



KENDALL COUNTY
ZONING AND PLATTING ADVISORY COMMITTEE
111 West Fox Street • Rooms 209 and 210 • Yorkville, IL • 60560
(630) 553-4141 Fax (630) 553-4179

AGENDA

August 3, 2021 - 9:00 a.m.

CALL TO ORDER

ROLL CALL: County Board: Scott Gengler, PBZ Committee Chair; County Highway Department: Fran Klaas, County Engineer; **WBK Engineering, LLC:** Greg Chismark, Stormwater Consultant; **County Health Department:** Aaron Rybski, Director Environmental Health; **Forest Preserve District:** David Guritz, Director; **SWCD:** Alyse Olson, Resource Conservationist; **Sheriff's Office:** Commander Jason Langston; **GIS:** Meagan Briganti; **PBZ:** Brian Holdiman, Code Official; Matt Asselmeier, Senior Planner

APPROVAL OF AGENDA

APPROVAL OF MINUTES: Approval of July 6, 2021 ZPAC Meeting Minutes (Page 2-10)

PETITIONS:

1. **Petition 21 – 27 – Paul Kovacevich on Behalf of Tri-Star Development, Inc. (Pages 11-30)**
Request: Map Amendment Rezoning the Northeast 7.266 Acres of the Subject Property from A-1 Agricultural District to R-1 One Family Residential District
PIN: 09-15-300-020
Location: South Side of Route 52 Across the Street from 2735 Route 52 in Seward Township
Purpose: Petitioner Wishes to Rezone the Property in Order to Construct One House

2. **Petition 21 – 28 – Brian and Jennifer Gore (Pages 31-50)**
Request: Map Amendment Rezoning the Eastern 12.671 Acres of the Subject Property from A-1 Agricultural District to R-1 One Family Residential District
PIN: 09-15-300-021
Location: West Side of Jughandle Road Across the Street from 14776 Jughandle Road in Seward Township
Purpose: Petitioner Wishes to Rezone the Property in Order to Construct Two Houses

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

1. Petition 21-19 Special Use Permit for Market at 14975 Brisbin Road

OLD BUSINESS/ NEW BUSINESS

None

CORRESPONDENCE

PUBLIC COMMENT

ADJOURNMENT- Next meeting on September 7, 2021

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.

**ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)
July 6, 2021 – Unapproved Meeting Minutes**

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

Present:

Matt Asselmeier – PBZ Department
Scott Gengler – PBZ Committee Chair
Brian Holdiman – PBZ Department
Sgt. Scott Moran – Sheriff’s Department
Alyse Olson – Soil and Water Conservation District
Aaron Rybski – Health Department

Absent:

Meagan Briganti – GIS
Greg Chismark – WBK Engineering, LLC
Fran Klaas – Highway Department
David Guritz – Forest Preserve

Audience:

Boyd Ingemunson and JoAnn Bright-Theis

AGENDA

Mr. Rybski made a motion, seconded by Ms. Olson, to approve the agenda as presented.

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

MINUTES

Mr. Holdiman made a motion, seconded by Mr. Rybski, to approve the June 1, 2021, meeting minutes.

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

PETITIONS

Petition 21-24 Dave Hamman on Behalf of KEKA Farms, LLC (Property Owner) and Pulte Home Corporation (Billboard Owner)

Mr. Asselmeier summarized the request.

In December 2004, through Ordinance 2004-43, the Kendall County Board approved a special use permit for the placement of an off-premise advertising sign at the subject property. The special use permit was renewed in 2017 through Ordinance 2017-14. The special use was renewed again in 2019 through Ordinance 2019-22. Restriction Number 2.C of the 2019 special use permit renewal and Section 12:06.A.4 require the owner to either remove the sign or to renew the special use permit every two (2) years. The site plan and picture of the sign were provided.

The property is located at the southeast corner of Route 34 and Hafenrichter (Farnsworth) in Oswego Township. The property is zoned M-2.

The Land Resource Management Plan calls for the property to be commercial and suburban residential. Aurora’s Comprehensive Plan calls for the property to be commercial.

Route 34 is maintained by IDOT. Hafenrichter/Farnsworth is a Local Road Maintained by Oswego Township. Aurora has a trail planned along Hafenrichter.

There are no wetlands or floodplain on the property.

The adjacent land uses are agricultural, residential, commercial, and industrial.

The adjacent zoning districts are M-2 in the County and R-1 (S), R-5 (S), and B-2 (S) in Aurora.

Aurora’s Future Land Use Map calls for the area to be Low- and Medium-Density Residential, Commercial, Light Industrial, and Industrial.

Nearby zoning districts include A-1, R-3, B-3, M-1 SU, M-2 SU, in Kendall County and various districts in Aurora, Kane County, Will County, and DuPage County.

EocCat and Natural Resource Inventory not required.

Petition information was sent to Oswego Township on June 10, 2021.

Petition information was sent to the City of Aurora on June 10, 2021. The property owner is in annexation negotiations with the City of Aurora. Aurora sent an email on June 10, 2021, expressing no objections, but the sign would be removed upon annexation into Aurora. This email was provided.

