identified by parcel identification numbers 05-16-100-003 and 05-09-300-006 appear to have always been zoned A-1.

BUILDING CODES

Per the site plan (Attachment 1, Page 21), there are seven (7) buildings presently located on the property. Any new buildings, expansion of existing buildings, or remodeling of these buildings would required applicable building permits and the work would be required to meet applicable building codes. The Petitioners indicate that no new buildings are planned at this time. Any structures or uses that encroach into required setbacks would be considered lawfully non-conforming. Any changes to site, such as new buildings or expanded parking areas, would trigger site plan review and approval under the Zoning Ordinance.

UTILITIES

The site is serviced by a well and septic. There is electricity onsite. There are several LP tanks onsite.

ACCESS

The property fronts Route 47 and has two (2) access points off of Route 47. Deceleration lanes exist at both entrances on Route 47.

PARKING AND INTERNAL TRAFFIC CIRCULATION

The site plan shows several gravel and asphalt areas. No dedicated parking spaces appear onsite. Any new parking lots would have to meet applicable regulations.

ODORS

Based on the proposed uses, no new odors are foreseen. The owners of the property would have to follow applicable odor control regulations based on potential other future M-1 allowable uses.

LIGHTING

The site plan shows one (1) light pole and there are some existing lights on several of the buildings.

The amount of lighting could expand on the property if they install a larger parking lot or if different uses move onto the property.

LANDSCAPING AND SCREENING

No changes to the landscaping or property screening are proposed.

If improvements are made to the site in the future, landscaping and screening would be required as part of site plan review.

SIGNAGE

Any signage would have to meet applicable regulations and secure permits.

NOISE CONTROL

Based on the proposed uses, no new noise issues are foreseen. The owners of the property would have to follow applicable noise control regulations based on potential other future M-1 allowable uses.

STORMWATER

The site plan shows two (2) stormwater inlets.

Since no new buildings or impervious surfaces were proposed, a stormwater permit was not required. However, if additional buildings or impervious surfaces are added to the site in the future, stormwater permits could be required at that time.

FINDINGS OF FACT

The 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, larger lot single-family residential uses, Illinois Department of Transportation storage yard, and vacant commercial space that might seek rezoning to industrial in the future.**

The Zoning classification of property within the general area of the property in question. **The surrounding properties are zoned A-1 and B-3 in the unincorporated area and R-2 and R-3 inside the United City of Yorkville.**

The suitability of the property in question for the uses permitted under the existing zoning classification. **The Petitioners propose to use the property for more light industrial type uses that are not allowed in the A-1 Agricultural Zoning District.**

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, storage and warehousing, and other light industrial type uses.**

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 Transportation Corridor. The United City of Yorkville's Plan calls for the property to be Agricultural. The Petitioners are also pursuing a change to the County's Future Land Use Map to Mixed Use Business. If this change is approved, then the requested map amendment would be consistent with the County's Land Resource Management Plan.**

RECOMMENDATION

If the requested amendment to the Future Land Use Map in the Land Resource Management Plan reclassifying this property as Mixed Use Business is approved, Staff recommends approval of the proposed map amendment.

The draft ordinance is included as Attachment 20.

PBZ Memo – Prepared by Matt Asselmeier – January 24, 2024

Page 5 of 6

ATTACHMENTS

1. Application Materials
2. Picture of Main Building
3. Picture of Looking South by Main Building
4. Picture of South Side of Main Building and South Outbuildings
5. Picture South Outbuildings and Tanks
6. Picture Facing East
7. Picture Facing North
8. Picture of North Outbuilding
9. Ordinance 1966-08
10. Ordinance 1979-20
11. Ordinance 1998-09
12. Variance 1997-17
13. December 5, 2023, ZPAC Minutes (This Petition Only)
14. NRI Report
15. December 13, 2023, RPC Minutes (This Petition Only)
16. November 17, 2023, Kendall Township Planning Commission Minutes
17. December 2023, Kendall Township Board Minutes
18. January 23, 2024, Yorkville Email
19. December 18, 2023, Kendall County Zoning Board of Appeals Minutes (This Petition Only)
20. Draft Ordinance


DEPARTMENT OF PLANNING, BUILDING & ZONING

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

APPLICATION

PROJECT NAME A.B. SCHWARTZ, LLC FILE #: _____

NAME OF APPLICANT (Including First, Middle Initial, and Last Name)		
A.B. SCHWARTZ, LLC		
CURRENT LANDOWNER/NAME(s)		
Grainco F.S.		
SITE INFORMATION ACRES	SITE ADDRESS OR LOCATION	ASSESSOR'S ID NUMBER (PIN)
19.8708	8115 Route 47, Yorkville, IL 60560	05-16-100-004, 05-09-300-006, 05-16-100-003
EXISTING LAND USE	CURRENT ZONING	LAND CLASSIFICATION ON LRMP
fuel storage, truck repair, contractor storage	A-1 Sepcial Use	A-1
REQUESTED ACTION (Check All That Apply):		
<input type="checkbox"/> SPECIAL USE	<input checked="" type="checkbox"/> MAP AMENDMENT (Rezone to <u>M-1</u>)	<input type="checkbox"/> VARIANCE
<input type="checkbox"/> ADMINISTRATIVE VARIANCE	<input type="checkbox"/> A-1 CONDITIONAL USE for: _____	<input type="checkbox"/> SITE PLAN REVIEW
<input type="checkbox"/> TEXT AMENDMENT	<input type="checkbox"/> RPD (<input type="checkbox"/> Concept; <input type="checkbox"/> Preliminary; <input type="checkbox"/> Final)	<input type="checkbox"/> ADMINISTRATIVE APPEAL
<input type="checkbox"/> PRELIMINARY PLAT	<input type="checkbox"/> FINAL PLAT	<input type="checkbox"/> OTHER PLAT (Vacation, Dedication, etc.)
AMENDMENT TO A SPECIAL USE (<input type="checkbox"/> Major; <input type="checkbox"/> Minor)		
PRIMARY CONTACT Daniel J. Kramer	PRIMARY CONTACT MAILING ADDRESS 1107A S. Bridge Street, Yorkville, IL 60560	PRIMARY CONTACT EMAIL dkramer@dankramerlaw.com
PRIMARY CONTACT PHONE # 630-553-9500	PRIMARY CONTACT FAX # 630-553-5764	PRIMARY CONTACT OTHER # (Cell, etc.)
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. THE APPLICANT ATTESTS THAT THEY ARE FREE OF DEBT OR CURRENT ON ALL DEBTS OWED TO KENDALL COUNTY AS OF THE DATE OF THE APPLICATION.		
SIGNATURE OF APPLICANT		DATE 11/8/2023

FEE PAID:\$ _____
 CHECK #: _____

¹Primary Contact will receive all correspondence from County

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

Last Revised:
10.17.22

Date Stamp Here if
Checklist is Complete


DEPARTMENT OF PLANNING, BUILDING & ZONING

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

APPLICATION

 PROJECT NAME A.B.SCHWARTZ, LLC

FILE #: _____

NAME OF APPLICANT (Including First, Middle Initial, and Last Name)		
1 <u>A.B.SCHWARTZ, LLC</u>		
CURRENT LANDOWNER/NAME(s)		
<u>Grainco F.S.</u>		
SITE INFORMATION	SITE ADDRESS OR LOCATION	ASSESSOR'S ID NUMBER (PIN)
ACRES <u>19.8708</u>	<u>8115 Route 47, Yorkville, IL 60560</u>	<u>05-01-300-007</u> <u>05-16-100-020</u> 05-16-100-004, 05-09-300-006, 05-16-100-003
EXISTING LAND USE	CURRENT ZONING	LAND CLASSIFICATION ON LRMP
<u>fuel storage, truck repair, contractor storage</u>	<u>A-1 Sepcial Use</u>	<u>A-1</u>
REQUESTED ACTION (Check All That Apply):		
<input type="checkbox"/> SPECIAL USE	<input checked="" type="checkbox"/> MAP AMENDMENT (Rezzone to <u>M-1</u>)	<input type="checkbox"/> VARIANCE
<input type="checkbox"/> ADMINISTRATIVE VARIANCE	<input type="checkbox"/> A-1 CONDITIONAL USE for: _____	<input type="checkbox"/> SITE PLAN REVIEW
<input type="checkbox"/> TEXT AMENDMENT	<input type="checkbox"/> RPD (<input type="checkbox"/> Concept; <input type="checkbox"/> Preliminary; <input type="checkbox"/> Final)	<input type="checkbox"/> ADMINISTRATIVE APPEAL
<input type="checkbox"/> PRELIMINARY PLAT	<input type="checkbox"/> FINAL PLAT	<input type="checkbox"/> OTHER PLAT (Vacation, Dedication, etc.)
AMENDMENT TO A SPECIAL USE (<input type="checkbox"/> Major, <input type="checkbox"/> Minor)		
1PRIMARY CONTACT	PRIMARY CONTACT MAILING ADDRESS	PRIMARY CONTACT EMAIL
<u>Daniel J. Kramer</u>	<u>1107A S. Bridge Street, Yorkville, IL 60560</u>	<u>dkramer@dankramerlaw.com</u>
PRIMARY CONTACT PHONE #	PRIMARY CONTACT FAX #	PRIMARY CONTACT OTHER #(Cell, etc.)
<u>630-553-9500</u>	<u>630-553-5764</u>	
2ENGINEER CONTACT	ENGINEER MAILING ADDRESS	ENGINEER EMAIL
<u>NONE</u>		
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. THE APPLICANT ATTESTS THAT THEY ARE FREE OF DEBT OR CURRENT ON ALL DEBTS OWED TO KENDALL COUNTY AS OF THE DATE OF THE APPLICATION.		
SIGNATURE OF APPLICANT		DATE
<u>[Signature]</u>		<u>11-12-23</u>

FEE PAID: \$ _____

CHECK #: _____

1Primary Contact will receive all correspondence from County

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

1. The surrounding and neighboring uses of the subject real property are consistent with the propose use of the Zoning Applicant/Contract Purchaser. Grainco F.S. and its predecessor in title used the subject site for years for fuel and ammonia storage, for retail and wholesale agricultural feed and agricultural supply sales, car/truck repair shop for farm equipment, semi tractors and trailers and automobiles. Usage of applicant is going to be primarily for a tile business but they do anticipate leasing out some of the buildings on-site for various construction businesses that could use the same type of building and usage previously undertaken by Grainco F.S. and its predecessors in title.
2. The uses in the area are similar and include A-1 Agricultural, B3 Highway, A-1 Special Use, the current IDOT Facility that I do not believe has any special zoning but is certainly an M-1 type of use with salt storage, storage of heavy machinery and construction equipment.
3. The property is suitable for the existing and requested uses of the Applicants. The difference is that currently the property has as an A-1 Special Use Zoning that is totally in relation Agricultural uses including the facility having been used for fuel storage, ammonia storage, farm vehicles, outdoor equipment storage, and truck and tractor repair inside the main building. It further served as a retail and wholesale outlet for agricultural input products, animal feed, and pet feed related products.

Applicants anticipate renting some of the existing buildings for inside storage of construction equipment and construction offices which require an M-1 Zoning.

4. The trend of development in the area is towards business, commercial, and transportation uses and has not generated any type of retail use currently.
5. The project is consistent with the Kendall County Land Resource Management Plan which encourages commercial and manufacturing uses on all weather highways with good transportation access which squarely is on point with Illinois Route 47. The proposed and existing uses conform to the other uses in the area. The applicants fully intends to comply with all Kendall County Zoning Ordinances and Regulations.

Petitioners are seeking a change in zoning from A1 Special Use to M-1 for the operation of a tile business, constructions business, storage of existing LP tanks and related uses under M-1 Zoning

LEGAL DESCRIPTION:

That Part of the West Half of Section 9 and that Part of the Northwest Quarter of Section 16, Township 36 North, Range 7 East of the Third Principal Meridian described as follows: Commencing at the Northeast Corner of said Section 16; thence Westerly, along the Northerly Line of said Section, 2672.0 feet to the tangent center line of Illinois State Route No. 47, extended from the South; thence South 00°00'00" East, along said tangent center line and said tangent center line extended, 869.22 feet; thence South 89°34'04" West, 615.0 feet for the point of beginning; thence North 24°54'19" West, 1015.92 feet; thence North 65°13'06" East, 942.72 feet to the Westerly Right of Way Line of said State Route No. 47, being 40 feet normally distant, Southwesterly from the center line of said Route; thence Southeasterly, along said Westerly Right of Way Line, being a curve to the right having a radius of 5344.41 feet, an arc distance of 1246.0 feet; thence South 00°00'00" East, along said Westerly Right of Way Line, being tangent to the last described curve at the last described point, 67.82 feet to a line drawn North 89°34'04" East from the point of beginning; thence South 89°34'04" West, 575.0 feet to the point of beginning;

LESS AND EXCEPT that portion of property conveyed to People of the State of Illinois, Department of Transportation from Kendall-Grundy F.S., Inc. by Warranty Deed dated May 29, 1990 and recorded July 9, 1990 in Deed Book 291, Page 269;

AND BEING a portion of the same property conveyed to Grainco FS, Inc. successor by virtue of merger with Kendall-Grundy FS, Inc., formerly Kendall Farmers Oil Company who acquired title from Robert A. Dhuse and Carol V. Dhuse by Deed dated December 2, 1974 and recorded December 2, 1974 in Instrument No. 74-5432.

DANIEL J. KRAMER

LAW OFFICES
OF
Daniel J. Kramer
1107A SOUTH BRIDGE STREET
YORKVILLE, ILLINOIS 60560
(630) 553-9500
Fax: (630) 553-5764

KELLY A. HELLAND
D.J. KRAMER

November 15, 2023

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

Re: A.B.Schwartz, LLC M-1 Zoning Application

Dear Matt:

Enclosed please find the deeds showing proof of ownership and if you look at the deeds you will see the Owner's Corporate names has changed but it has still remained the same owner.

Should you have any questions please feel free to call my office.

Very truly yours,



Daniel J. Kramer
Attorney at Law

DJK/cth
Encl.

201762

THE GRANTORS . ROBERT A. DHUSE and CAROL V. DHUSE, each in their own right and as husband and wife,

of the Township of Kendall County of Kendall State of Illinois
for and in consideration of the sum of Ten Dollars and other valuable consideration in hand paid Convey... and Warrant.....
to KENDALL-GRUNDY F.S., INC., formerly Kendall Farmers Oil Company

of the City of Yorkville County of Kendall State of Illinois

the following described Real Estate, to-wit:

That part of the West half of Section 9 and that part of the Northwest quarter of Section 16, Township 36 North, Range 7 East of the Third Principal Meridian, described as follows: Commencing at the Northeast corner of said Section 16; thence Westerly along the Northerly line of said section, 2672 feet to the tangent center line of Illinois State Route No. 47, extended from the South; thence South $0^{\circ} 00' 00''$ East along said tangent center line and said tangent center line extended, 869.22 feet; thence South $89^{\circ} 34' 04''$ West 615 feet for the point of beginning; thence North $24^{\circ} 54' 19''$ West 778.36 feet; thence North $65^{\circ} 13' 06''$ East 889.01 feet to the Westerly right of way line of said State Route No. 47, being 40 feet normally distant Southwesterly from the center line of said Route; thence Southeasterly along said Westerly right of way line being on a curve to the right having a radius of 5344.41 feet, an arc distance of 1002.54 feet; thence South $0^{\circ} 00' 00''$ East along said Westerly right of way line being tangent to the last described curve at the last described point 67.82 feet to a line drawn North $89^{\circ} 34' 04''$ East from the point of beginning; thence South $89^{\circ} 34' 04''$ West 575 feet to the point of beginning (except that part described as follows: Commencing at the Northeast corner of said Northwest quarter; thence South along the East line of said quarter section 869.22 feet; thence West 39.60 feet to the Westerly line of State Route No. 47 for the point of beginning; thence North $89^{\circ} 53' 15''$ West 575 feet; thence North $24^{\circ} 15' 15''$ West 512.80 feet; thence North $65^{\circ} 48' 48''$ East 816.70 feet to the Westerly

(Continued on Reverse Side)

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

Instrument Prepared By:

Dallas C. Ingerson
Ingerson & Bassak
Attorneys at Law
108 W. Van Buren Street
Yorkville, Illinois 60560

Dated this 2nd day of December A.D. 1974

[SEAL]

[SEAL]

[SEAL]

[SEAL]

[SEAL]

[SEAL]

I, the undersigned, a Notary Public in and for said County and State aforesaid, DO HEREBY CERTIFY that
State of Illinois }
Kendall County }
Kendall

Robert A. Dhuse and Carol V. Dhuse, each in their own right and as husband and wife,

personally known to me to be the same persons

whose names subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that they signed, sealed and delivered the said instrument as their 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 2nd day of December

A.D. 1974

[SEAL]

Notary Public,
Kendall

MAIL TAX DEL TO:

NAME, Kendall-Grundy F.S., Inc.,

111 N. Washington Street

Document No. 74-5432

Filed for record in Recorder's Office of Kendall County, Illinois.

at 3:13 clock P.M.

201762

WARRANTY DEED

CHICAGO TITLE INSURANCE COMPANY
Kendall County Office
220 Bridge Street
Yorkville, Illinois 60560

Hyman & Bush

RETURN TO: Name: Kendall-Grundy F. S., Inc.
Address: 116 E. Washington Street
City: Morris, Illinois 60450



Legal Description Continued:

line of said State Route No. 47; thence Southerly along said Westerly line 806.20 feet to the point of beginning); in the Township of Kendall, Kendall County, Illinois.

Subject to general real estate taxes for the year 1974 and subsequent years.

DEC 6 - 1974

AFFIDAVIT

(FILE WITH JEAN P. BRADY, RECORDER OF DEEDS OF KENDALL COUNTY)

STATE OF ILLINOIS }
COUNTY OF KENDALL } SS.Document # 74-5432Dallas C. Ingemanson, being duly sworn on oath,
states that he resides at Yorkville, Illinois

That the attached deed represents:

1. A distinct separate parcel on record prior to July 17, 1959.
2. A distinct separate parcel qualifying for a Kendall County building permit prior to August 10, 1971.
3. The division or subdivision of land into parcels or tracts of 5 acres or more in size which does not involve any new streets or easements of access.
4. The division of lots or blocks of less than 1 acre in any recorded subdivision which does not involve any new streets or easements of access.
5. The sale or exchange of parcels of land between owners of adjoining and contiguous land.
6. The conveyance 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.
7. The conveyance of land owned by a railroad or other public utility which does not involve any new streets or easements of access.
8. The conveyance of land for highway or other public purposes or grants or conveyances relating to the dedication of land for public use or instruments relating to the vacation of land impressed with a public use.
9. Conveyances made to correct descriptions in prior conveyances.
10. The sale or exchange of parcels or tracts of land existing on the date of the amendatory Act into no more than 2 parts and not involving any new streets or easements of access.
11. The sale of a single lot of less than 5 acres from a larger tract when a survey is made by a registered surveyor; provided, however, that this exemption shall not apply to the sale of any subsequent lots from the same larger tract of land.

CIRCLE NUMBER ABOVE WHICH IS APPLICABLE TO ATTACHED DEED.

AFFIANT further state 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.

SUBSCRIBED and SWORN to before me

this 21 day of December, 1974

DEC 11 1975

75-5963

This instrument prepared by
108 W. Van Emmon St., Yorkville, Ill.

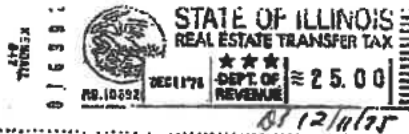
203032

THE GRANTOR, ROBERT DRUSE and CAROL DRUSE, husband and wife,

of the Township of Kendall County of Kendall State of Illinois
for and in consideration of the sum of Ten Dollars and other valuable consideration in hand paid Convey... and Warranty...
to KENDALL-GRUNDY FE, INC., an Illinois corporation

of the Township of Kendall County of Kendall State of Illinois
the following described Real Estate, to-wit: That part of the West half of Section 9 and that part of the Northwest Quarter of Section 16, Township 36 North, Range 7 East of the Third Principal Meridian, described as follows: Commencing at the Northeast corner of said Section 16; thence Westerly along the Northerly line of said Section 2672.0 feet to the tangent center line of Illinois State Route No. 47, extended from the South; thence South 0°00'00" East along said tangent center line of said tangent center line extended, 869.22 feet; thence South 89°34'04" West 615.0 feet; thence North 24°54'19" West 778.36 feet to the point of beginning; thence continuing North 24°54'19" West 237.56 feet; thence North 65°13'06" East 942.72 feet to the Westerly right of way line of said State Route No. 47 being 40.0 feet normally distant Southwesterly from the center line of said Route; thence Southeasterly along said Westerly right of way line being on a curve to the right having a radius of 5344.41 feet; an arc distance of 243.46 feet to a line drawn North 65°13'06" East from the point of beginning; thence South 65°13'06" West along said line 889.01 feet to the point of beginning, containing 5.00 acres,

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



Done this 10 day of December, A.D. 1975.
ROBERT DRUSE (SEAL) CAROL DRUSE (SEAL)
(SEAL) (SEAL)
(SEAL) (SEAL)

State of Illinois }
Kendall County } ss. I, the undersigned, a Notary Public in, and for said County and State aforesaid, DO HEREBY CERTIFY that
KENDALL.

ROBERT DRUSE and CAROL DRUSE, husband and wife, personally known to me to be the same person,

whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that they signed, sealed and delivered the said instrument as their 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 10 day of December, A.D. 1975. (SEAL)



MAIL TAX \$2.00 Document No. 75-5963 Filed for record in Recorder's Office of Kendall County, Illinois.
NAME: Kendall-Grundy FE, INC. DEC 11 1975
Address: 1116 E. WASHINGTON MORRIS, ILL. 60450
MICROFILMED
INDEXED
TRACTED

DEC 11 1975

AFFIDAVIT

(FILE WITH JEAN P. BRADY, RECORDER OF DEEDS OF KENDALL COUNTY)

STATE OF ILLINOIS)
COUNTY OF KENDALL) SS.Document # 75-5963Dallas C. Ingersoll, being duly sworn on oath,
states that he resides at Yorkville, Illinois

That the attached deed represents:

1. A distinct separate parcel on record prior to July 17, 1959.
2. A distinct separate parcel qualifying for a Kendall County building permit prior to August 10, 1971.
3. The division or subdivision of land into parcels or tracts of 5 acres or more in size which does not involve any new streets or easements of access.
4. The division of lots or blocks of less than 1 acre in any recorded subdivision which does not involve any new streets or easements of access.
5. The sale or exchange of parcels of land between owners of adjoining and contiguous land.
6. The conveyance 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.
7. The conveyance of land owned by a railroad or other public utility which does not involve any new streets or easements of access.
8. The conveyance of land for highway or other public purposes or grants or conveyances relating to the dedication of land for public use or instruments relating to the vacation of land impressed with a public use.
9. Conveyances made to correct descriptions in prior conveyances.
10. The sale or exchange of parcels or tracts of land existing on the date of the amendatory Act into no more than 2 parts and not involving any new streets or easements of access.
11. The sale of a single lot of less than 5 acres from a larger tract when a survey is made by a registered surveyor; provided, however, that this exemption shall not apply to the sale of any subsequent lots from the same larger tract of land.

CIRCLE NUMBER ABOVE WHICH IS APPLICABLE TO ATTACHED DEED.

AFFIANT further state 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.

Subscribed and sworn to before me

this 10th day of December, 1975

Notary Public

STATE OF ILLINOIS: ss
COUNTY OF KANE: ss

THIS IS TO CERTIFY THAT WE HAVE SURVEYED THE PROPERTY HEREON DESCRIBED AND THAT THE PLAT HEREON DRAWN IS A CORRECT REPRESENTATION OF SAID SURVEY.

CHARLES DE GRAFF & ASSOCIATES
209 WEBSTER STREET
P. O. BOX 67
MONTGOMERY, ILLINOIS 60538

ILLINOIS REGISTERED LAND SURVEYOR NO. [REDACTED]
OCTOBER 17, 1975

CHARLES DEGRAFF & ASSOCIATES Surveyors, Engineers & Planners 105 Weaver St., P.O. Box 27 Memphis, TN 38106	DRAWING NO. SKU DATE OCT 1975 SHEET NO. 1175	PROJECT PLAT OF SURVEY FOR KENDALL-GRANDY FS INC.
---	---	---

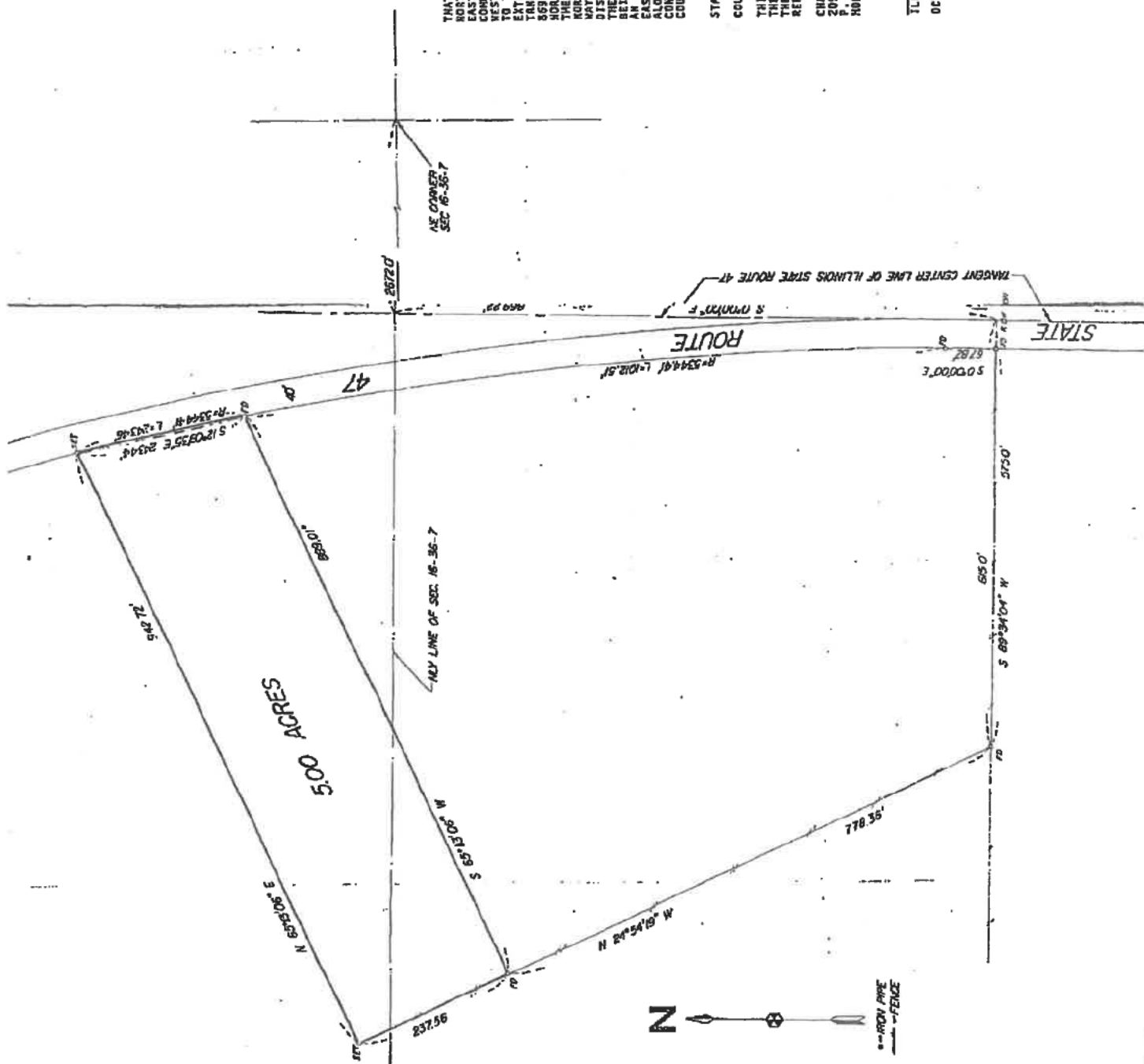


EXHIBIT A – REAL PROPERTY

Legal descriptions of real property in which the Mortgagor has a fee estate:

Kendall County, Illinois

The following described parcels of land are lying, being and situate in the County of Kendall, State of Illinois:

PARCEL 1:

The Easterly 165.0 feet of the Northerly 264.11 feet of that part of the Southwest quarter of Section 9, Township 35 North, Range 7 East of the Third Principal Meridian lying Westerly of a line drawn parallel with and 82.50 feet Westerly of the East line (measured at right angles to said East line) of said quarter, in the Township of Lisbon, Kendall County, Illinois.

AND BEING the same property conveyed to Farmers Cooperative Grain and Supply Company of Lisbon Center from James H. Clow by Deed dated July 01, 1974 and recorded July 01, 1974 in Instrument No. 74-3156.

Tax Parcel No. 08-09-300-002

PARCEL 2:

Tract 1:

That part of the West half of Section 9 and that part of the Northwest Quarter of Section 16, Township 36 North, Range 7 East of the Third Principal Meridian, described as follows: Commencing at the Northeast corner of said Section 16; thence Westerly along the Northerly line of said Section 2672.0 feet to the tangent center line of Illinois State Route No. 47, extended from the South; thence South 0°00'00" East along said tangent center line of said tangent center line extended, 869.22 feet; thence South 89°34'04" West 615.0 feet; thence North 24°54'19" West 778.36 feet to the point of beginning; thence continuing North 24°54'19" West 237.56 feet; thence North 65°13'06" East 942.72 feet to the Westerly right of way line of said State Route No. 47 being 40.0 feet normally distant Southwesterly from the center line of said Route; thence Southeasterly along said Westerly right of way line being on a curve to the right having a radius of 5344.41 feet; an arc distance of 243.46 feet to a line drawn North 65°13'06" East from the point of beginning; thence South 65°13'06" West along said line 889.01 feet to the point of beginning, containing 5.00 acres.

LESS AND EXCEPT that portion of property conveyed to People of the State of Illinois, Department of Transportation from Kendall-Grundy F.S., Inc. by Warranty Deed dated May 29, 1990 and recorded July 09, 1990 in Deed Book 291, Page 269.

AND BEING a portion of the same property conveyed to Grainco FS, Inc. successor by virtue of merger with Kendall-Grundy FS, Inc., an Illinois corporation who acquired title from Robert Dhuse and Carol Dhuse by Deed dated December 10, 1975 and recorded December 11, 1975 in Instrument No. 75-5963.

Tract 2:

That part of the West half of Section 9 and that part of the Northwest quarter of Section 16, Township 36 North, Range 7 East of the Third Principal Meridian, described as follows: Commencing at the Northeast corner of said Section 16; thence Westerly along the Northerly line of said Section, 2672 feet to the tangent center line of Illinois State Route No. 47, extended from the South; thence South 0° 00' East along said tangent center line and said tangent center line extended, 869.22 feet; thence South 89° 34' 04" West 615 feet for the point of beginning; thence North 24° 54' 19" West 778.36 feet; thence North 65° 13' 06" East 889.01 feet to the Westerly right of way line of said State Route No. 47, being 40 feet normally distant Southwesterly from the center line of said Route; thence Southeasterly along said Westerly right of way line being on a curve to the right having a radius of 5344.41 feet, an arc distance of 1002.54 feet; thence South 0° 00' 00" East along said Westerly right of way line being tangent to the last described curve at the last described point 67.82 feet to a line drawn North 89° 34' 04" East from the point of beginning; thence South 89° 34' 04" West 575 feet to the point of beginning (except that part described as follows: Commencing at the Northeast corner of said Northwest quarter; thence South along the East line of said quarter section 869.22 feet; thence West 39.60 feet to the Westerly line of State Route No. 47 for the point of beginning; thence North 89° 53' West 575 feet; thence North 24° 15' West 512.80 feet; thence North 65° 48' East 816.70 feet to the Westerly line of said State Route No. 47; thence Southerly along said Westerly line 806.20 feet to the point of beginning); in the Township of Kendall, Kendall County, Illinois.

LESS AND EXCEPT that portion of property conveyed to People of the State of Illinois, Department of Transportation from Kendall-Grundy F.S., Inc. by Warranty Deed dated May 29, 1990 and recorded July 09, 1990 in Deed Book 291, Page 269.

AND BEING a portion of the same property conveyed to Grainco FS, Inc. successor by virtue of merger with Kendall-Grundy FS, Inc., formerly Kendall Farmers Oil Company who acquired title from Robert A. Dhuse and Carol V. Dhuse by Deed dated December 02, 1974 and recorded December 02, 1974 in Instrument No. 74-5432.

Tax Parcel Nos. 05-09-300-006, 05-16-100-003, 05-16-100-004, 05-16-100-005

PARCEL 3:**Tract 1:**

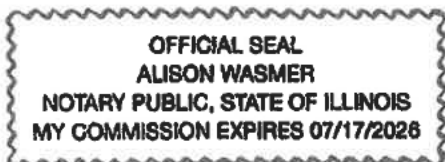
That part of the Southeast ¼ of Section 6, Township 35 North, Range 6 East of the Third Principal Meridian, described as follows:

Commencing at the Southwest corner of said Southeast ¼; thence East along the South line of said Southeast ¼ 1195.3 feet to the center line of a road, extended Southerly; thence Northerly along said extended center line and the center line of said road 989 feet for the point of beginning; thence Westerly along a line making an angle of 88 degrees 25 minutes measured from North to West with the last described line extended, 514.96 feet to the Southeasterly line of Illinois Route 71; thence Northeasterly along said Southeasterly right-of-way line 319 feet to an angle in said right-of-way line; thence Easterly along said right-of-way line 221.45 feet to the center line of said North and South Road; thence Southerly along the center line of said North and South Road 107.7 feet to the point of beginning, (excepting therefrom that part conveyed to the Village of Newark by Warranty Deed June 17, 1983 and recorded June 19, 1985 as Document 85-2687), in the Village of Newark, Kendall County, Illinois.

KENDALL COUNTY DISCLOSURE OF BENEFICIARIES FORM

1. Applicant GRAINCO FS, Inc.
 Address 3107 N. State Route 23
 City OTAWA State IL Zip 61350
 2. Nature of Benefit Sought _____
 3. Nature of Applicant: (Please check one)
☐ Natural Person
☒ Corporation
☐ Land Trust/Trustee
☐ Trust/Trustee
☐ Partnership
☐ Joint Venture
 4. If applicant is an entity other than described in Section 3, briefly state the nature and characteristics of the applicant:
Cooperative
 5. If your answer to Section 3 you have checked letter b, c, d, e, or f, identify by name and address each person or entity who is a 5% shareholder in case of a corporation, a beneficiary in the case of a trust or land trust, a joint venture in the case of a joint venture, or who otherwise has proprietary interest, interest in profits and losses or right to control such entity:

NAME	ADDRESS	INTEREST
 6. Name, address, and capacity of person making this disclosure on behalf of the applicant:
Alan Drake, General Manager, GRAINCO FS, Inc. 3107 N. State Route 23, OTAWA, IL 61350
- VERIFICATION**
- I, [REDACTED], being first duly sworn under oath that I am the person making this disclosure on behalf of the applicant, that I am duly authorized to make the disclosure, that I have read the above and foregoing Disclosure of Beneficiaries, and that the statements contained therein are true in both substance and fact.
- Subscribed and sworn to before me this 8th day of November, A.D. 2023
- (seal) [REDACTED]
 Notary Public



KENDALL COUNTY DISCLOSURE OF BENEFICIARIES FORM

1. Applicant A.B.SCHWARTZ, LLC
 Address PO Box 325
 City Newark State IL Zip 60541
2. Nature of Benefit Sought Co-Managers
3. Nature of Applicant: (Please check one)
 - ☐ Natural Person
 - ☒ ~~Corporation~~ Limited Liability Company
 - ☐ Land Trust/Trustee
 - ☐ Trust/Trustee
 - ☐ Partnership
 - ☐ Joint Venture
4. If applicant is an entity other than described in Section 3, briefly state the nature and characteristics of the applicant:
Co-Managers of an Illinois Limited Liability Company to operate Tile Business
5. If your answer to Section 3 you have checked letter b, c, d, e, or f, identify by name and address each person or entity who is a 5% shareholder in case of a corporation, a beneficiary in the case of a trust or land trust, a joint venture in the case of a joint venture, or who otherwise has proprietary interest, interest in profits and losses or right to control such entity:

NAME	ADDRESS	INTEREST
Andrew Schwartz	[REDACTED]	50%
Robert Schwartz	[REDACTED]	50%
6. Name, address, and capacity of person making this disclosure on behalf of the applicant:
Daniel J. Kramer, Attorney for the Applicants/Co-Managers

I, Daniel J. Kramer, VERIFICATION, being first duly sworn under oath that I am the person making this disclosure on behalf of the applicant, that I am duly authorized to make the disclosure, that I have read the above and foregoing Disclosure of Beneficiaries and that the statements contained therein are true in both substance and fact.

Subscribed and sworn to before me this 15th day of November, A.D. 2023

(seal)



Colleen T. Hanson
Notary Public



**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: A. B. SCHWARTZ, LLC

Contact Person: Attorney Daniel J. Kramer

Address: _____

1107A S. Bridge Street

City, State, Zip: _____

Yorkville, Illinois 60560

Phone Number: _____

(630) 553-9500

Email: _____

dkramer@dankramerlaw.com

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

Site Location & Proposed Use

Township Name Kendall

Township 36

N, Range 7

E, Section(s) 16

Parcel Index Number(s) 05-16-100-004, 05-09-300-006, 05-16-100-003, 05-09-300-007, 05-16-100-020

Project or Subdivision Name Schwartz Zoning

Number of Acres 19.8708

Current Use of Site fuel storage, truck repair, constrcution

Proposed Use fuel storage, operation of tile business and storage

Proposed Number of Lots 1

Proposed Number of Structures All existng structures in plat attached

Proposed Water Supply existing well

Proposed type of Wastewater Treatment existing septic

Proposed type of Storm Water Management Use of existing facillities

Type of Request

☒ **Change in Zoning from** A-1 Special Use **to** M-1

☐ **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, and 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

15 Additional Acres at \$18.00 each \$ 270.00

Total NRI Fee \$ 645.00

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.

X

Petitioner or Authorized Agent

11-12-13

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: Andrew Schwartz and Robert Schwartz
Contact: ATTORNEY DANIEL J. KRAMER
Address: [REDACTED]

IDNR Project Number: 2406562
Date: 11/07/2023

Project: Schwartz
Address: 8115 Route 47, Yorkville

Description: Change Zoning from A-1 Special Use to M-1 to operate tilling business, storage of equipment, storage of existing LP Tanks. All using existing buildings

Natural Resource Review Results

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

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

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

Location

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

County: Kendall

Township, Range, Section:

36N, 7E, 9

36N, 7E, 16



IL Department of Natural Resources

Contact

Bradley Hayes
 217-785-5500
 Division of Ecosystems & Environment

Government Jurisdiction

Kendall County Planning, Building, and 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.

