

**KENDALL COUNTY
ZONING BOARD OF APPEALS
PUBLIC HEARING**

111 West Fox Street • Room 209 and 210 • Yorkville, IL • 60560
(630) 553-4141 Fax (630) 553-4179

AGENDA

May 1, 2017 – 7:00 p.m.

CALL TO ORDER – ZONING BOARD OF APPEALS

ROLL CALL for the Zoning Board of Appeals: Randy Mohr (Chair); Scott Cherry, Karen Clementi, Tom LeCuyer, Donna McKay, Dick Thompson and Dick Whitfield

MINUTES: Approval of Minutes from the April 3, 2017 Zoning Board of Appeals Hearing
(Packet Pages 2-5)

PETITION:

1. **17-07 - Farm A, LLC (Managed by Daniel Goodwin)**
Request: Variance to Section 4.09.A of the Zoning Ordinance and Section 10.00.H.10 of the Subdivision Control Ordinance Pertaining to the Length of Private Streets
Location: 8172 Route 34, Yorkville (Approximately 0.6 Miles Southwest of Bristol Ridge Road) PIN 02-27-201-012, Bristol Township
Purpose: Request to Reconstruct a Private Road (Kingmoor Lane) in Excess of 500 Feet; Relocated Road is Approximately 1060 Feet in Length
(Packet Pages 6-21)

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

16-22 JA Schleining LLC d/b/a Jets Towing and Services; Map Amendment at 790 Eldamain Road

NEW BUSINESS/ OLD BUSINESS

1. Discussion of Amending Section 13.01.B.9 Pertaining to the Call of Meetings (Board May Initiate a Text Amendment Application) (Packet Page 22)
2. Discussion of Amending Section 13.01.B.11 Pertaining to Vote Requirements on Any Matter (Board May Initiate a Text Amendment Application) (Packet Page 23)
3. Discussion of Amending Section 13.06.D Pertaining to Vote Requirements on Appeals (Board May Initiate a Text Amendment Application) (Packet Page 23)

PETITION:

1. **16-26 – John and Sharon Pagel Living Trust (Petitioner Requests to Be Last on Agenda)**
Request: Rezoning from R-1 (One Family Residential District) to R-3 (One Family Residential District)
Location: 2380 Douglas Road (Northeast Corner of Douglas Road and Burkhart Drive) PIN 03-15-251-009, Oswego Township
Purpose: Request to Rezone to Allow Petitioner to Subdivide the Property to Construct a Home
(Packet Pages 24-35)

PUBLIC COMMENT

ANNOUNCEMENT

ADJOURN ZONING BOARD OF APPEALS- Next meeting on June 5, 2017

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

CALL TO ORDER

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

ROLL CALL

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

Members Absent: Donna McKay

Staff Present: Matthew Asselmeier, AICP, Senior Planner

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

MINUTES

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

PETITIONS

16-22

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

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

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

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

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

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

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

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

Ms. Clementi asked if the United City of Yorkville’s objection was included in the packet. Mr. Asselmeier stated that it was included in the packet as Attachment 4. Chairman Mohr asked why Yorkville opposed

the request. Mr. Asselmeier stated that Yorkville amended its Future Land Use Map in this area to Estate Residential after the application was submitted. Chairman Mohr asked how Plano classified the area across Eldamain Road from the subject property. Mr. Asselmeier stated that Plano classified the area as Industrial. Chairman Mohr also expressed concerns about Yorkville amending their Comprehensive Plan after the submittal of this application.

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

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

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

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

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

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

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

1. *Existing uses of property within the general area of the property in question.* The existing uses of property within the area of this property are a single family home and agricultural farm land which would be consistent with this request. The nearest M-1 zoned property is located approximately 2,750 feet to the northwest at 12127 Galena Road. If the map amendment is approved, any residential use of the house would be illegal.
2. *The Zoning classification of property within the general area of the property in question.* The zoning classifications within the general area are currently A-1 and R-1 with farms and farmhouses.
3. *The suitability of the property in question for the uses permitted under the existing zoning classification.* The petitioner would like to rezone part of their property to M-1 in order to lawfully run his truck storage and towing business at the property. The property must be rezoned in order to operate this type of business at the subject property.
4. *The trend of development, if any, in the general area of the property in question, including changes, if any, which may have taken place since the day the property in question was in its present zoning classification.* The Zoning Board of Appeals shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such an amendment is in the

public interest and is not solely for the interest of the applicant. The Zoning Board of Appeals may recommend the adoption of an amendment changing the zoning classification of the property in question to any higher classification than that requested by the applicant. For the purpose of this paragraph the R-1 District shall be considered the highest classification and the M-2 District shall be considered the lowest classification. Several industrial users, including a Menard's distribution facility, are located south of the subject property along Eldamain Road inside the boundaries of the City of Plano. The adoption of the map amendment is in the public interest of implementing the recommendations of the Land Resource Management Plan.

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

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

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

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

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

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

REVIEW PETITIONS THAT WENT TO COUNTY BOARD

None

NEW BUSINESS/OLD BUSINESS

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

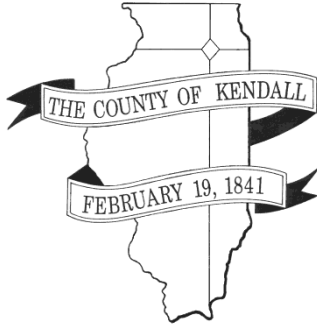
PUBLIC COMMENT

None

ADJOURNMENT OF THE ZONING BOARD OF APPEALS

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

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



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 203

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

17-07

FARM A, LLC

Variance

Private Drive Length

Kingmoor Lane

INTRODUCTION

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

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

SITE INFORMATION

PETITIONER Farm A, LLC (Managed by Daniel Goodwin)

ADDRESS 8172 Route 34, Yorkville

LOCATION Approximately 0.6 Miles Southwest of Bristol Ridge Road

TOWNSHIP Bristol

PARCEL # 02-27-201-012

LOT SIZE 45.7 acres

EXITING LAND USE Agricultural

ZONING A-1 Agricultural District

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

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

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

SURROUNDING LAND USE

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

GENERAL

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

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

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

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

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

PRIVATE ROAD REQUIREMENTS

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

All private driveways shall conform to the following:

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

STORMWATER ORDINANCE

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

LANDSCAPING

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

No landscaping is planned as part of the project.