Petition information was sent to Oswego Fire Protection District on June 10, 2021. Oswego Fire Protection District submitted an email on June 10, 2021, stating they had no comments regarding the request. This email was provided.

The sign is twelve feet by sixteen feet (12' X 16') in size. There will be fourteen feet (14') from the ground to the top of the sign. Renderings of the sign and the petitioner's application (including lease, findings of fact, and site plan) were provided.

The petitioner desires to renew the special use permit awarded by Ordinance 2004-43 and renewed by Ordinance 2017-14 with no changes in restrictions. Ordinance 2004-43, Ordinance 2017-14, and Ordinance 2019-22 were provided.

The restrictions imposed by Ordinance 2019-22 include:

1. The sign shall look substantially in the form as shown in the attached Exhibit.
2. The sign shall be located substantially in the location depicted on the attached Site Plan.
3. The sign will be removed or Pulte Group (or their successors) will apply to renew their special use in two (2) years from the date of approval of this ordinance by the County Board.
4. The sign will not be illuminated.
5. The advertising on the sign is restricted to Pulte Group's residential development.
6. The off-premise advertising structure allowed by this special use permit shall follow all applicable Federal, State and Local laws related to this type of use including, but not limited to, the distance from property line requirements of the Kendall County Zoning Ordinance.
7. Failure to comply with the above regulations and restrictions could result in the revocation of the special use permit.
8. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

The appearance of the signs was included as Exhibits C and D in Ordinance 2019-22.

Pursuant to Section 12:06.A.4, real estate and development signs may be located offsite for a period not to exceed two (2) years, provided a special use permit is issued.

A picture of the sign was provided.

Since the sign is pre-existing, a building permit would not be required.

There were no concerns regarding access.

A trail is planned along Hafenrichter. However, the City of Aurora has not previously requested a right-of-way dedication.

Parking and screening information was not applicable.

The sign will not be illuminated.

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No portion of the property is in a flood area and no wetlands exist on the property. No stormwater issues are anticipated by the proposal.

No easements were believed to be impacted by the proposed sign.

The proposed Findings of Fact were as follows:

That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. Provided that the sign remains at its current location, the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare of the public.

That the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The Zoning classification of property within the general area of the property in question shall be considered in determining consistency with this standard. The proposed use shall make adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open space and other improvements necessary to insure that the proposed use does not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a whole. True, the proposed special use will not negatively impact adjoining properties.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. This requirement is not applicable because the proposed special use does not require utilities, access roads, points of ingress and egress, drainage or other facilities.

That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Zoning Board of Appeals. True, the proposed special use shall conform to the applicable regulations of the district.

That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. True, the proposed special use is consistent with the purposes and objectives of the Land Resource Management Plan.

Staff recommended the following conditions be included in the approving special use ordinance:

1. The rendering of the sign and map depicting the location of the sign shall be Exhibits in the approval ordinance.
2. The sign will be removed or Pulte Home Corporation (or their successors) will apply to renew their special use in two (2) years from the date of approval of this ordinance by the County Board.
3. The sign will not be illuminated.
4. The advertising on the sign is restricted to Pulte Home Corporation's residential development.
5. The off-premise advertising structure allowed by this special use permit shall follow all applicable Federal, State and Local laws related to this type of use including, but not limited to, the distance from property line requirements of the Kendall County Zoning Ordinance.
6. Failure to comply with the above regulations and restrictions could result in the revocation of the special use permit.
7. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

Mr. Gengler asked if the special use permit had to be amended in order for the sign to be illuminated. Mr. Asselmeier responded yes.

Mr. Holdiman made a motion, seconded by Mr. Rybski, to recommend approval of the proposal.

The votes were as follows:

Yeas (6): Asselmeier, Gengler, Holdiman, Moran, Olson, and Rybski

Nays (0): None

Abstain (0): None

Absent (4): Briganti, Chismark, Guritz, Klaas

The motion carried.

The proposal goes to the Kendall County Regional Planning Commission on July 28, 2021.

Petition 21-26 Robert Bright on Behalf of Castle Bank NA and JoAnn Bright-Theis

Mr. Asselmeier summarized the request.

On August 27, 2019, the County Board adopted Ordinance 2019-23 which granted a special use permit for a banquet facility at 10978 Crimmin Road. The special use permit included seventeen (17) conditions. The Petitioners would like to change their use of the approximately nineteen thousand seven hundred (19,700) square foot building to allow for smaller events and allow for events throughout the year.

The application materials and Ordinance 2019-23 were provided.

The property was approximately thirty-eight (38) acres in size.

Crimmin Road was a Major Collector Road and is also classified as a Scenic Route. There were no trails planned in the area.

A riverine wetland was located along the southwest edge of the subject property.

The adjacent land uses were agricultural, religious, and the Millington Forest Preserve.

The adjacent zoning districts were A-1.

The Future Land Use Map called for the area to be Rural Residential, Agricultural, and Forest Preserve.

The nearby zoning districts were A-1, A-1 SU, R-2, and R-3.

The special use permit is for the operation of a fur-bearing animal farm.

Based on the aerial of the site, there are six (6) homes within a half mile of the subject property.