IDNR Project Number: 2406562

Terms of Use

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

1. The IDNR EcoCAT website was developed so that units of local government, state agencies and the public could request information or begin natural resource consultations on-line for the Illinois Endangered Species Protection Act, Illinois Natural Areas Preservation Act, and Illinois Interagency Wetland Policy Act. EcoCAT uses databases, Geographic Information System mapping, and a set of programmed decision rules to determine if proposed actions are in the vicinity of protected natural resources. By indicating your agreement to the Terms of Use for this application, you warrant that you will not use this web site for any other purpose.

2. Unauthorized attempts to upload, download, or change information on this website are strictly prohibited and may be punishable under the Computer Fraud and Abuse Act of 1986 and/or the National Information Infrastructure Protection Act.

3. IDNR reserves the right to enhance, modify, alter, or suspend the website at any time without notice, or to terminate or restrict access.

Security

EcoCAT operates on a state of Illinois computer system. We may use software to monitor traffic and to identify unauthorized attempts to upload, download, or change information, to cause harm or otherwise to damage this site. Unauthorized attempts to upload, download, or change information on this server is strictly prohibited by law.

Unauthorized use, tampering with or modification of this system, including supporting hardware or software, may subject the violator to criminal and civil penalties. In the event of unauthorized intrusion, all relevant information regarding possible violation of law may be provided to law enforcement officials.

Privacy

EcoCAT generates a public record subject to disclosure under the Freedom of Information Act. Otherwise, IDNR uses the information submitted to EcoCAT solely for internal tracking purposes.

IDNR Project Number: 2406562

**EcoCAT Receipt****Project Code** 2406562**APPLICANT****DATE**

Andrew Schwartz and Robert Schwartz
 ATTORNEY DANIEL J. KRAMER
 [REDACTED]

11/7/2023

DESCRIPTION	FEE	CONVENIENCE FEE	TOTAL PAID
EcoCAT Consultation	\$ 125.00	\$ 2.81	\$ 127.81

TOTAL PAID \$ 127.81

Illinois Department of Natural Resources
 One Natural Resources Way
 Springfield, IL 62702
 217-785-5500
dnr.ecocat@illinois.gov

ZONING PLAT OF PART OF THE WEST HALF OF SECTION 9, and PART OF THE NORTHWEST QUARTER OF SECTION 16, T36N-R7E, 3rd P.M. KENDALL TOWNSHIP KENDALL COUNTY ILLINOIS

DEVELOPER:
Andrew & Robert Schwartz

PROPERTY LOCATION:
8115 Route 47
Yorkville, Illinois 60550

LEGAL DESCRIPTION OF TRACT TO BE REZONED:

That Part of the West Half of Section 9 and that Part of the Northwest Quarter of Section 16, Township 36 North, Range 7 East of the Third Principal Meridian described as follows: Commencing at the Northeast Corner of said Section 16, thence Northerly, along the Northerly Line of said Section, 2872.0 feet to the tangent center line of Illinois State Route No. 47, extended from the South; thence South 00°00'00" East, along said tangent center line and said tangent center line extended, 985.22 feet; thence South 89°24'00" West, 610.0 feet to the point of beginning; thence North 24°34'10" West, 1013.82 feet; thence North 89°13'00" East, 842.72 feet to the Westerly Right of Way Line of said State Route No. 47, being 40 feet normally distant; thence Northerly from the center line of said Route, thence Southwesterly, along said Westerly Right of Way Line, being a curve to the right having a radius of 2,544.41 feet, an arc distance of 1348.0 feet; thence South 00°00'00" East, along said Westerly Right of Way Line, being tangent to the last described curve at the last described point, 672.82 feet to a new shown North 89°24'00" East from the point of beginning; thence South 89°24'00" West, 672.82 feet to the point of beginning.

LESS AND EXCEPT that portion of property conveyed to People of the State of Illinois, Department of Transportation from Randall-Grandy F.S., Inc. by Record Plat dated July 20, 1950 and recorded July 8, 1950 in Deed Book 121, Page 238; AND BEING a portion of the same property conveyed to Grando F.S., Inc. successor by virtue of merger with Kendall-Grandy F.S., Inc. formerly Kendall-Turner Co. Company who acquired title from Robert A. Druce and Cora V. Druce by Deed dated December 2, 1974 and recorded December 2, 1974 in Supplement No. 74-9432.

AREA TO BE REZONED:
18.4708 Acres

PRESENT ZONING:
A1 and A1-BU (Ord. # 79-26)

PROPOSED ZONING:
M-1

FLOODPLAIN STATEMENT:

The Subject Property is located in Zone X (outside of national flood hazard determined to be outside the 1% annual chance floodplain) as shown on FEMA Flood Insurance Rate Map Panel No. 17080C01250 with an effective date of February 4, 2002.

WETLANDS STATEMENT:

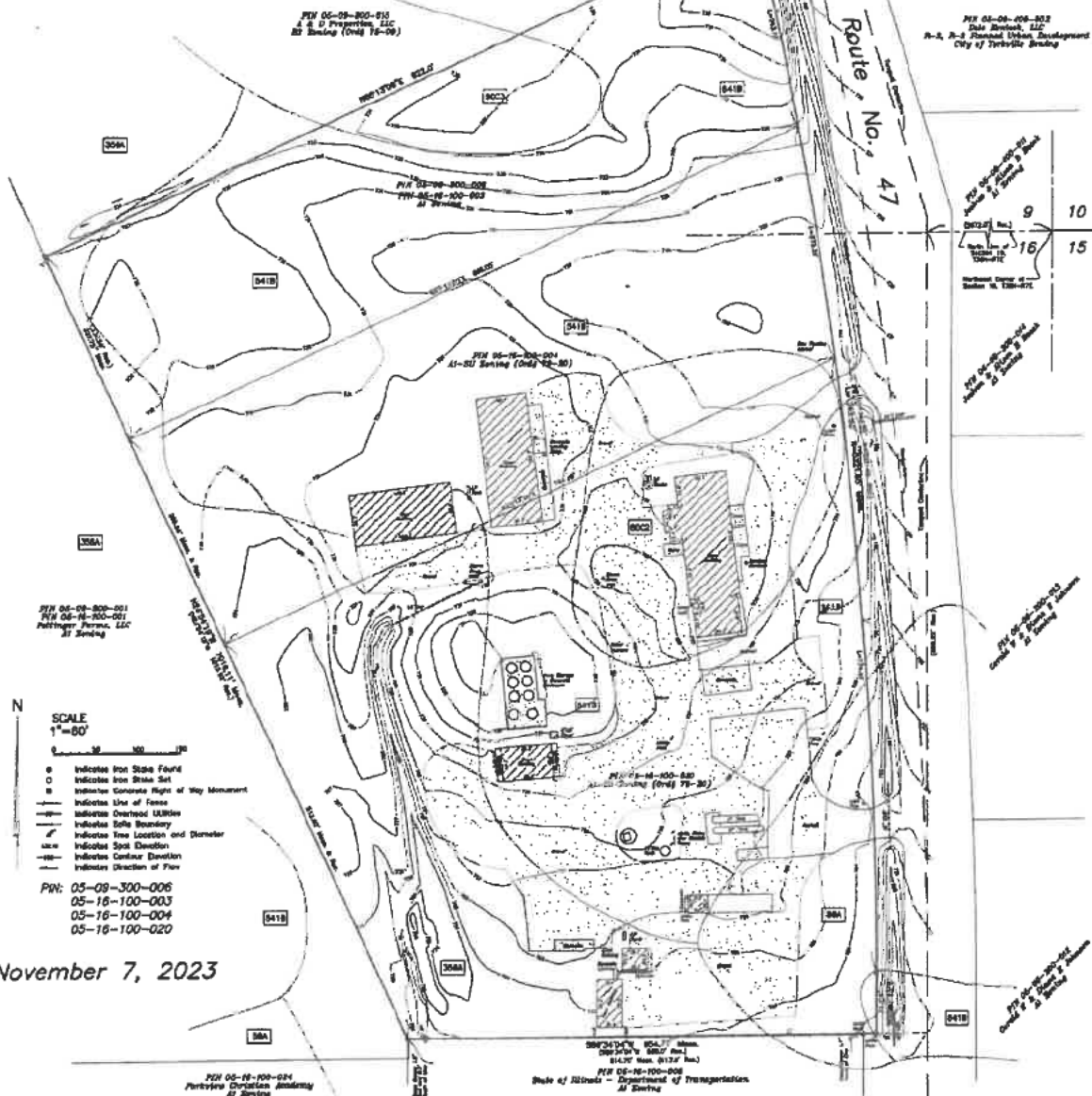
The National Wetlands Inventory Map does not depict any wetlands on the Subject Property.

SOILS (From Web Soil Survey)

89A	Union Silty Loam, 05-25 slopes
900C	Loess Silty Loam, 05-125 slopes, eroded
900C	Loess Silty Loam, 05-125 slopes, severely eroded
900A	Loess Silty Loam, 05-25 slopes
941B	Cropwood Silty Loam, 25-55 slopes



PIV 05-06-008-002
Data Booked, LLC
A-2, A-3 Planned Urban Development
City of Yorkville Planning



November 7, 2023

JOB NO. 22133
JOB NAME ATTY. KRAMER
DWG FILE 22133
REVISION DATE

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

11078 South Bridge Street
Yorkville, Illinois 60550
Telephone (630)533-1580



11/15/2023 15:27



11/15/2023 15:27



11/15/2023 15:28



11/15/2023 15:28





11/15/2023 15:27



11/15/2023 15:27

05-16-100-004

005

05-09-300-007

Rezone
A-1 SU after
74 Zoning change

ORDINANCE

66-8

now A-1-SU
79-20

AMENDING KENDALL COUNTY ZONING ORDINANCE AS AMENDED

WHEREAS, John T. Hoffman did petition the Zoning Board of Appeals of Kendall County for a public hearing in the manner required by law and the ordinances of Kendall County, Illinois for a proposed amendment to the Kendall County Zoning Ordinance adopted May 10, 1960, and

WHEREAS, said Zoning Board of Appeals did thereupon publish notice of a hearing on said proposed amendment to said Zoning Ordinance as provided by the Statutes of the State of Illinois, and did then hold a public hearing on said proposed amendment on the 6th day of May, A.D. 1966 on the site described in the petition and at the conclusion of said hearing said Zoning Board of Appeals voted in favor of recommending to the Board of Supervisors of Kendall County, Illinois that the petition be granted and the Zoning maps and ordinance be amended in the manner required by law

NOW THEREFORE, BE IT ORDAINED by the Board of Supervisors of Kendall County, Illinois that the following described property be and it is hereby rezoned from "A" Agriculture to "M1" Light Manufacturing and that the County Clerk be and is hereby ordered and directed to change the zoning map, to show the change in zoning classification;

Commencing at a point on the East line of the Northwest quarter of Section 16, Township 36 North, Range 7 East of the Third Principal Meridian at a point 869.22 feet South of the Northeast corner of said Northwest quarter of said section; thence West 39.6 feet to the West line of Highway Route 47, for a place of beginning; thence North 89°53' West, 575 feet; thence North 24°15' West, 769.2 feet; thence North 45°48' West, 886.9 feet to the West line of highway Route 47; thence Southerly along said Westerly line of highway Route 47, 1072.6 feet to the point of beginning, containing 15.25 acres, all in Kendall Township, Kendall County, Illinois,

47

Passed this 10th day of May, 1966.


Chairman County Board of Supervisors
Kendall County

ATTEST:


County Clerk

05-09-300-007

05-16-100-004

05-16-100-005

ORDINANCE 79-20

AMENDING KENDALL COUNTY ZONING ORDINANCE AS AMENDED

F923

WHEREAS, Kendall-Grundy F. S. did petition the Zoning Board of Appeals of Kendall County for a public hearing in the manner required by law and the ordinances of Kendall County, Illinois for a proposed amendment to the Kendall County Zoning Ordinance adopted January 16, 1940; and

WHEREAS, said Zoning Board of Appeals did thereupon publish notice of a hearing on said proposed amendment to said Zoning Ordinance as provided by the Statutes of the State of Illinois, and did then hold a public hearing on said proposed amendment on the 3rd day of August, 1979, A.D., on the site described in the petition and at the conclusion of said hearing said Zoning Board of Appeals voted in favor of recommending to the County Board of Kendall County, Illinois that the petition be granted and the zoning maps and ordinance be amended in the manner required by law; and

NOW THEREFORE, BE IT ORDAINED by the County Board of Kendall County, Illinois that the following described property be and it is hereby rezoned from A1, Agricultural District Special Use to expand facilities and that the County Clerk be and she is hereby ordered and directed to change the zoning map, to show the change in zoning classification:

That part of the West half of Section 9 and that part of the Northwest quarter of Section 16, Township 36 North, Range 7 East of the Third Principal Meridian, described as follows: Commencing at the Northeast corner of said Section 16; thence Westerly along the northerly line of said Section 2672.0 feet to the tangent center line of Illinois State Route No. 47, extended from the South, thence South $0^{\circ}00'00''$ East along said tangent center line of said tangent center line extended 869.22 feet; thence South $89^{\circ}34'04''$ West 615.0 feet; thence North $24^{\circ}54'19''$ West 778.36 feet to the point of beginning; thence continuing North $24^{\circ}54'19''$ West 237.56 feet; thence North $65^{\circ}13'06''$ East 942.72 feet to the westerly right of way line of said State Route No. 47 being 40.0 feet normally distance Southwesterly from the center line of said Route; thence Southeasterly along said Westerly right of way line being on a curve to the right having a radius of 5344.41 feet; an arc distance of 243.46 feet to a line drawn North $65^{\circ}13'06''$ East from the point of beginning; thence South $65^{\circ}13'06''$ West along said line 889.01 feet to the point of beginning; containing 5.00 acres,

AND, That part of the West half of Section 9 and that part of the Northwest quarter of Section 16, Township 36 North, Range 7 East of the Third Principal Meridian, described as follows: Commencing at the Northeast corner of said Section 16; thence westerly along the Northerly line of said Section 2672.0 feet to the tangent center line of Illinois State Route No. 47, extended from the South, thence South $0^{\circ}00'00''$ East along said tangent center line and said Tangent center line extended, 869.22 feet; thence south $89^{\circ}34'04''$ West 615.0 feet for the point of beginning; thence North $24^{\circ}54'19''$ West 778.36 feet; thence North $65^{\circ}13'06''$ East 889.01 feet to the Westerly right of way line of said State Route No. 47 being 40.0 feet normally distant southwesterly from the center line of said Route; thence Southeasterly along said Westerly right of way line being


Still A-154

on a curve to the right having a radius of 5344.41 feet; an arc distance of 1012.51 feet; thence South $0^{\circ}00'00''$ East along said Westerly right of way line being tangent to the last described curve at the last described point 67.82 feet to a line drawn North $89^{\circ}34'04''$ East from the point of beginning; thence South $89^{\circ}34'04''$ West 575.0 feet to the point of beginning; containing 15.4829 acres in the Township of Kendall, Kendall County, Illinois.


BE IT FURTHER ORDAINED that the above special use classification shall be expressly made subject to the following conditions:

1. The County Board to make determination of fencing requirement around berm.
2. Engineer shall make a study and recommendations to control water runoff and retain any chemical spills.
3. IDOT shall be contacted to make recommendations for improving ingress and egress to Rt. 47. F. S. to cooperate and install, within reason, recommended improvements.
4. Additional lighting shall be installed.

PASSED THIS 14th day of August, 1979.


Chairman, County Board of Kendall
County, Illinois

ATTEST:


County Clerk

State of Illinois
County of Kendall

05-16-100-004
05-09-300-007
05-16-100-005
Zoning Petition
#9808

listed as 79-6

ORDINANCE NUMBER 98- 09

**GRANTING SPECIAL USE ZONING PERMIT
KENDALL- GRUNDY F.S.
SIGN - 8115 IL ROUTE 47**

WHEREAS, Larry Mattison, the operations manager and duly authorized agent for the Kendall-Grundy F.S. property at 8115 IL Route 47 in Section 16 of Kendall Township, filed a petition for special use approval of a sign; and

WHEREAS, said property is currently zoned A-1 Agricultural District with a Special Use in accordance with Ordinance 79-20, with tax parcel identification number 05-16-100-005, and is further identified on the attached Exhibit A: Legal Description; and

WHEREAS, said property and project site is further detailed on the attached Exhibit B: Plot Plan; and

WHEREAS, said property conducts motor fuel retail sales; and

WHEREAS, said petition is for an illuminated sign that would be two-sided, with face no greater than 36 square feet in area, and conforming to all other regulations, including the advertising the sale of products on the property; and

WHEREAS, said sign is further illustrated on the attached Exhibit C: Sign Dimensions; and


WHEREAS, all procedures required by the Kendall County Zoning Ordinance were followed including notice for public hearing, findings of fact, and recommendation by the Zoning Board of Appeals; and


WHEREAS, the Kendall County Board finds that said petition, along with the conditions specified in this ordinance, is in conformance with the provisions of the Kendall County Zoning Ordinance;

NOW, THEREFORE, BE IT ORDAINED, that the Kendall County Board hereby grants approval of a special use zoning permit to construct an illuminated sign on the property at 8115 IL Route 47 at the site specified on Exhibit B, and in the size and manner specified in Exhibit C, in conformance to the Kendall County Zoning Ordinance.

Failure to comply with the terms of this ordinance may be cited as a basis for amending or revoking this special use permit.

IN WITNESS OF, this ordinance has been enacted on June 16, 1998.


John A. Church
Kendall County Board Chairman


Paul Anderson
Kendall County Clerk

**LEGAL DESCRIPTION
FOR KENDALL GRUNDY FS, INC.**

THAT PART OF THE WEST HALF OF SECTION 9 AND THAT PART OF THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 36 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 16; THENCE WESTERLY ALONG THE NORTHERLY LINE OF SAID SECTION 2672.0 FEET TO THE TANGENT CENTER LINE OF ILLINOIS STATE ROUTE NO. 47, EXTENDED FROM THE SOUTH; THENCE SOUTH $0^{\circ}00'00''$ EAST ALONG SAID TANGENT CENTER LINE AND SAID TANGENT CENTER LINE EXTENDED, 869.22 FEET; THENCE SOUTH $89^{\circ}34'04''$ WEST 615.0 FEET FOR THE POINT OF BEGINNING; THENCE NORTH $24^{\circ}54'19''$ WEST 778.36 FEET; THENCE NORTH $65^{\circ}13'06''$ EAST 889.01 FEET TO THE WESTERLY RIGHT OF WAY LINE OF SAID STATE ROUTE NO. 47, BEING 40.0 FEET NORMALLY DISTANT SOUTHWESTERLY FROM THE CENTER LINE OF SAID ROUTE; THENCE SOUTHEASTERLY ALONG SAID WESTERLY RIGHT OF WAY LINE BEING ON A CURVE TO THE RIGHT HAVING A RADIUS OF 5344.41 FEET, AN ARC DISTANCE OF 1012.51 FEET; THENCE SOUTH $0^{\circ}00'00''$ EAST ALONG SAID WESTERLY RIGHT OF WAY LINE BEING TANGENT TO THE LAST DESCRIBED CURVE AT THE LAST DESCRIBED POINT 67.82 FEET TO A LINE DRAWN NORTH $89^{\circ}34'04''$ EAST FROM THE POINT OF BEGINNING; THENCE SOUTH $89^{\circ}34'04''$ WEST 575.0 FEET TO THE POINT OF BEGINNING; CONTAINING 15.4829 ACRES IN THE TOWNSHIP OF KENDALL, KENDALL COUNTY, ILLINOIS.

**EXHIBIT A: LEGAL DESCRIPTION
#9808 · Kendall-Grundy F.S. · Sign · Special Use**

REVISIONS PETRO TANKS 7/29/79 GENERAL 7/18/79
BULK NERVE 11/29/81 GEN 4/23/84 CHANGE WSE
8/31/84 NEW WHE 11/24/84 RELOCATE 11/19/84
30.000 NH/3 3/25/88 AGECHG UPDATE PERMIT 12/92
3/93 2/95 EQUIP/TRUCK BLDGS 1/29/97 FUEL 24
3/14/97 LS 6/30/97 LS 8/4/97 LS

Date 7/23/78
Scale = 50' 0"
Designed by SANDS
Drawn by MYERS

1 of 2

McKENDALL GRUNDY FS INC
YORKVILLE, ILLINOIS

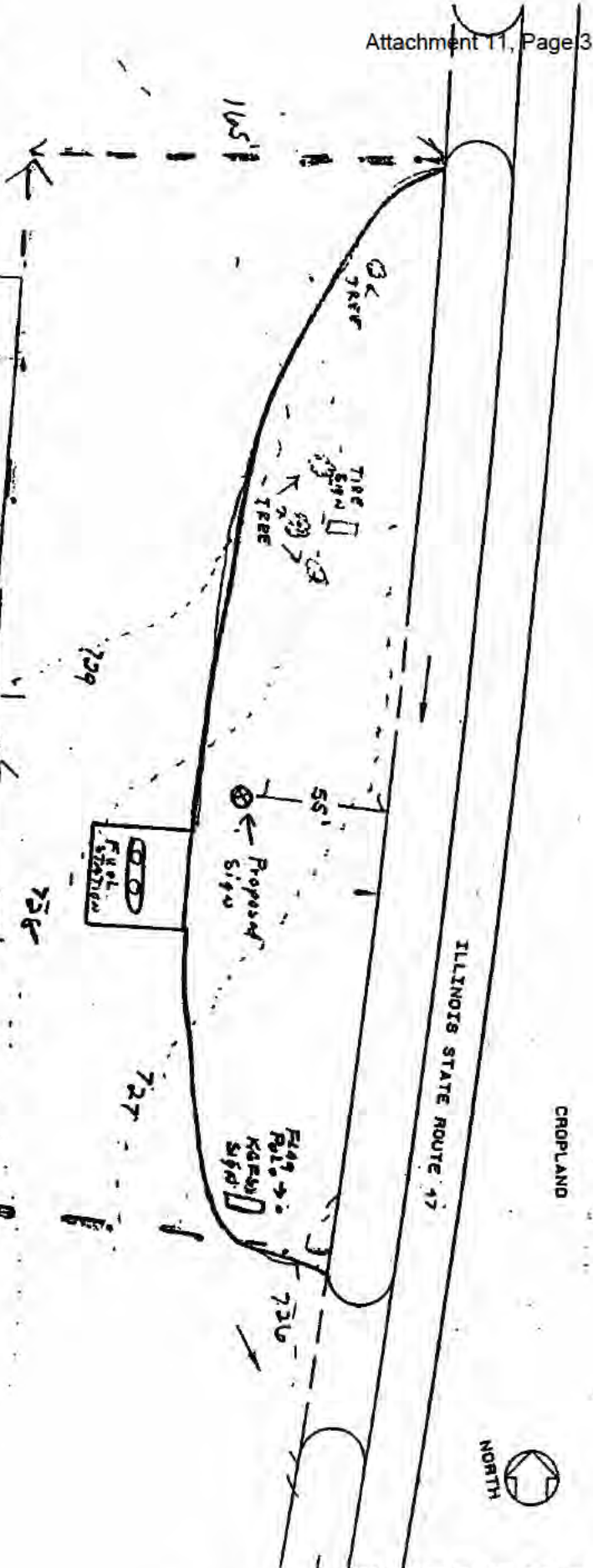
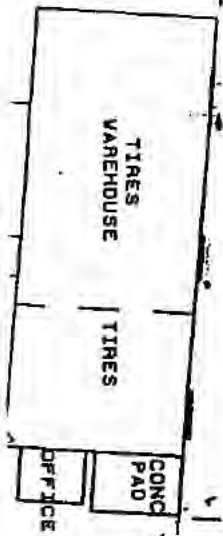


EXHIBIT B: PLOT PLAN

#9808 · Kendall-Grundy F.S. · Sign · Special Use

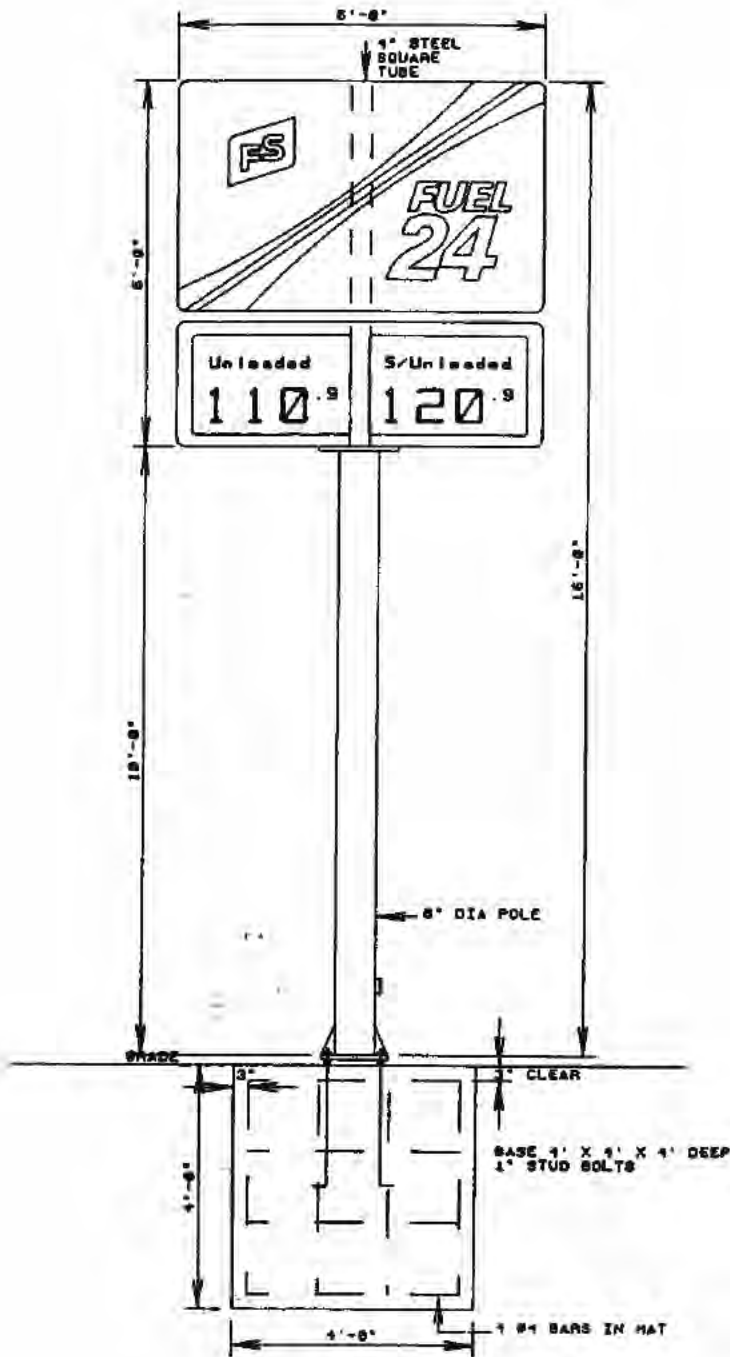


EXHIBIT C: SIGN DIMENSIONS
#9808 · Kendall-Grundy F.S. · Sign · Special Use

**ZONING BOARD OF APPEALS
COUNTY OF KENDALL
111 West Fox Street
Yorkville, Illinois 60560**

Roll Call:

		Hearing:	#740
Richard Bark	present		
Floyd Dierzen	present	File:	#9717
William Ford	present		
James Friedrich	present	Date:	July 29, 1997
Paul Scholtes	present		
Mary Ann Stees	present	Time:	7:00 p.m.

RE: Kendall - Grundy FS - Variation

An application for a variance from Section 7.0.D.1.A of the Kendall County Zoning Ordinance pursuant to Section 13.04.B.2 was submitted to the Kendall County Zoning Officer.

The applicant is requesting a variance of the front yard setback in the agricultural district.

After due notice as required by law, the Zoning Board of Appeals held a public hearing on Tuesday, July 29, 1997 at 7:00 p.m. in the Kendall County Board Room at 111 West Fox Street in Yorkville, Illinois.

At the hearing Mr. Manning explained a petition was received from the owner of the Kendall - Grundy Farm Service property for their facility located at 8115 So. Rt. 47, Kendall Township. The property currently has an A-1 Special Use. It was determined when that Special Use was established, that a petroleum service station and sales use of the property would be a permitted use. The petitioners would now like to establish and construct that on this property. They have submitted a site plan showing a pump island set back 90' from the right-of-way on Rt. 47 with an overhead canopy set back 80' from the right-of-way.

Mr. Manning stated he had received a letter from Andrew Sviria, an engineer for District 3 of IDOT. The letter contained IDOT's long range plan to shift the right-of-way for Rt. 47 and showed their drawing. The plan will shift the west right-of-way line another 20' west. When that occurs, it would put the canopy setback at 60'.

Dan Kramer, attorney, and Larry Matteson, FS manager, were sworn in by Chairman Ford. Mr. Kramer explained the current right-of-way is 120' (60' west and 60' east). He talked to Mr. Sviria and explained that the canopy would not be an enclosed building. Jason Poppen from IDOT called him and said the head engineer reviewed this and did not see a problem. Mr. Kramer asked for this to be put in writing as soon as possible. He said that when asking for a recommendation tonight, that the vote be contingent upon Mr. Manning receiving that letter withdrawing their objection.

Mr. Kramer entered petitioners exhibit #1 showing an aerial view of the property and pointed out the IDOT building is as close as the variance FS is asking for. (80' off the right-of-way line). FS plans on putting a two pump island in on this specific spot so there will be a wide enough swing area for the trucks.

Hearing #740

Petition #9717

7/29/97

This location is right next to the existing building which houses the computers and the cash register. There will be no additional buildings constructed. Mr. Kramer entered a color picture of the proposed canopy as exhibit #2. The canopy top will be 80' and will cover the two pumps north and south to the road. He is asking for a variance of 20' for the canopy and a 10' variance for the posts.

Mr. Manning questioned if there could not be other locations. Mr. Matteson explained why this location is the best in his opinion due to congestion and the loading docks. He said they will sell to the public both diesel and gas with the two pumps.

After testimony the Zoning Board made the following findings of fact: (13.04.A.2)

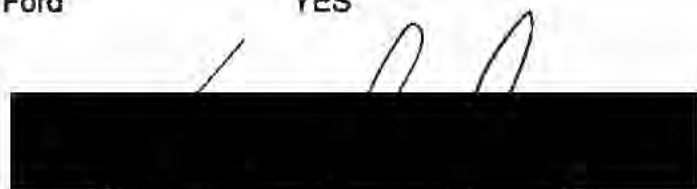
1. Are there particular physical surroundings, shape or topographical condition of the property involved that would result in a hardship upon the owner as distinguished from a mere inconvenience or loss of revenue? NO
2. The conditions upon the requested variation is based applicable to other property within the same zoning classification. UNIQUE
3. Does the alleged difficulty or hardship been created by any person having interest in the property? NO
4. At the granting of the variation detrimentally effect the public welfare or injurious to other property or improvements in the neighborhood. NO
5. Will the proposed variation impair adequate supply of light or air to adjacent property or increase congestion in the public street or increase danger of fire or endanger of public safety or substantially diminish or impair property values? NO, modest increase in traffic.
6. Does the proposed variance comply with the spirit and intent of the ordinance? YES

Member Dierzen motioned and Member Friedrich seconded to grant the variance request with the following stipulations: pending approval from the State of Illinois IDOT in writing.

VOTE:	Bark	YES	Dierzen	YES
	Friedrich	YES	Scholtes	YES
	Stees	YES	Ford	YES

MOTION CARRIED.


Recording Secretary


Chairman, Zoning Board of Appeals

**ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)
December 5, 2023 – Unapproved Meeting Minutes**

PBZ Chairman Seth Wormley called the meeting to order at 9:00 a.m.

Present:

Matt Asselmeier – PBZ Department
David Guritz – Forest Preserve
Brian Holdiman – PBZ Department
Fran Klaas – Highway Department
Commander Jason Langston – Sheriff's Department
Aaron Rybski – Health Department
Seth Wormley – PBZ Committee Chair

Absent:

Meagan Briganti – GIS Department
Greg Chismark – WBK Engineering, LLC
Alyse Olson – Soil and Water Conservation District

Audience:

Dan Kramer, Andrew Schwartz, and Robert Schwartz

PETITIONS

Petitions 23-32 and 23-33 Alan Drake on Behalf of Grainco FS, Inc (Property Owner) and Andrew and Robert Schwartz on Behalf of A.B. Schwartz, LLC (Contractor Purchaser)

Mr. Asselmeier summarized the request.

A.B. Schwartz, LLC would like an amendment to the Future Land Use Map contained in the Land Resource Management Plan for approximately nineteen point eight more or less (19.8 +/-) acres located on the west side of Route 47 addressed as 8115 Route 47. If the change to the Future Land Use Map is approved, the Petitioner would like to rezone the property to M-1 in order to operate a tile business, offices, warehouses, fuel storage, and other light industrial uses.

The application letter and pictures of the property were provided.

The property is located at 8115 Route 47, Yorkville.

The property is vacant and improved commercial.

Two (2) of the parcels are zoned A-1 and three (3) of the parcels are zoned A-1 with special use permits.

The County's plan calls for the property to be Transportation Corridor.

Yorkville's plan calls for the property to be Agricultural.

Route 47 is a State maintained arterial road.

There are no trails planned in this area.

There are no floodplains or wetlands on the property.

The adjacent land uses are Improved Commercial, Agricultural, Farmstead, and Transportation/Community/Utility (IDOT Yard).

The adjacent properties are zoned A-1 and B-3 in the County and R-2 and R-3 in Yorkville.

The County's plan calls for the area to be Transportation Corridor, Commercial, and Rural Residential (Max 0.65 DU/Acre).

Yorkville's plan calls for the area to be Estate/Conservation Residential, and Agricultural.

Properties within one point five (1.5) miles were zoned A-1, A-1SU, R-1, R-3, and B-3 in the County and R-2, R-3, B-1, and B-3 inside Yorkville.

The A-1 special use permits to the south are for a church, an illuminated sign, and a cemetery.

EcoCAT Report submitted and consultation was terminated.

The application for NRI was submitted on November 12, 2023.

Petition information was sent to Kendall Township on November 17, 2023. At their meeting on November 21, 2023, the Kendall Township Planning Commission recommended approval of the request. The Kendall Township Board was still reviewing the proposal.

Petition information was sent to the United City of Yorkville on November 17, 2023. Yorkville plans to review the proposal in January 2024.

Petition information was sent to the Bristol-Kendall Fire Protection District on November 17, 2023. No comments received.

The portions of the property identified by parcel identification numbers 05-09-300-007, 05-16-100-004, and 05-16-100-020 were originally rezoned to M-1 in 1966 by Ordinance 1966-08. These properties were rezoned back to A-1 and granted a special use permit during the County-wide rezoning in 1974. A special use permit was granted at these properties to expand the gas facilities in 1979 by Ordinance 1979-20. A special use permit for an illuminated sign was granted at the property in 1998 by Ordinance 1998-09. Ordinances 1966-08, 1979-20, and 1998-09 were provided.

In addition to the various zoning actions previously mentioned, the portion of the property identified by parcel identification number 05-16-100-020 was granted variances in 1997 for a reduction of the front yard setback by twenty feet (20') for a canopy and fuel pumps and a ten foot (10') front yard setback reduction for post placement. The information for this variance was provided.

Those portions of the property identified by parcel identification numbers 05-16-100-003 and 05-09-300-006 appear to have always been zoned A-1.

Per the site plan, there are seven (7) buildings presently located on the property. Any new buildings, expansion of existing buildings, or remodeling of these buildings would require applicable building permits and the work would be required to meet applicable building codes. The Petitioners indicate that no new buildings are planned at this time. Any structures or uses that encroach into required setbacks would be considered lawfully non-conforming. Any changes to site, such as new buildings or expanded parking areas, would trigger site plan review and approval under the Zoning Ordinance.

The site is serviced by a well and septic. There is electricity onsite. There are several LP tanks onsite.

The property fronts Route 47 and has two (2) access points off of Route 47. Deceleration lanes exist at both entrances on Route 47.

The site plan shows several gravel and asphalt areas. No dedicated parking spaces appear onsite. Any new parking lots would have to meet applicable regulations.

Based on the proposed uses, no new odors are foreseen. The owners of the property would have to follow applicable odor control regulations based on potential other future M-1 allowable uses.

The site plan shows one (1) light pole and there are some existing lights on several of the buildings.

The amount of lighting could expand on the property if they install a larger parking lot or if different uses move onto the property.

No changes to the landscaping or property screening are proposed.

If improvements are made to the site in the future, landscaping and screening would be required as part of site plan review.

Any signage would have to meet applicable regulations and secure permits.

Based on the proposed uses, no new noise issues are foreseen. The owners of the property would have to follow applicable noise control regulations based on potential other future M-1 allowable uses.

The site plan shows two (2) stormwater inlets.

Since no new buildings or impervious surfaces were proposed, a stormwater permit was not required. However, if additional buildings or impervious surfaces are added to the site in the future, stormwater permits could be required at that time.

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, larger lot single-family residential uses, Illinois Department of Transportation storage yard, and vacant commercial space that might seek rezoning to industrial in the future.

The Zoning classification of property within the general area of the property in question. The surrounding properties are zoned A-1 and B-3 in the unincorporated area and R-2 and R-3 inside the United City of Yorkville.

The suitability of the property in question for the uses permitted under the existing zoning classification. The Petitioners propose to use the property for more light industrial type uses that are not allowed in the A-1 Agricultural Zoning District.

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, storage and warehousing, and other light industrial type uses.

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 Transportation Corridor. The United City of Yorkville's Plan calls for the property to be Agricultural. The Petitioners are also pursuing a change to the County's Future Land Use Map to Mixed Use Business. If this change is approved, then the requested map amendment would be consistent with the County's Land Resource Management Plan.

If the requested amendment to the Future Land Use Map in the Land Resource Management Plan reclassifying this property as Mixed Use Business is approved, Staff recommended approval of the proposed map amendment.

According to the definition of Transportation Corridor found on page 7-36 of the Land Resource Management Plan, this type of land use would be associated with the B-5 Business Planned Development District, B-6 Office and Research Park District, and limited B-3 Highway Business District.

The proposed tile business, offices, warehouses, fuel storage, and other light industrial uses would more applicably fit on properties zoned M-1, which more closely corresponds to the Mixed Use Business classification.

If the request is granted, the adjacent properties on the west side of Route 47 (the former Aux Sable Building and the Illinois Department of Transportation yard) could submit the same reclassification request in the future. The types of uses of those buildings and properties could also fit into the Mixed Use Business classification.

Staff recommended approval of the requested amendment and, if the requested amendment to the Future Land Use Map in the Land Resource Management Plan reclassifying this property as Mixed Use Business was approved, Staff recommended approval of the proposed map amendment.

Mr. Rybski said that the septic system was installed in 2008 and designed for fifteen (15) employees. Dan Kramer, Attorney for the Petitioner, said that the proposed uses would have less people onsite.

Mr. Kramer said that the conservation designation in Yorkville's plan was a placeholder.

Mr. Klaas asked if the Illinois Department of Transportation had acquired additional right-of-way at this property. Mr. Kramer responded no as it related to the subject property.

No additional access was planned for the property.

Chairman Wormley expressed his support for the project.