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

UTILITIES

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

BRISTOL TOWNSHIP

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

FINDINGS OF FACT

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

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

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

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

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

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

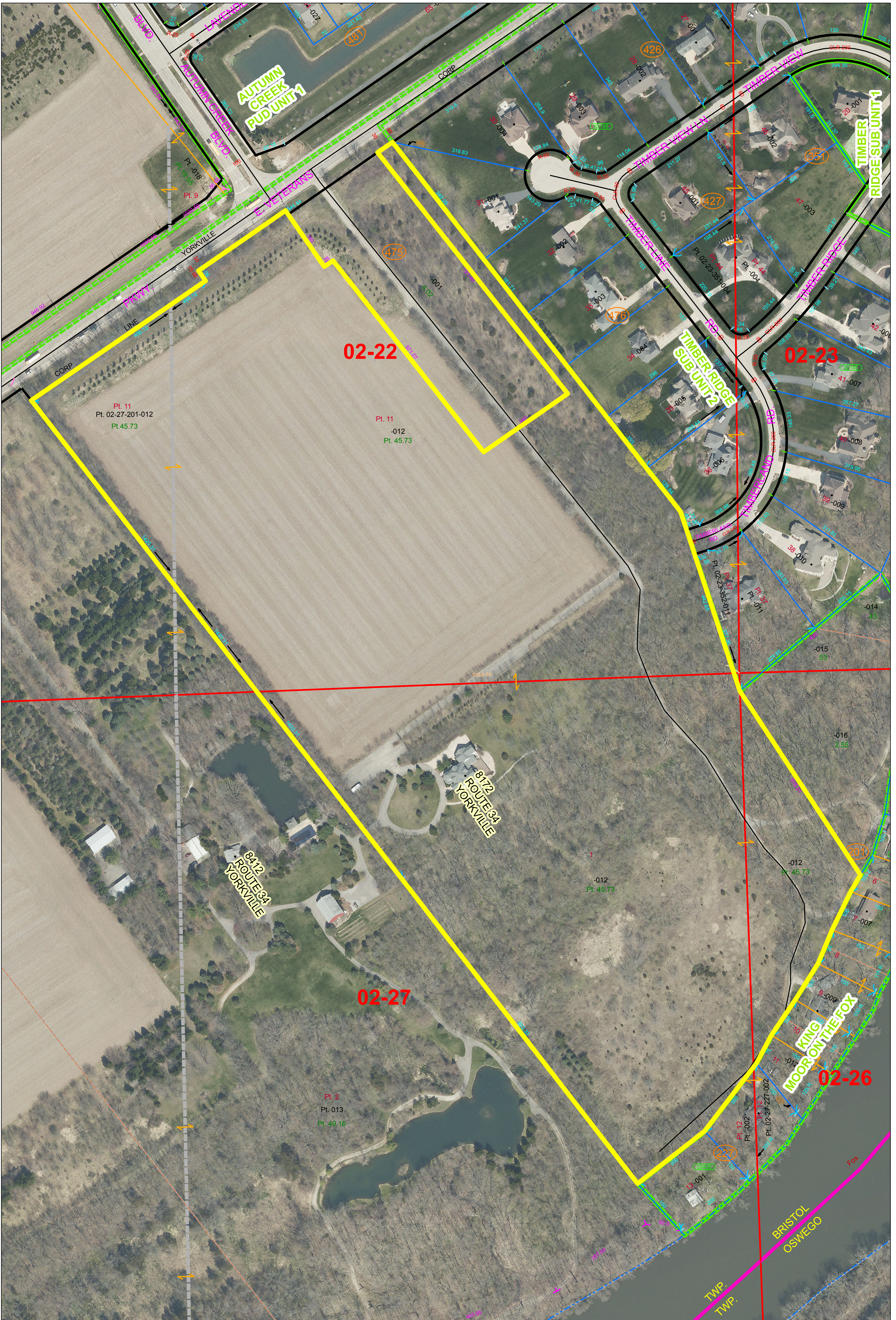
RECOMMENDATION

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

ATTACHMENTS

1. Aerial
2. Design Plans
3. Utility Letter

4. Findings of Fact (Applicant's Version)

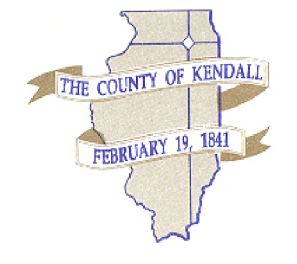


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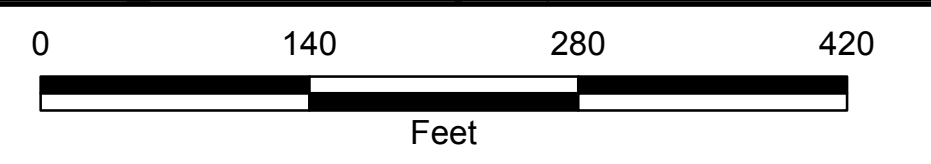
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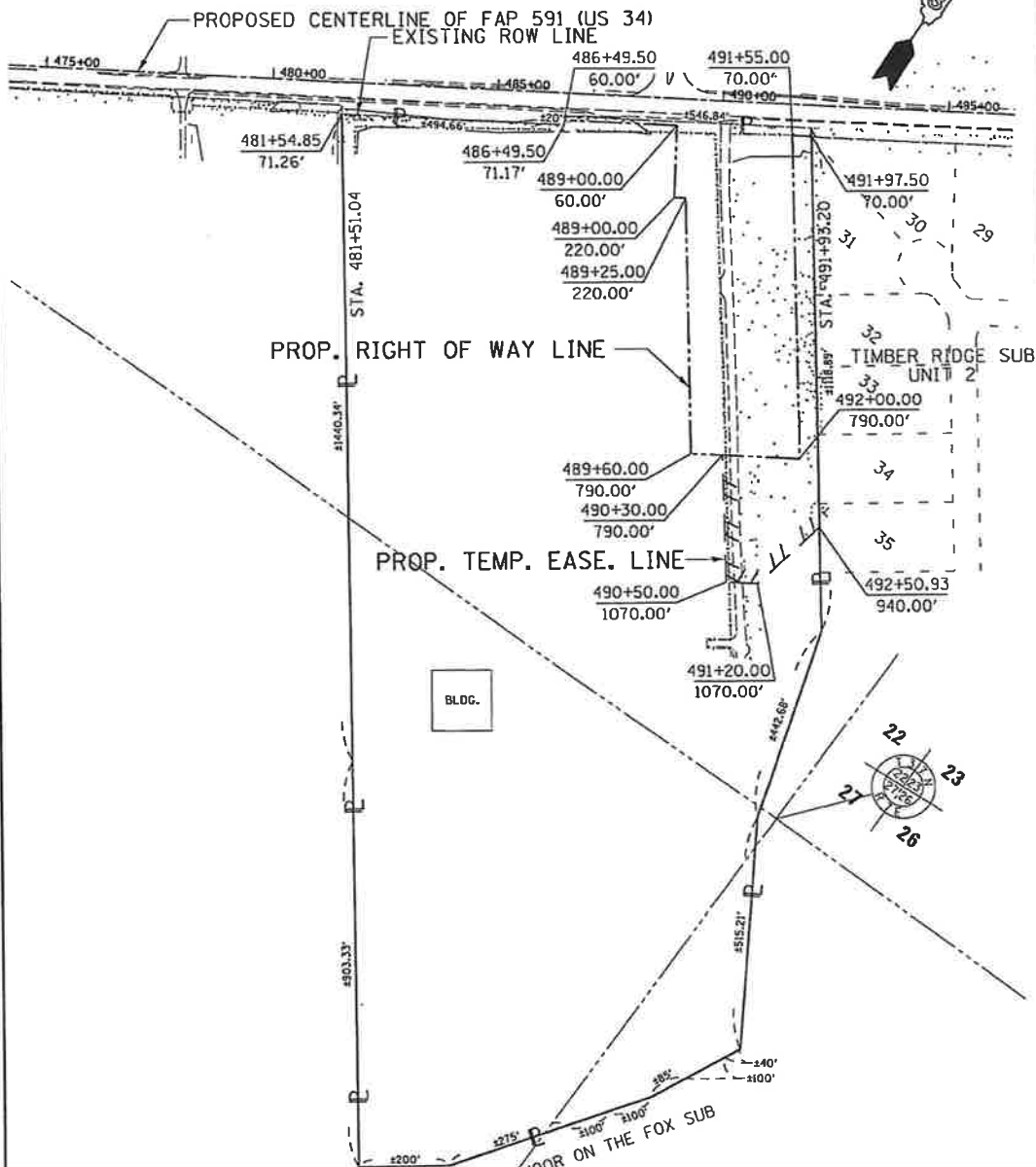
Kendall County GIS
 111 West Fox Street - Room 309
 Yorkville, Illinois 60560-1498
 630.553.4030

02-27-201-012
8172 Route 34 Yorkville IL 60560
Bristol Twp.
Kendall County Illinois



1 inch = 100 feet

PART OF THE SOUTHEAST QUARTER OF SEC. 22,
 AND PART OF THE WEST QUARTER OF SECTION 23
 AND PART OF THE NORTHWEST QUARTER OF SEC. 26,
 AND PART OF THE NORTHEAST QUARTER OF SECTION 27
 T. 37 N., R. 7 E. OF THE THIRD P.M.