Mr. Klaas made a motion, seconded by Mr. Rybski, to recommend approval of the reclassification and map amendment.

The votes were follows:

Ayes (7): Asselmeier, Guritz, Klaas, Holdiman, Langston, Rybski, and Wormley

Nays (0): None

Abstain (0): None

Absent (3): Briganti, Chismark, and Olson

The motion passed.

The proposals go to the Kendall County Regional Planning Commission on December 13, 2023.

PUBLIC COMMENT

None

ADJOURNMENT

Mr. Guritz made a motion, seconded by Mr. Rybski, to adjourn.

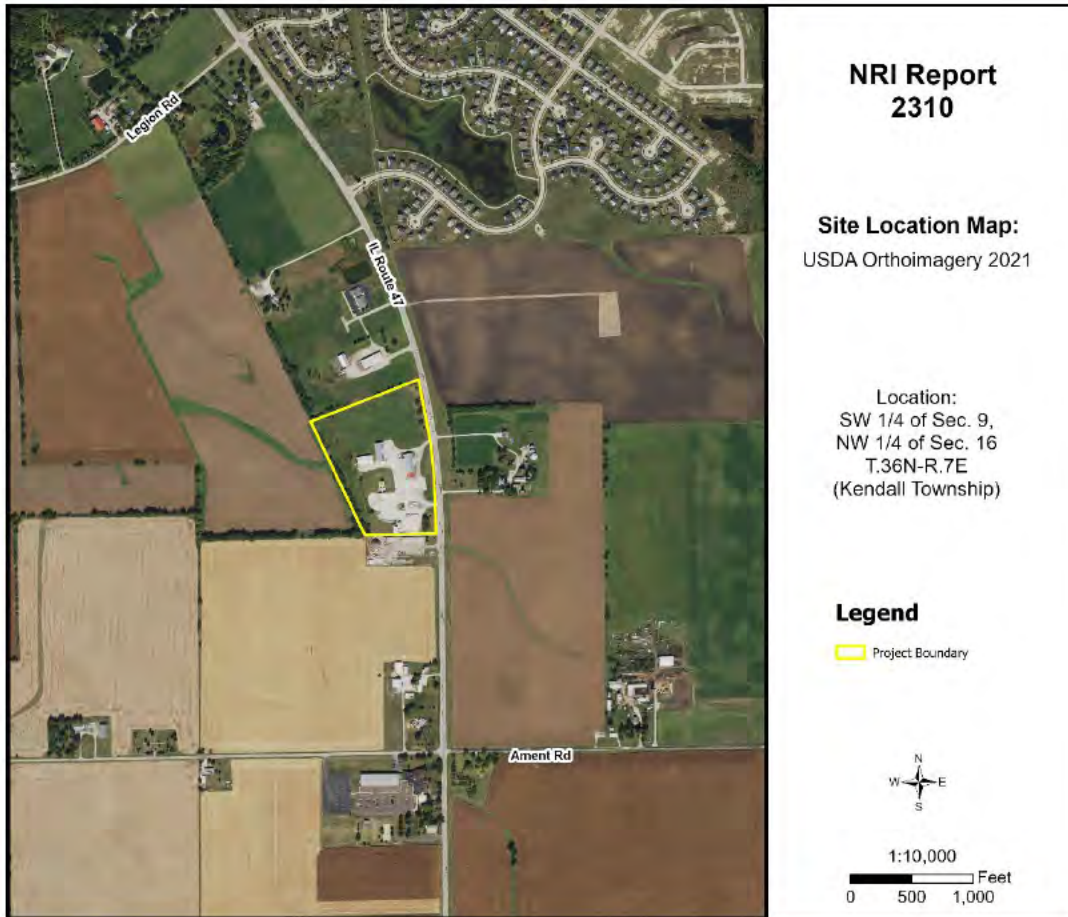
With a voice vote of seven (7) ayes, the motion carried.

The ZPAC, at 9:16 a.m., adjourned.

Respectfully Submitted,
Matthew H. Asselmeier, AICP, CFM
Director

Enc.

NATURAL RESOURCE INFORMATION (NRI) EXECUTIVE SUMMARY REPORT: #2310



Dec.
2023

Petitioner: A.B. Schwartz, LLC
Contact: Attorney Daniel J. Kramer

Prepared By:



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

TABLE OF CONTENTS

EXECUTIVE SUMMARY	3
NATURAL RESOURCE CONSIDERATIONS	2
SOIL INFORMATION	2
SOIL LIMITATIONS.....	5
KENDALL COUNTY LAND EVALUATION AND SITE ASSESSMENT (LESA)	10
WETLANDS.....	12
FLOODPLAIN	13
TOPOGRAPHY	14
SEDIMENT AND EROSION CONTROL	14
STORMWATER POLLUTION	14
LAND USE FINDINGS	15

LIST OF FIGURES

FIGURE 1: Soil Map	2
FIGURE 2: Soil Limitations	5
FIGURE 3A-3C: Maps of Building Limitations	7-9
FIGURE 4: Wetland Map	12
FIGURE 5: Flood Map	13
FIGURE 6: Topographic Map	14

LIST OF TABLES

TABLE 1: Soils Information	2
TABLE 2: Water Features	4
TABLE 3: Building Limitations	6
TABLE 4A: Land Evaluation Computation	10
TABLE 4B: Site Assessment Computation	11
TABLE 5: LESA Score Summary	11

EXECUTIVE SUMMARY

Natural Resource Information Report Number	#2310
Petitioner	A.B. Schwartz, LLC
Contact Person	Attorney Daniel J. Kramer
County or Municipality the Petition is Filed With	Kendall County
Location of Parcel	SW ¼ of Section 9, NW ¼ of Section 16, Township 36 North, Range 7 East (Kendall Township) of the 3 rd Principal Meridian
Project or Subdivision Name	A.B. Schwartz, LLC Re-Zoning
Existing Zoning & Land Use	A-1 Agricultural & A-1 SU Agricultural Special Use; Vacant, Agriculture & Improved Commercial (Ag retail, fuel storage, equipment storage, truck & tractor repair, etc.)
Proposed Zoning & Land Use	M-1 Limited Manufacturing; Tile business operation, building rentals for construction businesses, fuel storage, etc.
Proposed Water Source	Existing well
Proposed Type of Sewage Disposal System	Existing septic
Proposed Type of Storm Water Management	N/A
Size of Site	(+/-) 19.8 acres
Land Evaluation Site Assessment Score	184 (Land Evaluation: 94; Site Assessment: 90)

NATURAL RESOURCE CONSIDERATIONS

SOIL INFORMATION

Based on information from the United States Department of Agriculture-Natural Resources Conservation Service (USDA-NRCS) 2008 Kendall County Soil Survey, this project area contains the soil types shown in Figure 1 and Table 1. 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.

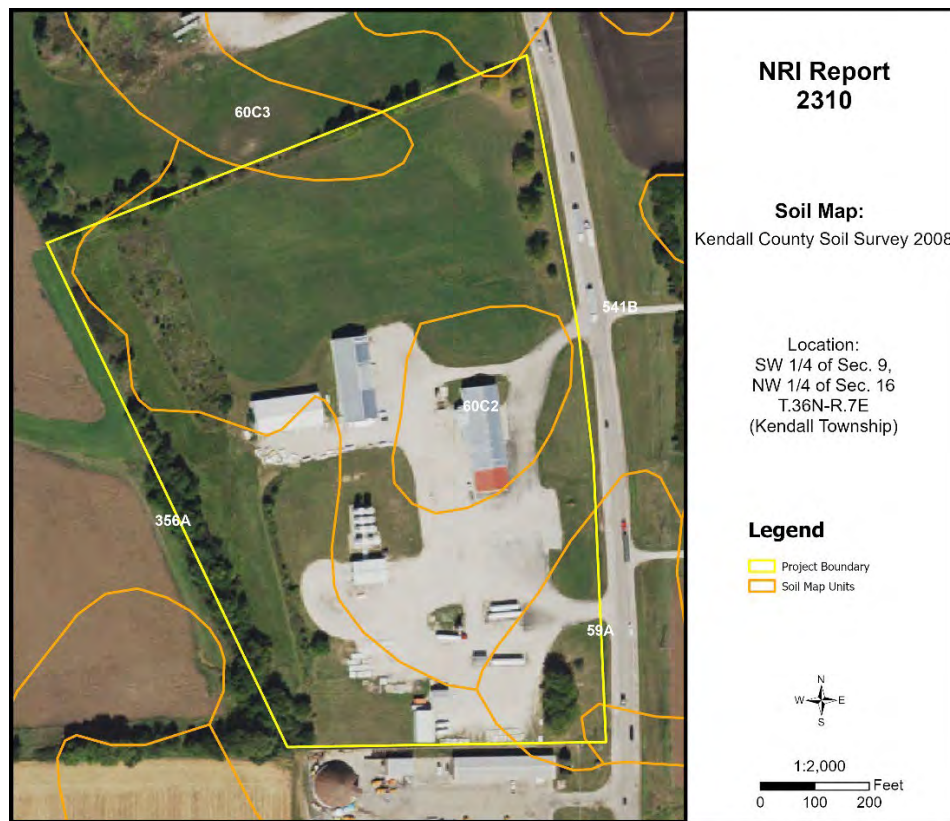


Figure 1: Soil Map

Table 1: Soils Information

Soil Type	Soil Name	Drainage Class	Hydrologic Group	Hydric Designation	Farmland Designation	Acres	% Area
59A	Lisbon silt loam, 0-2% slopes	Somewhat Poorly Drained	C/D	Non-Hydric	Prime Farmland	1.4	6.9%
60C2	La Rose silt loam, 5-10% slopes, eroded	Moderately Well Drained	C	Non-Hydric	Farmland of Statewide Importance	2.2	11.1%
60C3	La Rose clay loam, 5-10% slopes, severely eroded	Moderately Well Drained	C	Non-Hydric	Farmland of Statewide Importance	0.5	2.3%
356A	Elpaso silty clay loam, 0-2% slopes	Poorly Drained	B/D	Hydric	Prime Farmland if Drained	4.5	22.5%
541B	Graymont silt loam, 2-5% slopes	Moderately Well Drained	C	Non-Hydric with Hydric Inclusions	Prime Farmland	11.3	57.1%

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 (356A Elpaso silty clay loam), three are classified as non-hydric soil (59A Lisbon silt loam, 60C2 La Rose silt loam, and 60C3 La Rose clay loam), and one is classified as non-hydric soil with hydric inclusions likely (541B Graymont silt 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, two are designated as prime farmland (59A Lisbon silt loam and 541B Graymont silt loam), one is designated as prime farmland if drained (356A Elpaso silty clay loam), and two are designated as farmland of statewide importance (60C2 La Rose silt loam and 60C3 La Rose clay loam). Farmland of statewide importance is land that does not meet the criteria for prime farmland but can economically produce high yields of crops when managed properly.

Soil Water Features – Table 2, below, gives estimates of various soil water features that should be taken into consideration when reviewing engineering for a land use project.

Table 2: Water Features

Map Unit	Hydrologic Group	Surface Runoff	Water Table	Ponding	Flooding
59A	C/D	Low	January - May Upper Limit: 1.0'-2.0' Lower Limit: 2.0'-4.0'	January – December Frequency: None	January – December Frequency: None
60C2	C	High	February - April Upper Limit: 2.0'-3.5' Lower Limit: 2.2'-4.0'	January – December Frequency: None	January – December Frequency: None
60C3	C	Medium	February - April Upper Limit: 2.0'-3.5' Lower Limit: 2.2'-4.0'	January – December Frequency: None	January – December Frequency: None
356A	B/D	Negligible	January - May Upper Limit: 0.0'-1.0' Lower Limit: 6.0'	January – May Surface Water Depth: 0.0'-0.5' Duration: Brief (2 to 7 days) Frequency: Frequent June – December Frequency: None	January – December Frequency: None
541B	C	Low	February - April Upper Limit: 2.0'-3.5' Lower Limit: 2.2'-4.3'	January – December Frequency: None	January – December Frequency: None

Surface Runoff – Refers to the loss of water from an area by flow over the land surface. Surface runoff classes are based upon slope, climate and vegetative cover 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 surface runoff classes are identified as: 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 is standing water in a closed depression. Unless a drainage system is installed, the water is removed only by percolation, transpiration, or evaporation. Duration is expressed as very brief (less than 2 days), brief (2 to 7 days), long (7 to 30 days), very long (more than 30 days). Frequency is expressed as none (ponding is not probable), rare (unlikely but possible under unusual weather conditions), occasional (occurs, on average, once or less in 2 years) and frequent (occurs, on average, more than once in 2 years).

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

SOIL LIMITATIONS

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

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

Limitations are listed below for small commercial buildings, shallow excavations, lawns/landscaping, and local roads & streets. Please note this information is based on soils in an undisturbed state as compiled for the USDA-NRCS 2008 Soil Survey of Kendall County, IL. This does not replace the need for site specific soil testing or results of onsite soil testing.

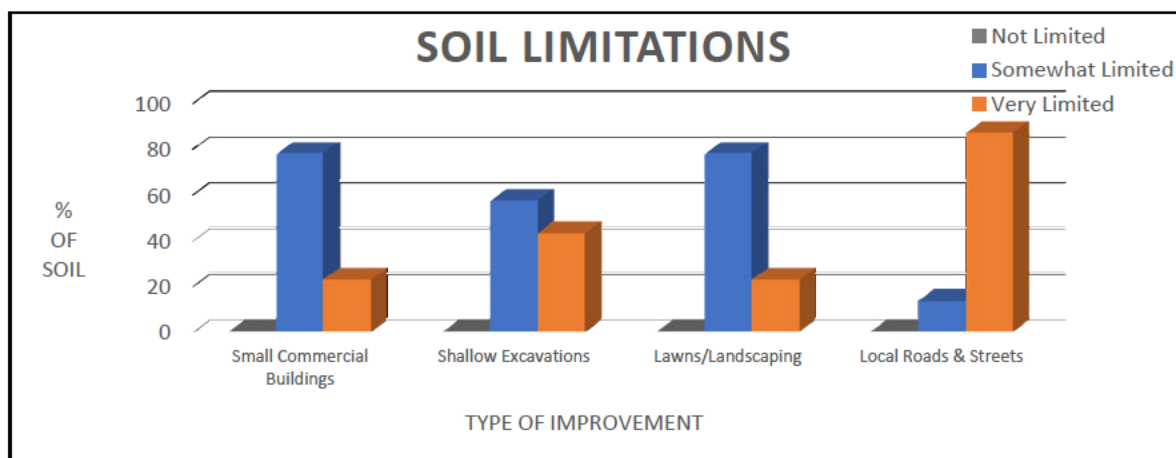


Figure 2: Soil Limitations

Table 3: Building Limitations

Soil Type	Small Commercial Buildings	Shallow Excavations	Lawns & Landscaping	Local Roads & Streets	Acres	%
59A	Somewhat Limited: Depth to saturated zone Shrink-swell	Very Limited: Depth to saturated zone Dense layer Dusty Unstable excavation walls Ponding	Somewhat Limited: Depth to saturated zone Dusty	Very Limited: Frost action Low strength Depth to saturated zone Shrink-swell Ponding	1.4	6.9%
60C2	Somewhat Limited: Slope Depth to saturated zone	Very Limited: Depth to saturated zone Dusty Unstable excavation walls	Somewhat Limited: Depth to saturated zone Dusty	Somewhat Limited: Frost action Low strength Depth to saturated zone	2.2	11.1%
60C3	Somewhat Limited: Slope Depth to saturated zone	Very Limited: Depth to saturated zone Dusty Unstable excavation walls	Somewhat Limited: Depth to saturated zone Dusty	Somewhat Limited: Frost action Low strength Depth to saturated zone	0.5	2.3%
356A	Very Limited: Ponding Depth to saturated zone Shrink-swell	Very Limited: Ponding Depth to saturated zone Dusty Unstable excavation walls Too clayey	Very Limited: Ponding Depth to saturated zone Dusty	Very Limited: Ponding Depth to saturated zone Frost action Low strength Shrink-swell	4.5	22.5%
541B	Somewhat Limited: Shrink-swell	Somewhat Limited: Depth to saturated zone Dusty Unstable excavation walls	Somewhat Limited: Dusty	Very Limited: Frost action Low strength Shrink-swell Ponding Depth to saturated zone	11.3	57.1%
% Very Limited	22.5%	42.9%	22.5%	86.6%		

Figure 3A: Map of Building Limitations - Small Commercial Buildings & Lawns/Landscaping

Figure 3B: Map of Building Limitations - Shallow Excavations

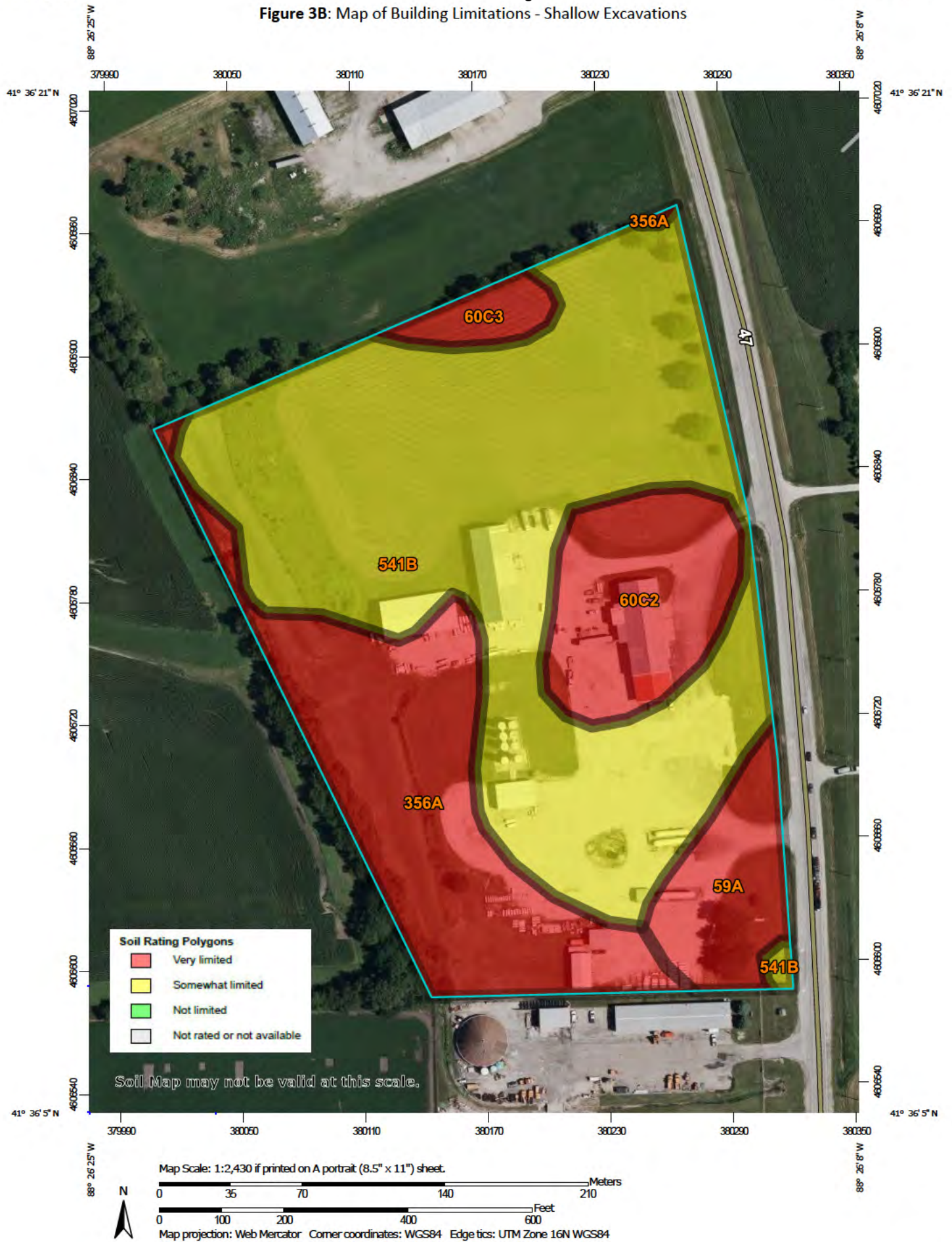


Figure 3C: Map of Building Limitations - Local Roads and Streets



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 value accounts for 1/3 of the total score and is based on data from the Kendall County Soil Survey. The Kendall County Soil and Water Conservation District is responsible for this portion of the LESA system.
- **Site Assessment (SA):** The site is numerically evaluated according to important factors that contribute to the quality of the site. Each factor selected is assigned values in accordance with the local needs and objectives. The 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.

Table 4A: Land Evaluation Computation

Soil Type	Value Group	Relative Value	Acres	Product (Relative Value x Acres)
59A	2	94	1.4	131.6
60C2	5	82	2.2	180.4
60C3	6	69	0.5	34.5
356A	1	100	4.5	450.0
541B	2	94	11.3	1,062.2
Totals			19.8	1,858.7
LE Calculation			(Product of relative value / Total Acres) 1,858.7 / 19.8 = 93.9	
LE Score			LE = 94	

*Acreage listed in this chart provides a generalized representation and may not precisely reflect exact acres of each soil type.

The Land Evaluation score for this site is 94, indicating that this site is currently designated as land that is well suited for agricultural uses considering the Land Evaluation score is above 80.

Table 4B: Site Assessment Computation

A.	Agricultural Land Uses	Points
	1. Percentage of area in agricultural uses within 1.5 miles of site. (20-10-5-0)	10
	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)	5
	4. Size of site. (30-15-10-0)	10
B.	Compatibility / Impact on Uses	
	1. Distance from city or village limits. (20-10-0)	0
	2. Consistency of proposed use with County Land Resource Management Concept Plan and/or municipal comprehensive land use plan. (20-10-0)	20
	3. Compatibility of agricultural and non-agricultural uses. (15-7-0)	0
C.	Existence of Infrastructure	
	1. Availability of public sewage system. (10-8-6-0)	6
	2. Availability of public water system. (10-8-6-0)	6
	3. Transportation systems. (15-7-0)	7
	4. Distance from fire protection service. (10-8-6-2-0)	6
	Site Assessment Score:	90

The Site Assessment score for this site is 90. The Land Evaluation value (94) is added to the Site Assessment value (90) to obtain a LESA Score of 184. The table below shows the level of protection for the proposed project site based on the LESA Score.

Table 5: LESA Score Summary

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

Land Evaluation Value: 94 + Site Assessment Value: 90 = LESA Score: 184

The LESA Score for this site is 184, 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.

WETLANDS

The U.S. Fish & Wildlife Service's National Wetland Inventory map indicates that mapped wetlands/waters are not present 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.

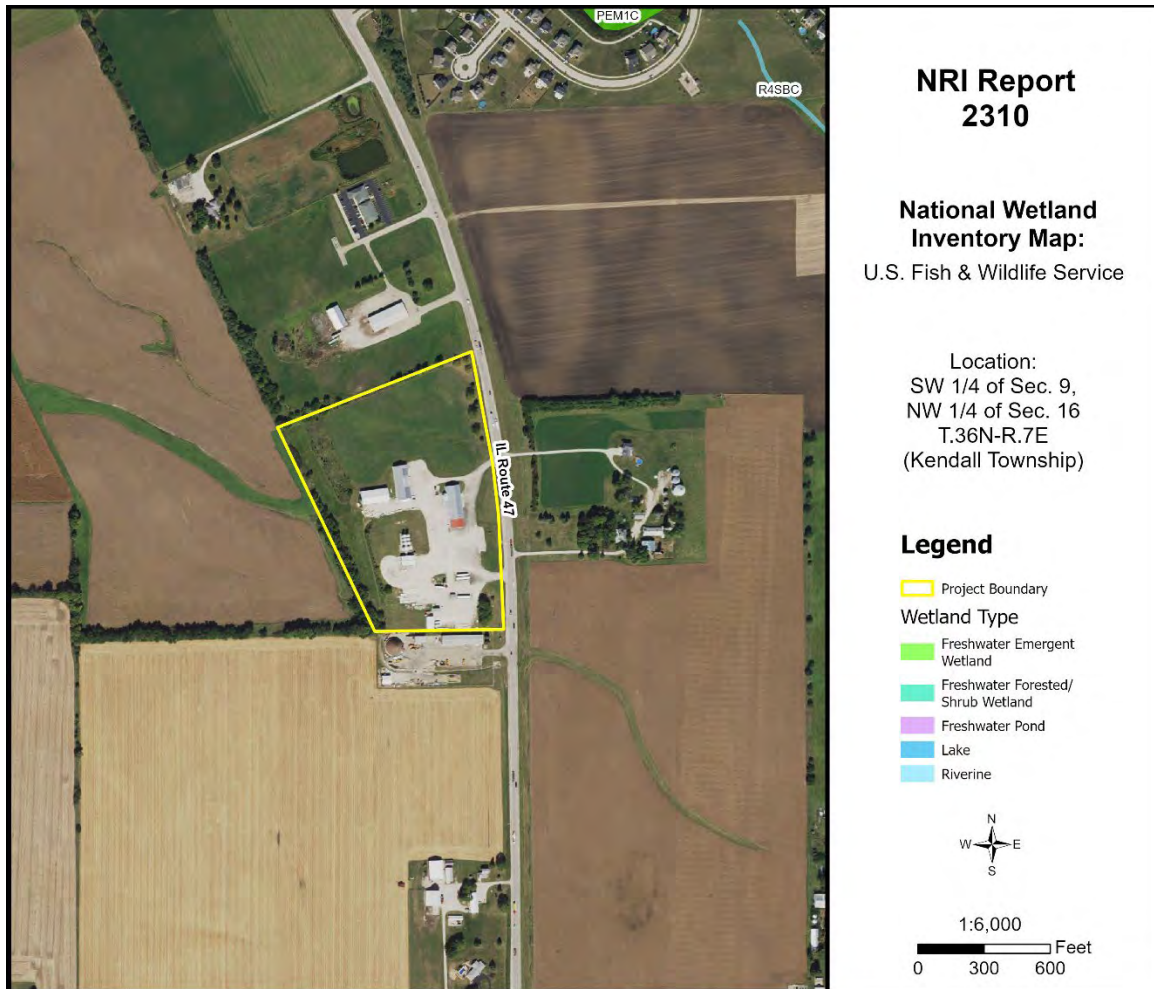


Figure 4: Wetland Map

FLOODPLAIN

The Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Map (FIRM) for Kendall County, Community Panel No. 17093C0125G (effective date February 4, 2009) was reviewed to determine the presence of floodplain and floodway areas within the project site. According to the map, the parcel is located outside of the flood hazard zones.

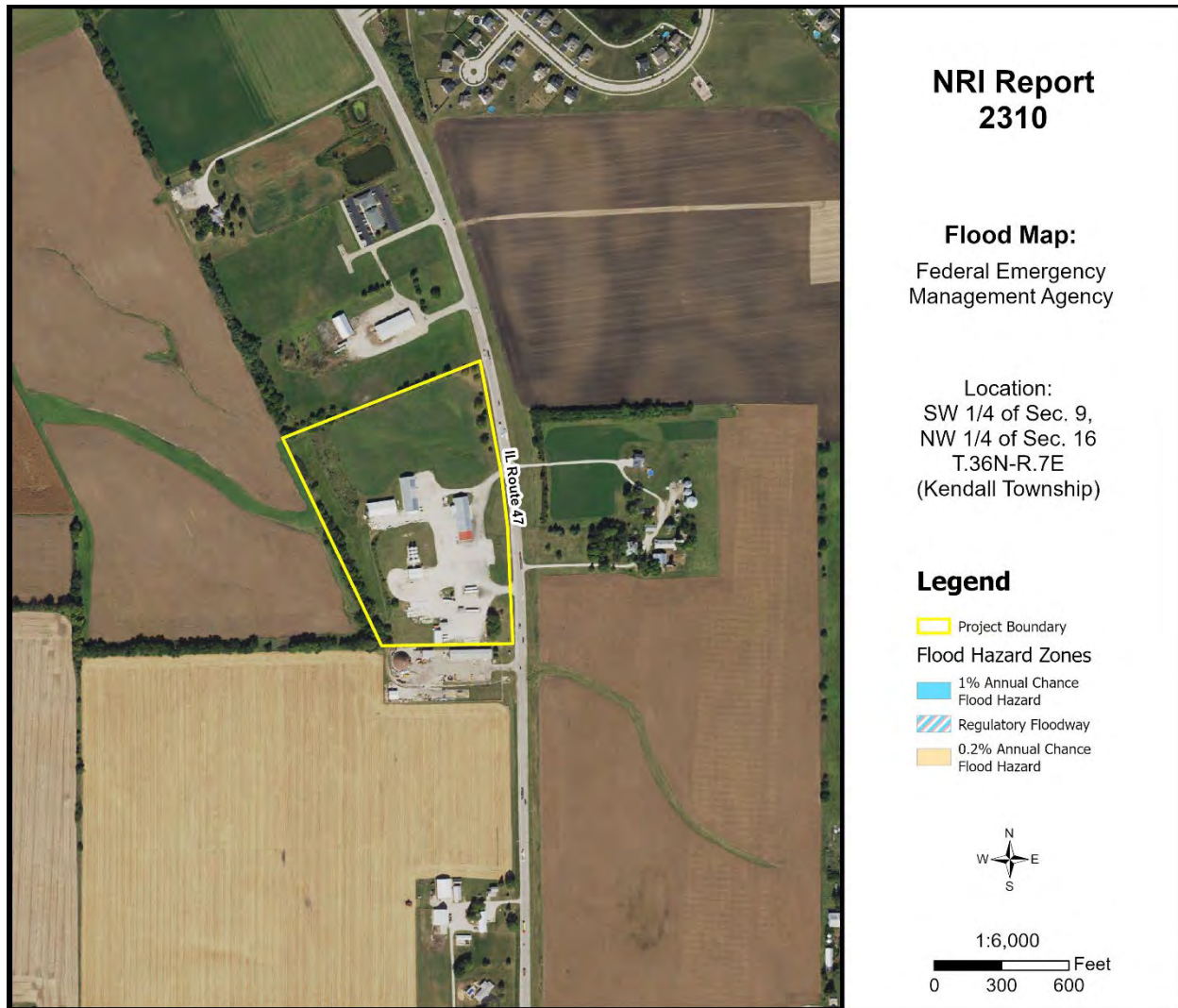


Figure 5: Flood Map

TOPOGRAPHY

The parcel is on minimal topography (slopes 0-10%) and at an elevation of approximately 722'-736' above sea level. The lowest point is at the southeast corner, and the highest point is at the northeast corner.

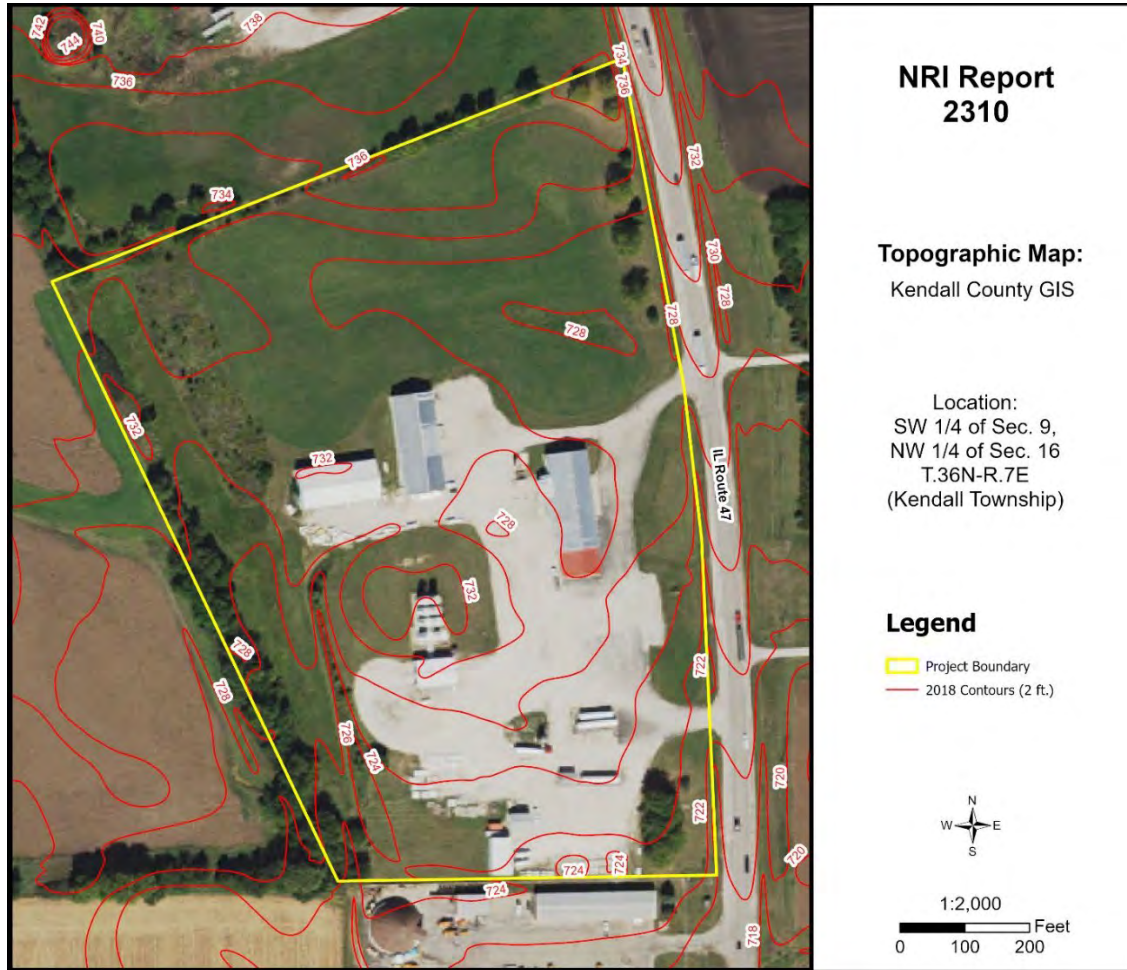


Figure 6: Topographic Map

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.

STORMWATER POLLUTION

A National Pollutant Discharge Elimination System (NPDES) permit (Permit No. ILR10) from the Illinois Environmental Protection Agency (IEPA) is required for stormwater discharges from construction sites that will disturb 1 or more acres of land. Conditions of the NPDES ILR10 permit require the development and implementation of a Stormwater Pollution Prevention Plan (SWPPP) to reduce stormwater pollutants on the construction site before they can cause environmental issues.

LAND USE FINDINGS

The Kendall County Soil and Water Conservation District (SWCD) Board has reviewed the proposed site plans for petitioner A.B. Schwartz, LLC. The petitioner is requesting a change in zoning from A-1 Agricultural Special Use to M-1 Limited Manufacturing on five parcels (Parcel Index Numbers 05-16-100-004, 05-09-300-006, 05-16-100-003, 05-09-300-007, 05-16-100-020) to operate a farm tile business, rent out existing buildings for construction companies, store fuel, etc. within Kendall Township of Kendall County located in Sections 9 and 16, Township 36 North, and Range 7 East 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 due to their highly productive qualities for growing agriculturally important grain and fiber crops in our community. Much of the site is already developed, however, the northern portion of the site that is not developed contains soils that are designated primarily as prime farmland. 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 94 out of a possible 100 points indicating that the soils are well suited for agricultural uses. The total LESA score for this site is 184 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.

Soils found on the project site are rated for specific uses and can have potential limitations. Soil types with severe limitations do not preclude the ability to develop the site for the proposed use, but it is important to note the limitation that may require soil reclamation, special design/engineering, or maintenance to obtain suitable soil conditions to support development with significant limitations. There are not currently plans for development on the site, however, if development occurs in the future this report indicates that for soils located on the parcel, 86.6% are very limited for roads & streets (paved & unpaved), 42.9% are very limited for shallow excavations, and 22.5% are very limited for small commercial buildings and lawns/landscaping. The remaining soils are considered somewhat limited for these types of developments/uses. 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 Middle Aux Sable Creek sub watershed. If development occurs on this site, please ensure that a soil erosion and sediment control plan 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 subsurface drainage tile. That survey 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 landowners take into full consideration the limitations of the site. 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

12/11/23
Date

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 December 13, 2023 - 7:00 p.m.

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

ROLL CALL

Members Present: Bill Ashton, Eric Bernacki, Dave Hamman, Larry Nelson, Ruben Rodriguez, Claire Wilson, and Seth Wormley (Arrived at 7:07 p.m.)

Members Absent: Tom Casey, Karin McCarthy-Lange, and Bob Stewart

Staff Present: Matthew H. Asselmeier, Director, and Wanda A. Rolf, Administrative Assistant

Others Present: Dan Kramer, Andrew Schwartz, Robert Schwartz, and Carrie Barns

PETITION

Petition 23-33 Alan Drake on Behalf of Grainco FS, Inc. (Property Owner) and Andrew and Robert Schwartz on Behalf of A.B. Schwartz, LLC (Contract Purchaser)

Mr. Asselmeier summarized the request.

A.B. Schwartz, LLC would like a map amendment rezoning approximately nineteen point eight more or less (19.8 +/-) acres located on the west side of Route 47 addressed as 8115 Route 47 from A-1 Agricultural District and A-1 SU to M-1 Limited Manufacturing District in order to operate a tile business, offices, warehouses, fuel storage, and other light industrial uses.

The application materials and pictures of the property were provided.

The property is located at 8115 Route 47, Yorkville.

The property is vacant and improved commercial.

Two (2) of the parcels are zoned A-1 and three (3) of the parcels are zoned A-1 with special use permits.

The County's plan calls for the property to be Transportation Corridor.

Yorkville's plan calls for the property to be Agricultural.

Route 47 is a State maintained arterial road.

There are no trails planned in this area.

There are no floodplains or wetlands on the property.

The adjacent land uses are Improved Commercial, Agricultural, Farmstead, and Transportation/Community/Utility (IDOT Yard).

The adjacent properties are zoned A-1 and B-3 in the County and R-2 and R-3 in Yorkville.

The County's plan calls for the area to be Transportation Corridor, Commercial, and Rural Residential (Max 0.65 DU/Acre).

Yorkville's plan calls for the area to be Estate/Conservation Residential, and Agricultural.

Properties within one point five (1.5) miles were zoned A-1, A-1SU, R-1, R-3, and B-3 in the County and R-2, R-3, B-1, and B-3 inside Yorkville.

The A-1 special use permits to the south are for a church, an illuminated sign, and a cemetery.

EcoCAT Report submitted and consultation was terminated.

The application for NRI was submitted on November 12, 2023.

Petition information was sent to Kendall Township on November 17, 2023. At their meeting on November 21, 2023, the Kendall Township Planning Commission recommended approval of the request. The Kendall Township Board was still reviewing the proposal.

Petition information was sent to the United City of Yorkville on November 17, 2023. Yorkville plans to review the proposal in January 2024.

Petition information was sent to the Bristol-Kendall Fire Protection District on November 17, 2023. No comments received.