T. C. NO. I3-2009KL-1757.0

PARCEL 3UE0015

**CHICAGO TITLE LAND TRUST CO.,
 SUCCESSOR TRUSTEE,
 TRUST NO. 134625**

TOTAL HOLDING = 50.000 AC. ±
 TOTAL R. O. W. REQUIRED = 4.210 AC. ±
 REMAINDER = 45.790 AC. ±
 TEMPORARY EASEMENT = 1.841 AC. ±
 PURPOSE: DRIVEWAY RECONSTRUCTION, GRADING
 & SHAPING

SCALE: 1"=300'



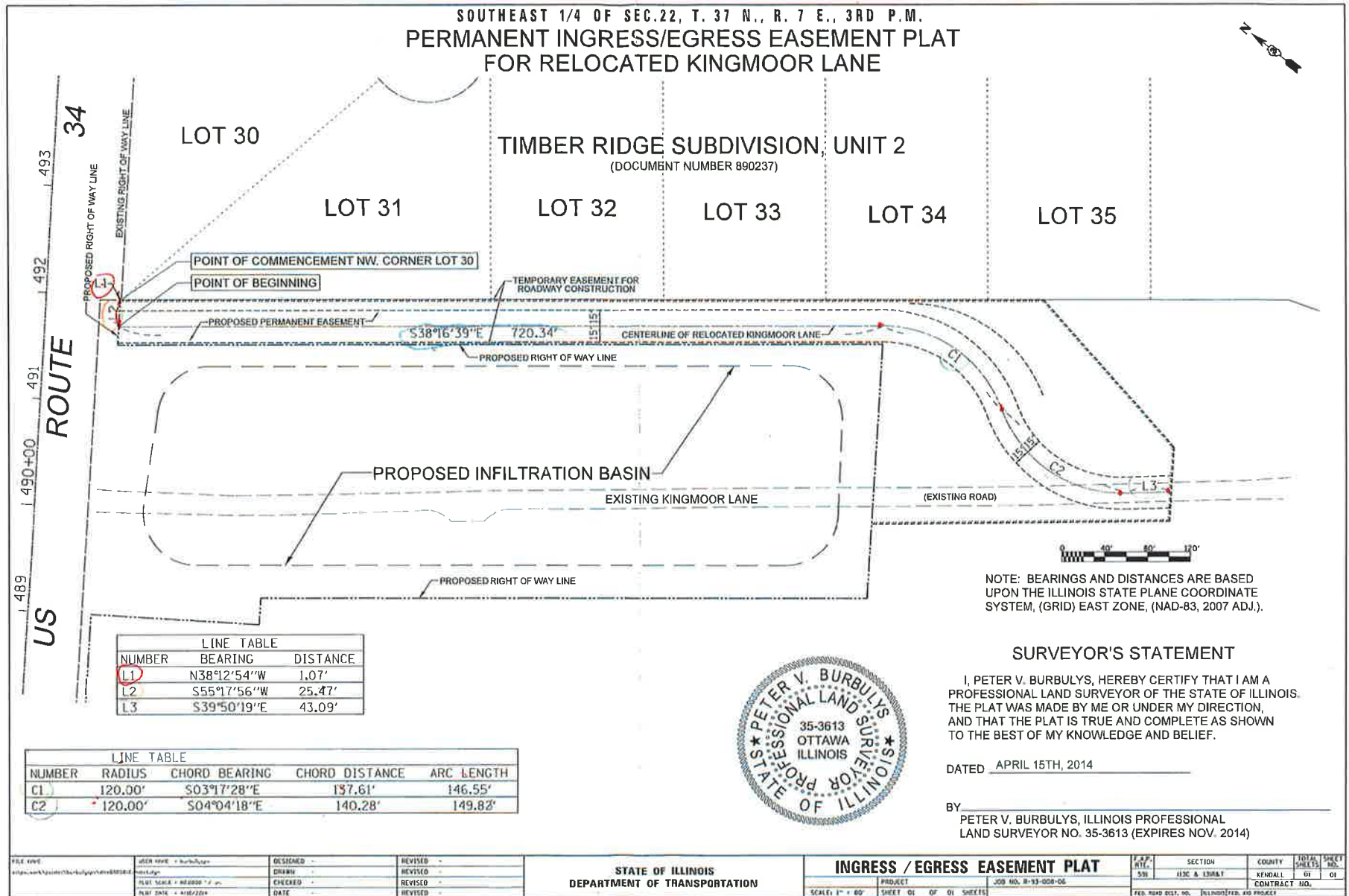
**PREMISE PLAT
 SHEET 1 OF 2**

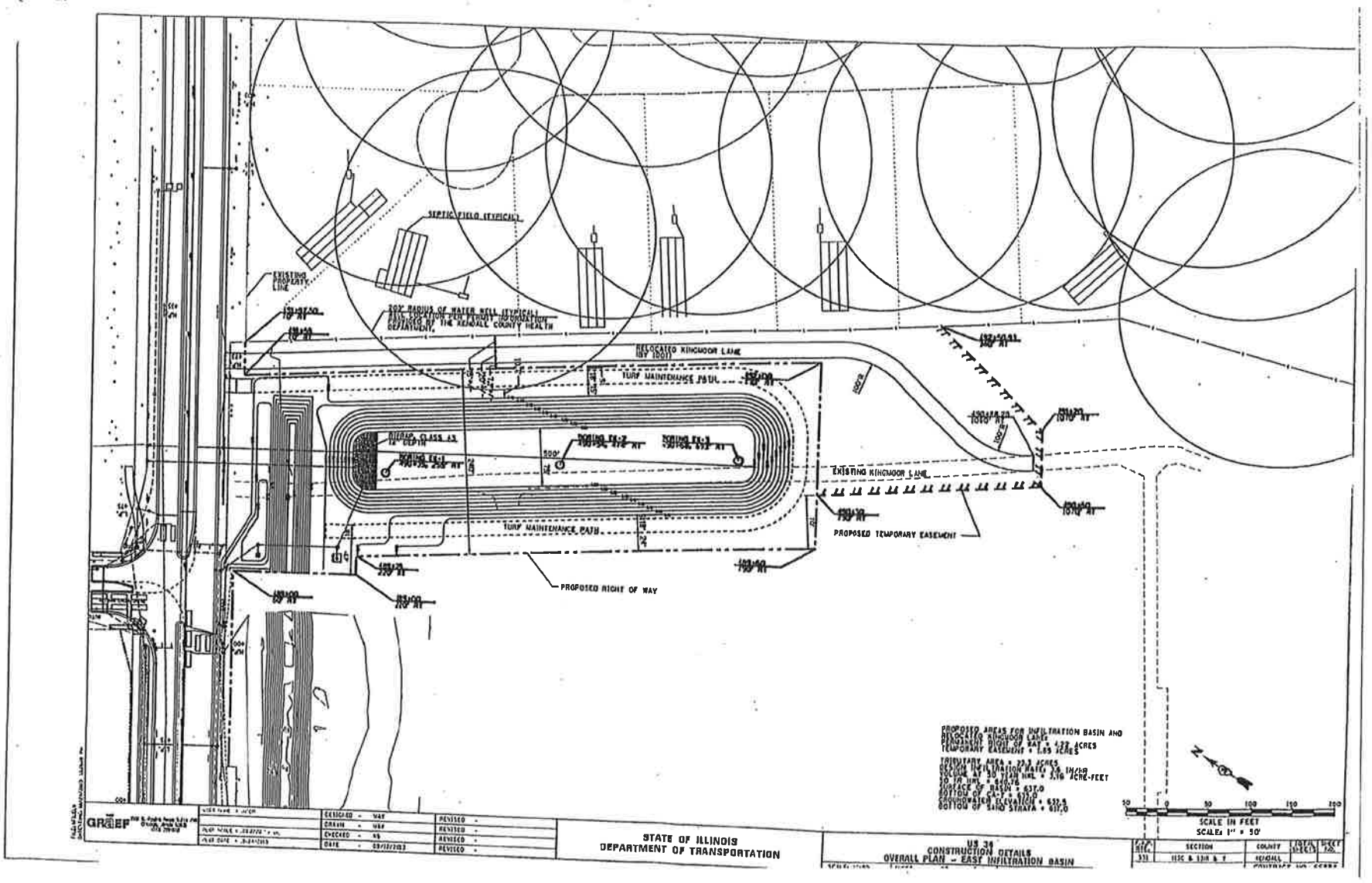
ROUTE FAP 591 (US 34)
 SECTION (13C & 13R) & T
 COUNTY OF KENDALL
 JOB NO. R-93-008-06

REVISED 1/8/14 PVB ADDED DETENTION TOPO

name change 4/16/14 MKB

4/29/14 PVB LEADER TO PR. CL





PROPOSED AREAS FOR INFILTRATION BASIN AND
 RELOCATED KINGMOOR LANE
 PROPOSED RIGHT OF WAY = 1.22 ACRES
 TEMPORARY EASEMENT = 1.55 ACRES
 TEMPORARY AREA = 27.7 ACRES
 DESIGN INFILTRATION RATE = 1.0 IN/HR
 DESIGN AT 30' DIAM INFL = 2.16 INCHES-FEET
 30' TO INFL = 2.16 INCHES
 SURFACE OF BASIN = 637.0
 BOTTOM OF C&G = 637.0
 GROUNDWATER ELEVATION = 632.5
 BOTTOM OF SAND STRATA = 637.0

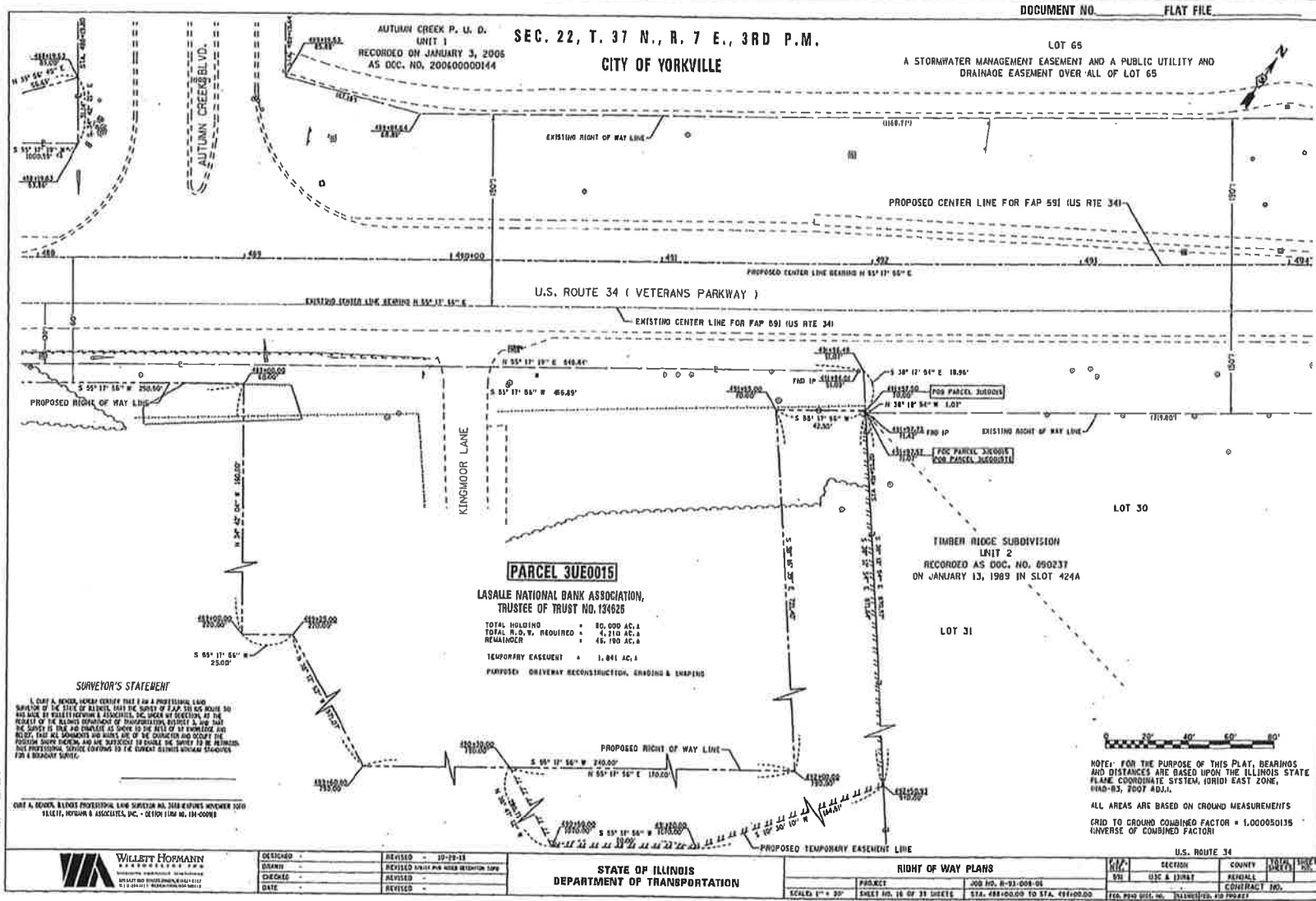


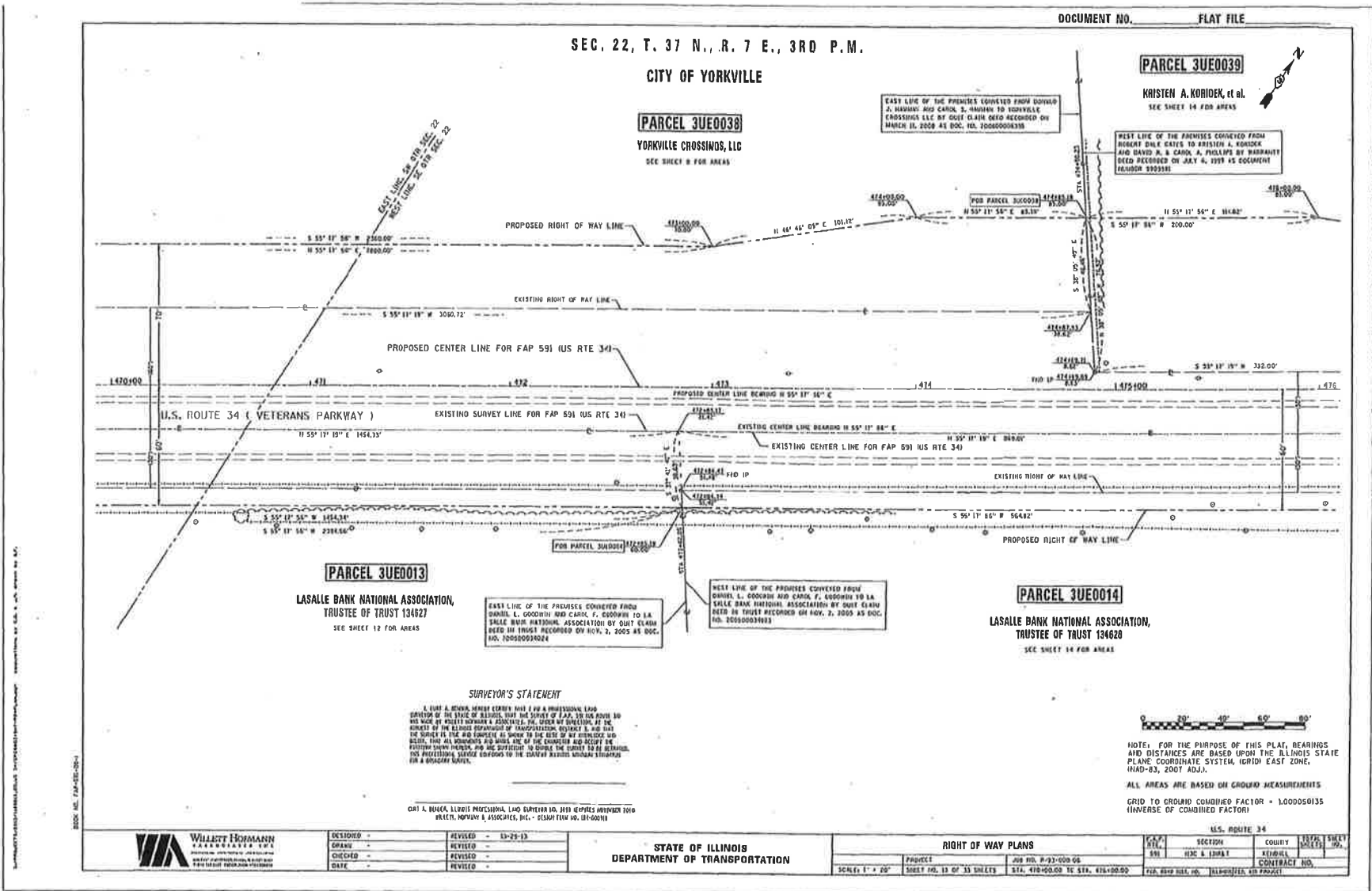
GREIF 1000 S. Frank Ave. Liberty, MO 64019 816-785-1100 FAX 816-785-1101	INTER NAME: J. JACOBI	DESIGNED - WAF	REVISED -
	DRAWN - WAF	REVISED -	
	CHECKED - AS	REVISED -	
	DATE - 08/12/2013	REVISED -	