ZPAC reviewed the proposal at their meeting on December 5, 2023. It was noted that the septic system was designed for a maximum fifteen (15) people. The Petitioner's Attorney indicated that fewer people will be on the property compared to the number of people onsite for previous uses. The Illinois Department of Transportation had not been in negotiations with the property owners related to land acquisition for right-of-way expansion. With two (2) access points, the property possessed good access onto Route 47. ZPAC recommended approval of the proposal by a vote of seven (7) in favor and zero (0) in opposition with three (3) members absent. The minutes of the meeting were provided.

The portions of the property identified by parcel identification numbers 05-09-300-007, 05-16-100-004, and 05-16-100-020 were originally rezoned to M-1 in 1966 by Ordinance 1966-08. These properties were rezoned back to A-1 and granted a special use permit during the County-wide rezoning in 1974. A special use permit was granted at these properties to expand the gas facilities in 1979 by Ordinance 1979-20. A special use permit for an illuminated sign was granted at the property in 1998 by Ordinance 1998-09. Ordinances 1966-08, 1979-20, and 1998-09 were provided.

In addition to the various zoning actions previously mentioned, the portion of the property identified by parcel identification number 05-16-100-020 was granted variances in 1997 for a reduction of the front yard setback by twenty feet (20') for a canopy and fuel pumps and a ten foot (10') front yard setback reduction for post placement. The information for this variance was provided.

Those portions of the property identified by parcel identification numbers 05-16-100-003 and 05-09-300-006 appear to have always been zoned A-1.

Per the site plan, there are seven (7) buildings presently located on the property. Any new buildings, expansion of existing buildings, or remodeling of these buildings would require applicable building permits and the work would be required to meet applicable building codes. The Petitioners indicate that no new buildings are planned

KCRPC Meeting Minutes 12.13.23

at this time. Any structures or uses that encroach into required setbacks would be considered lawfully non-conforming. Any changes to site, such as new buildings or expanded parking areas, would trigger site plan review and approval under the Zoning Ordinance.

The site is serviced by a well and septic. There is electricity onsite. There are several LP tanks onsite.

The property fronts Route 47 and has two (2) access points off of Route 47. Deceleration lanes exist at both entrances on Route 47.

The site plan shows several gravel and asphalt areas. No dedicated parking spaces appear onsite. Any new parking lots would have to meet applicable regulations.

Based on the proposed uses, no new odors are foreseen. The owners of the property would have to follow applicable odor control regulations based on potential other future M-1 allowable uses.

The site plan shows one (1) light pole and there are some existing lights on several of the buildings.

The amount of lighting could expand on the property if they install a larger parking lot or if different uses move onto the property.

No changes to the landscaping or property screening are proposed.

If improvements are made to the site in the future, landscaping and screening would be required as part of site plan review.

Any signage would have to meet applicable regulations and secure permits.

Based on the proposed uses, no new noise issues are foreseen. The owners of the property would have to follow applicable noise control regulations based on potential other future M-1 allowable uses.

The site plan shows two (2) stormwater inlets.

Since no new buildings or impervious surfaces were proposed, a stormwater permit was not required. However, if additional buildings or impervious surfaces are added to the site in the future, stormwater permits could be required at that time.

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, larger lot single-family residential uses, Illinois Department of Transportation storage yard, and vacant commercial space that might seek rezoning to industrial in the future.

The Zoning classification of property within the general area of the property in question. The surrounding properties are zoned A-1 and B-3 in the unincorporated area and R-2 and R-3 inside the United City of Yorkville.

The suitability of the property in question for the uses permitted under the existing zoning classification. The Petitioners propose to use the property for more light industrial type uses that are not allowed in the A-1 Agricultural Zoning District.

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, storage and warehousing, and other light industrial type uses.

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 Transportation Corridor. The United City of Yorkville's Plan calls for the property to be Agricultural. The Petitioners are also pursuing a change to the County's Future Land Use Map to Mixed Use Business. If this change is approved, then the requested map amendment would be consistent with the County's Land Resource Management Plan.

If the requested amendment to the Future Land Use Map in the Land Resource Management Plan reclassifying this property as Mixed Use Business is approved, Staff recommended approval of the proposed map amendment.

Member Bernacki asked if there were any buildings planned to be built in the near future. Dan Kramer, Attorney for the Petitioner responded that future buildings constructed depended on market interest. Also, any new buildings would need applicable stormwater and building permits. The existing fuel tanks would remain onsite.

Member Bernacki made a motion, seconded by Member Hamman, to recommend approval of the map amendment.

The votes were as follows:

Ayes (7): Ashton, Bernacki, Hammen, Rodriguez, Nelson, Wilson, and Wormley

Absent (3): Casey, McCarthy-Lange, and Stewart

Abstain (0): None

The motion carried. The proposal will go to the Kendall County Zoning Board of Appeals on December 18, 2023.

ADJOURNMENT

Member Nelson made a motion, seconded by Member Wilson, to adjourn. With a voice vote of seven (7) ayes, the motion carried.

The Kendall County Regional Planning Commission meeting adjourned at 8:16 p.m.

Respectfully submitted by,
Wanda A. Rolf
Administrative Assistant

**KENDALL COUNTY
REGIONAL PLANNING COMMISSION
DECEMBER 13, 2023**

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 Kramer	1127 A S. Bonville St Yonkers IL 60560	#23-32 23 33
Andy Schwartz		
Bob Schwartz		
Carrie Barnes		

Planning & Zoning Committee
AB Schwartz LLC Zoning Application – Petition 23-32 & 23-33

November 21, 2023

7:18pm – Meeting Called to Order by Jake Cooper

Those in attendance included:
Supervisor – Steve Gengler
Planning Commission Chair – Jake (Ronald Cooper)
Planning Commission members – Brian Anderson, Pat Lippold by phone
Presenter – Dan Kramer

Dan Kramer introduced Proposal of Rezoning Subject Property from A-1 to M-1 (Light Manufacturing)

Discussion ensued.

Motion was made by Brian Anderson and seconded by Pat Lippold
Unanimously approved.

Motion to provide positive recommendation to Township Board.

Meeting Adjourned 7:34pm

Respectfully submitted by Steve Grebner Kendall Township Clerk

State of Illinois

Kendall County

Town of Kendall

At the regular monthly Town Meeting held in said town and county, in the state of Illinois at Kendall Township Hall on Tuesday December 19, 2023. Meeting was called to order at 7:32 PM by Supervisor Steve Gengler. Township officials present were Steve Gengler Supervisor, Doug Westphal Highway Commissioner, Steve Grebner, Township Clerk, Cathy Scalise, Kendall Township Assessor and trustees: Carolyn Pottinger, Zach Turnbow, Doug Thanepohn and Don Hirsch.

Public Guests included Linda Gengler, Amy Westphal, Naomi Sweeney Dan Kramer, attorney, Bobby & Cassidy Schwartz, owners of AB Schwartz LLC who are requesting a zoning change and wanted to present to the Township Board.

Supervisor Gengler lead the board in the Pledge of Allegiance to the Flag.

Section III: Sheriff Department Update: Sheriff's Department Rep Deputy Paul Kubinski was in attendance and shared information regarding the number and locations of the Crisis Intervention requests the Sheriff's Dept has responded to over the past year – Not just in our township but the entire county – over 300. He also discussed the potential for taking the Town Hall meeting concept out on the road to the more rural areas of our county (of which the southern part of Kendall Township fits that description) and the need for reaching out to family members for actively assisting is helping identify cases of neglect, mental health issues as well as people taking advantage of our seniors. Clerk Grebner supplied a written report of Sheriff activity in township for month of December to date as well as a wrap up of November. (See Attachment A.) Clerk Grebner mentioned again there is a link on our website to the County Sheriff's transparency page where all this information is available as well as a tutorial on how use the site.

Section IV: Public Comment – Dan Kramer presented followed up last month's meeting with an update to the proposal to the board requesting a zoning change for the property known as Grainco FS from A-1 (Ag) to M-3 Light Manufacturing. Attorney Kramer reviewed the timeline and the changes since the last meeting (County appeals and planning boards have approved this change unanimously, but still awaiting City of Yorkville and BKFD responses. Discussion and questions ensued regarding the change in classification from Transportation Corridor to a Mixed Use Classification. This was also required as the Proposed new use (Contractor) is NOT approved for a Transportation Corridor. There were additional questions regarding the "Legal but Non-Conforming" term as well as what other businesses could be included under the M-1 Classification Mr. Kramer indicated these same questions were broached at the County meetings and were clarified there to the satisfaction of the board), but in summary, if there were substantive changes made in tenants, there are existing zoning or building committees that would be engaged prior to ability to make those changes and the Township would be informed. Additional questions regarding access after widening of RT 47 as well as set back issues were addressed to the satisfaction of the board. Mr. Kramer there will be at least 9 meetings of different committees/boards that must approve this request before it is approved.

It was decided to vote on this action item (Section X sub set (C) now while discussion was fresh. Motion was made by Trustee Turnbow and Seconded by Trustee Thanepohn to approve this zoning petition. Roll was taken and the motion passed unanimously.

Section V: Minutes from November meeting were read. Motion was then made to approve the minutes by Doug Thanepohn and seconded by Carolyn Pottinger and motion was approved unanimously.

Section VI: Financial Business: General Funds and Road District bills were reviewed and motion to approve was made by Carolyn Pottinger and seconded by Zach Turnbow. Motion was approved unanimously by roll call vote.

Reports:

Assessor: Hearing for Assessment appeals are complete with several being tabled by the County Board (this means no decision was made at that time, but will be made at a later date). Question was asked as to what are the potential outcomes of these hearings. Assessor stated there are really 4 outcomes: Agree with the appellate; Hold for the Assessor (agreeing with Assessor's findings); Compromise; or Table. Majority number of the appeals were found in favor of the assessor (Hold for Assessor).

January 28th is the assessor meeting for the county that is open to the public. Assessor staff is using this time during the holidays to get all records electronically scanned and that led to discussion regarding record retentions requirements for paper vs electronic documents.

Highway Commissioner: It was agreed our Truck Chassis will be held here inside out of the weather until Upfitted by Bonnells. However, there is still the question of who will take responsibility for final inspection/approval of rig when completed. Highway commissioner is still in conversation with Manufacturer as well as Upfitter and will get that agreed to. We are also planning on selling our old 6 wheeler, we will use our existing plow with our new Truck when complete and will sell our OLDER plow with our Old 6 wheeler.

Clerk's Report: Shared copy of Sheriff's Dept Activity – (as mentioned above). See attachment "A"

Clerk Grebner informed board the new site is up and running, optimized for all types of equipment – phones, tablets as well as laptops and desktops. There was one issue with iPhones, and clerk Grebner reached out to developer and that issue has been resolved. Clerk Grebner did ask if any of the trustees would like to send him their photos for inclusion in the website.

Supervisor:

Action Assignment A: Discuss and Vote on Approval of Road District Levy. Review and vote on the approval of the Road District Levy Ordinance #23-05. Motion was made to approve by Doug Thanepohn and seconded by Don Hirsch. Request for discussion was made, hearing none, a roll call vote was taken and motion passed unanimously. Clerk Grebner will deliver to County Clerk on Wed Dec 20th for official filing as per statute

Action Assignment B Discuss and Vote on Approval of Township Levy. Review and vote on the approval of the Township Levy Ordinance #23-06. Motion was made to approve by Don Hirsch and seconded by Zach Turnbow. Request for discussion was made, hearing none, a roll call vote was taken and motion passed unanimously. Clerk Grebner will deliver to County Clerk on Wed Dec 20th for official filing as per statute

Action Assignment C: See above this was the Discussion and vote on the proposed Zoning Changes.

Action Assignment D: Discussion and vote to approve the 2024 Meeting dates. It was identified by Trustee Pottinger that in one instance the year was not changed from 2023 to 2024 and appropriate change was made in public notice document and then motion was made to approve the now amended 2024 Monthly Meeting document by Don Hirsch and seconded by Zach Turnbow. Request for further discussion was made and hearing none roll call vote was taken and motion passed unanimously. Clerk Grebner will post these documents in 3 public locations in the township (as well as on the township building bulletin board) promptly. It will also appear in the Kendall Record in the next two editions as well as on our new Township Website.

Action Assignment E: Supervisor wanted to bring to the board's attention the latest update on the Bristol Kendall Townships Joint Cemetery Committee and spirited discussion ensued. Trustee Pottinger was upset that there were discussions with the Sextant of the cemetery that she was not part of. Supervisor Gengler stated that the Sextant had called and asked if he could review the content of the letter that was sent to the Bristol Members of the joint committee and he agreed to meet with him. Trustee Pottinger wanted to know who wrote that letter and Clerk Grebner stated that

he did, and it was simply a collection of a timeline of events and a documentation of facts that were found in research by Cemetery Board member Hirsch and others. She was upset that this was appearing to be done behind her back and that it was a violation of the open meetings act. It was the position of the supervisor it was not, as he is NOT on the Cemetery board, and neither is the Sextant and the only reason for the meeting was a clarification of facts and next steps. Clerk Grebner was in attendance at that meeting as the author of the letter, so to answer any questions regarding it's content and is neither on the Cemetery Committee nor a voting member of the Township board and was in attendance only as resident of Kendall Township. Joint Committee Member Hirsch was there to answer any questions as to the research he did. This letter was discussed in August Monthly Meeting as well as additional discussions were had regarding the Joint Cemetery committee in the September Monthly Meeting. It was the purpose of this meeting's Discussion and pursuant Action Item to ensure all information is out for the entire board to see, as finding out the details of the why things were done over 30 years ago are difficult. Reports regarding the Cemetery Committee are sparse but they fulfill the requirement, per statute. With the recent death of Dave Matlock, member of the Joint Cemetery Committee, the Supervisor has the authority to appoint a replacement to complete the term of the late member. Supervisor Gengler will pursue that action and attend the next Cemetery Meeting on January 10th 2024.

Trustee Hirsch said that he had gotten a lot of information at the State TOI meeting regarding Cemetery Commissions, and that presentation was shared at the last meeting. Clerk Grebner said he had found the Township Code 60 ILCS 1 Art. 135 that dealt with the formation of Joint Township Committees/Boards. See Link [Joint Cemetery Board Statute](#)

Trustee Pottinger requested that this all be pushed into 2024 as the service contracts for cemeteries have been signed, but it was stated that to make any changes in the structure, both townships' Annual Meeting must have the same resolution and both be passed by the voters in each township. So, in order to do that, the Kendall Township supervisor wanted to get permission from the board to act on its behalf when discussion the future of the Joint Committee, in order to have any hope to come to an agreement in principle with Bristol Township prior to 2024's Annual Meeting. With that a Motion was made.

Action Assignment F: Motion was made by Zach Turnbow and seconded by Doug Thanepohn for the following: *"To authorize and allow Kendall Township Supervisor and identified representatives to present Kendall Township's position regarding the Bristol Kendall Joint Cemetery Committee to the Committee"*. When asked for additional comments, Trustee Thanepohn stated that there are a lot of good reasons to get this clarified for the future and everyone agreed with that. Roll was taken and motion was passed Unanimously.

Other Items/Information: None

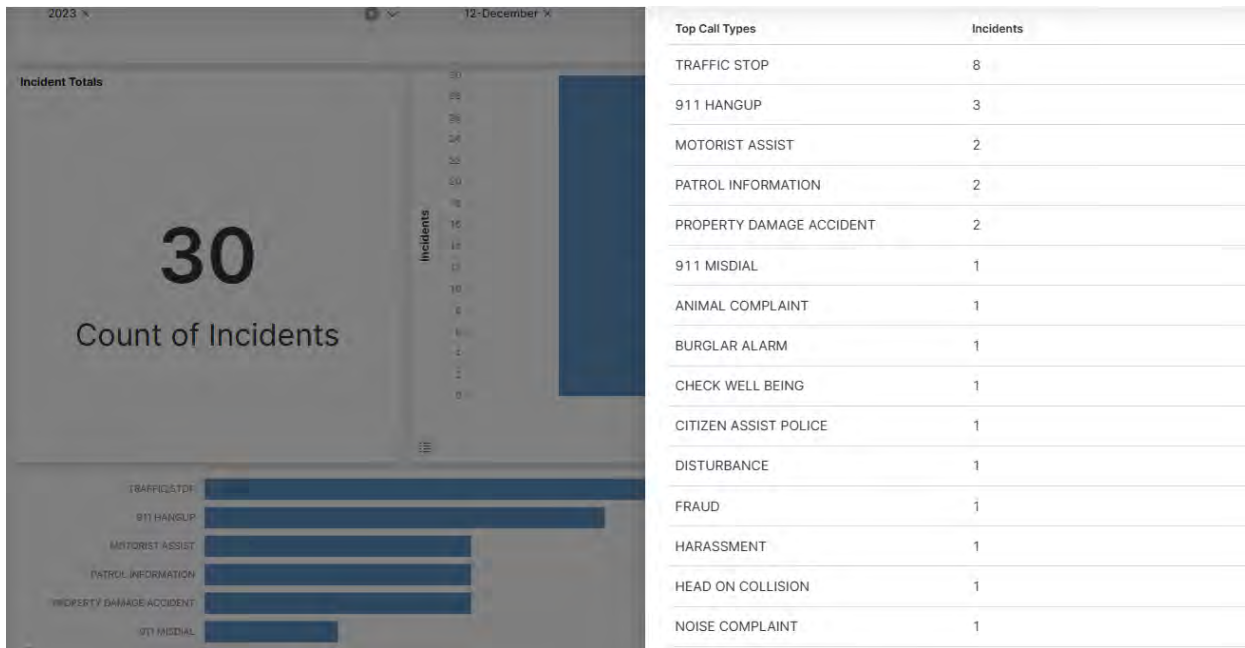
No other items were brought forth and motion to adjourn was made by Carolyn Pottinger and Seconded Doug Thanepohn at 9:50 PM. Approved unanimously by voice vote. Meeting was adjourned.

Next meeting January 26, 2024 at 7:30 PM at Township Building.

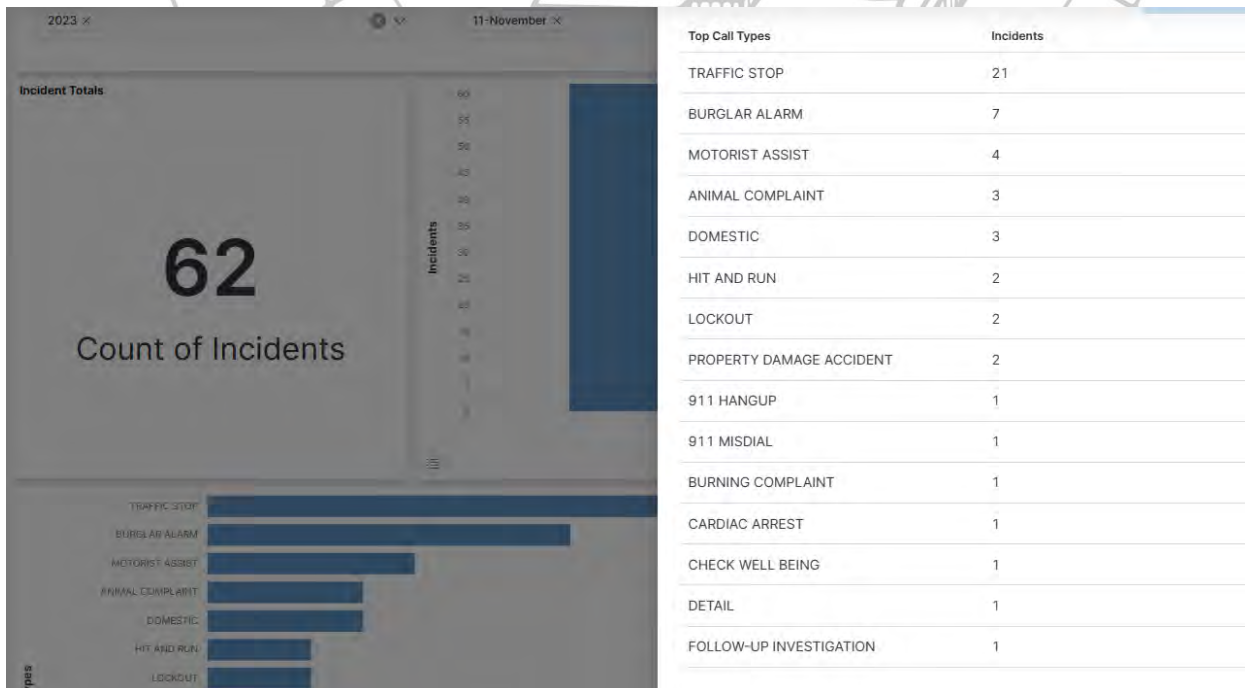
Respectfully submitted by Steve Grebner Kendall Township Clerk

Attachment A

Kendall Township December Incidents - MTD



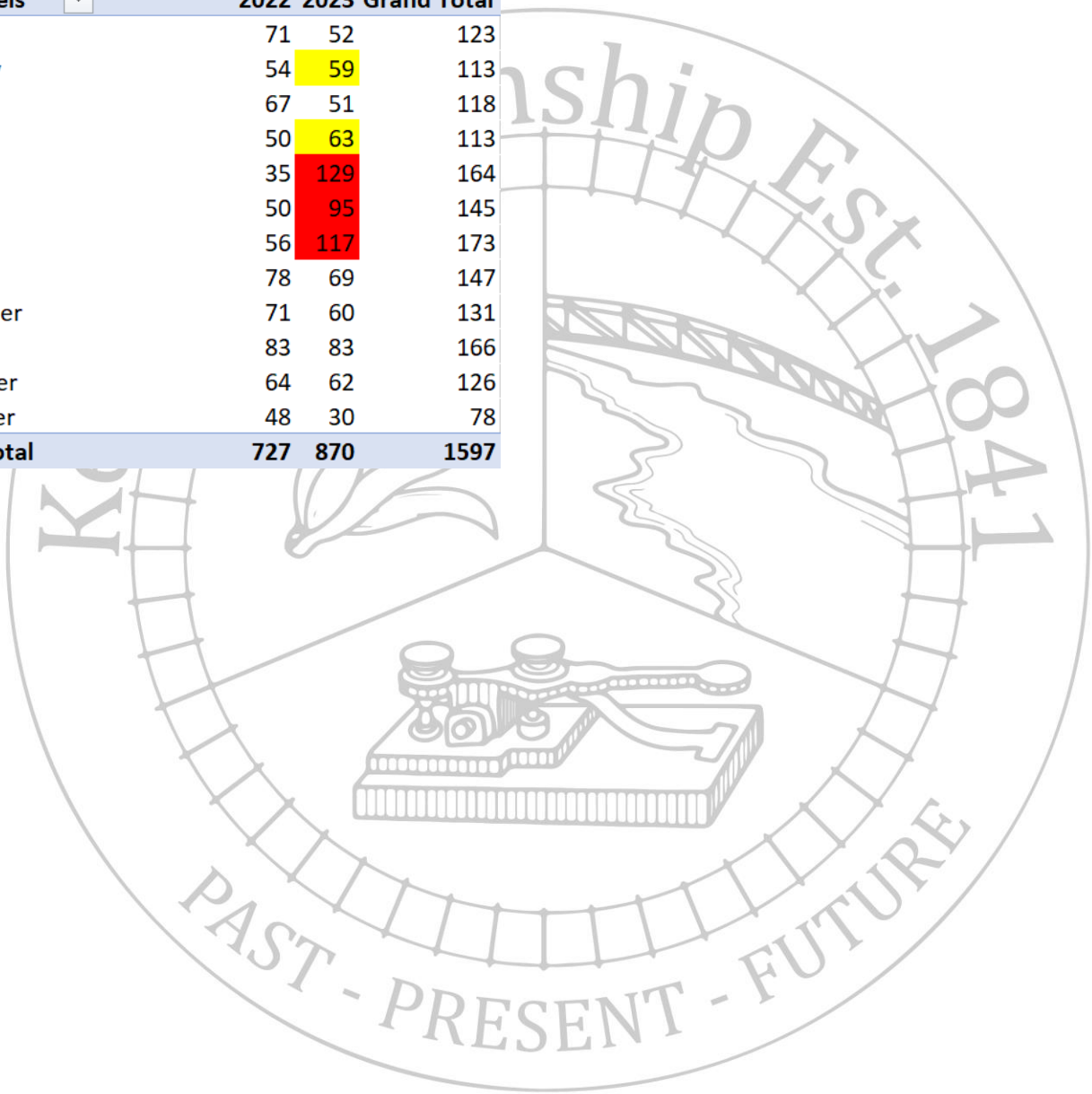
Total of 2023 November Incidents



Year over Year comparison of Sheriff Activity in Kendall Township

May, June, July increase due to Traffic Initiative for those 90 days in Kendall County

Sum of Incidents	Column Labels ▼		
Row Labels ▼	2022	2023	Grand Total
January	71	52	123
February	54	59	113
March	67	51	118
April	50	63	113
May	35	129	164
June	50	95	145
July	56	117	173
August	78	69	147
September	71	60	131
October	83	83	166
November	64	62	126
December	48	30	78
Grand Total	727	870	1597



Matt Asselmeier

From: Krysti Barksdale-Noble <knoble@yorkville.il.us>
Sent: Tuesday, January 23, 2024 8:14 PM
To: Daniel J Kramer; Real estate; Matt Asselmeier
Cc: bolson@yorkville.il.us; Sara Mendez
Subject: [External]RE: A.B. Schwartz Zoning Mile and Half Review

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.

Matt,

The City Council recommended not to object to the request regarding the A.B. Schwartz 1.5-mile review. Let me know if you have any questions.

Best Regards,

Krysti J. Barksdale-Noble, AICP
(she/her)

Community Development Director
 United City of Yorkville
 651 Prairie Pointe Drive
 Yorkville, Illinois 60560
 ☎ (630) 553-8573
 ✉ (630) 742-7808
 🌐 www.yorkville.il.us

From: Krysti Barksdale-Noble
Sent: Friday, January 19, 2024 11:44 AM
To: Daniel J Kramer <[REDACTED]>; Real estate <[REDACTED]>; Matt Asselmeier <masselmeier@kendallcountyil.gov>
Cc: Bart Olson <BOlson@yorkville.il.us>
Subject: RE: A.B. Schwartz Zoning Mile and Half Review
Importance: High

Good Morning Dan & Matt,

The City Council will meet to consider the A.B. Schwartz 1.5-Mile Zoning Request on **Tuesday, January 23, 2024** at 7pm. I have provided links to the packet materials and how to access the meeting remotely via Zoom, if needed.

Meeting	Date/Time	Location	Links
City Council	Tuesday, January 23, 2024 at 7:00PM	City Hall 651 Prairie Pointe Drive, 3 rd FL Yorkville, Illinois	https://www.yorkville.il.us/ArchiveCenter/ViewFile/Item/5516 https://www.yorkville.il.us/ArchiveCenter/ViewFile/Item/5515

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 18, 2023 – 7:00 p.m.

CALL TO ORDER

Chairman Randy Mohr called the Zoning Board of Appeals meeting to order at 7:02 p.m.

ROLL CALL:

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

Members Absent: None

Staff Present: Matthew Asselmeier, AICP, CFM, Director and Wanda Rolf, Administrative Assistant

Others Present: Dan Kramer, Andrew Schwartz, Robert Schwartz, and Steve Grebner

MINUTES:

Member LeCuyer made a motion, seconded by Member Whitfield, to approve the minutes of the October 30, 2023, hearing/meeting.

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

PETITIONS

The Zoning Board of Appeals started their review of Petitions 23-32 and 23-33 at 7:03 p.m.

Petition 23 – 32 – Alan Drake on Behalf of Grainco FS, Inc (Property Owner) and Andrew and Robert Schwartz on Behalf of A.B. Schwartz, LLC (Contractor Purchaser)

Request: Amendment to the Future Land Use Map in the Land Resource Management Plan
Reclassifying the Subject Parcels from Transportation Corridor to Mixed Use Business
PINs: 05-09-300-006, 05-09-300-007, 05-16-100-003, 05-16-100-004, and 05-16-100-020
Location: 8115 Route 47, Yorkville, in Kendall Township
Purpose: Petitioners Wish to Rezone the Property to M-1 in Order to Operate a Tile Business, Offices, Warehouses, Fuel Storage, and Other Light Industrial Uses; Property is Zoned A-1 and A-1 with Special Use Permits

Petition 23 – 33 – Alan Drake on Behalf of Grainco FS, Inc (Property Owner) and Andrew and Robert Schwartz on Behalf of A.B. Schwartz, LLC (Contractor Purchaser)

Request: Map Amendment Rezoning the Subject Parcels from A-1 Agricultural District and A-1 Agricultural with Special Use Permits to M-1 Limited Manufacturing District
PINs: 05-09-300-006, 05-09-300-007, 05-16-100-003, 05-16-100-004, and 05-16-100-020
Location: 8115 Route 47, Yorkville, in Kendall Township

Purpose: Petitioners Wish to Rezone the Property to M-1 in Order to Operate a Tile Business, Offices, Warehouses, Fuel Storage, and Other Light Industrial Uses; Property is Zoned A-1 and A-1 with Special Use Permits

Mr. Asselmeier summarized the request.

A.B. Schwartz, LLC would like an amendment to the Future Land Use Map contained in the Land Resource Management Plan for approximately nineteen point eight more or less (19.8 +/-) acres located on the west side of Route 47 addressed as 8115 Route 47. If the change to the Future Land Use Map is approved, the Petitioner would like to rezone the property to M-1 in order to operate a tile business, offices, warehouses, fuel storage, and other light industrial uses.

The application letter and pictures of the property were provided.

The property is located at 8115 Route 47, Yorkville.

The property is vacant and improved commercial.

Two (2) of the parcels are zoned A-1 and three (3) of the parcels are zoned A-1 with special use permits.

The County's plan calls for the property to be Transportation Corridor.

Yorkville's plan calls for the property to be Agricultural.

Route 47 is a State maintained arterial road.

There are no trails planned in this area.

There are no floodplains or wetlands on the property.

The adjacent land uses are Improved Commercial, Agricultural, Farmstead, and Transportation/Community/Utility (IDOT Yard).

The adjacent properties are zoned A-1 and B-3 in the County and R-2 and R-3 in Yorkville.

The County's plan calls for the area to be Transportation Corridor, Commercial, and Rural Residential (Max 0.65 DU/Acre).

Yorkville's plan calls for the area to be Estate/Conservation Residential, and Agricultural.

Properties within one point five (1.5) miles were zoned A-1, A-1SU, R-1, R-3, and B-3 in the County and R-2, R-3, B-1, and B-3 inside Yorkville.

The A-1 special use permits to the south are for a church, an illuminated sign, and a cemetery.

Petition information was sent to Kendall Township on November 17, 2023. At their meeting on November 21, 2023, the Kendall Township Planning Commission recommended approval of the requests. The Kendall Township Board was still reviewing the proposals.

Petition information was sent to the United City of Yorkville on November 17, 2023. Yorkville plans to review the proposals in January 2024.

Petition information was sent to the Bristol-Kendall Fire Protection District on November 17, 2023. No comments received.

ZPAC reviewed the proposal at their meeting on December 5, 2023. It was noted that the septic system was designed for a maximum fifteen (15) people. The Petitioner's Attorney indicated that fewer people will be on the property compared to the number of people onsite for previous uses. The Illinois Department of Transportation had not been in negotiations with the property owners related to land acquisition for right-of-way expansion. With two (2) access points, the property possessed good access onto Route 47. ZPAC recommended approval of both proposals by a vote of seven (7) in favor and zero (0) in opposition with three (3) members absent. The minutes of the meeting were provided.

The Kendall County Regional Planning Commission held a public hearing on this proposal on December 13, 2023. Other than the Petitioner's Attorney, nobody from the public testified at the public hearing. He explained the proposed land transaction and proposed uses at the property. He also believed the reclassification and rezoning more closely matches the uses in the area. Discussion occurred about reclassifying and rezoning other non-agricultural properties in the area. It was the Petitioner's Attorney's understanding that underground fuel tanks had been removed. Discussion occurred regarding obtaining an A-1 special use instead of a map amendment; Commissioners reviewed the list of allowable uses in the M-1. It was noted that most of the more objectionable uses in the M-1 have to occur entirely indoors. Discussion occurred about possible annexations to Yorkville; annexations were considered doubtful. Future buildings would be based on market demand. Site development, including stormwater development, would be reviewed when the site is altered. The existing fuel tanks will remain. The Kendall County Regional Planning Commission recommended approval of both proposals by a vote of seven (7) in favor and zero (0) in opposition with three (3) members absent. The minutes of the hearing were provided.

The portions of the property identified by parcel identification numbers 05-09-300-007, 05-16-100-004, and 05-16-100-020 were originally rezoned to M-1 in 1966 by Ordinance 1966-08. These properties were rezoned back to A-1 and granted a special use permit during the County-wide rezoning in 1974. A special use permit was granted at these properties to expand the gas facilities in 1979 by Ordinance 1979-20. A special use permit for an illuminated sign was granted at the property in 1998 by Ordinance 1998-09. Ordinances 1966-08, 1979-20, and 1998-09 were provided.

In addition to the various zoning actions previously mentioned, the portion of the property identified by parcel identification number 05-16-100-020 was granted variances in 1997 for a reduction of the front

yard setback by twenty feet (20') for a canopy and fuel pumps and a ten foot (10') front yard setback reduction for post placement. The information for this variance was provided.

Those portions of the property identified by parcel identification numbers 05-16-100-003 and 05-09-300-006 appear to have always been zoned A-1.

According to the definition of Transportation Corridor found on page 7-36 of the Land Resource Management Plan, this type of land use would be associated with the B-5 Business Planned Development District, B-6 Office and Research Park District, and limited B-3 Highway Business District.

The proposed tile business, offices, warehouses, fuel storage, and other light industrial uses would more applicably fit on properties zoned M-1, which more closely corresponds to the Mixed Use Business classification.

If the request is granted, the adjacent properties on the west side of Route 47 (the former Aux Sable Building and the Illinois Department of Transportation yard) could submit the same reclassification request in the future. The types of uses of those buildings and properties could also fit into the Mixed Use Business classification.

EcoCAT Report submitted and consultation was terminated.

The application for NRI was submitted on November 12, 2023. The LESA Score was 184 indicating a low level of protection. The NRI Report was provided.

Per the site plan, there are seven (7) buildings presently located on the property. Any new buildings, expansion of existing buildings, or remodeling of these buildings would require applicable building permits and the work would be required to meet applicable building codes. The Petitioners indicate that no new buildings are planned at this time. Any structures or uses that encroach into required setbacks would be considered lawfully non-conforming. Any changes to site, such as new buildings or expanded parking areas, would trigger site plan review and approval under the Zoning Ordinance.

The site is serviced by a well and septic. There is electricity onsite. There are several LP tanks onsite.

The property fronts Route 47 and has two (2) access points off of Route 47. Deceleration lanes exist at both entrances on Route 47.

The site plan shows several gravel and asphalt areas. No dedicated parking spaces appear onsite. Any new parking lots would have to meet applicable regulations.

Based on the proposed uses, no new odors are foreseen. The owners of the property would have to follow applicable odor control regulations based on potential other future M-1 allowable uses.

The site plan shows one (1) light pole and there are some existing lights on several of the buildings.

The amount of lighting could expand on the property if they install a larger parking lot or if different uses move onto the property.

No changes to the landscaping or property screening are proposed.

If improvements are made to the site in the future, landscaping and screening would be required as part of site plan review.

Any signage would have to meet applicable regulations and secure permits.

Based on the proposed uses, no new noise issues are foreseen. The owners of the property would have to follow applicable noise control regulations based on potential other future M-1 allowable uses.

The site plan shows two (2) stormwater inlets.

Since no new buildings or impervious surfaces were proposed, a stormwater permit was not required. However, if additional buildings or impervious surfaces are added to the site in the future, stormwater permits could be required at that time.

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, larger lot single-family residential uses, Illinois Department of Transportation storage yard, and vacant commercial space that might seek rezoning to industrial in the future.

The Zoning classification of property within the general area of the property in question. The surrounding properties are zoned A-1 and B-3 in the unincorporated area and R-2 and R-3 inside the United City of Yorkville.

The suitability of the property in question for the uses permitted under the existing zoning classification. The Petitioners propose to use the property for more light industrial type uses that are not allowed in the A-1 Agricultural Zoning District.

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, storage and warehousing, and other light industrial type uses.

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 Transportation Corridor. The United City of Yorkville's Plan

calls for the property to be Agricultural. The Petitioners are also pursuing a change to the County's Future Land Use Map to Mixed Use Business. If this change is approved, then the requested map amendment would be consistent with the County's Land Resource Management Plan.

Staff recommended approval of the requested amendment to the Future Land Use Map.

If the requested amendment to the Future Land Use Map in the Land Resource Management Plan reclassifying this property as Mixed Use Business is approved, Staff also recommended approval of the proposed map amendment.

Chairman Mohr opened the public hearing at 7:12 p.m.

Chairman Mohr swore in Dan Kramer, Andrew Schwartz, Robert Schwartz, and Steve Grebner.

Dan Kramer, Attorney for the Petitioners, stated that GrainCo is going to remain as a tenant for their LP and some of their gas businesses for home delivery. There are some empty buildings on the property; the new owners have the opportunity to rent these buildings. Mr. Kramer stated that the Petitioners are requesting that future land use be changed to Mixed Use Business. Currently the property is classified as Transportation Corridor and zoned A-1 Agricultural. The surrounding businesses might submit the same reclassification request in the future. No changes are being made at this time to the property or existing buildings.

Member Thompson asked if the proposed business was a field tile business. Mr. Kramer responded that yes, the proposed business is a field tile business. The current owner has been doing this for many years and has quite a bit of experience in this field.

Steve Grebner, Clerk for Kendall Township asked about the future land use map change. Mr. Asselmeier stated that, since the tiling is not allowed in the B-3 zoning district, the only option was to rezone to M-1 and the Petitioners couldn't rezone to M-1 and be consistent with the comprehensive plan unless they asked for the reclassification.

Mr. Grebner asked what does lawfully nonconforming mean. Mr. Asselmeier responded it's the legal way of saying something is grandfathered. A use that is presently on site is allowed to continue operations "as is" and unchanged. An owner cannot expand the existing use even though the property is going to be zoned something other than A-1. If something wasn't allowed to be in M-1, but they were doing it on the property now, they could continue to do it in the M-1. The Zoning Ordinance says that if a use is outdoors and is discontinued for a period of six (6) months they have to cease it permanently. If the use is indoors, the discontinuing period is one (1) year. The same rules apply if there is a natural disaster or a fire.

Mr. Grebner asked if the fuel usage is lawfully nonconforming with M-1 with the LP and propane. Mr. Asselmeier responded that they might need a Special Use Permit. They don't need to secure a special use permit unless they wanted to expand.

Mr. Grebner asked about the rental space and supervision oversight. Mr. Asselmeier stated they need a change of occupancy permit. The Code Official inspects the property and he checks to see if the use is a valid use under the Zoning Ordinance. If the party renting wants to make changes to the building, then they have to come to the County for site plan review; anything zoned M-1 has to have site plan approval from ZPAC.

Chairman Mohr adjourned public hearing at 7:25 p.m.

Member Thompson made a motion, seconded by Member Fox, to approve the findings of fact.

The votes were as follows:

Ayes (7): Thompson, Whitfield, Cherry, Fox, LeCuyer, Mohr, and Prodehl
Nays (0): None
Abstain (0): None
Absent (0): None

The motion passed.