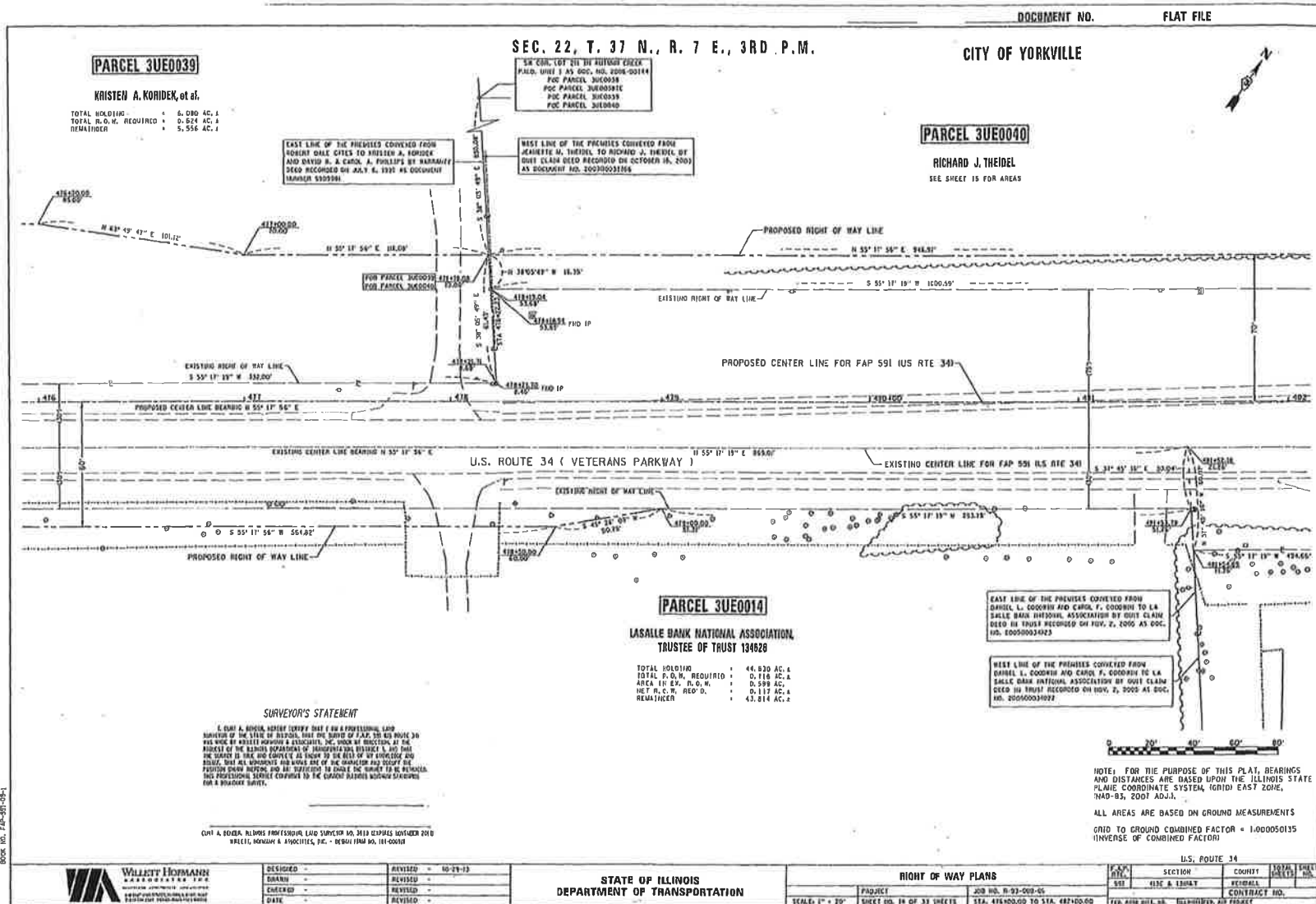
STATE OF ILLINOIS
 DEPARTMENT OF TRANSPORTATION

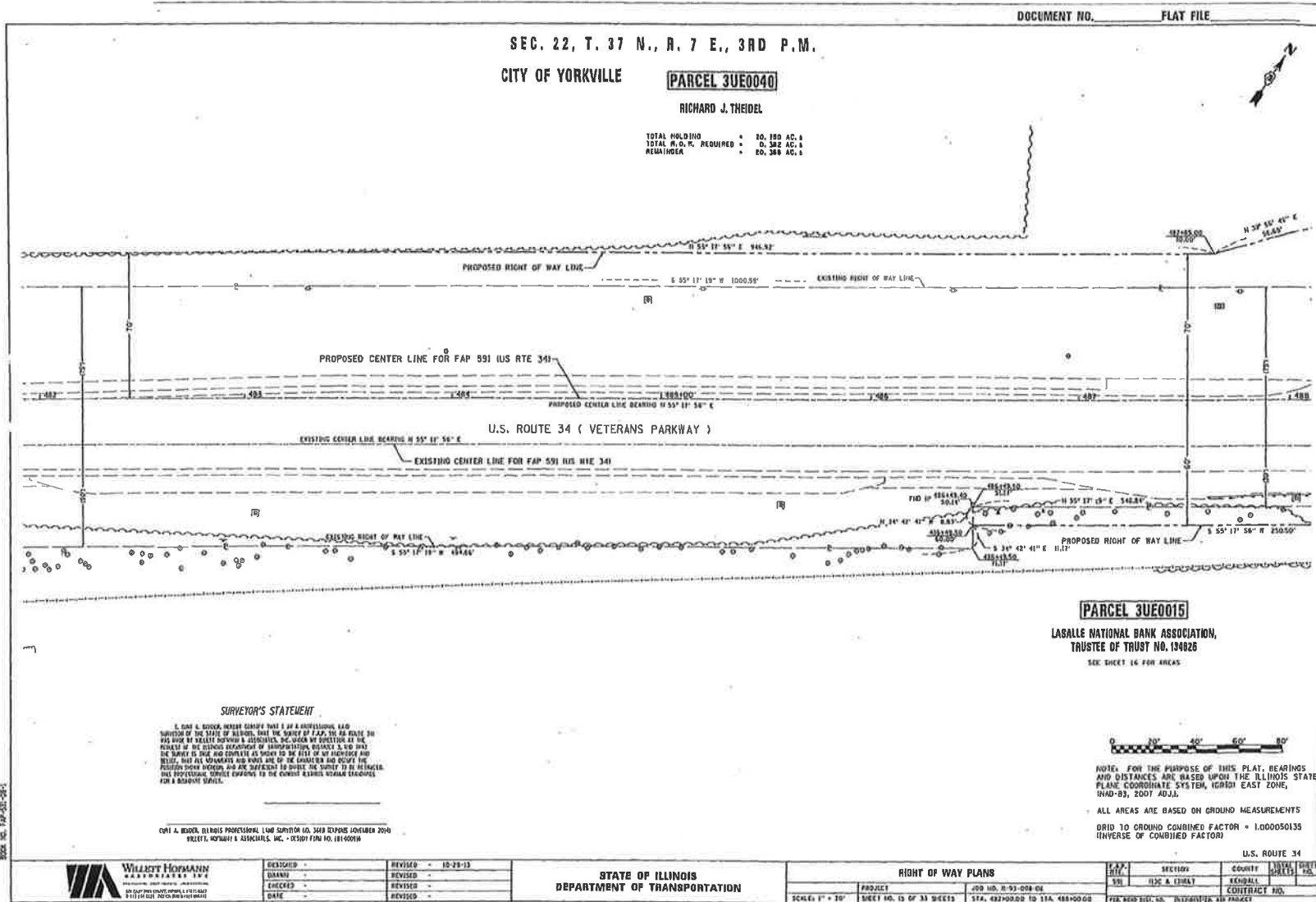
US 38
 CONSTRUCTION DETAILS
 OVERALL PLAN - EAST INFILTRATION BASIN

331	SECTION	COUNTY	LOCAL SHEET
	115C & 131E & F	DECATUR	120









March 29, 2015

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

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

Dear Mr. Asselmeier:

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

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

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

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

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

Sincerely yours,

ICE MILLER LLP



Michael M. Roth

cc:

Steve Andrews, P.E.

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

Variance Standards

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

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

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

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

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

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

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

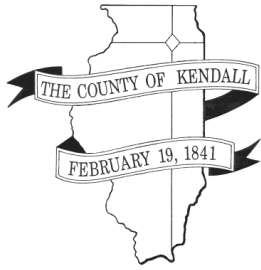
The difficulty was created by the Rt. 34 widening and relocation of Kingmoor Lane, not by the petitioner.

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

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

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

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



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

MEMORANDUM

To: Kendall County Regional Planning Commission
From: Matthew H. Asselmeier, AICP, Senior Planner
Date: April 24, 2017
Re: Proposed Amendment to Section 13.01.B.9 Pertaining to Call of Meetings

Upon review of the regulations pertaining to the call of meetings of the Zoning Board of Appeals, Staff discovered a slight difference between the Kendall County Zoning Ordinance and State law.

Section 13.01.B.9 of the Zoning Ordinance currently states:

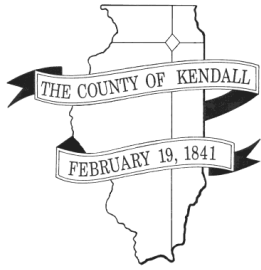
“All meetings (emphasis added) of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. There shall be at least fifteen days but not more than thirty days notice of the time and place of such meetings published in a paper of general circulation in Kendall County; said notice to contain a statement of the particular purpose of such meeting and a legal description of the location of the property or properties under consideration at such meeting. All meetings of the Board shall be open to the public.”

55 ILCS 5/5-12 states that when a hearing is required before the Zoning Board of Appeals, notice must given at least fifteen days to thirty days by publication in a newspaper of general circulation.

An occasion may arise when the Zoning Board of Appeals may wish to meet on a matter when a public hearing is not necessary. For example, the Zoning Board of Appeals may want to hold a joint meeting with the Regional Planning Commission to discuss an issue. This joint meeting would not necessitate a public hearing.

A text amendment to the Zoning Ordinance could more clearly separate the meeting notification requirements of public hearings from other meetings. Matters requiring a public hearing would have to meet the fifteen to thirty day notice requirements while matters not requiring a public hearing would have to meet the requirement of the Open Meetings Act, (posting notice and agenda forty-eight hours in advance).

If the Zoning Board of Appeals desires an amendment, Staff requests permission to submit an application on behalf of the Board to that effect.



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

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MEMORANDUM

To: Kendall County Regional Planning Commission
From: Matthew H. Asselmeier, AICP, Senior Planner
Date: April 24, 2017
Re: Proposed Amendment to Section 13.01.B.11 and Section 13.06.D Pertaining to Voting

Upon review of the Zoning Ordinance, Staff discovered a difference between the current language in the Zoning Ordinance and State law pertaining to voting requirements.