Chairman Mohr asked for a motion to approve Petition 23-32 and Petition 23-33.

Member LeCuyer made a motion, seconded by Member Cherry, to recommend approval of the reclassification and map amendment.

The votes were as follows:

Ayes (7): LeCuyer, Mohr, Prodehl, Thompson, Whitfield, Cherry, and Fox.
Nays (0): None
Abstain (0): None
Absent (0): None

The motion passed.

These proposals will go to the Planning, Building and Zoning Committee on February 13, 2024.

The Zoning Board of Appeals completed their review of Petitions 23-32 and 23-33 at 7:24 p.m.

NEW BUSINESS/OLD BUSINESS

None

REVIEW OF PETITIONS THAT WENT TO PLANNING BUILDING AND ZONING

Mr. Asselmeier reported that Petition 23-26, the special use permit at 1270 Beecher Road, was approved at the County Board. The host agreement was approved and the owner was given two (2) years to move the materials that were on the property to the east without paying the tipping fee.

PUBLIC COMMENTS

None

ADJOURNMENT OF THE ZONING BOARD OF APPEALS

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

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

The Zoning Board of Appeals meeting adjourned at 7:27 p.m.

The next regularly scheduled meeting/hearing will be on January 29, 2024.

Respectfully submitted by,
Wanda A. Rolf
Administrative Assistant

Exhibits

1. Memo on Petition 23-32 Dated December 14, 2023
2. Memo on Petition 23-33 Dated December 14, 2023
3. Certificate of Publication and Certified Mail Receipts for Petition 23-33 (Not Included with Report but on file in Planning, Building and Zoning Office)

**KENDALL COUNTY
ZONING BOARD OF APPEALS
DECEMBER 18, 2023**

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

NAME	ADDRESS	SIGNATURE
Jack Kanner	1237 N J Bridge St Joliet, IL 60560	
Steve Green		

State of Illinois
County of Kendall

Zoning Petition
#23-33

ORDINANCE NUMBER 2024-_____

**MAP AMENDMENT FOR APPROXIMATELY NINETEEN POINT EIGHT ACRES LOCATED
AT 8115 ROUTE 47 (PINs: 05-09-300-006, 05-09-300-007, 05-16-100-003, 05-16-100-004, AND
05-16-100-020) IN KENDALL TOWNSHIP**

Rezone from A-1 and A-1SU to M-1

WHEREAS, Section 13:07 of the Kendall County Zoning Ordinance permits the Kendall County Board to approve map amendments and provides the procedure through which map amendments are granted; and

WHEREAS, the property which is the subject of this Ordinance has been, at all relevant times, and remains currently located within the A-1 Agricultural Zoning District and consists of approximately 19.8 more or less acres located at 8115 Route 47, Yorkville (PINs: 05-09-300-006, 05-09-300-007, 05-16-100-003, 05-16-100-004, and 05-16-100-020) in Kendall Township. The legal description for the subject property is set forth in Exhibit A attached hereto and incorporated by reference, and this property shall hereinafter be referred to as “the subject property”; and

WHEREAS, on or about August 14, 1979, those portions of the subject property identified by parcel identification numbers 05-09-300-007, 05-16-100-004, and 05-16-100-020 were granted a special use permit for the expansion of fuel facilities by the County Board through Ordinance 1979-20; and

WHEREAS, on or about July 29, 1997, those portions of the subject property identified by parcel identification number 05-16-100-020 were granted a variance to the front yard setback by allowing the canopy top and pumps to encroach twenty feet into the setback and allowing the posts to encroach ten feet into the setback; and

WHEREAS, on or about June 16, 1998, those portions of the subject property identified by parcel identification numbers 05-09-300-007, 05-16-100-004, and 05-16-100-020 were granted a special use permit for an illuminated sign by the County Board through Ordinance 1998-09; and

WHEREAS, the subject property is currently owned by Alan Drake on behalf of Grainco FS, Inc.; and

WHEREAS, Andrew and Robert Schwartz on behalf of A. B. Schwartz, LLC has entered into a contract to purchase the subject property;

WHEREAS, Alan Drake on behalf of Grainco FS, Inc. and Andrew and Robert Schwartz on behalf of A. B. Schwartz, LLC shall hereinafter be referred to as “Petitioner”; and

WHEREAS, on or about November 15, 2023, Petitioner’s representative filed a petition for a Map Amendment rezoning the subject property from A-1 Agricultural District and A-1 Agricultural District with Special Use Permits to M-1 Limited Manufacturing District; and

WHEREAS, following due and proper notice by publication in the Kendall County Record on November 23, 2023, due and proper notification to the United City of Yorkville on or about November 28, 2023, due and proper notification to Kendall Township on or about November 28, 2023, and due and proper notification to all property owners of record of properties located within five hundred feet of the subject property at least fifteen days prior to the hearing, the Kendall County Zoning Board of Appeals conducted a public hearing on December 18, 2023, at 7:00 p.m., in the County Office Building at 111 W. Fox Street in Yorkville, at which the Petitioner’s representative presented evidence, testimony, and exhibits in support of the requested Map

State of Illinois
County of Kendall

Zoning Petition
#23-33

Amendment and zero members of the public testified in favor or in opposition of the requested Map Amendment and one person asked questions regarding the requested Map Amendment; and

WHEREAS, based on the evidence, testimony, and exhibits, the Kendall County Zoning Board of Appeals has made their Findings of Fact and recommended approval of the Map Amendment as set forth in the Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals, dated December 18, 2023, a true and correct copy of which is attached hereto as Exhibit B; and

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

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

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

1. The Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals attached hereto as Exhibit B is hereby accepted and the Findings of Fact set forth therein are hereby adopted as the Findings of Fact and Conclusions of this Kendall County Board.
2. The Kendall County Board hereby grants approval of Petitioner's petition for a Map Amendment rezoning the subject property from A-1 Agricultural District and A-1 Agricultural District with Special Use Permits to M-1 Limited Manufacturing District.
3. The Zoning Administrator and other appropriate County Officials are hereby authorized and directed to amend the Official Zoning Map of Kendall County to reflect this Map Amendment.

IN WITNESS OF, this ordinance has been enacted by a majority vote of the Kendall County Board and is effective this 20th day of February, 2024.

Attest:

Kendall County Clerk
Debbie Gillette

Kendall County Board Chairman
Matt Kellogg

EXHIBIT A

LEGAL DESCRIPTION:

That Part of the West Half of Section 9 and that Part of the Northwest Quarter of Section 16, Township 36 North, Range 7 East of the Third Principal Meridian described as follows: Commencing at the Northeast Corner of said Section 16; thence Westerly, along the Northerly Line of said Section, 2672.0 feet to the tangent center line of Illinois State Route No. 47, extended from the South; thence South 00°00'00" East, along said tangent center line and said tangent center line extended, 869.22 feet; thence South 89°34'04" West, 615.0 feet for the point of beginning; thence North 24°54'19" West, 1015.92 feet; thence North 65°13'06" East, 942.72 feet to the Westerly Right of Way Line of said State Route No. 47, being 40 feet normally distant, Southwesterly from the center line of said Route; thence Southeasterly, along said Westerly Right of Way Line, being a curve to the right having a radius of 5344.41 feet, an arc distance of 1246.0 feet; thence South 00°00'00" East, along said Westerly Right of Way Line, being tangent to the last described curve at the last described point, 67.82 feet to a line drawn North 89°34'04" East from the point of beginning; thence South 89°34'04" West, 575.0 feet to the point of beginning;

LESS AND EXCEPT that portion of property conveyed to People of the State of Illinois, Department of Transportation from Kendall-Grundy F.S., Inc. by Warranty Deed dated May 29, 1990 and recorded July 9, 1990 in Deed Book 291, Page 269;

AND BEING a portion of the same property conveyed to Grainco FS, Inc. successor by virtue of merger with Kendall-Grundy FS, Inc., formerly Kendall Farmers Oil Company who acquired title from Robert A. Dhuse and Carol V. Dhuse by Deed dated December 2, 1974 and recorded December 2, 1974 in Instrument No. 74-5432.

Exhibit B

The Kendall County Zoning Board of Appeals held a public hearing on the Petition 23-33 on December 18, 2023. Zero (0) members of the public, other than the Petitioner's Attorney, testified in favor or in opposition to the request. One (1) person asked questions at the public hearing. On the same date, the Kendall County Zoning Board of Appeals issued the following recommendation by a vote of seven (7) in favor and zero (0) in opposition.

RECOMMENDATION

Approval



Kendall County Agenda Briefing

Meeting Type: Planning, Building and Zoning
Meeting Date: 2/13/2024
Subject: Approval of to Publish the 2024 Noxious Weed Notice
Prepared by: Matthew H. Asselmeier, AICP, CFM
Department: Planning, Building and Zoning

Action Requested:

Approval of Publishing the Annual Noxious Weed Notice in the Kendall County Record at a Cost Not to Exceed \$125.00; Related Invoice(s) to Be Paid from the PBZ Legal Publications Line Item 11001902-62090

Board/Committee Review:

N/A

Fiscal impact:

The \$125 cost is unchanged from 2023.

Background and Discussion:

Kendall County is required by Illinois law to publish a noxious weed notice at least one (1) time per year in a newspaper of general circulation within the County. Kendall County's Noxious Weed Work Plan, adopted in October 2023, called for the publication of the notice within the first quarter of 2024.

Staff Recommendation:

Approval

Attachments:

Proposed Notice

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN PURSUANT TO THE "ILLINOIS NOXIOUS WEED LAW" to the owners, occupants, agents and public officials in charge or control of any land in Kendall County that they are required to control or eradicate all NOXIOUS WEEDS growing upon land under their control prior to the blooming, maturing of seed or other propagating of such weeds.

- NOXIOUS WEEDS: a) Marihuana (*Cannabis sativa* L.);
- b) Giant Ragweed (*Ambrosia trifida* L.) within the corporate limits of cities, villages, and incorporated towns;
- c) Common Ragweed (*Ambrosia artemisiifolia* L.) within the corporate limits of cities, villages, and incorporated towns;
- d) Canada Thistle (*Cirsium arvense*);
- e) Perennial Sowthistle (*Sonchus arvensis*);
- f) Musk Thistle (*Carduus nutans*);
- g) Perennial members of the sorghum genus, including johnsongrass (*Sorghum halepense*), sorghum alnum, and other johnsongrass X sorghum crosses with rhizomes; and
- h) Kudzu (*Pueraria labata*).

NOTICE IS FURTHER GIVEN that if the persons responsible for the control of any lands in Kendall County fail to comply with the provisions of the Illinois Noxious Weed Law the Control Authority of Kendall County or the Department of Agriculture of the State of Illinois will take any necessary action to control or eradicate such weeds and the cost thereof will be assessed against the owner of the land involved. If unpaid for 6 months or longer, such assessment shall become a lien upon the property.

Date at Yorkville, Kendall County, Illinois, this
20th day of February, 2024.
Month Year

Signed: _____
Matt Kellogg
Kendall County Weed Control Authority



Kendall County Agenda Briefing

Meeting Type: Planning, Building and Zoning

Meeting Date: 2/13/2024

Subject: Approval of IGA Between Kendall County and Yorkville for Building Inspection Services

Prepared by: Matthew H. Asselmeier, AICP, CFM

Department: Planning, Building and Zoning

Action Requested:

Approval of an Intergovernmental Agreement for Reciprocal Building Inspection Services Between Kendall County, Illinois and the United City of Yorkville, Illinois

Board/Committee Review:

N/A

Fiscal impact:

N/A

Background and Discussion:

The Intergovernmental Agreement between Kendall County and the United City of Yorkville for reciprocal building inspection services expires March 1, 2024.

A renewal proposal is attached to this memo. Other than dates and the address of Yorkville City Hall, no other changes are proposed.

In 2023, Yorkville conducted thirty-eight (38) inspections for the County and the County conducted zero (0) inspections for Yorkville.

The United City of Yorkville will be reviewing the proposal during their meetings in February.

Staff Recommendation:

Approval

Attachments:

Proposed Agreement

COUNTY OF KENDALL, ILLINOIS
RESOLUTION 2024-__

**RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT
FOR RECIPROCAL BUILDING INSPECTION SERVICES BETWEEN
KENDALL COUNTY, ILLINOIS AND THE UNITED CITY OF YORKVILLE,
ILLINOIS**

WHEREAS, the Constitution of the State of Illinois of 1970, Article VII, Section 10, provides that units of local government may contract to obtain or share services and to exercise, combine, or transfer any power or function in any manner not prohibited by law or by ordinance and may use their credit, revenues, and other resources to pay costs related to intergovernmental activities; and

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

WHEREAS, pursuant to the authority granted by the Illinois Counties Code and Illinois Municipal Code (55 ILCS 5/1-1001, *et seq.* and 65 ILCS 5/1-1-1, *et seq.*), Kendall County and the United City of Yorkville are both authorized to perform inspections of buildings within their respective jurisdictions to promote the health and safety of the public; and

WHEREAS, Kendall County and the United City of Yorkville wish to share their resources and assist each other in the performance of building inspections.

NOW, THEREFORE, BE IT RESOLVED that the Kendall County Board hereby approves the *Intergovernmental Agreement for Reciprocal Building Inspection Services Between Kendall County, Illinois and the United City of Yorkville, Illinois*, which is attached hereto and made a part hereof by reference as Exhibit A; and

BE IT FURTHER RESOLVED that the Kendall County Board Chairman is hereby authorized to execute said intergovernmental agreement on behalf of Kendall County.

Approved and adopted by the County Board of Kendall County, Illinois, this 20th day of February, 2024.

Board Chairman Signature:

Attest:

Matt Kellogg, Chairman
County Board

Debbie Gillette
County Clerk

Exhibit A
INTERGOVERNMENTAL AGREEMENT FOR RECIPROCAL BUILDING
INSPECTION SERVICES BETWEEN KENDALL COUNTY, ILLINOIS
AND THE UNITED CITY OF YORKVILLE, ILLINOIS - 2024

THIS INTERGOVERNMENTAL AGREEMENT (“*the Agreement*”) by and between the County of Kendall, a unit of local government of the State of Illinois (“*Kendall County*”) and the United City of Yorkville, Kendall County, Illinois (the “*City*”) a municipal corporation of the State of Illinois, is as follows:

WITNESSETH:

WHEREAS, the Constitution of the State of Illinois of 1970, Article VII, Section 10, provides that units of local government may contract or otherwise associate among themselves to obtain or share services and to exercise, combine, or transfer any power or function in any manner not prohibited by law or by ordinance and may use their credit, revenues, and other resources to pay costs related to intergovernmental activities; and

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

WHEREAS, pursuant to the authority granted by the Illinois Counties Code and Illinois Municipal Code (55 ILCS 5/1-1001, *et seq.* and 65 ILCS 5/1-1-1, *et seq.*), the County and City (collectively referred to as the “*Parties*”) are both authorized to perform inspections of buildings within their respective jurisdictions to promote the health and safety of the public; and

WHEREAS, units of local government may establish agreements with other units of local government within the State of Illinois to enforce building codes pursuant to 20 ILCS 3105/10.09-1(f), which is commonly known as the Capital Development Board Act; and

WHEREAS, the County and City wish to share their resources and assist each other in the performance of inspections on an as needed basis, while not surrendering their own jurisdiction or relinquishing any of their rights.

NOW, THEREFORE, in consideration of the premises and the mutual covenants hereafter set forth, the parties agree as follows:

Section 1. The foregoing preambles are hereby incorporated into this Agreement as if fully restated in this Section 1.

Section 2.

- a The Parties agree that Kendall County Code Official Brian Holdiman and the United City of Yorkville Building Code Official Peter Ratos shall perform the following services on the other party's behalf when requested: footing inspections; backfill inspections; foundation wall inspections; concrete slab inspections; rough framing inspections; rough electric inspections; underground electric inspections; electric service inspections; insulation inspections; roofing inspections and final inspections. In instances where Holdiman or Ratos inspect and find violations and a code enforcement action is required in court or administrative adjudication, Holdiman or Ratos may be requested to be a witness to verify any violations found during their inspection. If it is requested that either Ratos or Holdiman attend an administrative or court hearing in regard to violations, then they shall be given reasonable notice of no less than fourteen (14) days for such hearing and they shall attend as requested.
- b The Parties agree that the United City of Yorkville Building Code Official Peter Ratos may, in his discretion, perform plumbing inspections on Kendall County's behalf when requested. In instances where Ratos performs plumbing inspections and finds

violations and a code enforcement action is required in court or administrative adjudication, Ratos may be requested to be a witness to verify any violations found during his inspection. If it is requested that Ratos attend an administrative or court hearing in regard to violations, then he shall be given reasonable notice of no less than fourteen (14) days for such hearing and he shall attend as requested.

Section 3. The Parties agree that the following inspection services shall not be provided under this agreement: plan review; permit approval, and; initial site inspections prior to a permit being issued.

Section 4. Upon request, the Parties agree to coordinate and assist each other in the parties' performance of the inspections set forth in Section 2 of this Agreement only under the following circumstances:

- a. If Kendall County Code Official Holdiman or City Building Code Official Ratos is absent from work due to illness, vacation, on an approved leave of absence, or otherwise unavailable to perform one or more of the above listed inspections within Section 2(a) for their respective jurisdiction; and/or
- b. If Kendall County Code Official Holdiman or City Building Code Official has a conflict of interest in performing one or more of the inspections set forth in Section 2(a) for their respective jurisdiction; and/or
- c. If the Kendall County Plumbing Contractor is absent from work due to illness, vacation, on an approved leave of absence, or otherwise unavailable to perform plumbing inspections for his or her respective jurisdiction; and/or
- d. If the Kendall County Plumbing Contractor has a conflict of interest in performing plumbing inspections for his or her respective jurisdiction.

For purposes of this Agreement, the party requesting assistance shall be referred to as “the home jurisdiction” and the party providing the inspection services assistance as set forth in Section 2 shall be referred to as “the visiting inspector”.

Section 5. In the event the visiting inspector is unable to perform the inspection services set forth in Section 2 of this Agreement, the home jurisdiction shall be responsible for performing its inspection or shall be responsible for retaining and payment of a third party to perform the inspection.

Section 6. When the visiting inspector performs an inspection on behalf of the home jurisdiction, the visiting inspector shall utilize the building codes of the home jurisdiction where the inspection is taking place. As such, when an inspection is within the corporate limits of the City, the Kendall County inspector shall use the building codes that are currently adopted and enforced by the City at the time of the inspection. When an inspection is in an unincorporated portion of Kendall County, where the County has jurisdiction, the City inspector shall utilize the building codes that are currently adopted and enforced by Kendall County at the time of the inspection.

Section 7. When a home jurisdiction requests the visiting inspector’s assistance, the home jurisdiction shall provide a minimum of twenty-four (24) hours’ notice when there is a foreseeable need for the other party’s inspection services. In the event of an illness or other emergency, the parties agree to provide each other with as much advance notice as possible if a visiting inspector’s services are needed pursuant to Section 4.

Section 8. Inspections must be completed using the proper jurisdiction’s forms. Prior to the commencement of any requested inspection, the home jurisdiction requesting assistance will prepare and provide all necessary inspection reports/forms for use by the visiting inspector

and deliver them to the visiting inspector prior to the inspection taking place. Following an inspection, the original, completed inspection reports/forms shall be returned to the home jurisdiction within twenty-four (24) hours after completion of the inspection. After the visiting inspector has returned the original, completed inspection reports/forms to the home jurisdiction, the visiting inspector shall not be required to retain the records of inspections for the home jurisdiction after performing inspections under this Agreement.

Section 9. Neither the City nor Kendall County shall subcontract the services provided to the other under this agreement to a third-party inspector without the prior written consent of the other party.

Section 10. There will be no compensation paid to, or by, either jurisdiction for the sharing of services under this Agreement.

Section 11. When a visiting inspector performs an inspection under this Agreement for the home jurisdiction, the visiting inspector shall use their own equipment, tools and vehicles, and the home jurisdiction shall not be responsible for reimbursing the visiting inspector for mileage or any other expenses incurred by the visiting inspector.

Section 12. The City and Kendall County shall each defend, with counsel of the other party's own choosing, indemnify and hold harmless the other party, including past, present and future board members, elected officials, insurers, employees, and agents from and against any and all claims, liabilities, obligations, losses, penalties, fines, damages, and expenses and costs relating thereto, including but not limited to attorneys' fees and other legal expenses, which the other party, its past, present and future board members, elected officials, insurers, employees, and/or agents may hereafter sustain, incur or be required to pay relating to or arising in any manner out of the inspections to be performed by the other party under this agreement. As such,

when the City performs an inspection for Kendall County, the City will defend with counsel of Kendall County's own choosing, indemnify and hold harmless Kendall County as set forth above relating to the City's and the City Building Code Official's actions in the performance of their duties under this Agreement. When Kendall County performs an inspection for the City, Kendall County will defend with counsel of the City's own choosing, indemnify and hold harmless the City as set forth above relating to Kendall County's and the County Code Official's actions in the performance of their duties under this Agreement.

Section 13. Nothing in this agreement shall be deemed to change or alter the jurisdiction of either the City or Kendall County in any respect, including, but not limited to their building and zoning regulations, powers and duties.

Section 14. This Agreement and the rights of the parties hereunder may not be assigned (except by operation of law), and the terms and conditions of this Agreement shall inure to the benefit of and be binding upon the respective successors and assigns of the parties hereto. Nothing in this Agreement, express or implied, is intended to confer upon any party, other than the parties and their respective successors and assigns, any rights, remedies, obligations, or liabilities under or by reason of such agreements.

Section 15. This Agreement shall be interpreted and enforced under the laws of the State of Illinois. Any legal proceeding related to enforcement of this Agreement shall be brought in the Circuit Court of Kendall County, Illinois, Twenty-Third Judicial Circuit. In case any provision of this Agreement shall be declared and/or found invalid, illegal or unenforceable by a court of competent jurisdiction, such provision shall, to the extent possible, be modified by the court in such manner as to be valid, legal and enforceable so as to most nearly retain the intent of the parties, and, if such modification is not possible, such provision shall be severed from this

Agreement, and in either case the validity, legality, and enforceability of the remaining provisions of this Agreement shall not in any way be affected or impaired thereby.

Section 16. All notices required or permitted hereunder shall be in writing and may be given by (a) depositing the same in the United States mail, addressed to the party to be notified, postage prepaid and certified with the return receipt requested, (b) delivering the same in person, or (c) telecopying the same with electronic confirmation of receipt:

If to the County: Director
Kendall County Planning, Building & Zoning
111 West Fox Street, Room 203
Yorkville, Illinois 60560
Fax: 630-553-4179

With copy to:
Kendall County State's Attorney
807 John Street
Yorkville, Illinois, 60560
Fax: 630-553-4204

If to the City: Community Development Director
United City of Yorkville Building Safety and Zoning
651 Prairie Pointe Drive
Yorkville, Illinois 60560
Fax: 630-553-7264

Or any such other person, counsel or address as any party hereto shall specify pursuant to this Section from time to time.

Section 17. This Agreement may be executed in counterparts (including facsimile signatures), each of which shall be deemed to be an original and both of which shall constitute one and the same Agreement.

Section 18. This Agreement represents the entire agreement between the parties and there are no other promises or conditions in any other agreement whether oral or written. Except

as stated herein, this agreement supersedes any other prior written or oral agreements between the parties and may not be further modified except in writing acknowledged by both parties.

Section 19. Nothing contained in this Agreement, nor any act of Kendall County or the City pursuant to this Agreement, shall be deemed or construed by any of the parties hereto or by third persons, to create any relationship of third party beneficiary, principal, agent, limited or general partnership, joint venture, or any association or relationship involving Kendall County and the City. Further, nothing in this agreement should be interpreted to give Kendall County or the City any control over the other's employees or imply a power to direct the employees of the other government body, which neither entity may exercise.

Section 20. When performing inspections under the terms of this Agreement, Kendall County and City intend that any injuries to their respective employee shall be covered and handled exclusively by their jurisdiction's own worker's compensation insurance in place at the time of such injury. It is further agreed that all employee benefits, wage and disability payments, pension and worker's compensation claims, damage to or destruction of equipment, facilities, clothing and related medical expenses of the City or Kendall County and their respective inspectors, which may result from their activities under this Agreement, shall be the responsibility of the jurisdiction which employs the inspector making such a claim.

Section 21. The Parties will obtain and continue in force, during the term of this Agreement, all insurance as set forth below: (a) Commercial General Liability (CGL): Insurance Services Office Form CG 00 01 (or its equivalent) covering CGL on an "occurrence" basis, including products and completed operations, property damage, bodily injury and personal & advertising injury with limits no less than \$1,000,000 per occurrence. If a general aggregate limit applies, either the general aggregate limit shall

apply separately to this project/location (ISO CG 25 03 or 25 04) or the general aggregate limit shall be twice the required occurrence limit; (b) Automobile Liability: ISO Form Number CA 00 01 covering any auto (Code 1), or if Contractor has no owned autos, hired, (Code 8) and non-owned autos (Code 9), with limit no less than \$1,000,000 per accident for bodily injury and property damage; (c) Workers' Compensation: as required by the State of Illinois, with Statutory Limits, and Employer's Liability Insurance with limit of no less than \$1,000,000 per accident for bodily injury or disease. If the Jurisdiction maintains broader coverage and/or higher limits than the minimums shown above, the both Jurisdictions require and shall be entitled to the broader coverage and/or the higher limits maintained by the contractor. Any available insurance proceeds in excess of the specified minimum limits of insurance and coverage shall be available to both Jurisdictions. The insurance policies are to contain, or be endorsed to contain, the following provisions: (a) Additional Insured Status-Both jurisdictions, its officers, officials, employees, and volunteers are to be covered as additional insureds on the CGL policy with respect to liability arising out of work or operations performed by or on behalf of the jurisdiction including materials, parts, or equipment furnished in connection with such work or operations. General liability coverage can be provided in the form of an endorsement to the jurisdiction's insurance; (b) Notice of Cancellation-Each insurance policy required above shall provide that coverage shall not be canceled, except with notice to the Entity; (c) Verification of Coverage-Each Jurisdiction shall furnish the other with original Certificates of Insurance including all required amendatory endorsements (or copies of the applicable policy language effecting coverage required by this clause) and a copy of the Declarations and Endorsement Page of the CGL policy listing all policy endorsements to other before work begins. However, failure to obtain the required documents prior to the work beginning shall not waive the other's obligation to provide them.

Each Jurisdiction reserves the right to require complete, certified copies of all required insurance policies, including endorsements required by these specifications, at any time.

Section 22. This Agreement shall be in full force and effect for a period of one (1) year from the date of the last signature below, however it may be renewed upon agreement of the parties in writing.

Section 23. Either party may terminate this Agreement by providing thirty (30) calendar days' advance written notice to the other party. However, any act of bad faith in the execution of duties under this Agreement shall result in immediate termination of the other party's duties as laid out herein. For the purpose of this agreement, "bad faith" is an intentional dishonest act by not fulfilling legal or contractual obligations, misleading another, entering into an agreement without the intention or means to fulfill it, or violating basic standards of honesty in dealing with others. Also, the parties agree to provide prompt written notice within fifteen (15) calendar days to the other party if Kendall County Code Official Brian Holdiman's or City Building Code Official Pete Ratons' employment ceases for whatever reason. In such event, this Agreement shall immediately terminate upon receipt of said written notice.

Section 24. The parties understand and agree that this Agreement in no way creates a joint employment relationship between the Parties. The Parties understand and agree that they are solely responsible for paying all wages, benefits, and any other compensation due and owing to its employees for the performance of visiting inspector services set forth in this Agreement. The parties further understand and agree that the parties are solely responsible for making all required payroll deductions and other tax and wage withholdings pursuant to state and federal law for its employees who perform visiting inspector services as set forth in this Agreement.

Section 25. Kendall County and the City each hereby warrant and represent that their

respective signatures set forth below have been, and are on the date of this Agreement, duly authorized by all necessary and appropriate corporate and/or governmental action to execute this Agreement.

IN WITNESS WHEREOF, the parties hereto have caused this Intergovernmental Agreement to be executed by their duly authorized officers on the date below in the United City of Yorkville, Illinois.

County of Kendall, a unit of local government
of the State of Illinois

United City of Yorkville, Kendall County,
Illinois, a municipal corporation

By: _____
Chair, Kendall County Board

By: _____
Mayor

Date: _____

Date: _____

Attest:

Attest:

County Clerk

City Clerk



Kendall County Agenda Briefing

Meeting Type: Planning, Building and Zoning
Meeting Date: 2/13/2024
Subject: Proposed Contract with WBK Engineering for NPDES Annual Report
Prepared by: Matthew H. Asselmeier, AICP, CFM
Department: Planning, Building and Zoning

Action Requested:

Approval of Proposal from WBK Engineering for Work Related to the Submittal of the Annual Report for the 2023 NPDES – MS 4 Requirements in an Amount Not to Exceed \$2,650 Plus Reimbursable Costs (Costs + 10%)

Board/Committee Review:

N/A

Fiscal impact:

Increased Expensed from \$2,500 to \$2,650

Background and Discussion:

Kendall County is required to submit an Annual Report to the State as part of the County's National Pollution Discharge Elimination Systems (NPDES) Permit by June 1st of each year.

Historically, WBK Engineering has prepared this document because they already possess most of the information needed to complete the report due to the inspections that they perform on the County's behalf at work sites.

The cost to prepare the 2023-2024 Report is \$2,650. The cost to prepare the 2022-2023 Report was \$2,500.

Staff Recommendation:

Approval

Attachments:

Proposed Contract

opportunity number



PROPOSAL

Submitted To: **Kendall County**
111 West Fox Street
Yorkville, IL 60560-1498
630-553-4139

Primary Contact: **Matthew Asselmeier, AICP, CFM**

Submitted By: **WBK Engineering, LLC**
116 W. Main Street Suite 201
St. Charles, IL 60174
(630) 443-7755

Primary Contact: **Natalie Paver**

PROJECT INFORMATION

Project Name: **Kendall County NPDES Annual Report March 2023 - March 2024 Reporting Period**
Address:
City / State / Zip
General Location: **County-Wide**

SCOPE OF SERVICES

☒ Cost (Not-to-Exceed) ☐ Lump Sum ☐ Time and Materials (T&M)

Task Name: **NPDES Annual Report - 2023-2024 Reporting Period**
Deliverable: Annual Report prepared and submitted to IEPA on behalf of the County. Tasks include review of NOI for performance measures, discussions with County staff, collection of documentation and preparation of the annual report.

\$2,650.00

Task Budget

Budget for Reimbursable Expenses (Cost Plus 10%):

Total Amount Budgeted For All Services Rendered:

\$2,650.00

☐ Additional Tasks on Following Pages.

We propose to bill you monthly based on the attached Schedule of Charges (if applicable). We establish our contract in accordance with the General Terms and Conditions of the Kendall County Master Service Agreement.

Natalie Paver

WBK Authorization By (Please Print):

Signature

2/5/24

Date

The Proposal, Schedule of Charges, and General Terms & Conditions are satisfactory and are hereby accepted. You are authorized to begin the work as specified. Payments will be made as outlined above.

Client Authorization By (Please Print):

Signature

Date

Updates on “Waters of the United States”



January 31, 2024



Originally Created by:

Russell Kaiser, Acting Director of the Oceans, Wetlands and Communities Division in EPA's Office of Water

Whitney Beck, Clean Water Act Jurisdiction Team Lead in EPA's Office of Water

Rose Kwok, Environmental Scientist in EPA's Office of Water

Melinda Larsen, Office of the Assistant Secretary of the Army (Civil Works)

Revised by:

Erich Ceisel, Project Manager, U.S. Army Corps of Engineers-Chicago District Regulatory Branch ²¹¹

The information provided in this presentation is generally relevant to implementing either the 2023 rule, as amended, or the pre-2015 regulatory regime. Determinations of jurisdiction are case-specific determinations based on the record, and factual concerns or questions about the application of Sackett v. EPA may be addressed in the context of a particular determination. In addition, the agencies may in the future provide revised or additional administrative guidance to address implementation of the 2023 Rule, as amended, or the pre-2015 regulatory regime, consistent with Sackett.

Presentation Outline

- Background
- Amended 2023 Rule
- Additional Resources



The information provided in this presentation is generally relevant to implementing either the 2023 rule, as amended, or the pre-2015 regulatory regime. Determinations of jurisdiction are case-specific determinations based on the record, and factual concerns or questions about the application of Sackett v. EPA may be addressed in the context of a particular determination. In addition, the agencies may in the future provide revised or additional administrative guidance to address implementation of the 2023 Rule, as amended, or the pre-2015 regulatory regime, consistent with Sackett.

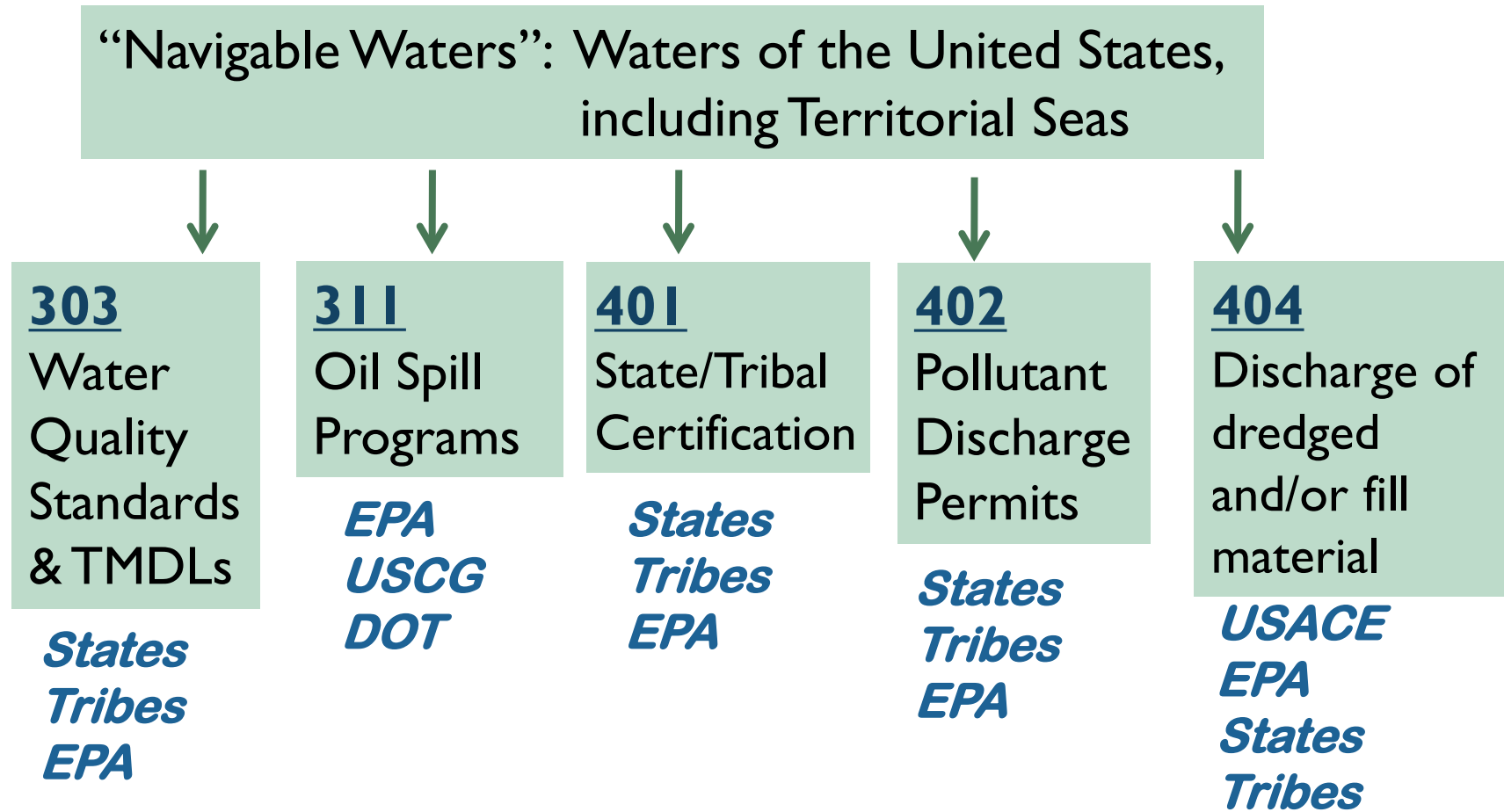
Background: “Waters of the United States” and the Clean Water Act

- “Waters of the United States” is a threshold term in the Clean Water Act that establishes the geographic scope of federal jurisdiction under the Act.
- Clean Water Act regulatory programs address “navigable waters,” defined in the statute as “the waters of the United States, including the territorial seas.”
- The Clean Water Act does not define “waters of the United States.”
- EPA and the Department of the Army have defined “waters of the United States” by regulation since the 1970s.



The information provided in this presentation is generally relevant to implementing either the 2023 rule, as amended, or the pre-2015 regulatory regime. Determinations of jurisdiction are case-specific determinations based on the record, and factual concerns or questions about the application of Sackett v. EPA may be addressed in the context of a particular determination. In addition, the agencies may in the future provide revised or additional administrative guidance to address implementation of the 2023 Rule, as amended, or the pre-2015 regulatory regime, consistent with Sackett.

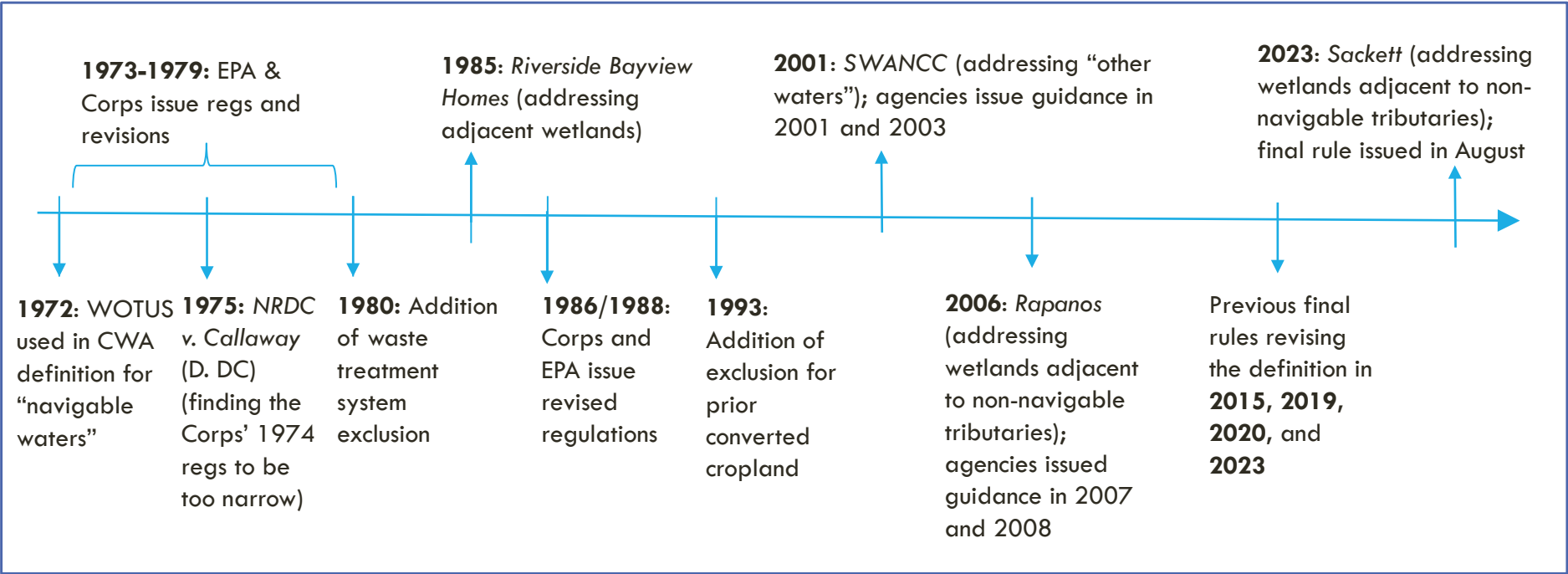
Background: Why ‘Waters of the United States’ Matters



The information provided in this presentation is generally relevant to implementing either the 2023 rule, as amended, or the pre-2015 regulatory regime. Determinations of jurisdiction are case-specific determinations based on the record, and factual concerns or questions about the application of Sackett v. EPA may be addressed in the context of a particular determination. In addition, the agencies may in the future provide revised or additional administrative guidance to address implementation of the 2023 Rule, as amended, or the pre-2015 regulatory regime, consistent with Sackett.