Section 13.01.B.11 of the Zoning Ordinance currently states:

“The concurring vote of four members of a Board consisting of five members or **the concurring vote of five members of a board consisting of seven members is necessary to reverse any order, requirements, decision or determination of the Zoning Administrator, or to decide in favor of the applicant any matter upon which it is authorized by this amended ordinance to render decisions** (emphasis added).”

Section 13.06.D of the Zoning Ordinance restates the vote related to reversing orders:

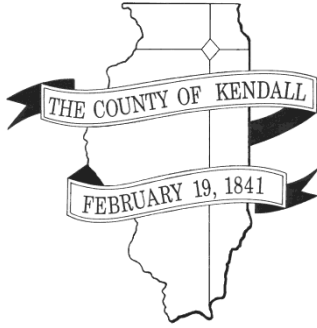
“In exercising its powers, the Zoning Board of Appeals may, upon the concurring vote of four members of a five member Board or **five members of a seven member Board, reverse or affirm, wholly or partly or may modify the order, requirement, decision, or determination appealed from as in its opinion ought to be done in the premises, and to that end have all the powers of the Zoning Administrator** (emphasis added).”

Public Act 92-128, adopted in 2001, amended 55 ILCS 5/5-12011 and lowered the vote requirements necessary for the Zoning Board of Appeals to take certain actions. The current law states:

“The concurring vote of 3 members of a board consisting of 5 members or **the concurring vote of 4 members of a board consisting of 7 members is necessary to reverse any order, requirement, decision or determination of any such administrative official or to decide in favor of the applicant any matter upon which it is required to pass under any such ordinance or resolution, or to effect any variation in such ordinance or resolution, or to recommend any variation or modification in such ordinance or resolution to the county board** (emphasis added).”

Section 13.01.B.4 of the Zoning Ordinance defines a quorum as “a majority of the members of the Zoning Board of Appeals.”

A situation could arise where a quorum of the Board is present, but final action could not occur because a fifth member is unavailable. A proposed amendment may be desirable to remove the difference between the Kendall County Zoning Ordinance and State law and to allow a quorum of members to decide certain matters before the Board. If the Board desires this amendment, Staff requests permission to apply for text amendments on behalf of the Zoning Board of Appeals.



DEPARTMENT OF PLANNING, BUILDING & ZONING

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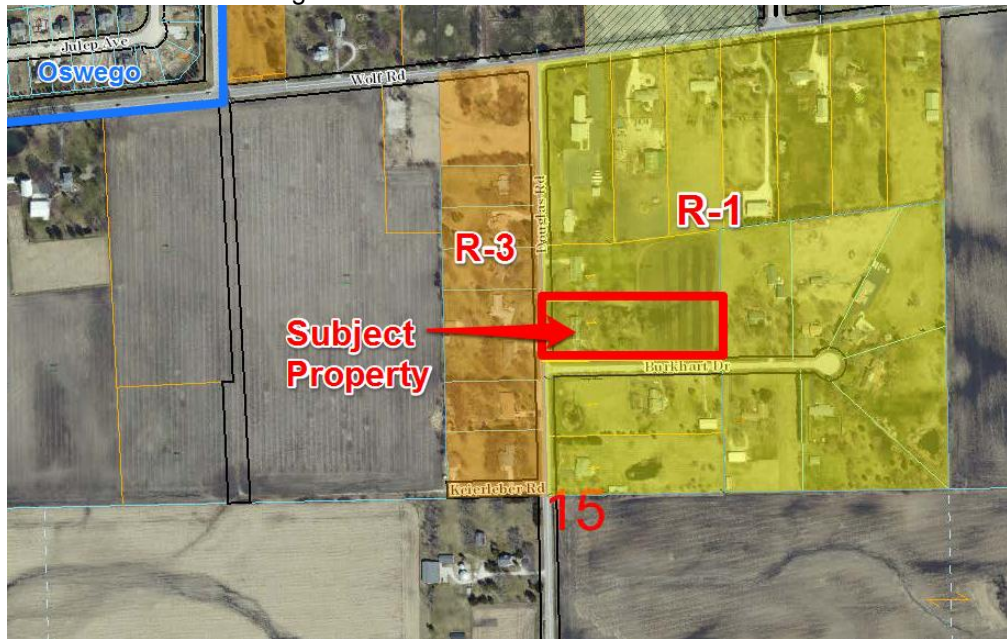
**Petition 16-26
Pagel Zoning Map Amendment
R-1(One-Family Residence) to R-3
(One-Family Residence)**

SITE INFORMATION

PETITIONER John & Sharon Pagel Living Trust

ADDRESS 2380 Douglas Road, Oswego

LOCATION Northeast corner of Douglas Road and Burkhardt Drive



TOWNSHIP Oswego

PARCEL # 03-15-251-009

LOT SIZE 3.2 acres

EXITING LAND USE Vacant

ZONING R-1 (One-Family Residence)

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

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

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

SURROUNDING LAND USE

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

PHYSICAL DATA

ENDANGERED SPECIES REPORT

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

NATURAL RESOURCES INVENTORY

The Executive Summary is attached.

ACTION SUMMARY

OSWEGO TOWNSHIP

Expressed no concerns regarding this proposal.

VILLAGE OF OSWEGO

Expressed no issues regarding this proposal.

ZPAC

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

RPC

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

MAP AMENEDMENT

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

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

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

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

BUILDING CODES

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

STORMWATER MANAGEMENT

This proposal will not require a stormwater management permit.

CONCLUSION

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

ATTACHMENTS

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

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

DEVELOPER:

John and Sharon Pagel
2380 Douglas Road
Oswego, Illinois 60543

AREA TO BE REZONED:

143645 Sq.Ft. = 3.2972 Acres

PRESENT ZONING:

R-1 (Residential District)

PROPOSED ZONING:

R-3 (Residential District)

P.I.N.

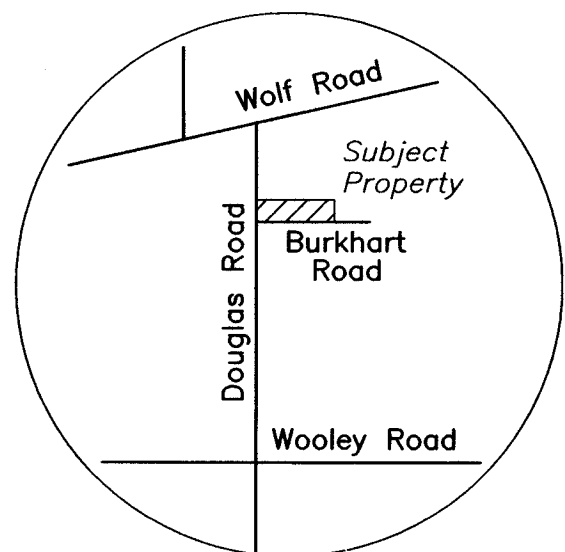
03-15-251-009

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

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

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

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



LOCATION SKETCH
Not to Scale

Keierleber Acres

Douglas Road

N

SCALE
1"=50'

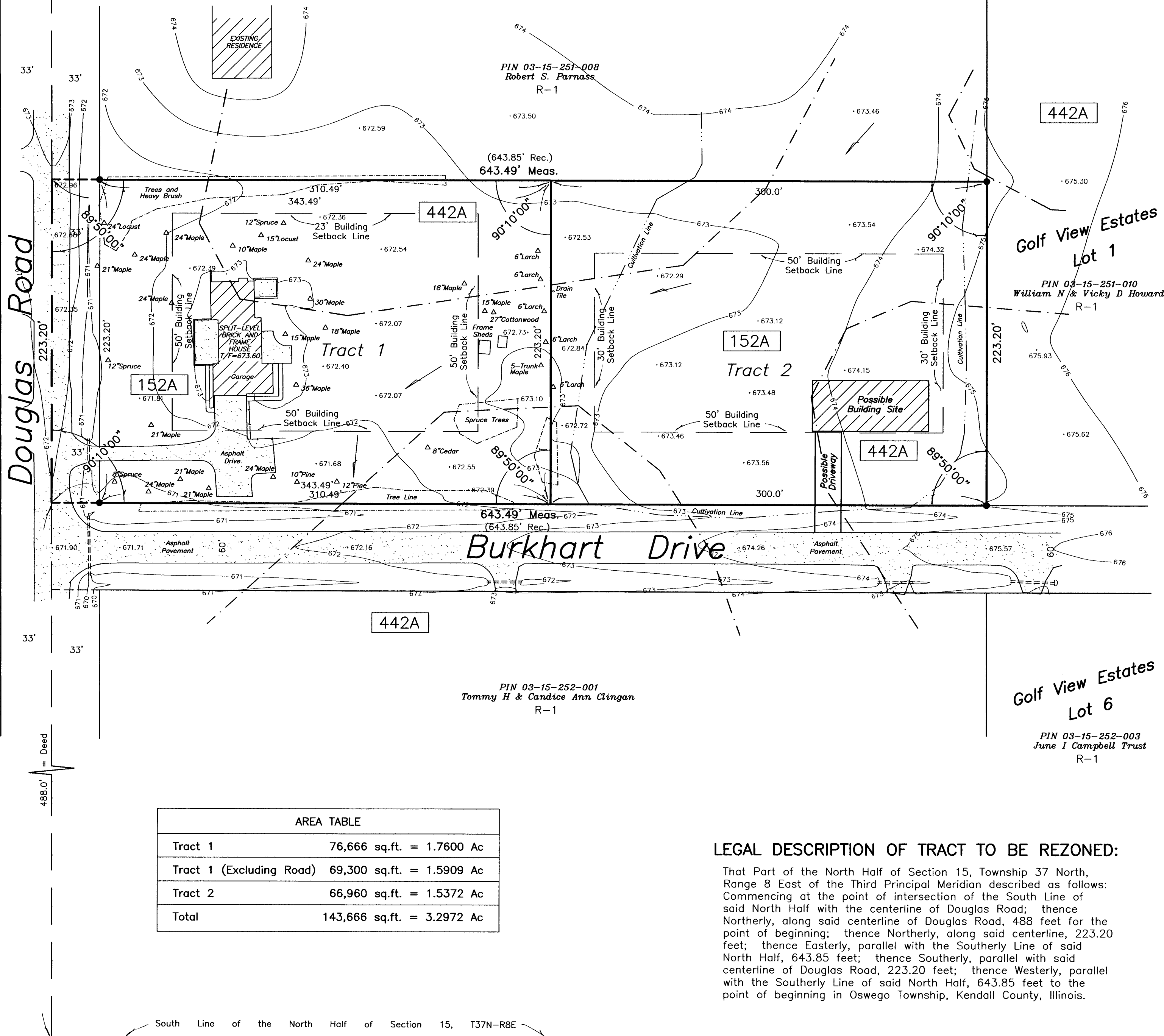
- Indicates Iron Stake Found
- Indicates Iron Stake Set
- Indicates Line of Fence
- - - Indicates Soils Boundary
- Indicates Direction of Drainage
- 672.40 Indicates Existing Spot Elevation
- 672- Indicates Existing Contour Elevation

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

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

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

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



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

LEGAL DESCRIPTION OF TRACT TO BE REZONED:

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

South Line of the North Half of Section 15, T37N-R8E

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

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

JOB NO. 16062
JOB NAME PAGEL
DWG FILE 16062

August 1, 2016

Attachment 2-Findings of Fact as Submitted by the Petitioner

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

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

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

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

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

LAND USE OPINION:

The Kendall County Soil and Water Conservation District (SWCD) Board has reviewed the proposed development plans for Petitioner Sharon Pagel for the proposed Pagel project. This parcel is located in Section 15 of Oswego Township (T.37N.-R.8E. of the 3rd Principal Meridian) in Kendall County. Based on the information provided by the petitioner and a review of natural resource related data available to the Kendall County SWCD, the SWCD Board has the following opinions and recommendations.

The Kendall County SWCD has always had the opinion that Prime Farmland should be preserved whenever feasible. A land evaluation, which is a part of the Land Evaluation and Site Assessment (LESA) was conducted on this parcel. The soils on this parcel scored a 98 out of a possible 100 points indicating the soils found on the project site are predominately prime farmland well suited for agricultural production. All of the soils identified onsite are designated as prime farmland.

For proposed land uses, soils can have potential limitations. This report indicates that for soils located on the parcel, 100% of the soils are very limited for dwellings with basements and shallow excavations; 63.6% of the soils are very limited for dwellings without basements, lawns/landscaping are rated as unsuitable for onsite sewage disposal systems. This information is based on the soil in an undisturbed state and does not replace the need for site specific soil testing. Based on the application submittal, soil testing has been completed onsite by a Certified Soil Classifier; this data compiled from onsite testing should be referenced during project design. Some soil reclamation, special design, or maintenance may be required to obtain suitable soil conditions to support development with significant limitations. Additionally, if the scope of the project includes the use of onsite septic systems, please consult with the Kendall County Health Department.

This site is located within the Fox River Watershed and Waubonsie Creek subwatershed.

This development should include a soil erosion sediment control plan to be implemented during construction. Sediment may become a primary non-point source of pollution. Eroded soils during the construction phase can create unsafe conditions on roadways, degrade water quality and destroy aquatic ecosystems lower in the watershed.

For intense project uses it may be necessary to have a drainage tile survey completed on the parcel to locate any subsurface drainage tile if suspected onsite. Drainage tile expedites drainage and facilitates farming. It is imperative that these drainage tiles remain undisturbed. Impaired tile may affect a few acres or hundreds of acres of drainage.

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

Chair

Date

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

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

Present:

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

Absent:

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

Audience: No one in attendance

AGENDA

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

MINUTES

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

PETITIONS

Petition 16-26 – Pagel

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

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

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

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

OLD BUSINESS - None

NEW BUSINESS

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

PUBLIC COMMENT - None

ADJOURNMENT

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

ZPAC, at 9:16 am, adjourned.

**ATTACHMENT 5
KENDALL COUNTY
REGIONAL PLANNING COMMISSION**

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

Meeting Minutes of January 25, 2017

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

ROLL CALL

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

Staff present: Matthew H. Asselmeier, Senior Planner

Members Absent: Tom Casey and Claire Wilson

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

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

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

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

PETITIONS

16-26 John and Sharon Pagel Living Trust

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Yes – None (0)

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

The motion failed.

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

OLD BUSINESS

None

NEW BUSINESS

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

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

None

CITIZENS TO BE HEARD/ PUBLIC COMMENT

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

ADJOURNMENT

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

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

LAW OFFICES
OF

Daniel J. Kramer

DANIEL J. KRAMER

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

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

January 30, 2017

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

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

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

Dear Mr. Asselmeier:

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

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

Kelly A. Helland

Kelly A. Helland
Attorney at Law

KAH/lgc