Background: “Waters of the United States” Over Time

The definition of “waters of the United States” has been a subject of dispute and addressed in several major Supreme Court cases.



The information provided in this presentation is generally relevant to implementing either the 2023 rule, as amended, or the pre-2015 regulatory regime. Determinations of jurisdiction are case-specific determinations based on the record, and factual concerns or questions about the application of Sackett v. EPA may be addressed in the context of a particular determination. In addition, the agencies may in the future provide revised or additional administrative guidance to address implementation of the 2023 Rule, as amended, or the pre-2015 regulatory regime, consistent with Sackett.

Background: Regulatory Regimes

- Prior to the 2015 Clean Water Rule, the Agencies implemented the pre-2015 regulations defining “waters of the United States” consistent with relevant case law and longstanding practice, as informed by applicable guidance, training, and experience—this is referred to as the “pre-2015 regulatory regime.”
- The Agencies revised their regulations in 2015, 2019, and 2020. In 2021, two district courts vacated the 2020 Navigable Waters Protection Rule. The Agencies then returned to implementing the pre-2015 regulatory regime nationwide.
- The 2023 Rule replaced the pre-2015 regulatory regime, and was amended in September 2023, but as the result of ongoing litigation, the Amended 2023 Rule is not operative in certain states and for certain parties.

<https://www.epa.gov/wotus/pre-2015-regulatory-regime>

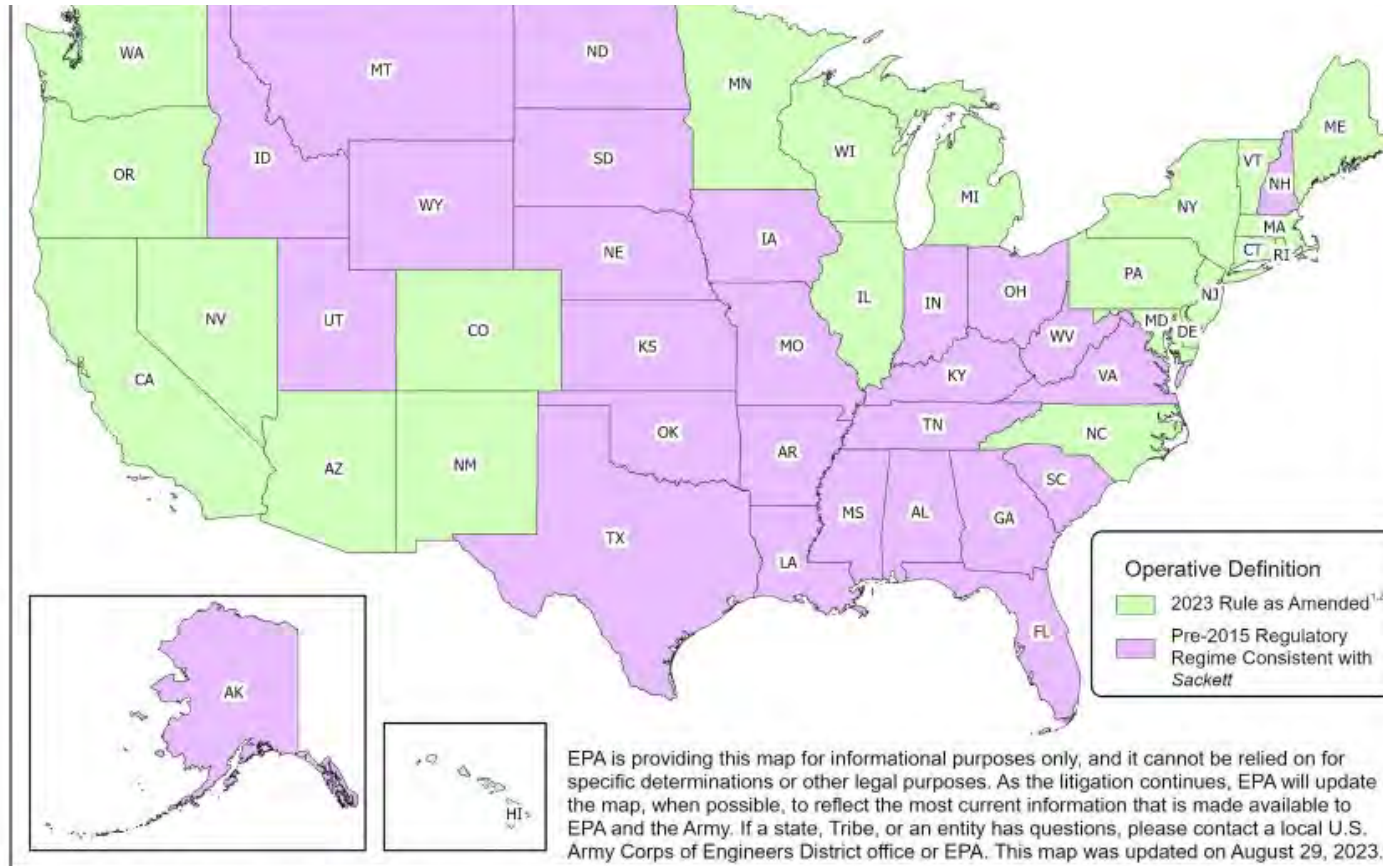
The information provided in this presentation is generally relevant to implementing either the 2023 rule, as amended, or the pre-2015 regulatory regime. Determinations of jurisdiction are case-specific determinations based on the record, and factual concerns or questions about the application of Sackett v. EPA may be addressed in the context of a particular determination. In addition, the agencies may in the future provide revised or additional administrative guidance to address implementation of the 2023 Rule, as amended, or the pre-2015 regulatory regime, consistent with Sackett.

Background: Recent Events

January 2023	2023 Rule published – “Revised Definition of ‘Waters of the United States’”
March 2023	2023 Rule effective; operative in certain States
May 2023	<i>Sackett</i> Supreme Court decision
June 2023	EPA and Army announce plans to issue a final rule amending the 2023 rule
August 2023	Final rule amending the 2023 rule: signature and announcement
September 2023	Final rule amending the 2023 rule: publication and effective date

The information provided in this presentation is generally relevant to implementing either the 2023 rule, as amended, or the pre-2015 regulatory regime. Determinations of jurisdiction are case-specific determinations based on the record, and factual concerns or questions about the application of Sackett v. EPA may be addressed in the context of a particular determination. In addition, the agencies may in the future provide revised or additional administrative guidance to address implementation of the 2023 Rule, as amended, or the pre-2015 regulatory regime, consistent with Sackett.

Background: Operative Definition of “Waters of the United States”



¹Also operative in the U.S. territories and the District of Columbia
²The pre-2015 regulatory regime implemented consistent with *Sackett* is operative for the Commonwealth of Kentucky and Plaintiff-Appellants in *Kentucky Chamber of Commerce, et al. v. EPA* (No. 23-5345) and their members (Kentucky Chamber of Commerce, U.S. Chamber of Commerce, Associated General Contractors of Kentucky, Home Builders Association of Kentucky, Portland Cement Association, and Georgia Chamber of Commerce).

<https://www.epa.gov/wotus/definition-waters-united-states-rule-status-and-litigation-update>

The information provided in this presentation is generally relevant to implementing either the 2023 rule, as amended, or the pre-2015 regulatory regime. Determinations of jurisdiction are case-specific determinations based on the record, and factual concerns or questions about the application of Sackett v. EPA may be addressed in the context of a particular determination. In addition, the agencies may in the future provide revised or additional administrative guidance to address implementation of the 2023 Rule, as amended, or the pre-2015 regulatory regime, consistent with Sackett.

Background: *Rapanos* Decision

- **Supreme Court decision in *Rapanos v. U.S.* (2006)**
 - The Justices were divided in a 4-1-4 opinion on the question of CWA jurisdiction over wetlands adjacent to nonnavigable tributaries of traditional navigable waters.
- **Scalia Plurality Opinion**

Considered “waters of the United States” to include:

 - “relatively permanent, standing or continuously flowing bodies of water forming geographic features’ that are described in ordinary parlance as ‘streams, oceans, rivers, and lakes’” and
 - Wetlands that have “a continuous surface connection to bodies that are ‘waters of the United States’ in their own right, so that there is no clear demarcation between ‘waters’ and wetlands.”
- **Kennedy Concurring Opinion**

Considered “waters of the United States” to include:

 - “a water or wetland must possess a ‘significant nexus’ to waters that are or were navigable in fact or that could reasonably be so made.”
- **Dissent**
 - deferred to the Corps’ assertion of jurisdiction and concluded that the term “waters of the United States” encompasses all tributaries and wetlands that satisfy “either the plurality’s [standard] or Justice Kennedy’s.”
- **Guidance issued in 2007, revised 2008**
- **Circuit Court Decisions:** All eight circuit courts to address the issue held that jurisdiction was proper over at least those waters that satisfy the Kennedy standard; none held that the plurality was the sole basis that may be used to establish jurisdiction.

The information provided in this presentation is generally relevant to implementing either the 2023 rule, as amended, or the pre-2015 regulatory regime. Determinations of jurisdiction are case-specific determinations based on the record, and factual concerns or questions about the application of Sackett v. EPA may be addressed in the context of a particular determination. In addition, the agencies may in the future provide revised or additional administrative guidance to address implementation of the 2023 Rule, as amended, or the pre-2015 regulatory regime, consistent with Sackett.

Background: *Sackett* Decision

- While the 2023 Rule was not directly before the Court, the Court considered the jurisdictional standards set forth in the rule.
- The Court concluded that the significant nexus standard was inconsistent with the Court's interpretation of the Clean Water Act (CWA).
- The Court concluded that the *Rapanos* plurality was correct: the CWA's use of "waters" encompasses only those relatively permanent, standing or continuously flowing bodies of water forming geographical features that are described in ordinary parlance as streams, oceans, rivers, and lakes.
- The Court also agreed with the *Rapanos* plurality that adjacent wetlands are "waters of the United States" when the wetlands have a continuous surface connection to bodies that are "waters of the United States" in their own right, so that there is no clear demarcation between "waters" and wetlands.

The information provided in this presentation is generally relevant to implementing either the 2023 rule, as amended, or the pre-2015 regulatory regime. Determinations of jurisdiction are case-specific determinations based on the record, and factual concerns or questions about the application of Sackett v. EPA may be addressed in the context of a particular determination. In addition, the agencies may in the future provide revised or additional administrative guidance to address implementation of the 2023 Rule, as amended, or the pre-2015 regulatory regime, consistent with Sackett.

Background: Conforming Rule Amending January 2023 Rule

- September 8, 2023: EPA and Army Corps published a rule to amend the January 2023 definition of “waters of the United States” to conform with *Sackett*; rule was effective upon publication.
- In the conforming rule, the agencies determined that there is good cause under the Administrative Procedure Act to issue a final rule because certain provisions of the January 2023 Rule were invalid under the Supreme Court’s interpretation of the Clean Water Act in *Sackett*.
- Targeted changes to January 2023 Rule categories of “waters of the United States”:
 - (a)(1):
 - (i) Traditional navigable waters
 - (ii) Territorial Seas
 - (iii) Interstate Waters – revised to remove interstate wetlands
 - (a)(2) Impoundments of Jurisdictional Waters
 - (a)(3) Tributaries – revised to delete significant nexus standard
 - (a)(4) Adjacent Wetlands – revised to delete significant nexus standard
 - (a)(5) Additional Waters – revised to delete significant nexus standard and delete streams and wetlands
- Targeted changes to January 2023 Rule Definitions:
 - (c)(2) Adjacent – revised to mean “having a continuous surface connection”
 - (c)(6) Significantly affect – deleted
- No changes to January 2023 Rule Exclusions

The information provided in this presentation is generally relevant to implementing either the 2023 rule, as amended, or the pre-2015 regulatory regime. Determinations of jurisdiction are case-specific determinations based on the record, and factual concerns or questions about the application of Sackett v. EPA may be addressed in the context of a particular determination. In addition, the agencies may in the future provide revised or additional administrative guidance to address implementation of the 2023 Rule, as amended, or the pre-2015 regulatory regime, consistent with Sackett.

Amended 2023 Rule: Framework

Categories of Jurisdictional Waters

(a)(1)

- (i) Traditional Navigable Waters
- (ii) Territorial Seas
- (iii) Interstate Waters

(a)(2) Impoundments of Jurisdictional Waters

(a)(3) Tributaries

(a)(4) Adjacent Wetlands

(a)(5) Intrastate lakes and ponds that do not fall within (a)(1) – (a)(4)



***NOTE:** For efficiency, this slide's list of the categories of jurisdictional waters are shorthand for the jurisdictional categories in the regulations. See 33 CFR 328.3(a) and 40 CFR 120.2(a).

The information provided in this presentation is generally relevant to implementing either the 2023 rule, as amended, or the pre-2015 regulatory regime. Determinations of jurisdiction are case-specific determinations based on the record, and factual concerns or questions about the application of Sackett v. EPA may be addressed in the context of a particular determination. In addition, the agencies may in the future provide revised or additional administrative guidance to address implementation of the 2023 Rule, as amended, or the pre-2015 regulatory regime, consistent with Sackett.

Amended 2023 Rule: Framework

Exclusions*

(b)(1) Waste treatment systems

(b)(2) Prior converted cropland

(b)(3) Certain ditches

(b)(4) Artificially irrigated areas that would revert to dry land if irrigation ceased

(b)(5) Certain artificial lakes and ponds

(b)(6) Artificial reflection or swimming pools or other small ornamental bodies of water

(b)(7) Certain waterfilled depressions

(b)(8) Swales and erosional features

(b)(1) – (b)(2):

Pre-2015 exclusions, modified in the regulations

(b)(3) – (b)(8):

Pre-2015 “generally non-jurisdictional features,” added to the regulations as exclusions

***NOTE:** For efficiency, this slide’s list of the categories of exclusions are shorthand for the categories in the regulations. See 33 CFR 328.3(b) and 40 CFR 120.2(b). Exclusions do not apply to paragraph (a)(1) waters.

The information provided in this presentation is generally relevant to implementing either the 2023 rule, as amended, or the pre-2015 regulatory regime. Determinations of jurisdiction are case-specific determinations based on the record, and factual concerns or questions about the application of Sackett v. EPA may be addressed in the context of a particular determination. In addition, the agencies may in the future provide revised or additional administrative guidance to address implementation of the 2023 Rule, as amended, or the pre-2015 regulatory regime, consistent with Sackett.

Amended 2023 Rule: (a)(1) Waters – Traditional Navigable Waters, the Territorial Seas, and Interstate Waters

- **Traditional Navigable Waters**
 - Waters which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
 - EPA and Army will continue to use the legal memorandum **Waters That Qualify as “Traditional Navigable Waters” Under Section (a)(1) of the Agencies’ Regulations** (formerly known as Appendix D) to provide guidance for identifying traditional navigable waters.



The information provided in this presentation is generally relevant to implementing either the 2023 rule, as amended, or the pre-2015 regulatory regime. Determinations of jurisdiction are case-specific determinations based on the record, and factual concerns or questions about the application of Sackett v. EPA may be addressed in the context of a particular determination. In addition, the agencies may in the future provide revised or additional administrative guidance to address implementation of the 2023 Rule, as amended, or the pre-2015 regulatory regime, consistent with Sackett.

Amended 2023 Rule: (a)(1) Waters – Traditional Navigable Waters, the Territorial Seas, and Interstate Waters

- **Interstate Waters**
 - “Waters of the United States” include interstate waters.
 - The conforming rule revised the January 2023 rule to remove “interstate wetlands” from the provision.
 - Lakes and ponds crossing state boundaries are jurisdictional as interstate waters in their entirety.
 - For rivers and streams, interstate waters include the portion of the river or stream that is of the same stream order as the point that crosses or serves as a state line.



The information provided in this presentation is generally relevant to implementing either the 2023 rule, as amended, or the pre-2015 regulatory regime. Determinations of jurisdiction are case-specific determinations based on the record, and factual concerns or questions about the application of Sackett v. EPA may be addressed in the context of a particular determination. In addition, the agencies may in the future provide revised or additional administrative guidance to address implementation of the 2023 Rule, as amended, or the pre-2015 regulatory regime, consistent with Sackett.

Amended 2023 Rule: (a)(2) Impoundments

- “Waters of the United States” include impoundments of waters that otherwise meet the definition of “waters of the United States.”
- The agencies consider paragraph (a)(2) impoundments to include:
 - (1) Impoundments created by impounding one of the “waters of United States” that was jurisdictional under the Amended 2023 Rule’s definition at the time the impoundment was created, and
 - (2) Impoundments of waters that at the time of assessment meet the definition of “waters of the United States” under paragraph (a)(1), (a)(3), or (a)(4) of the Amended 2023 Rule, regardless of the water’s jurisdictional status at the time the impoundment was created.



The information provided in this presentation is generally relevant to implementing either the 2023 rule, as amended, or the pre-2015 regulatory regime. Determinations of jurisdiction are case-specific determinations based on the record, and factual concerns or questions about the application of Sackett v. EPA may be addressed in the context of a particular determination. In addition, the agencies may in the future provide revised or additional administrative guidance to address implementation of the 2023 Rule, as amended, or the pre-2015 regulatory regime, consistent with Sackett.

Amended 2023 Rule: (a)(3) Tributaries

- Tributaries include natural, man-altered, or man-made water bodies that flow directly or indirectly into (a)(1) waters or (a)(2) impoundments.
 - Tributaries can include rivers, streams, lakes, ponds, and impoundments.
 - Tributaries can also include ditches and canals.
- Jurisdictional tributaries must meet the relatively permanent standard.



The information provided in this presentation is generally relevant to implementing either the 2023 rule, as amended, or the pre-2015 regulatory regime. Determinations of jurisdiction are case-specific determinations based on the record, and factual concerns or questions about the application of Sackett v. EPA may be addressed in the context of a particular determination. In addition, the agencies may in the future provide revised or additional administrative guidance to address implementation of the 2023 Rule, as amended, or the pre-2015 regulatory regime, consistent with Sackett.

Amended 2023 Rule: (a)(3) Tributaries

Relatively Permanent Standard

- Relatively permanent waters include tributaries that have flowing or standing water year-round or continuously during certain times of year.
- Relatively permanent waters do not include tributaries with flowing or standing water for only a short duration in direct response to precipitation.



The information provided in this presentation is generally relevant to implementing either the 2023 rule, as amended, or the pre-2015 regulatory regime. Determinations of jurisdiction are case-specific determinations based on the record, and factual concerns or questions about the application of Sackett v. EPA may be addressed in the context of a particular determination. In addition, the agencies may in the future provide revised or additional administrative guidance to address implementation of the 2023 Rule, as amended, or the pre-2015 regulatory regime, consistent with Sackett.

Amended 2023 Rule: (a)(3) Tributaries

Relatively Permanent Standard – Duration and Timing of Flow

Relatively permanent waters include tributaries that have flowing or standing water year-round or continuously during certain times of year.

- “Certain times of the year” is intended to include extended periods of standing or continuously flowing water occurring in the same geographic feature year after year, except in times of drought.
- Relatively permanent flow may occur seasonally, but the phrase is also intended to encompass tributaries in which extended periods of standing or continuously flowing water are not linked to naturally recurring annual or seasonal cycles.



The information provided in this presentation is generally relevant to implementing either the 2023 rule, as amended, or the pre-2015 regulatory regime. Determinations of jurisdiction are case-specific determinations based on the record, and factual concerns or questions about the application of Sackett v. EPA may be addressed in the context of a particular determination. In addition, the agencies may in the future provide revised or additional administrative guidance to address implementation of the 2023 Rule, as amended, or the pre-2015 regulatory regime, consistent with Sackett.

Amended 2023 Rule: (a)(3) Tributaries

Relatively Permanent Standard – Duration and Timing of Flow

Relatively permanent waters do not include tributaries with flowing or standing water for only a short duration in direct response to precipitation.

- “Direct response to precipitation” is intended to distinguish between episodic periods of flow associated with discrete precipitation events versus continuous flow for extended periods of time.
- No minimum flow duration has been established because flow duration varies extensively by region.



The information provided in this presentation is generally relevant to implementing either the 2023 rule, as amended, or the pre-2015 regulatory regime. Determinations of jurisdiction are case-specific determinations based on the record, and factual concerns or questions about the application of Sackett v. EPA may be addressed in the context of a particular determination. In addition, the agencies may in the future provide revised or additional administrative guidance to address implementation of the 2023 Rule, as amended, or the pre-2015 regulatory regime, consistent with Sackett.

Amended 2023 Rule: (a)(4) Adjacent Wetlands

- **Wetlands** means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.
- **Adjacent** has been revised by the conforming rule to mean having a continuous surface connection.
- **Jurisdictional adjacent wetlands** include:
 - Wetlands that are adjacent to an (a)(1) water, relatively permanent jurisdictional impoundment, or relatively permanent tributary.



The information provided in this presentation is generally relevant to implementing either the 2023 rule, as amended, or the pre-2015 regulatory regime. Determinations of jurisdiction are case-specific determinations based on the record, and factual concerns or questions about the application of Sackett v. EPA may be addressed in the context of a particular determination. In addition, the agencies may in the future provide revised or additional administrative guidance to address implementation of the 2023 Rule, as amended, or the pre-2015 regulatory regime, consistent with Sackett.

Amended 2023 Rule: (a)(4) Adjacent Wetlands

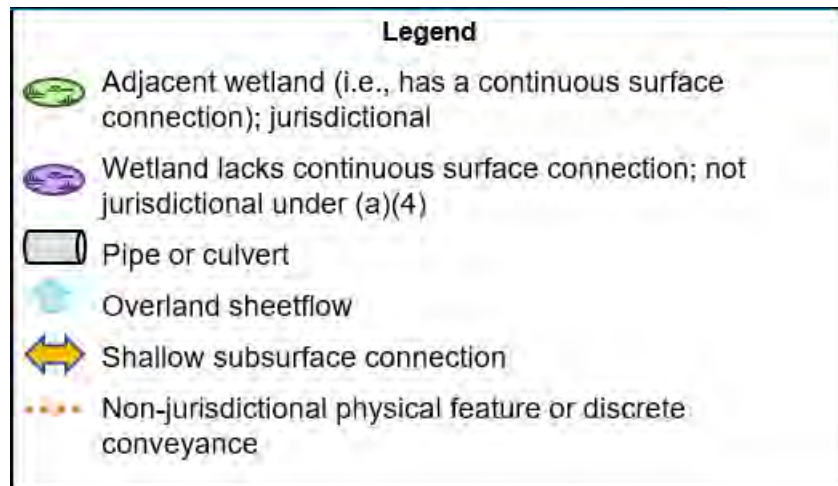
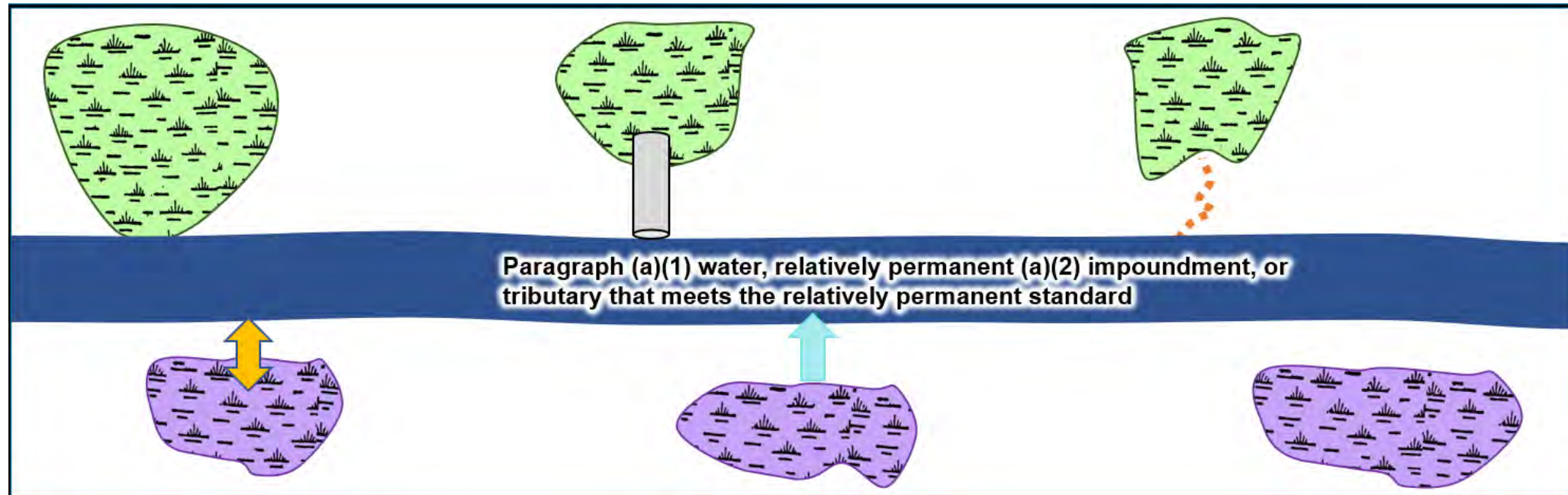
Continuous Surface Connection

- A **continuous surface connection** means the wetlands either physically abut or touch the paragraph (a)(1) or relatively permanent water, or are connected to the paragraph (a)(1) or relatively permanent water by a discrete feature like a non-jurisdictional ditch, swale, pipe, or culvert.
- Note that *Sackett* is clear that “a landowner cannot carve out wetlands from federal jurisdiction by illegally constructing a barrier on wetlands otherwise covered by the CWA.”



The information provided in this presentation is generally relevant to implementing either the 2023 rule, as amended, or the pre-2015 regulatory regime. Determinations of jurisdiction are case-specific determinations based on the record, and factual concerns or questions about the application of Sackett v. EPA may be addressed in the context of a particular determination. In addition, the agencies may in the future provide revised or additional administrative guidance to address implementation of the 2023 Rule, as amended, or the pre-2015 regulatory regime, consistent with Sackett.

Adjacent Wetlands Example



****Disclaimer**** Above examples are broad examples and final determinations on wetland jurisdiction are made on a case-by-case basis.

Amended 2023 Rule: (a)(5) Waters: lakes and ponds not identified in (a)(1) – (a)(4)

- Jurisdictional (a)(5) waters include intrastate lakes and ponds not identified in the other jurisdictional categories, that meet the relatively permanent standard.
- The conforming rule revised the January 2023 rule to remove “streams” and “wetlands” from the (a)(5) provision.

The information provided in this presentation is generally relevant to implementing either the 2023 rule, as amended, or the pre-2015 regulatory regime. Determinations of jurisdiction are case-specific determinations based on the record, and factual concerns or questions about the application of Sackett v. EPA may be addressed in the context of a particular determination. In addition, the agencies may in the future provide revised or additional administrative guidance to address implementation of the 2023 Rule, as amended, or the pre-2015 regulatory regime, consistent with Sackett.

Amended 2023 Rule: (a)(5) Waters: lakes and ponds not identified in (a)(1) – (a)(4)

Relatively Permanent Standard

- Lakes and ponds assessed under paragraph (a)(5) meet the relatively permanent standard if they are relatively permanent, standing or continuously flowing bodies of water with a continuous surface connection to a paragraph (a)(1) water or tributary that is relatively permanent.
- The agencies will assess lakes and ponds under paragraph (a)(5) to determine if they are **relatively permanent** using a similar approach to the one described for tributaries.
- The agencies will assess a **continuous surface connection** between lakes and ponds assessed under paragraph (a)(5) and a paragraph (a)(1) water or a tributary that is relatively permanent using the approach described for wetlands.

The information provided in this presentation is generally relevant to implementing either the 2023 rule, as amended, or the pre-2015 regulatory regime. Determinations of jurisdiction are case-specific determinations based on the record, and factual concerns or questions about the application of Sackett v. EPA may be addressed in the context of a particular determination. In addition, the agencies may in the future provide revised or additional administrative guidance to address implementation of the 2023 Rule, as amended, or the pre-2015 regulatory regime, consistent with Sackett.

Amended 2023 Rule: Exclusions

- Excluded waters or features are not jurisdictional as “waters of the United States.”
- Exclusions do not apply to paragraph (a)(1) waters.
- The regulations include the pre-2015 regulatory exclusions:
 - Waste treatment exclusion, prior converted cropland exclusion
- The regulations contain exclusions for features that were “generally non-jurisdictional” under the pre-2015 regulatory regime:
 - Certain ditches, certain artificially irrigated areas, certain artificial lakes and ponds, certain artificial reflecting and swimming pools, certain waterfilled depressions, certain swales and erosional features

The information provided in this presentation is generally relevant to implementing either the 2023 rule, as amended, or the pre-2015 regulatory regime. Determinations of jurisdiction are case-specific determinations based on the record, and factual concerns or questions about the application of Sackett v. EPA may be addressed in the context of a particular determination. In addition, the agencies may in the future provide revised or additional administrative guidance to address implementation of the 2023 Rule, as amended, or the pre-2015 regulatory regime, consistent with Sackett.

Amended 2023 Rule: (b)(1) Exclusion: Waste Treatment Systems

- The regulations exclude waste treatment systems, including treatment ponds or lagoons, designed to meet the requirements of the Clean Water Act.
- The 2023 rule preamble provides clarification on implementation:
 - Excluded waste treatment systems do not sever upstream jurisdiction.
 - The exclusion is generally available only to the permittee using the system for the treatment function for which such system was designed.

The information provided in this presentation is generally relevant to implementing either the 2023 rule, as amended, or the pre-2015 regulatory regime. Determinations of jurisdiction are case-specific determinations based on the record, and factual concerns or questions about the application of Sackett v. EPA may be addressed in the context of a particular determination. In addition, the agencies may in the future provide revised or additional administrative guidance to address implementation of the 2023 Rule, as amended, or the pre-2015 regulatory regime, consistent with Sackett.

Amended 2023 Rule: (b)(2) Exclusion: Prior Converted Cropland

- The regulatory exclusion for prior converted cropland only covers wetlands.
- Wetlands can be covered under the prior converted cropland exclusion if they meet USDA's longstanding definition of prior converted cropland.
- Prior converted cropland loses its exclusion status if there is a “change in use” – meaning the area is no longer available for the production of an agricultural commodity.

The information provided in this presentation is generally relevant to implementing either the 2023 rule, as amended, or the pre-2015 regulatory regime. Determinations of jurisdiction are case-specific determinations based on the record, and factual concerns or questions about the application of Sackett v. EPA may be addressed in the context of a particular determination. In addition, the agencies may in the future provide revised or additional administrative guidance to address implementation of the 2023 Rule, as amended, or the pre-2015 regulatory regime, consistent with Sackett.

Amended 2023 Rule: (b)(3) – (b)(8) Exclusions

- The regulations specify that features considered “generally non-jurisdictional” in the preamble to the pre-2015 regulations and in the pre-2015 guidance are excluded.
- Ditches (including roadside ditches) excavated wholly in and draining only dry land and that do not carry a relatively permanent flow of water;
- Artificially irrigated areas that would revert to dry land if the irrigation ceased;
- Artificial lakes or ponds created by excavating or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing;
- Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating or diking dry land to retain water for primarily aesthetic reasons;
- Waterfilled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States; and
- Swales and erosional features (e.g., gullies, small washes) characterized by low volume, infrequent, or short duration flow.

The information provided in this presentation is generally relevant to implementing either the 2023 rule, as amended, or the pre-2015 regulatory regime. Determinations of jurisdiction are case-specific determinations based on the record, and factual concerns or questions about the application of Sackett v. EPA may be addressed in the context of a particular determination. In addition, the agencies may in the future provide revised or additional administrative guidance to address implementation of the 2023 Rule, as amended, or the pre-2015 regulatory regime, consistent with Sackett.

AJD Coordination

- When do we have to do it?
 - (a)(4) Adjacent Wetlands
 - (a)(5) Lakes and Ponds not identified in (a)(1) – (a)(4)
 - “Difficult Calls”
- Who do we coordinate with?
 - Local USEPA office
 - USACE HQ
 - USEPA HQ
 - OASACW (rarely)
- What’s the process?
 - 10-day coordination period with local EPA of draft AJD documents
 - Within 3 days of receipt of comments, USACE must respond
 - If elevated to HQs, they have 10 days to coordinate with each other
 - EPA has final say
- Guidance will be reevaluated in June.

FAQs

- Drain Tiles?
 - We may require a drain tile survey with an AJD request
 - Drain tiles' ability to serve as a CSC will likely be determined through coordination with the EPA
- Do I need an AJD?
 - Can always assume jurisdiction and request permit
 - PJD
 - NPR
- Exemptions
 - Activity based vs geographic (exclusions)
 - Farming and Maintenance based exemptions to consider at 33 CFR 323.4
 - Link: <https://www.ecfr.gov/current/title-33/section-323.4>

Tools and Resources

Examples of tools to determine whether tributaries or lakes and ponds are relatively permanent include:

- Direct observation
- Regional field observations
- [USACE Antecedent Precipitation Tool \(APT\)](#)
- [USGS Topographic Maps](#)
- [Regionalized streamflow duration assessment methods \(SDAMs\)](#)
- Aerial and satellite imagery
- [USGS National Hydrography Dataset \(NHD\)](#)
- Stream Gage data, including from [USGS](#)
- Regional regression analysis
- Hydrologic modeling tools such as [HEC-HMS](#)

The information provided in this presentation is generally relevant to implementing either the 2023 rule, as amended, or the pre-2015 regulatory regime. Determinations of jurisdiction are case-specific determinations based on the record, and factual concerns or questions about the application of Sackett v. EPA may be addressed in the context of a particular determination. In addition, the agencies may in the future provide revised or additional administrative guidance to address implementation of the 2023 Rule, as amended, or the pre-2015 regulatory regime, consistent with Sackett.

Tools and Resources

Examples of tools to determine whether tributaries or lakes and ponds are relatively permanent include:

- Elevation data and models, including [LIDAR](#) (for example, from the [USGS](#))
- State, tribal, and local data and maps
- [USGS StreamStats](#)
- [Probability of Streamflow Permanence \(PROSPER\) by the USGS](#) (including for the Pacific Northwest)
- NRCS hydrologic tools and [soil maps](#)
- NOAA national snow analyses maps
- NRCS snow sources
- [USEPA WATERS GeoViewer](#) and [How's My Waterway](#)
- [USGS National Map Viewer](#)

The information provided in this presentation is generally relevant to implementing either the 2023 rule, as amended, or the pre-2015 regulatory regime. Determinations of jurisdiction are case-specific determinations based on the record, and factual concerns or questions about the application of Sackett v. EPA may be addressed in the context of a particular determination. In addition, the agencies may in the future provide revised or additional administrative guidance to address implementation of the 2023 Rule, as amended, or the pre-2015 regulatory regime, consistent with Sackett.

Tools and Resources

Examples of tools to determine whether an adjacent wetland has a continuous surface connection to a jurisdictional water include:

- Direct observation
- Regional field observations
- [USGS Topographic Maps](#)
- Aerial and satellite imagery
- [USGS NHD](#)
- [USFWS National Wetlands Inventory \(NWI\)](#)
- Elevation data such as [LIDAR](#)-based topographic models
- State, Tribal, and local data and maps
- NRCS hydrologic tools and [soil maps](#)
- [FEMA flood zone](#) or other floodplain maps

The information provided in this presentation is generally relevant to implementing either the 2023 rule, as amended, or the pre-2015 regulatory regime. Determinations of jurisdiction are case-specific determinations based on the record, and factual concerns or questions about the application of Sackett v. EPA may be addressed in the context of a particular determination. In addition, the agencies may in the future provide revised or additional administrative guidance to address implementation of the 2023 Rule, as amended, or the pre-2015 regulatory regime, consistent with Sackett.

Additional Resources: Implementation Memoranda

- EPA and Army have prepared new **Coordination Memos** to ensure consistency of jurisdictional determinations under the 2023 Rule, as amended, and the Pre-2015 Regulatory Regime.
- EPA, Army, and USDA will continue to implement the 2022 **Agricultural Memo** that clarifies the agencies' roles and programs, and in particular clarifies the prior converted cropland exclusion.
- EPA and Army will continue to use the legal memorandum **Waters That Qualify as "Traditional Navigable Waters" Under Section (a)(1) of the Agencies' Regulations** (formerly known as Appendix D) to provide guidance for identifying traditional navigable waters.
- EPA and Army are also retaining the **2020 Ditch Exemption Memo** clarifying implementation of the ditch exemption under Clean Water Act section 404(f).

<https://www.epa.gov/wotus>

The information provided in this presentation is generally relevant to implementing either the 2023 rule, as amended, or the pre-2015 regulatory regime. Determinations of jurisdiction are case-specific determinations based on the record, and factual concerns or questions about the application of Sackett v. EPA may be addressed in the context of a particular determination. In addition, the agencies may in the future provide revised or additional administrative guidance to address implementation of the 2023 Rule, as amended, or the pre-2015 regulatory regime, consistent with Sackett.

Questions

<https://www.epa.gov/wotus>

The information provided in this presentation is generally relevant to implementing either the 2023 rule, as amended, or the pre-2015 regulatory regime. Determinations of jurisdiction are case-specific determinations based on the record, and factual concerns or questions about the application of Sackett v. EPA may be addressed in the context of a particular determination. In addition, the agencies may in the future provide revised or additional administrative guidance to address implementation of the 2023 Rule, as amended, or the pre-2015 regulatory regime, consistent with Sackett.



KENDALL COUNTY NPDES – GOOD HOUSEKEEPING

JANUARY 31, 2024



OVERVIEW

- WHY ARE WE DOING THIS & WHY THIS IS IMPORTANT
- WHAT IS GOOD HOUSEKEEPING AND WHAT IS YOUR ROLE AND RESPONSIBILITY
- WHAT RESOURCES ARE AVAILABLE TO YOU



WHY ARE WE DOING THIS ?

- COUNTY NPDES RESPONSIBILITY
- PUBLIC EDUCATION AND OUTREACH
- RESPONSE FROM QUESTIONNAIRE
- **PREVENT POLLUTANTS FROM GETTING INTO WATERWAYS**

WHY THIS IS IMPORTANT





GOOD HOUSEKEEPING

- Fleet Maintenance
- Materials Storage
- Land Disturbance
- Street and Drainage Maintenance

CREDIT TO....



USE COMMON SENSE



FLEET MAINTENANCE

WHAT'S WRONG WITH THIS PICTURE?



FLEET MAINTENANCE

- EMPLOYEES WHO **SERVICE AND REPAIR OUR VEHICLES** AND EQUIPMENT CAN HELP REDUCE WATER POLLUTION BY FOLLOWING PRECAUTIONS IN THEIR DAILY ACTIVITIES.

- GENERAL GUIDELINES
- LEAKS AND SPILLS
- DISPOSAL METHODS
- PARTS CLEANING
- SHOP AND PAVEMENT CLEANING
- FUELING
- WASHING



GENERAL GUIDELINES

- CONDUCT ALL VEHICLE AND EQUIPMENT MAINTENANCE AT DESIGNATED LOCATIONS, PREFERABLY **INSIDE** THE SHOP OR OUTDOORS ON A PAVED, COVERED SURFACE.
- PARK DAMAGED, LEAKING, OR DIRTY VEHICLES **UNDER COVER**, IF POSSIBLE, TO PREVENT EXPOSURE TO RAINFALL.



GENERAL GUIDELINES

- KEEP MAINTENANCE AREAS CLEAN BY **PROMPTLY** DISPOSING OF TRASH, DEBRIS, OLD PARTS, AND ABSORBENTS USED ON SPILLS.
- PROMPTLY DISPOSE OF FLUIDS THAT HAVE BEEN COLLECTED IN **DRIP PANS** OR OTHER OPEN CONTAINERS.



LEAKS AND SPILLS

- REGULARLY **INSPECT** FOR LEAKS OR STAINS AROUND VEHICLES AND EQUIPMENT. USE A DRIP PAN OR ABSORBENT MATERIAL TO **COLLECT** DRIPPING FLUIDS.
- LOCATE THE SOURCE OF LEAKAGE AND **STOP** FURTHER SPILLAGE BY FIXING THE LEAK OR DRAINING THE FLUID.



LEAKS AND SPILLS

- CLEAN UP SPILLS **IMMEDIATELY** TO MINIMIZE SAFETY HAZARDS AND DETER SPREADING.
- STORE CRACKED BATTERIES IN A LEAK PROOF CONTAINER.



DISPOSAL METHODS

- **COLLECT** ALL USED ANTI-FREEZE, MOTOR OIL, TRANSMISSION FLUID, AND HYDRAULIC FLUID AND **STORE** THEM IN SEPARATE CONTAINERS BY TYPE.
- MAKE SURE STORAGE CONTAINERS ARE PROPERLY LABELED.
- NEVER MIX DIFFERENT TYPES OF FLUIDS.



DISPOSAL METHODS

- **RECYCLE** USED FLUIDS, OIL, TRANSMISSION, AND HYDRAULIC FILTERS, AND BATTERIES.
- **NEVER** DISPOSE OF USED FLUIDS, FILTERS, OR BATTERIES IN THE **TRASH**.



PARTS CLEANING

- CLEAN PARTS **INDOORS** AND PROPERLY DISPOSE OF FLUIDS, GREASE, DIRT, AND OTHER DEBRIS CLEANED FROM PARTS.
- ALLOW PARTS TO FULLY DRAIN BEFORE REMOVING FROM CLEANING SINK TO REDUCE DRIPPING OF CLEANING FLUID TO THE FLOOR.
- KEEP LIDS CLOSED ON PARTS CLEANING SINKS WHEN NOT IN USE.



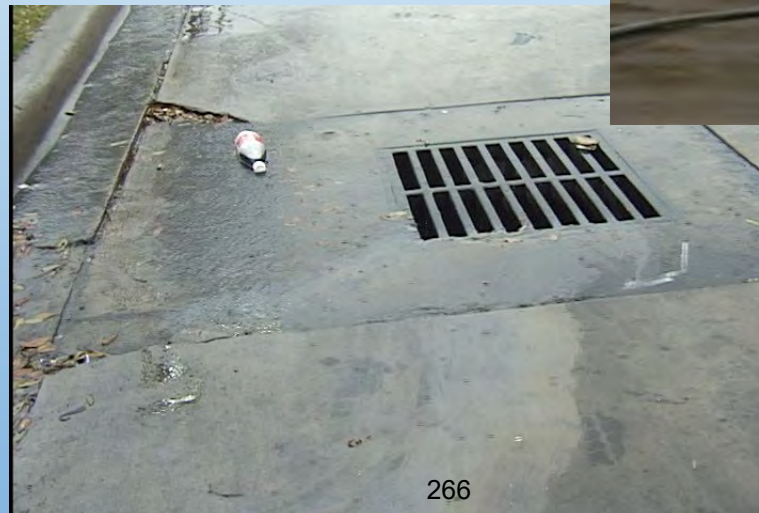
SHOP AND PAVEMENT CLEANING

- USE **DRY** METHODS (SWEEPING, WIPING, ABSORBENTS) TO CLEAN WORK AREAS AS MUCH AS POSSIBLE.
- DISPOSE OF MOP WATER PROPERLY, USUALLY BY POURING DOWN A **SANITARY SEWER** DRAIN.



SHOP AND PAVEMENT CLEANING

- DON'T HOSE DOWN OUTSIDE WORK AREAS.
- IN ADDITION TO REGULAR, PERIODIC CLEANING, CLEAN OUTSIDE WORK AREAS WHEN RAIN IS FORECAST.



FUELING

- DON'T TOP OFF FUEL TANKS TO PREVENT **SPILLS** DUE TO OVERFILLING.
- BE AWARE OF THE EMERGENCY PUMP SHUT-OFF BUTTON LOCATION.
- KEEP ABSORBENT MATERIALS ON SITE FOR USE IN PROMPT CLEANUP OF SPILLS.



FUELING

- PERIODICALLY CLEAN FUELING AREAS USING APPROVED METHODS TO REMOVE ACCUMULATED FUEL AND GREASE.
- TRANSPORT EQUIPMENT TO A DESIGNATED FUELING AREA RATHER THAN USING MOBILE FUELING.
- IF MOBILE FUELING IS USED, KEEP A **SPILL KIT** ON THE FUEL TRUCK.



WASHING

- WASH EQUIPMENT AND VEHICLES ONLY IN DESIGNATED FACILITIES WHERE THE WASH WATER DRAINS TO THE SANITARY SEWER SYSTEM OR IS COLLECTED AND RECYCLED.



STORE AND HANDLE MATERIALS SAFELY

WHAT'S WRONG WITH THIS PICTURE?

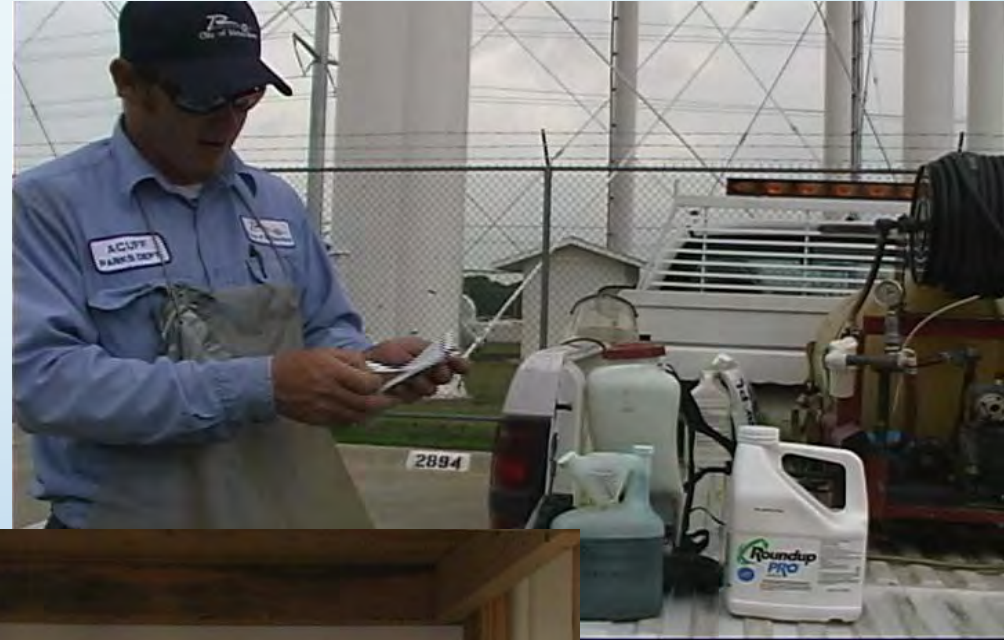


WHAT'S WRONG WITH THIS PICTURE?



STORE AND HANDLE MATERIALS SAFELY

- READ AND FOLLOW LABEL OR **MSDS INSTRUCTIONS** AND LOCAL PROCEDURES FOR ALL MATERIALS THAT YOU USE.
- STORE MATERIALS IN ORIGINAL CONTAINERS IF POSSIBLE. IF NOT, CLEARLY **LABEL** REPLACEMENT CONTAINERS.



STORE AND HANDLE MATERIALS SAFELY

- STORE MATERIALS AND CONTAINERS AS FOLLOWS:
 - **BEST: INDOORS** IN SEALED CONTAINERS.
 - **GOOD:** OUTDOORS IN SEALED CONTAINERS, WITHIN IN A **COVERED**, PAVED AREA.
 - **ACCEPTABLE:** OUTDOORS IN SEALED CONTAINERS, ON AN UNCOVERED, **PAVED** AREA.



274



STORE AND HANDLE MATERIALS SAFELY

- MAKE SURE CONTAINERS ARE **CLOSED OR SEALED** EXCEPT WHEN THEY ARE BEING FILLED OR EMPTIED.
- KEEP MATERIAL OR WASTE CONTAINERS IN GOOD CONDITION AND REPLACE ANY CONTAINERS THAT LEAK.
- REGULARLY **INSPECT** CONTAINERS FOR CORROSION OR SIGNS OF LEAKS.



STORE AND HANDLE MATERIALS SAFELY

- SPILL TRAPPING DEVICES ARE RECOMMENDED:
 - INDOORS: STORE BARRELS ON A SPILL CONTAINMENT BASE.
 - OUTDOORS: STORAGE AREAS SHOULD BE BORDERED BY A CURB OR BERM TO CONTAIN SPILLS.



STORE AND HANDLE MATERIALS SAFELY

- STORE MATERIALS AWAY FROM **HIGH TRAFFIC** AREAS TO PREVENT ACCIDENTS THAT MIGHT CAUSE SPILLS OR CAUSE SPILLED MATERIAL TO BE SPREAD BY TRAFFIC.
- **REPORT** LARGE SPILLS OR SPILLS OF HAZARDOUS MATERIALS IN ACCORDANCE WITH YOUR ORGANIZATION'S PROCEDURES AND TO YOUR SUPERVISOR.



The background is a light blue gradient. In the top-left corner, there are several water droplets of varying sizes, some overlapping. In the top-right corner, there is one small droplet. In the bottom-right corner, there is a cluster of droplets, including a large one and several smaller ones. In the bottom-center, there are three droplets of different sizes.

CLEAN UP SPILLS PROPERLY


WHAT'S WRONG WITH THIS PICTURE?



CLEAN UP SPILLS PROPERLY

- FOLLOW CLEANUP INSTRUCTIONS SPECIFIED ON THE MSDS AND LOCAL PROCEDURES FOR THE SPILLED MATERIAL.
- CONTAIN THE SPILL:
 - USE A DRIP PAN OR ABSORBENT MATERIAL TO COLLECT DRIPPING FLUIDS.
 - IF A LIQUID SPILL MIGHT ENTER A STORM DRAIN, USE A DRAIN MAT TO COVER THE DRAIN.



MATERIAL SAFETY DATA SHEET	
 Dow AgroSciences	Emergency Phone: 800-992-5994 Dow AgroSciences LLC Indianapolis, IN 46268
	Effective Date: 1/12/00 Product Code: 84825 MSDS: 006694
RODEO* HERBICIDE	
6. ACCIDENTAL RELEASE MEASURES:	9. PHYSICAL AND CHEMICAL PROPERTIES:
ACTION TO TAKE FOR SPILLS: Absorb small spills with an inert absorbent material such as Hazorb, Zorbball, sand, or dirt. Report large spills to Dow AgroSciences on 800-992-5994.	APPEARANCE: Clear, pale yellow liquid DENSITY: 10.0 - 10.5 lbs/gal pH: 4.8 - 5.0 ODOR: None
7. HANDLING AND STORAGE:	SOLUBILITY IN WATER: Miscible SPECIFIC GRAVITY: 1.21 gm/L FREEZING POINT: -7°F - -10°F (-21°C - -25°C)
PRECAUTIONS TO BE TAKEN IN HANDLING AND STORAGE: Keep out of reach of children. Do not swallow. Avoid contact with eyes, skin, and clothing. Avoid breathing vapors and spray mist. Handle concentrate in ventilated area. Wash thoroughly with soap and water after handling and before eating, chewing gum, using tobacco, using the toilet or smoking. Keep away from food, feedstuffs, and water supplies. Store in original container with the lid tightly closed. Store above 10°F (-12°C) to keep from crystallizing.	10. STABILITY AND REACTIVITY:
	STABILITY: (CONDITIONS TO AVOID) Stable under normal storage conditions. INCOMPATIBILITY: (SPECIFIC MATERIALS TO AVOID) Galvanized or unlined steel (except stainless steel) containers or spray tanks may produce hydrogen gas which



CLEAN UP SPILLS PROPERLY

- LOCATE THE SOURCE OF THE SPILL AND TAKE STEPS TO STOP FURTHER SPILLAGE.
- CLEAN UP SPILLS IMMEDIATELY TO MINIMIZE SAFETY HAZARDS AND DETER SPREADING.



CLEAN UP SPILLS PROPERLY

- LIQUID SPILLS:
 - USE ABSORBENT MATERIALS OR MOP UP SMALL LIQUID SPILLS. **DO NOT HOSE** THE SPILL TO A STORM DRAIN.
 - REMOVE THE ABSORBENT MATERIALS **PROMPTLY** AND FOLLOW PROCEDURES FOR PROPER DISPOSAL.



CLEAN UP SPILLS PROPERLY

DRY MATERIAL SPILLS:

- **COVER** A POWDER SPILL WITH PLASTIC SHEETING TO KEEP IT FROM BLOWING UNTIL THE SPILL CAN BE CLEANED UP.
- **DO NOT HOSE** THE SPILL TO A STORM DRAIN.
- IF USABLE, PLACE SPILLED MATERIAL IN ORIGINAL OR PROPERLY MARKED CONTAINER.
- FOLLOW PROCEDURES FOR DISPOSAL OF SPILLED MATERIAL THAT CANNOT BE USED.



CLEAN UP SPILLS PROPERLY

- **REPORT** LARGE SPILLS OR SPILLS OF HAZARDOUS MATERIALS IN ACCORDANCE WITH YOUR ORGANIZATION'S PROCEDURES AND TO YOUR SUPERVISOR.



LAND DISTURBANCE

WHAT'S WRONG WITH THIS PICTURE?



LAND DISTURBANCE

- ALL PROJECTS MUST BE MANAGED TO PREVENT OR REDUCE **SOIL** OR OTHER POLLUTANTS FROM BEING WASHED INTO STORM DRAINS, CREEKS, OR LAKES.
- IN ADDITION TO SOIL, POTENTIAL POLLUTANTS ON CONSTRUCTION SITES INCLUDE **TRASH, DEBRIS, OIL,** GREASE, LIME, CONCRETE TRUCK WASH WATER, ETC.



DEFINITIONS

- EROSION - THE REMOVAL OR WEARING AWAY OF SOIL DUE TO THE ACTION OF WATER (OR WIND).
- SEDIMENT - SOIL PARTICLES THAT SETTLE OUT OF FLOWING WATER.



GENERAL PRINCIPLES

- PREVENTING EROSION IS MORE EFFECTIVE THAN TRYING TO REMOVE SEDIMENT FROM RUNOFF.
- MINIMIZE THE AMOUNT OF DISTURBED AREA.
- DIVERT RUNOFF OR FLOWING WATER AWAY FROM DISTURBED AREAS.



STREETS AND DRAINAGE MAINTENANCE

WHAT'S WRONG WITH THIS PICTURE?



WHAT'S WRONG WITH THIS PICTURE?



PAVEMENT REPAIR

- CONTAIN SLURRY AND CUTTINGS DURING SAWCUTTING OPERATIONS. PROPERLY DISPOSE OF SLURRY
- REQUIRE CONCRETE TRUCKS TO **WASH OUT** IN A DESIGNATED LOCATION WHERE WASH WATER WILL NOT DRAIN TO A STORM DRAIN, DRAINAGE DITCH, OR CREEK.



PAVEMENT REPAIR

- IF NO WASH FACILITY IS AVAILABLE, CLEAN EQUIPMENT OVER A LAYER OF ABSORBENT MATERIAL SPREAD ON A PAVED SURFACE AND/OR HEAVY PLASTIC SHEETING.
- PROMPTLY SWEEP UP ABSORBENT AND DISPOSE IN ACCORDANCE WITH ESTABLISHED PROCEDURES.



PAINT STRIPING

- WASTE HANDLING FOR WATER-BASED (LATEX) PAINT:
 - POUR SMALL QUANTITIES OF UNUSED PAINT IN OPEN BARRELS AND ALLOW TO DRY. DISPOSE OF DRIED PAINT IN TRASH.
- WASTE HANDLING FOR OIL-BASED PAINT:
 - UNUSED OIL-BASED PAINT MUST BE DISPOSED IN ACCORDANCE WITH ESTABLISHED PROCEDURES.
 - DISPOSE OF SOLVENTS USED FOR EQUIPMENT CLEANING IN ACCORDANCE WITH ESTABLISHED PROCEDURES



DITCH MAINTENANCE

- APPLY GRASS SEED TO EXPOSED SOILS. A COMPOST/MULCH MIXTURE APPLIED WITH SEED SPEEDS VEGETATION GROWTH AND PREVENTS EROSION.
- IF THE CHANNEL EXPERIENCES HIGH VELOCITIES, TURF REINFORCEMENT MATS AND/OR CHECK DAMS SHOULD BE USED TO PROTECT THE CHANNEL UNTIL VEGETATION IS ESTABLISHED.



REPORT POLLUTION AND DUMPING

- LOOK FOR SIGNS OF POLLUTION AT THE JOBSITE AND DURING TRAVEL:
 - OIL SHEEN ON WATER SURFACE
 - EXCESS TRASH AND DEBRIS
 - ODOR
 - COLORED OR CLOUDY WATER
 - DEAD OR DYING FISH
- REPORT SUSPECTED POLLUTION PROBLEMS TO SUPERVISORY PERSONNEL AND TO KENDALL COUNTY SHERIFF'S OFFICE



1102 CORNELL LANE

YORKVILLE, ILLINOIS 60560

PHONE: (630) 553-7500

NON-EMERGENCY: (630) 553-5856

WHY THIS IS IMPORTANT



RESOURCES



MATT ASSELMEIER AICP, CFM
DIRECTOR - KENDALL COUNTY PLANNING, BUILDING & ZONING
111 WEST FOX STREET
YORKVILLE, IL 60560-1498
PH: 630-553-4139
MASSELMEIER@KENDALLCOUNTYIL.GOV

GREG CHISMARK, PE
WBK ENGINEERING
MOBILE 847-344-5619 | OFFICE 630-338-8527 | GCHISMARK@WBKENGINEERING.COM
116 WEST MAIN STREET SUITE 201, ST. CHARLES IL 60174

[HTTPS://WWW.EPA.GOV/NPDES/NATIONAL-MENU-BEST-MANAGEMENT-PRACTICES-BMPS-STORMWATER-POLLUTION-PREVENTION-AND-GOOD](https://www.epa.gov/npdes/national-menu-best-management-practices-bmps-stormwater-pollution-prevention-and-good)

[HTTPS://WWW.NCTCOG.ORG/ENVIR/WATERSHED-MANAGEMENT/STORMWATER/POLLUTION-PREVENTION/POLLUTION-PREVENTION-DVD](https://www.nctcog.org/envir/watershed-management/stormwater/pollution-prevention/pollution-prevention-dvd)

[HTTPS://WWW.APWA.ORG/RESOURCE/NPDES-GOOD-HOUSEKEEPING/](https://www.apwa.org/resource/npdes-good-housekeeping/)

KENDALL COUNTY
NPDES – GOOD HOUSEKEEPING
JANUARY 31, 2024



QUESTIONS / DISCUSSION



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 203

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

MEMORANDUM

To: Planning, Building and Zoning Committee

From: Matthew H. Asselmeier, AICP, CFM, Director

Date: 2/2/2024

Subject: 2023 Residential Building Permit Information

Staff contacted the municipalities located within Kendall County to obtain their single-family and multi-family building permit information for 2023. A table with this information is below. For those municipalities located in more than one county, only the Kendall County information is provided.

Municipal Residential Construction Information 2023

Municipality	2023 New Construction (Single-Family)	2023 New Construction (Multi-Family)	2022 New Construction (Single-Family)	2022 New Construction (Multi-Family)
Aurora	0 (\$0)	0 (\$0)	13 (\$4,028,991)	0 (\$0)
Joliet	68 (\$18,283,500)	26 Units (\$5,994,000)	110 (\$27,949,600)	59 Units (\$9,987,000)
Lisbon	0 (\$0)	0 (\$0)	0 (\$0)	0 (\$0)
Millbrook	0 (\$0)	0 (\$0)	0 (\$0)	0 (\$0)
Millington	0 (\$0)	0 (\$0)	0 (\$0)	0 (\$0)
Minooka	0 (\$0)	0 (\$0)	0 (\$0)	0 (\$0)
Montgomery	0 (\$0)	0 (\$0)	1 Detached (\$153,405) 9 Attached (36 Units) (\$3,657,960)	0 (\$0)
Newark	0 (\$0)	0 (\$0)	1 (\$350,000)	0 (\$0)
Oswego	110 SF 195 Townhomes 142 Senior (\$100,945,340)*	168 Units	193 Detached (\$37,266,603) 34 Attached (\$5,697,237)	6 (\$22,200,000)
Plainfield	32 (\$7,847,715)	0 (\$0)	88 (\$21,200,000)	0 (\$0)
Plano	16 (\$3,500,000)	0 (\$0)	55 (\$11,300,000)	0 (\$0)
Plattville	0 (\$0)	0 (\$0)	0 (\$0)	0 (\$0)
Sandwich	1 (\$325,000)	0 (\$0)	1 (\$250,000)	0 (\$0)
Shorewood	0 (\$0)	0 (\$0)	0 (\$0)	0 (\$0)
Yorkville	267 Detached (\$47,682,131) 147 Attached (\$18,136,496)	0 (\$0)	170 Detached (\$30,106,480) 115 Attached (\$16,096,544)	0 (\$0)
Unincorporated	31 (\$17,199,892)	0 (\$0)	36 (\$21,431,854)	0 (\$0)
Total	1010 (\$213,920,074)	(\$5,994,000)	826 (\$179,488,674)	(\$32,187,000)

* Oswego's dollar amount is total residential investment.

2023 Grand Total - \$219,914,074 2022 Grand Total - \$211,675,674 2021 Grand Total - \$157,056,114

2020 Grand Total - \$163,476,546 2019 Grand Total - \$108,042,333 2018 Grand Total - \$135,058,319

Matt Asselmeier

From: Carlos Moreno [REDACTED]
Sent: Monday, January 22, 2024 5:42 PM
To: Matt Asselmeier
Subject: Re: [External]Fwd: 13039 McKanna Rd

Hey Matt,

Per ROGINA:

The field work should be completed by the end of this week and we would anticipate 10-14 days to complete the Permit work from field work completion.

Thanks!

Carlos M.

On Mon, Jan 22, 2024, 8:21 AM Carlos Moreno <[REDACTED]> wrote:
Hey Matt,

The survey is supposed to be done this week [weather permitting]. I asked Mike at ROGINA for a timeline and will forward over to you as soon as I receive it.

I received an email from Greg regarding the replenishment of the escrow account with a recommended deposit of \$3,500. I have a few questions regarding the amount:

1. Is there an invoice that WBK provides for this and what was already charged?
 1. I understand that 3.5K is an estimate but I'm wondering if that is based on an expected spend.
2. Is their review not a fixed amount? Based on the email, my understanding is that it could go above the \$3,500

Thanks!

Carlos M.

On Mon, Jan 22, 2024 at 8:12 AM Matt Asselmeier <masselmeier@kendallcountyil.gov> wrote:

Carlos:

Does the contract set a timeframe for deliverables?

Thanks,

Matthew H. Asselmeier, AICP, CFM

Director

Kendall County Planning, Building & Zoning

111 West Fox Street

Yorkville, IL 60560-1498

PH: 630-553-4139

Fax: 630-553-4179

From: Carlos Moreno <[REDACTED]>
Sent: Friday, January 19, 2024 8:09 PM
To: Matt Asselmeier <masselmeier@kendallcountyil.gov>
Cc: Seth Wormley <swormley@kendallcountyil.gov>; Greg Chismark <gchismark@bodwegroup.com>
Subject: Re: [External]Fwd: 13039 McKanna Rd

Hey Matt,

We hired it out to ROGINA Engineering and they are doing the work next week, pending weather allowance. This is my formal request for an extension of the Jan 22 deadline.

Below is the scope of work:

1. Plat of Survey

ROGINA Engineers & Surveyors, LLC shall confirm property corners for 13039 McKanna Road based upon an existing Plat of Survey provided by the owner. We shall provide the subject services below in the Site Topography task.

2. Site Topography

ROGINA Engineers & Surveyors, LLC will prepare a topographical survey for the disturbed areas of 13039 McKanna Road including contours at 1'-0" intervals and spot elevations on a minimum 25'-0" grid. The survey is to also include property lines, parking lots, building floor elevations and utility locations plus a minimum 50'-0" beyond disturbed areas. Existing

utilities and easements within the area shall be located using visible evidence. The Site Topography will serve as the base information for completion of the following tasks.

3. Proposed Stormwater Management Permit Preparation

Rogina Engineers & Surveyors, LLC will, based upon the site topography we have prepared above, prepare a fuel storage tank location plan and Kendall County Stormwater Management Permit submission indicating existing floodplain/floodway impacts, preparing stormwater management plans for the existing disturbed improved areas, soil erosion control plans, maintenance plans and engineer's estimate of cost for review and comment by Kendall County Department of Planning, Building & Zoning. The plans will comply with generally accepted professional practices, and in conformance with the standards of Kendall County and the Illinois Department of Natural Resources as of the date of this writing. We propose to complete a fuel storage tank location plan and Kendall County Stormwater Management Permit submission, as detailed above.

Thanks!

Carlos M


On Tue, Jan 16, 2024, 3:28 PM Matt Asselmeier <masselmeier@kendallcountyil.gov> wrote:

Thanks for the update.

Matthew H. Asselmeier, AICP, CFM

Director

Kendall County Planning, Building & Zoning

111 West Fox Street

Yorkville, IL 60560-1498

PH: 630-553-4139

Fax: 630-553-4179

From: Carlos Moreno <

Sent: Tuesday, January 16, 2024 3:20 PM

To: Matt Asselmeier <masselmeier@kendallcountyil.gov>; Seth Wormley <swormley@kendallcountyil.gov>

Subject: [External]Fwd: 13039 McKanna Rd

2024 VIOLATIONS

[illegible]

✓
Curt
3/20

2023 VIOLATIONS

Violation	Name	Parcel #	Address	Subdivision	Description	Opened	Follow up	PBZ	SAO	Closed
V23-001	MUND/STADLER	02-34-176-004	34 RIVERSIDE ST	FOX RIVER GARDENS	Work in Floodplain w/o permit	5/15/2023	MA Stormwater			7/3/2023
V23-002	HARDEKOPF	03-04-253-010	44 INGLESHERE RD	BOULDER HILL	INOPERABLE VEHICLE	10/14/2022	12/1/2023		\$2400 Jdgmt	10/24/2023
V23-003	VANDERBERG	03-04-176-006	90 FERNWOOD RD	BOULDER HILL	PROHIBITED PARKING-TRAILER	3/23/2023				8/6/2023
V23-004	BUTZ	03-04-305-023	16 WYNDHAM DR	BOULDER HILL	MULTIPLE VIOLATIONS	9/8/2022	Citation coming		<i>Court 3/20/24</i>	
V23-005	RUIZ	03-03-352-001	132 SAUGATUCK RD	BOULDER HILL	PROH. PKG. COMMERCIAL VEHICLE	12/27/2022	\$500 fine ttp 4/3/24		10/18/2023	10/24/2023
V23-006	RAMIREZ	03-04-282-007	13 SONORA DR	BOULDER HILL	INOPERABLE VEHICLE	6/6/2023	Removed			1/3/2024
V23-007	OROS	03-05-432-012	28 SENECA DR	BOULDER HILL	JUNK & DEBRIS	5/10/2023	Citation coming		<i>Court 3/20/24</i>	
V23-008	CRUZ/KOKOSIOULIS	03-04-307-005	17 WYNDHAM DR	BOULDER HILL	INOPERABLE VEHICLE	6/15/2023				10/12/2023
V23-009	DILLER, JR. LIV TR	06-15-100-007	8150 S SCHLAPP RD		STORMWATER VIOLATION	12/8/2023	Citation coming		8/9/2023	11/1/2023
V23-010	RIVERA/ROSIER	02-35-151-017	7821 ROUTE 71		MULTIPLE VIOLATIONS	8/21/2023	MA-monitoring		<i>Court 2/24/24</i>	
V23-011	SANCHEZ	03-12-203-011	29 GASTVILLE ST	GASTVILLE ACRES	LANDSCAPE/PALLET BUSINESS	1/23/2023	Citation coming		<i>Court 2/28/24</i>	

2022 VIOLATIONS

Violation	Name	Parcel #	Address	Subdivision	Description	Opened	Follow up	PBZ	SAO	Closed
V22-001	Aguilar	03-07-277-001	20 Shore Ct.	Marina Village	Parking on Lawn	11/9/2021	1/23/2022			2/9/2022
V22-002	Jones	03-05-279-020	44 Briarcliff Rd.	Boulder Hill	Illegal fence height	8/6/2021	1/23/2022			4/27/2022
V22-003	Cabrera	03-04-306-027	44 Hampton Rd.	Boulder Hill	Multiple Violations	8/3/2021	1/23/2022			5/9/2022
V22-004	Lemaster	03-04-253-024	16 Winrock Rd.	Boulder Hill	Inoperable Vehicles	8/18/2021	1/23/2022		11/8/2022	11/23/2022
V22-005	Johnson	03-04-477-025	54 Springdale Rd.	Boulder Hill	Trailer parking	11/22/2021	1/23/2022			4/22/2022
V22-006	Haehlen	03-04-277-011	235 Fernwood Rd.	Boulder Hill	RV parking	11/24/2021	1/23/2022			2/24/2022
V22-007	Joaquin	03-27-377-015	2543 Simons Rd		Banquet facility	11/15/2021			5/16/2022	5/17/2022
V22-008	Bilek	01-34-300-008	14824 Millhurst Rd		Air B&B	1/3/2022	3/11/2022			2/24/2022
V22-009	VOID									
V22-010	Faulkner	03-26-100-004	1539 Collins Rd.		Multiple Violations	7/13/2021	8/4/2021			Curt 3/6/24 Ongoing
V22-011	Amstadt	02-35-380-001	7796 Madeline Dr.	FOFC	RV parking	5/24/2022	6/24/2022		9/7/2022	10/18/2022
V22-012	Gomez	09-27-200-004	2511 Wildy Rd.		Stormwater	8/1/2022	4/11/2023	1/17/2024	1/31/2024	Curt 3/20/24 9/19/2022
V22-013	Utility Dynamics	03-07-227-002	5327 Light Rd.		Stormwater	9/8/2022	10/11/2022			

2024 PRE VIOLATION REPORT

Date Opened	Parcel #	Address	Subdivision	Description of Complaint	Inspection Date	Comments	F/Up	Closed
1/4/2024	03-22-400-001	2142 Woolley Rd Oswego		Landscape Business	1/11/2024	30 Day Warning Notice Reg-Cert	2/23/2024	
1/8/2024	09-19-200-009	17660 Sedgewick Rd. Plano		Occupied Acc Bldg & Addition-No permit	1/18/2024	No Visible Violations-Emailled complainant		1/18/2024
1/17/2024	03-04-451-051	13 Pomeroy Rd. Montgomery	Boulder Hill	Junk & Debris / Inoperable Vehicle	1/18/2024	BLH-spoke with owner	2/22/2024	
1/18/2024	03-04-327-009	33 Surrey Rd. Montgomery	Boulder Hill	Prohibited Trailer in required F/Yard setback	1/11/2024	30 Day Warning Notice Reg-Cert	2/19/2024	
1/18/2024	03-05-430-020	44 S Bereman Rd. Montgomery	Boulder Hill	3 Trailers - Exceeds # allowed	1/11/2024	30 Day Warning Notice Reg-Cert	2/19/2024	
1/18/2024	03-04-305-021	12 Wynthian Dr. Montgomery	Boulder Hill	Prohibited Trailer in required F/Yard setback	1/11/2024	30 Day Warning Notice Reg-Cert	2/19/2024	
1/18/2024	03-05-253-012	43 N Bereman Rd. Montgomery	Boulder Hill	Inoperable Vehicle	1/11/2024	30 Day Warning Notice Reg-Cert	2/19/2024	1/22/2024
1/18/2024	03-05-276-008	32 N Bereman Rd. Montgomery	Boulder Hill	Prohibited Trailer in required F/Yard setback	1/11/2024	30 Day Warning Notice Reg-Cert	2/19/2024	
1/18/2024	03-05-430-014	32 Seneca Dr. Montgomery	Boulder Hill	Prohibited Trailer in required F/Yard setback	1/11/2024	30 Day Warning Notice Reg-Cert	2/19/2024	
1/23/2024		2015 Route 34 Oswego		Possible living quarters in storage unit	1/29/2024	Monitor - Follow up 30 Days	2/29/2024	
1/24/2024	03-08-326-001	1626 Route 31 Oswego	Prospect Villa	Confirming compliance with SP Use	1/25/2024	Compliant		1/26/2024
1/25/2024	03-24-400-008	63 Scotch Rd Plainfield		Illegal Landscaping business	1/29/2024	Not a violation - Nursery		1/29/2024
1/29/2024	09-09-300-009	13916 McKenna Rd. Minooka		Semi Truck business	1/29/2024	Monitor - Follow up 30 Days	2/29/2024	
1/30/2024	03-18-451-002	5462 Route 34 Oswego	Riverview Heights	Unit C - Possible living quarters				

PRE VIOLATION REPORT
2023

6/28/2023	02-23-352-002	Lot 19 Timber Ridge	Timber Ridge	Fill greater than 3 ft		MA - 30 Day Notice - Certified	7/28/2023	7/31/2023
6/28/2023	02-29-426-011	212 Georganna St. Yorkville	Countryside	Possible apt's, boarding or rooming house		Meeting requested - 15 day letter sent	9/6/2023	9/11/2023
6/28/2023	02-29-426-008	218 Georganna St. Yorkville	Countryside	Possible apt's, boarding or rooming house		Meeting requested - 15 day letter sent	9/6/2023	9/11/2023
6/28/2023	02-28-152-001	209 Pleasure Dr. Yorkville	Countryside	Possible apt's, boarding or rooming house		Meeting requested - 15 day letter sent	9/6/2023	9/11/2023
6/30/2023	03-04-151-006	54 Fernwood Rd. Montgomery	Boulder Hill	RV parked in front yard setback		Removed	7/6/2023	7/6/2023
7/5/2023	05-02-128-001	7512 Audley Ave. Yorkville	Rose Hill	Shed - No Permit		30 Day Warning Notice Reg. & Cert	8/6/2023	7/19/2023
7/5/2023	03-08-154-014	1394 Route 31 Oswego	Ricketts	Rooster in R1 zoning		Unable to confirm violation	8/11/2023	7/19/2023
7/10/2023	03-04-479-023	1113 Saugartuck Rd. Montgomery	Boulder Hill	8' Solid fence & landscape business		30 Day Warning Notice Reg. & Cert	8/11/2023	8/10/2023
7/10/2023	03-03-352-001	132 Saugartuck Rd. Montgomery	Boulder Hill	Commercial vehicle & driveway no permit		30 Day Warning Notice Reg. & Cert	8/11/2023	7/19/2023
7/10/2023	03-08-253-007	10 Ashawn Ave. Montgomery	Boulder Hill	Addition - No permit		Unable to obtain evidence		7/19/2023
7/11/2023	03-05-229-004	24 Fernwood Rd. Montgomery	Boulder Hill	Trailer in front yard setback		Removed		7/20/2023
7/14/2023	02-34-125-010/02-23-130-004	55 Riverside St. Yorkville	Fox River Gardens	Driveway w/o permit		MA 30 Day Warning Notice Reg. & Cert	9/16/2023	8/18/2023
7/19/2023	03-04-430-015	144 Longbeach Rd. Montgomery	Boulder Hill	Trailer in front yard setback		30 Day Warning Notice Reg. & Cert	9/30/2023	V23-013
7/19/2023	03-05-432-007	13 Durango Rd. Montgomery	Boulder Hill	Parking on grass		FINAL 30 Day Warning Notice Reg. & Cert	10/13/2023	10/25/2023
7/24/2023	03-35-451-002	1400 Plainfield Rd. Oswego	Oswego Plains	Building without permit		30 Day Warning Notice Reg. & Cert	9/12/2023	10/11/2023
7/26/2023	03-08-154-014	1394 Route 31 Oswego	Ricketts	Rooster		30 Day Warning Notice Reg. & Cert	8/28/2023	8/30/2023
7/31/2023	03-09-152-022	20 Ridgefield Rd. Montgomery	Boulder Hill	RV parked in front yard setback		30 Day Warning Notice Reg. & Cert	9/17/2023	9/8/2023
7/31/2023	04-15-200-014	14201 # A Budd Rd. Yorkville	Billy R Williams	Junk & Debris		HHS & Dept of Ag Investigating	8/18/2023	8/21/2023
7/31/2023	01-29-351-010	16789 Griswold Springs Rd.	Billy R Williams	Bridge built in Floodplain		MA - Stormwater Letter sent	2/28/2024	MA
7/31/2023	01-29-351-009	16815 Griswold Springs Rd.	Billy R Williams	Bridge built in Floodplain		MA - Stormwater Letter sent	2/28/2024	MA
7/31/2023	01-29-351-011	16751 Griswold Springs Rd.	Billy R Williams	Bridge built in Floodplain		MA - Stormwater Letter sent	2/28/2024	MA
7/31/2023	01-29-351-008	16859 Griswold Springs Rd.	Billy R Williams	Bridge built in Floodplain		MA - Stormwater Letter sent	2/28/2024	MA
8/2/2023	03-02-400-003	1250 Route 34 Oswego		Loud Music, fireworks, sleeping in trucks		Not able to confirm any violations	8/6/2023	8/6/2023
8/3/2023	03-04-152-003	59 Briarcliff Rd. Montgomery	Boulder Hill	Trailer in Driveway		30 Day Warning Notice Reg. & Cert	9/7/2023	9/11/2023
8/8/2023	02-15-177-005 & 004	2480 A Bristol Ridge Rd. Bristol	Marina Village Resub	Junk & Debris		Complainant did not forward req info		V23-015
8/14/2023	03-08-253-007	31 Boat Ln. Oswego	Boulder Hill	Multiple Violations		30 Day Warning Notice Reg. & Cert	9/22/2023	9/14/2023
8/15/2023	03-02-400-003	17080 Miller Rd. Plano		Possible Event Center		15 Day Letter sent Reg. & Cert	8/30/2023	8/22/2023
8/15/2023	03-02-400-003	1250 Route 34 Oswego		Banquet Facility		Deferred to Noise Ordinance	8/22/2023	8/22/2023
8/16/2023	06-02-400-001	1451 Johnson Rd. Oswego	Boulder Hill	Mulch business		A-1 Zoning - Forester	9/19/2023	9/19/2023
8/16/2023	03-03-352-002	136 Saugartuck Rd. Montgomery	Boulder Hill	Commercial Vehicle		30 Day Warning Notice Reg. & Cert	9/21/2023	8/30/2023
8/16/2023	03-27-377-015	2543 Simons Rd. Oswego		Illegal Business		Not Enough Evidence		9/6/2023
8/21/2023	02-35-151-017	7821 Route 71, Yorkville		Operating a banquet facility w/o a special use permit		30 Day Warning Notice Reg. & Cert	10/26/2023	9/6/2023
8/21/2023	05-02-126-005	7509 Audrey Ave Yorkville	Rose Hill	Deck - No Permit		30 Day Warning Notice Reg. & Cert	9/22/2023	9/12/2023
8/21/2023	09-24-100-010	15200 Ridge Rd. Minooka		Fence Company		MA 30 Day Notice - Reg	MA 9/24/2023	11/2/2023
8/25/2023	09-18-300-019	14918 Brishin Rd. Minooka	Lynwood	Illegal Trailer		Not a violation		9/6/2023
8/28/2023	02-14-426-003	108 W Rickard Dr. Oswego		Shipping Container		Permit Pending		9/8/2023
8/28/2023	08-04-100-017			Noxious Weeds		Referred to Lisbon Township		9/8/2023
8/31/2023	03-05-430-004	12 S Bareman Rd. Montgomery	Boulder Hill	Landscape Business		30 Day Warning Notice Reg. & Cert	11/28/2023	1/21/2024
8/31/2023	03-04-309-022	26 Marnel Rd. Montgomery	Boulder Hill	Trailer Parking		30 Day Warning Notice Reg. & Cert	12/15/2023	12/4/2023
8/31/2023	02-35-151-017	7821 Route 71, Yorkville		Lighting without a permit		No Violation Found		9/6/2023
8/31/2023	01-03-353-004	29 Jack St. Plano	Stainfield	Rooster (s)		VF Spoke w/ owner - rooster gone	12/15/2023	1/18/2024
8/31/2023	01-03-352-002	934 Vilmin Rd. Plano		Building in floodplain without a permit		30 Day Warning Notice Reg. & Cert	12/15/2023	12/4/2023
9/5/2023	05-07-452-006	125 Timbercreek Drive E Yorkville	Timbercreek	Illegal structure over boat		30 Day Warning Notice Reg. & Cert	11/16/2023	11/3/2023
9/5/2023	03-04-453-033	84 Sheffield Rd. Montgomery	Boulder Hill	Inoperable Vehicle		30 Day Warning Notice Reg. & Cert	10/29/2023	10/30/2023
9/6/2023	01-05-203-003	16388 Galena Rd. Plano		Fill - No permit		Not enough evidence		9/9/2023
9/7/2023	09-04-100-004	12130 McKenna Rd. Minooka		Banquet Facility		Not enough evidence	10/5/2023	10/10/2023
9/13/2023	03-01-351-001	675 Route 30 Aurora		Life Safety regarding a fence		Not a life safety issue		9/21/2023
9/14/2023	01-29-452-007	16267 Griswold Springs Rd.		Deck/Addition - No Permit		Notice to owner to contact us	11/2/2023	11/27/2023
9/14/2023	01-26-300-030	13600 Hale Rd. Plano		Addition to Garage & shed(s) - no permit		Notice to owner to contact us/Not enough eviden	12/15/2023	1/22/2024
9/14/2023	01-35-100-009	13524 B Hale Rd. Plano		Inbound pool - no permit		Notice to owner to contact us	12/15/2023	1/21/2024
9/14/2023	08-11-100-014	7701 Plattville Rd. Newark		Multiple Violations		10 Day Final Notice to Comply	9/28/2023	V23-012
9/26/2023	03-15-165-003	2373 Douglas Rd. Oswego	Keltefer Acres	Possible business		No evidence of violation		9/29/2023

PRE VIOLATION REPORT
2023

9/26/2023	03-12-203-009	17 Gastville St Aurora	Gastville Acres	Rooster, multiple chickens & ducks		9/26/2023	No evidence of violations		10/30/2023
9/26/2023	03-04-151-016	74 Fernwood Rd. Montgomery	Boulder Hill	Chickens & Roosters		9/26/2023	Referred to KCHD-not a PBZ violation		9/29/2023
9/26/2023		9155 Kennedy Rd.		Excessive Farm Animals		9/26/2023			9/29/2023
9/26/2023	05-26-200-006	10141 Church Rd. Yorkville		Junk & Debris, Inoperable Vehicles		9/26/2023	30 Day Warning Notice Reg. & Cert		8/1/2024
9/27/2023	02-16-426-006	2560 Cannonball Trail Bristol	Babbitt	Construction without permit		10/2/2023	Sent to Yorkville		9/27/2023
9/29/2023	03-04-378-031	66 Hubbard Way Montgomery	Boulder Hill	Building w/o permit / Multiple units		10/3/2023	Not enough evidence		10/2/2023
10/2/2023	03-04-453-033	84 Sheffield Rd. Montgomery	Boulder Hill	Inop Vehicle/Parking in Grass		10/3/2023	Removed		10/30/2023
10/3/2023	03-01-351-009	991 Harvey Rd. Oswego		Change in Occupancy w/o permit		10/5/2023	Not enough evidence		10/10/2023
10/4/2023	02-28-252-006	1101 McHugh Rd. Yorkville		Junk & Debris		10/5 & 10/11/23	30 Day Warning Notice Reg. & Cert		11/2/2023
10/4/2023	06-03-251-002	2017 Devonshire Ct. Oswego	Southfield Estates	Occupied Camping Trailer		10/5/2023	Occupied RV in R-1 zoning		11/10/2023
10/13/2023	03-05-426-011	22 Circle Dr E Montgomery	Boulder Hill	Pool - no Permit & too close to property line		10/25/2023	Pool existing		10/16/2023
10/25/2023	03-04-478-031	72 Eastfield Rd. Montgomery	Boulder Hill	Trailer parked in f/Yard setback		10/27/2023	30 Day Warning Notice Reg. & Cert		12/15/2023
10/25/2023	08-04-100-017	NW corner Rt 47 & Newark Rd.	Lisbon Township	Noxious Weeds		10/27/2023	Re-opened 8/28 file - Reg Letter sent MA		4/15/2024
11/6/2023	03-04-378-018	81 Pueblo Rd. Montgomery	Boulder Hill	Trailer/RV parked in req front yard setback		11/10/2023	30 Day Warning notice sent Reg. & Cert		1/4/2024
11/6/2023	03-09-152-006	230 Boulder Hill Pass Montgomery	Boulder Hill	Trailer/RV parked in req front yard setback		11/10/2023	Trailer not present		V24-001
11/6/2023	03-09-152-019	14 Ridgely Rd. Montgomery	Boulder Hill	Trailer/RV parked in req front yard setback		11/10/2023	Violation found - photos taken		1/11/2024
11/6/2023	03-08-279-007	110 Circle Drive W. Montgomery	Boulder Hill	Trailer/RV parked in req front yard setback		11/10/2023	30 Day Warning notice sent Reg. & Cert		V24-003
11/6/2023	03-08-278-010	102 Circle Drive W. Montgomery	Boulder Hill	Trailer/RV parked in req front yard setback		11/10/2023	Trailer Removed		11/13/2023
11/6/2023	03-04-152-013	22 Greenbriar Rd. Montgomery	Boulder Hill	Trailer/RV parked in req front yard setback					Monitoring
11/6/2023	02-35-151-017	7821 Route 71 Yorkville		Fill in excess of 1 acre without permit					
11/7/2023	02-17-226-004	2215 B Rt 47		Junk & Debris		11/10/2023	30 Day Warning Notice Reg. - MA		2/28/24-COURT
11/8/2023	02-15-302-001	2 South St. Bristol		Illegal Towing / Mechanic Business in R-3 zoning		11/10/2023	30 Day Warning Notice Reg. & Cert		12/22/2023
11/16/2023	03-04-378-022	48 Hubbard Way Montgomery	Boulder Hill	Fire Investigation		11/12/2023	Letter requesting onsite meeting sent		Monitoring
11/16/2023	03-09-154-014	128 Circle Drive W. Montgomery	Boulder Hill	Addition without permit		11/21/2023	Meeting 11/30 - 8:30am/Applied for permit 1.4.24		12/12/2023
11/15/2023	05-04-178-006	53 Crooked Creek Dr. Yorkville	Crooked Creek	Illegal Business / Junk & Debris		11/21/2023	30 Day Warning Notice Reg. & Cert		1/22/2024
11/18/2023	06-05-153-005	79 Timberlake Trail E. Oswego	Arrowhead Hills	Fire Investigation 11/18 - Pole Barn		11/21/2023	30 Day Warning Notice Reg. & Cert		V24-004
11/21/2023	05-02-200-008	6410 Minkler Rd. Yorkville		Dirt piles high along road		12/1/2023	Demo Completed		12/12/2023
11/21/2023	03-34-201-001	5020 Douglas Rd. Oswego	Douglas Hills	# of chickens on property and No coop in cold temps		12/1/2023	2 coops - not able to determine #		12/12/2023
12/1/2023	09-09-100-020	13237 McKenna Rd. Minnoka		Added 3 car garage - no permit		12/8/2023	Not enough evidence		1/22/2024
12/6/2023	03-05-430-019	42 S Bereman Rd. Montgomery	Boulder Hill	Trailer parked in f/Yard setback		12/8/2023	30 Day Warning Notice Reg. & Cert		V24-002
12/7/2023	06-02-177-007	1551 Cherry Rd. Oswego	wego Plains/County Cle	Addition - No Permit		12/8/2023	BHM met with owner		1/24/2024
12/12/2023	05-04-300-032	9630 Route 71 Yorkville		Horse in R-3 zoning & illegal building		12/8/2023	Horse not observed-bldg has permit/Permit n/a		12/13/23 & 1/21/24
12/13/2023	06-01-100-008	902 E Plainfield Rd. Oswego	Condon Acres	Roofing Business		1/4/2024	Roofing / Construction business in R3 zoning		1/29/2024
12/22/2023	03-04-152-012	24 Greenbriar Rd. Montgomery	Boulder Hill	Semi Parking		1/4/2024	No Evidence		1/4/2024
12/22/2023	03-05-280-005	49 Briarcliff Rd. Montgomery	Boulder Hill	Semi Parking		1/4/2024	No Evidence		1/4/2024
12/22/2023	03-04-307-018	20 Longbeach Rd. Montgomery	Boulder Hill	Semi Parking		1/4/2024	No Evidence		1/4/2024
12/22/2023	03-04-302-002	49 Circle Drive E. Montgomery	Boulder Hill	Junk & Debris		1/4/2024	No Junk & Debris		1/4/2024

**PRE VIOLATION REPORT
2022**

6/6/2022	03-04-477-038	80 Springdale Rd. Montgomery	Boulder Hill	Multiple Violations	5/25/2022	30 day warning notice	7/6/2022	7/13/2022
6/6/2022	03-08-278-009	4 Culver Rd. Montgomery	Boulder Hill	Rooster	6/21/2022	Unable to see or hear rooster		6/24/2022
6/7/2022	09-18-300-017	British Rd. Minooka		Fill / Debris	6/14/2022	Dirt fill placed -SW permit not required		6/15/2022
6/10/2022	03-04-377-010	65 Sierra Rd. Montgomery	Boulder Hill	Chickens/Rooster in R-6	6/21/2022	2nd notice 7/27/2022	8/27/2022	8/2/2022
6/12/2022	03-17-102-011	2245 Route 31 Oswego	Herrons River View Add	Fire - 2 apartments & out building	6/13/2022	Letter to contact for Fire Rest. Permit	1/9/2023	1/17/2023
6/13/2022	03-04-376-023	102 Circle Drive W Montgomery	Boulder Hill	RV parked in F-yard setback	5/10/2022	30 Day warning notice	7/13/2022	7/17/2022
6/16/2022	02-21-178-001	3416 N Route 47 Yorkville		Tall grass		Referred to Bristol Township		6/17/2022
6/24/2022	05-02-101-002	324 Austin Ct. Yorkville	FOFC	Pool - fence still not finished	6/27/2022	Fence being installed		6/28/2022
6/23/2022	03-04-152-004	45 Fernwood Rd. Montgomery	Boulder Hill	Sheds - No Permit	6/24/2022	30 Day Warning	7/23/2022	8/3/2022
6/24/2022	02-15-157-003	8 Grove St. Bristol	Vil of Huntsville	Porch addition w/o permit	6/24/2022	10 day final warning	9/12/2022	9/12/2022
7/1/2022	03-23-277-004	3428 Roth Rd. Oswego		Condition 10 Special Use	8/3/2022		5/1/2023	4/12/2023
7/1/2022	04-16-129-001	8 N Hudson St. Millbrook	Vil of Millbrook	Repair - Used car business	7/19/2022	Vehicle operable/RV not occupied	8/19/2022	8/2/2022
7/1/2022	03-04-152-013	22 Greenbhar Rd. Montgomery	Boulder Hill	Landscape Business	7/26/2022	30 Day warning notice	8/27/2022	8/2/2022
7/1/2022	03-09-153-015	31 Pickford Rd. Montgomery	Boulder Hill	Grass Parking	7/7/2022	No grass parking observed		7/7/2022
7/1/2022	03-05-401-003	67 Boulder Hill Pass Montgomery	Boulder Hill	Change of Occupancy	7/7/2022	Change of Occupancy - No Permit	8/11/2022	8/2/2022
7/1/2022	03-04-177-020	10 Ingleshtie Rd. Montgomery	Boulder Hill	Landscape business				8/2/2022
7/1/2022	03-09-153-014	29 Pickford Rd. Montgomery	Boulder Hill	Grass Parking	7/7/2022	30 Day warning notice	8/11/2022	8/12/2022
7/1/2022	03-05-404-026	152 Boulder Hill Pass Montgomery	Boulder Hill	Boat in F-yard setback	7/7/2022	30 Day warning notice	8/11/2022	8/12/2022
7/6/2022	03-04-177-020	10 Ingleshtie Rd. Montgomery	Boulder Hill	Landscape business				7/8/2022
7/7/2022	03-04-306-005	59 Circle Dr. E Montgomery	Boulder Hill	Multiple Violations	7/7/2022	No evidence	11/28/2022	11/29/2022
7/8/2022	05-02-102-002	317 Fields Dr. Yorkville	FOFC	Trailer in F/Yard setback	7/13/2022	30 Day Warning Notice	8/15/2022	8/12/2022
7/11/2022	02-16-228-012	43 West St. Bristol		Roosters in R-3 zoning	7/11/2022	Not able to find evidence of rooster	7/11/2022	7/11/2022
7/11/2022	09-15-300-016	14565 Jughandle Rd. Minooka		Residence in Barn		A-1 Home occupation-see notes		10/28/2022
7/11 & 10/31/2022	09-22-200-016/ 030	2325 Bell Rd. Minooka	Fran-Shir Acres	Tree Business - R-1 zoning	10/28/2022	Incorrect PIN#	12/1/2022	12/28/2022
7/11/2022	09-22-200-004	15100 Jughandle Rd. Minooka	Aux Sable Oaks	Residence in Barn	8/3/2022	Hobby shop-not residence	1/9/2023	10/28/2022
7/12/2022	03-04-306-004	57 Circle Dr. E Montgomery	Boulder Hill	Multiple Violations	7/20/2022	Eviction process started	1/9/2023	1/17/2023
7/12/2022	03-04-306-001	51 Circle Drive E Montgomery	Boulder Hill	Tattoo business	7/20/2022	No Evidence	8/27/2022	8/31/2022
7/12/2022	03-04-352-020	170 Boulder Hill Pass Montgomery	Boulder Hill	Rec Trailer in F/Y setback	7/20/2022	30 Day warning notice	8/27/2022	8/31/2022
7/12/2022	03-05-404-018	136 Boulder Hill Pass Montgomery	Boulder Hill	Boat in F-yard setback	7/20/2022	30 Day warning notice	8/27/2022	8/31/2022
7/13/2022	03-08-303-007	105 Dolores St Oswego	Shore Heights	Fire on 7/12/2022	7/25/2022	Remodel - cosmetic only	10/25/2022	10/25/2022
7/13/2022	03-04-307-025	34 Longbeach Rd. Montgomery	Boulder Hill	Box Truck-Commercial Vehicle	10/21/2022	30 Day Warning Notice Reg & Cert	11/28/2022	11/29/2022
7/18/2022	02-35-301-001	330 Austin Ct. Yorkville	FOFC	Trailer in F/Yard setback	7/28/2022	30 Day warning notice	8/27/2022	8/2/2022
7/20/2022	09-27-200-004	2511 Willy Rd. Minooka		Fill in Floodplain	7/19/2022	Matt- email - Brian notes -Court	6/27/2023	7/20/2022
7/20/2022	03-04-306-027	44 Hampton Rd. Montgomery	Boulder Hill	Business - Tamale stand	7/20/2022	KCHHD is investigating	9/22/2022	9/22/2022
7/20/2022	03-04-305-022	14 Wyndham Dr. Montgomery	Boulder Hill	Commercial Vehicle - Semi	9/22/2022	No Semi Truck	1/20/2023	1/20/2023
7/20/2022	03-04-306-005	59 Circle Dr. E Montgomery	Boulder Hill	Commercial Vehicle - Semi	9/22/2022	Not on site		9/22/2022
7/20/2022	03-04-326-005	52 Marnel Rd. Montgomery	Boulder Hill	Commercial Vehicle - Semi	9/22/2022			9/22/2022
7/20/2022	03-04-329-019	45 Whitney Way Montgomery	Boulder Hill	Commercial Vehicle - Semi	9/22/2022	Owner changed - Removed	10/26/2022	8/31/2022
7/20/2022	03-04-408-003	106 Tealwood Rd. Montgomery	Boulder Hill	Commercial Vehicle - Semi	8/31/2022			8/31/2022
7/20/2022	03-04-377-019	39 Longbeach Rd. Montgomery	Boulder Hill	Commercial Vehicle - Semi	9/22/2022	30 Day Warning Notice Reg & Cert	11/5/2022	11/15/2022
7/20/2022	03-05-428-020	20 Knollwood Dr. Montgomery	Boulder Hill	Commercial Vehicle - Semi	9/22/2022	30 Day Warning Notice Reg & Cert	11/5/2022	11/15/2022
7/20/2022	03-05-429-010	4 Knollwood Dr. Montgomery	Boulder Hill	Commercial Vehicle - Semi	9/22/2022	30 Day Warning Notice Reg & Cert	11/5/2022	11/15/2022
7/20/2022	03-05-402-008	8 Circle Dr East Montgomery	Boulder Hill	Trailer in F/Yard setback	7/26/2022	30 Day warning notice	8/27/2022	8/2/2022
7/25/2022	03-02-400-003	1250 Route 34 Oswego		Noise - Disco club or trucking company	8/4/2022	No Violation		8/23/2022
7/25/2022	03-04-302-015	32 Sonora Dr. Montgomery	Boulder Hill	Junk & Debris	7/26/2022 GIS	30 Day warning notice	10/3/2022	9/23/2022
7/25/2022	03-04-302-004	24 Hampton Rd. Montgomery	Boulder Hill	Parking on non approved surface	7/26/2022	30 Day warning notice	8/27/2022	8/31/2022
7/26/2022	07-21-300-001	15919 Route 52 Newark		Multiple Violations	10/21/2022	Removed all violations		10/21/2022
7/26/2022	04-31-452-008	11850 Fox River Dr. Newark		Structure-no permit/Junk&Debris/Business	4/14/2023	30 Day warning notice	10/13/2023	8/30/2023
7/26/2022	03-04-152-004	45 Fernwood Rd. Montgomery	Boulder Hill	Chickens - Weeds	7/26/2022	No chickens-no permit req for rubbermaid shed	3/1/2023	7/26/2022
7/28/2022	03-04-152-004	45 Fernwood Rd. Montgomery	Boulder Hill	Chickens - Weeds	re-opened		8/30/2023	8/30/2023
7/28/2022	03-12-204-005	26 Gastville Aurora	Gastville Acreage	Business in R-3 zoning	See notes	Business in R-3 zoning		10/4/2023
7/28/2022	05-02-202-002	6018 Audrey Ave. Yorkville	Rosehill	Structure roofed - pergola	8/2/2022	15 day notice to contact office	9/6/2022	10/24/2022
8/1/2022	03-05-404-016	132 Boulder Hill Pass Montgomery	Boulder Hill	Commercial Vehicle (Semi Tractor)	9/22, 9/27/2022	30 Day Warning Notice Reg & Cert	11/5/2022	10/20/2022
8/1/2022	03-04-327-012	39 Surrey Rd. Montgomery	Boulder Hill	Commercial Vehicle (Semi Tractor)	7/29, 9/12, 9/27	30 Day Warning 2 addresses - Reg & cert	11/5/2022	11/15/2022
8/1/2022	03-18-428-005	5200 US Hwy 34 Oswego	Owners	Multiple Violations	8/4/2022	30 Day warning - Reg & cert	9/10/2022	10/4/2022

PRE VIOLATION REPORT 2022

8/2/2022	03-04-151-010	62 Fernwood Rd. Montgomery	Boulder Hill	Fence	8/2/2022	Fence - debris	8/2/2022
8/3/2022	01-35-100-003	13524 C Hale Rd. Plano		Building w/o permit	8/5/2022	30 Day Warning notice-reg & cert	8/31/2022
8/4/2022	03-07-402-014	168 Dolores St. Oswego	Shore Heights	Auto Repair business	8/6/2022	Unable to confirm business	8/8/2022
8/5/2022	03-12-204-005	26 Gastville Aurora	Gastville Acreage	4 Violations	8/5/2022	30 Day warning notice-reg & cert	10/4/2023
8/12/2022	03-04-328-008	31 Chatham Pl. Montgomery	Boulder Hill	Chickens	8/6/2022	Unable to confirm chickens	8/29/2022
8/16/2022	01-16-476-004	31 S. Linden Dr. Plano	Meyerbrook	Poss Garage reno to living quarters	8/29/2022	Did not observe any PBZ violations	9/16/2022
8/22/2022	06-02-226-001	1210 Plainfield Rd. Oswego	County Clerks	Dir Piles	8/29/2022	Void-Not a violation of stormwater	8/29/2022
8/22/2022	01-16-427-001	N Linden Dr. Plano	Meyerbrook	Multiple Violations	8/29/2022	Did not observe any PBZ violations	8/29/2022
8/23/2022	03-07-403-006	177 Dolores St. Oswego	Shore Heights	Semi tractor trailer	8/31/2022	No Truck	8/31/2022
8/23/2022	03-05-429-031	37 S Beechman Rd. Montgomery	Boulder Hill	Trailer in F/Y setback	8/30/2022	30 Day Warning Notice Reg & Cert	9/30/2022
8/23/2022	01-09-428-003	23 Coffman Ln. Plano		Poss Business & Building w/o permit	8/30/2022	Met w/ owner-agreed to apply BP & HC	11/23/2022
8/23/2022	03-05-429-004	10 Greenfield Rd. Montgomery	Boulder Hill	Boat in FY & on non approved surface	8/30/2022	30 Day Warning Notice Reg & Cert	9/30/2022
8/24/2022	01-35-430-005	64 Blackhawk Springs Dr. Plano	Blackhawk Springs	Abandoned property	8/29/2022	Did not observe any PBZ violations	8/29/2022
8/24/2022	01-35-429-002	70 Blackhawk Springs Dr. Plano	Blackhawk Springs	Abandoned property	8/29/2022	Did not observe any PBZ violations	8/29/2022
8/24/2022	03-08-280-032	14 Barclay Ct. Montgomery	Boulder Hill	Shed - Remodel to living qtrs	8/30/2022	Determined not be a violation	9/22/2022
8/25/2022	03-16-176-006	Wolfs Crossing Rd. Oswego	Fox Bend Estates	Construction	8/26/2022	Did not observe any PBZ violations	8/30/2022
8/26/2022	03-04-306-001	51 Circle Drive E. Montgomery	Boulder Hill	Trash		Referred to HHS	8/31/2022
8/29/2022	01-29-101-003	157 Woodland Dr. Plano	Sugar Brook	Building w/o Permit	9/14/2022	No Evidence of construction	9/14/2022
8/29/2022		6111 Audrey Ave. Yorkville	Roseshill	Dump Truck, trailer & bobcat in FY & junk			9/14/2022
9/7/2022	03-05-280-017	12 Greenbush Rd. Montgomery	Boulder Hill	Possible AirbnB		Not a violation	9/8/2022
9/7/2022	No address - bh	Braeburn Montgomery	Boulder Hill	Junk & Debris		Removed	9/8/2022
9/7/2022	03-20-400-018	3842 Grove Rd. Oswego		Illegal Pool Business	9/14/2022	30 Day Warning Notice Reg & Cert	10/16/2022
9/7/2022	05-09-154-001	7344 Route 47 Yorkville		Illegal Training Facility Business	9/8/2022	30 Day Warning Notice Reg & Cert	10/16/2022
9/7/2022	05-21-300-006	9513 Walker Rd. Yorkville		Cars parked in setback		Cars not parked in ROW	9/27/2022
9/8/2022	03-04-307-001	62 Circle Dr. E. Montgomery	Boulder Hill	Inoperable Vehicle			1/13/2023
9/8/2022	03-04-305-023	16 Wyndham Dr. Montgomery	Boulder Hill	Junk & Debris	9/8/2022	30 Day Warning Notice Reg & Cert	1/13/2023
9/12/2022	06-04-400-005	6909 Schlapp Rd. Oswego	Willmans	Trucking Business	9/27/2022	Requesting Meeting	10/1/2022
9/13/2022	05-09-152-001	33 Bonnie Lane Yorkville		Possible AirbnB		MA	9/23/2022
9/13/2022	03-04-351-006	39 Hampton Rd. Montgomery	Boulder Hill	Commercial Vehicle	9/22/2022	30 Day Warning Notice Reg & Cert	10/26/2022
9/14/2022	06-07-129-007	5753 Whitetail Ridge Dr.	Whitetail Ridge	No silt fence or Vegetation filter		Certified letter sent 9/14/2022	10/17/2022
9/14/2022	06-07-128-007	7386 Fairway Dr. Yorkville	Whitetail Ridge	No silt fence or Vegetation filter		Certified letter sent 9/14/2022	10/17/2022
9/14/2022	06-07-130-019	7102 Golfview Ct. Yorkville	Whitetail Ridge	No silt fence or Vegetation filter		Certified letter sent 9/14/2022	10/17/2022
9/14/2022	05-12-277-004	7372 Clubhouse Dr. Yorkville	Whitetail Ridge	No silt fence or Vegetation filter		Certified letter sent 9/14/2022	10/17/2022
9/14/2022	05-12-227-005	7221 Clubhouse Dr. Yorkville	Whitetail Ridge	No silt fence or Vegetation filter		Certified letter sent 9/14/2022	11/2/2022
9/14/2022	06-06-450-004	5537 Whitetail Ridge Dr.	Whitetail Ridge	No silt fence or Vegetation filter		Certified letter sent 9/14/2022	10/17/2022
9/14/2022	05-12-276-004	7509 Clubhouse Dr. Yorkville	Whitetail Ridge	No silt fence or Vegetation filter		Certified letter sent 9/14/2022	10/17/2022
9/14/2022	05-12-276-003	7485 Clubhouse Dr. Yorkville	Whitetail Ridge	No silt fence or Vegetation filter		Certified letter sent 9/14/2022	10/17/2022
9/14/2022	05-12-276-002	7461 Clubhouse Dr. Yorkville	Whitetail Ridge	No silt fence or Vegetation filter		Certified letter sent 9/14/2022	10/17/2022
9/14/2022	05-12-276-001	7437 Clubhouse Dr. Yorkville	Whitetail Ridge	No silt fence or Vegetation filter		Certified letter sent 9/14/2022	10/17/2022
9/14/2022	03-04-451-015	13 Pomeroy Dr. Montgomery	Boulder Hill	Inoperable Vehicle	9/19/2022	30 Day Warning Notice Reg & Cert	10/23/2022
9/14/2022	03-04-307-001	62 Circle Dr. E. Montgomery	Boulder Hill	Inoperable Vehicle	10/7 & 10/18	30 Day Warning Notice Reg & Cert	1/13/2023
9/15/2022	08-19-300-005	Route 52-Lisbon Rd Newark		Stormwater - MA	9/17/2022	30 Day Warning Notice Reg & Cert	MA 10/21/2022
9/16/2022	05-02-201-005	6111 Audrey Ave Yorkville	Roseshill	Multiple Violations	9/19/2022	30 Day Warning Notice Reg & Cert	10/22/2022
9/16/2022	03-05-276-010	28 N Beechman Rd. Montgomery	Boulder Hill	RV in F/Y setback	9/19/2022	30 Day Warning Notice Reg & Cert	10/23/2022
9/16/2022	03-05-229-004	24 Fernwood Rd. Montgomery	Boulder Hill	Trailer in F/Y setback	9/19/2022	30 Day Warning Notice Reg & Cert	10/23/2022
9/16/2022	03-05-229-006	28 Fernwood Rd. Montgomery	Boulder Hill	Trailer in F/Y setback	9/19/2022	30 Day Warning Notice Reg & Cert	10/23/2022
9/16/2022	03-04-376-003	76 Circle Dr. E. Montgomery	Boulder Hill	Junk & Debris	9/19/2022	30 Day Warning Notice Reg & Cert	12/21/2022
9/16/2022	03-04-408-014	128 Tealwood Rd. Montgomery	Boulder Hill	Boat in F/Y setback	9/19/2022	30 Day Warning Notice Reg & Cert	10/28/2022
9/16/2022	06-02-226-001	1210 Plainfield Rd. Oswego	County Clerks	Fill being placed in creek	9/16/2022	30 Day Warning Notice Reg & Cert	10/14/2022
9/19/2022	02-35-380-006	5703 Fields Dr. Yorkville	FOFC	Multiple Violations	9/22 & 9/27	30 Day Warning Notice Reg & Cert	11/2/2022
9/19/2022	03-19-176-004	5505 Route 71 Oswego		Site Dev in Floodplain&wetlands-No Permit	9/16/2022	MA 30 Day Warning Notice Reg & Cert	MA
9/19/2022		4160 Steam Mill Ct. Oswego		Possible remodel w/o permit		No permit required at this time	10/4/2022
9/19/2022	03-04-456-004	82 Saugstuck Rd. Montgomery	Boulder Hill	Junk & Debris	9/22/2022	30 Day Warning Notice Reg & Cert	10/26/2022
9/20/2022	03-08-201-012	63 Circle Dr. W. Montgomery	Boulder Hill	Junk & Debris	9/22/2022	Debris has been removed	9/23/2022
9/20/2022	02-15-251-006	23 N Royal Oaks Dr. Bristol	Woods of Blackberry oaks	Inoperable Vehicle	9/22/2022	30 Day Warning Notice Reg & Cert	10/27/2022
9/21/2022	01-23-200-028	13349 A Faxon Rd. Plano		Construction w/o permit	9/22/2022	Addition added 2014-15-Ag Exempt - No Violation	9/22/2022

24
3/20/21
25



**KENDALL COUNTY
HISTORIC PRESERVATION COMMISSION
HISTORIC PRESERVATION ORGANIZATION MEETING**
5021 Wheeler Road • Au Sable Presbyterian Church
• Yorkville, IL • 60560
AGENDA

February 21, 2024 – 6:00 p.m.

- I. Call to Order**
- II. KCHPC Roll Call and Introductions**
Eric Bernacki (Vice-Chair), Elizabeth Flowers, Kristine Heiman (Secretary), Marty Shanahan, Jeff Wehrli (Chairman), and Non-KCHPC Attendees
- III. Welcoming Remarks**
Elizabeth Flowers, Kendall County Historic Preservation Commission Vice-Chair
- IV. Presentation by Au Sable Grove Presbyterian Church**
- V. Presentation on the Importance of Landmarking Properties**
Jon Pressley, MA, RPA Illinois Department of Natural Resources
- VI. Discussion of Historic Preservation Awards**
- VII. Discussion of Oldest Building and Oldest Business in Kendall County**
- VIII. Round Table Discussion**
What Activities Have Your Organizations Been Doing?
Successes?
Challenges?
Strategies for Encouraging Historic Property Owners to Have Open Houses?
Opportunities for Collaboration?
- IX. Discussion of Future Meeting(s)**
- X. Other Business**
- XI. Public Comment**
- XII. Adjournment**

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

Permit Summary by Category
Kendall County

Permit Category	Count	Estimated Cost	Permit Fees	Land Cash
House	3	\$1,430,000	\$6,385	\$2,585
Accessory Buildings	2	\$129,850	\$210	\$0
Remodeling	3	\$99,700	\$620	\$0
Electrical Upgrades	1	\$2,000	\$110	\$0
Fire Restoration	1	\$20,000	\$260	\$0
Generator	1	\$9,772	\$110	\$0
Solar	3	\$106,730	\$550	\$0
	14	\$1,798,052	\$8,245	\$2,585

Jan 2023 - 0 Houses
13 Total Permits

Permit Summary by Category by Month
Kendall County

Permit Category	Total	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
House	3	3	0	0	0	0	0	0	0	0	0	0	0
Accessory Buildings	2	2	0	0	0	0	0	0	0	0	0	0	0
Remodeling	3	3	0	0	0	0	0	0	0	0	0	0	0
Electrical Upgrades	1	1	0	0	0	0	0	0	0	0	0	0	0
Fire Restoration	1	1	0	0	0	0	0	0	0	0	0	0	0
Generator	1	1	0	0	0	0	0	0	0	0	0	0	0
Solar	3	3	0	0	0	0	0	0	0	0	0	0	0
	14	14	0	0	0	0	0	0	0	0	0	0	0

Permit Approval Date Report

Kendall County

Issue Date	Permit ID	Permit Category	Parcel Number	Owner Name	Property Address	Subdivision	Contractor Name
1/11/2024	012024022	01 House	05-18-228-003	DOLIN JULIE A	8019 WILSON COURT YORKVILLE, IL 60560	TANGLEWOOD TRAILS	CL DESIGN BUILD INC
1/23/2024	012024023	01 House	04-21-252-002	YENTER KELLI & CHRIS	15536 PROSPECT HILL DR NEWARK, IL 60541-	ESTATES OF MILLBROOK UNIT 3	MCCUE BUILDERS INC.
1/11/2024	032024029	03 Accessory Buildings	02-20-401-001	ULNER GREG	3651 CANNONBALL TRL YORKVILLE, IL 60560-		METRONET INFRASTRUCTURE
1/2/2024	032024021	03 Accessory Buildings	02-15-353-002	STEINWAY BRIAN & KIMBERLY	90 LILLIAN LN YORKVILLE, IL 60560-	BRISTOL LAKE SUB	
1/29/2024	052024032	05 Remodeling	02-29-426-009	HANSON WILLIAM J & LORI ANNE	216 GEORGEANNA ST YORKVILLE, IL 60560-	COUNTRYSIDE SUB UNIT 3	HOGAN DESIGN & CONSTRUCTION
1/29/2024	052024033	05 Remodeling	03-06-200-006	MONTERO, ANGELICA & ORTIZ, MIGUEL A	5132 BASELINE RD OSWEGO, IL 60543-		
1/10/2024	152024028	15 Electrical Upgrades	03-04-478-006	MOLINA TRACIA & FLORES JASHIA	53 SPRINGDALE RD MONTGOMERY, IL 60538-	BOULDER HILL UNIT 23	JACOB B LAZANO
1/10/2024	192024024	19 Fire Restoration	03-04-378-022	PEREZ MISAEAL	48 HUBBARD WAY MONTGOMERY, IL 60538-	BOULDER HILL UNIT 10	
1/10/2024	232024025	23 Generator	01-20-352-008	CRAWFORD WILLIAM J & VICKI L	168 WOODLAND DR PLANO, IL 60545-	SUGAR BROOK ESTATES UNIT 3	BAKER ELECTRIC & GENERATORS
1/2/2024	242024020	24 Solar	07-29-300-003	FARIAS MICHAEL DAVID & JENNIFER	16627 STEPHENS RD NEWARK, IL 60541-		LGCY INSTALLATION SERVICES, LLC
1/30/2024	242024034	24 Solar	05-17-121-005	PISANO MARCOS	85 ETHEL CT YORKVILLE, IL 60560-	RONHILL ESTATES	VANTAGE HOME SOLAR LLC

Permit Approval Date Report
Kendall County

Issue Date	Permit ID	Permit Category	Parcel Number	Owner Name	Property Address	Subdivision	Contractor Name
1/10/2024	242024026	24 Solar	02-23-228-004	GROB MATTHEW M & FU LAURA	45 E LYNCLIFF DR OSWEGO, ILL 60543-	LYNWOOD EXTENSION 1	BRIGHT PLANET SOLAR

PLANNING BUILDING & ZONING RECEIPTS 2024

DATE	BUILDING FEES	ZONING FEES	LAND- CASH	OFFSITE ROADWAY	MONTHLY FY 2024	TOTAL FY 2024	MONTHLY FY 23	TOTAL FY 23
December	\$5,266.96	\$1,329.00	\$3,163.48	\$1,000.00	\$10,759.44	\$10,759.44	\$16,054.06	\$16,054.06
January	\$4,575.44	\$1,553.00	\$0.00	\$0.00	\$6,128.44	\$16,887.88	\$8,592.98	\$24,647.04
February							\$3,080.00	\$27,727.04
March							\$12,669.20	\$40,396.24
April							\$33,177.45	\$73,573.69
May							\$25,324.74	\$98,898.43
June							\$10,040.93	\$108,939.36
July							\$33,287.13	\$142,226.49
August							\$24,052.37	\$166,278.86
September							\$19,970.02	\$186,248.88
October							\$14,908.42	\$201,157.30
November							\$9,846.20	\$211,003.50
YR END TOTAL								