An aerial of the property was provided.

The Illinois Natural Heritage Database shows the following protected resources may be in the vicinity of the project location:

- Millington Fen INAI Site
- Millington Railroad Fen Natural Landmark
- Tucker-Millington Fen Natural Preserve
- River Redhorse (*Moxostoma carinatum*)

EcoCat related materials were provided.

The LESA Score was 181 indicating a low level of protection. The NRI report was provided

Fox Township was emailed information on June 24, 2021.

Newark Fire Protection District was emailed information on June 24, 2021.

The Village of Newark was emailed information on June 24, 2021.

Ordinance 2019-23 placed the following restrictions on the special use permit for a banquet facility at the subject property:

- A. The site shall be developed substantially in accordance with the Site Plan attached hereto as Exhibit C, Landscaping Plan attached hereto as Exhibit D, and Parking Illumination Plan attached hereto as Exhibit E.
- B. Permanent restroom facilities shall be installed by 2021. When the permanent restroom facilities are installed, the portable bathrooms shown on the attached site plan shall be removed.
- C. A maximum of two hundred eighty (280) guests in attendance at a banquet center related event may be on the subject property at a given time.
- D. The subject parcel must follow the site plan configuration with the exception of the right-of-way dedication listed in condition L.
- E. Off-street parking, lighting and landscaping shall be provided in accordance with the provisions of Section 11 of the Zoning Ordinance.
- F. All signage shall comply with the provisions of Section 12 of the Kendall County Zoning Ordinance. The signage shall be developed in accordance to the attached site plan. Any signage provided will not be illuminated. The owners of the business allowed by this special use permit may install additional non-illuminated traffic directional signs not shown on the approved site plan within their property.
- G. Retail sales are permitted as long as the retail sales will be ancillary to the main operation.
- H. The noise regulations are as follows:

Day Hours: No person shall cause or allow the emission of sound during daytime hours (7:00 A.M. to 10:00 P.M.) from any noise source to any receiving residential land which exceeds sixty-five (65) dBA when measured at any point within such receiving residential land, provided; however, that point of measurement shall be on the property line of the complainant.

Night Hours: No person shall cause or allow the emission of sound during nighttime hours (10:00 P.M. to 7:00 A.M.) from any noise source to any receiving residential land which exceeds fifty-five (55) dBA when measured at any point within such receiving residential land provided; however, that point of measurement shall be on the property line of the complainant.

EXEMPTION: Powered Equipment: Powered equipment, such as lawn mowers, small lawn and garden tools, riding tractors, and snow removal equipment which is necessary for the maintenance of property is exempted from the noise regulations between the hours of seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M.

- I. No music shall originate outside of any building. This exemption shall not apply to non-amplified music used or performed as part of a wedding ceremony. All speakers shall be pointed towards the inside of buildings. For events with music, the north and south barn doors shall close by 7:00 p.m.
- J. Events shall be held on weekends only and shall conclude by 10:00 p.m. Only one (1) event per weekend may occur. For the purposes of this special use permit, weekends shall be Fridays, Saturdays, Sundays, Mondays, and any Federal or State Holiday falling on a Thursday or Tuesday. Tours of the facility for prospective customers shall be by appointment and could occur outside the listed hours of operation. Setup for events would start at 9:00 a.m. on the day prior to the event and 9:00 a.m. on the day of the event and customers would have one (1) hour to vacate the premises after the conclusion of the event. The facility would close on November 1st and reopen April 1st. The number of events per year shall be capped at thirty (30).
- K. A new certificate of occupancy must be issued for the barn.
- L. Within ninety (90) days of the approval of this special use permit ordinance, the owners of the subject property shall dedicate a strip of land along the entire western boundary of the property at a depth of forty-five feet (45') as measured from the centerline of Crimmin Road to Fox Township to be used as Crimmin Road right-of-way.
- M. No patron or other entity associated with the business allowed by this special use permit shall be allowed to park on Crimmin Road.
- N. The operator(s) of the banquet facility acknowledge and agree to follow Kendall County's Right to Farm Clause.

- O. The operator(s) of the banquet facility allowed by this special use permit shall follow all applicable Federal, State, and Local laws including, but not limited to Fox Township's laws, related to the operation of this type of business.
- P. Failure to comply with one or more of the above conditions or restrictions could result in the amendment or revocation of the special use permit.
- Q. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

As noted in the application materials, the Petitioners would like to divide the nearly nineteen thousand seven hundred (19,700) square foot building into Event Space A with nine thousand six hundred (9,600) square feet, Event Space B with two thousand nine hundred (2,900) square feet, and the remaining seven thousand two hundred forty-two (7,242) square feet as non-project space. The Petitioners would like to utilize Event Space B year-round for smaller events.

In order to accommodate this proposed change in business operations, the Petitioners are requesting the following changes to the special use permit (changes marked in red):

- C. A maximum of two hundred eighty (280) guests **shall be allowed** in attendance **at a banquet center related event may be on the subject property at a given time within Event Space A at a given time. A maximum of sixty (60) guests shall be allowed in attendance within Event Space B at a given time. There shall only be one (1) event taking place at a given time and the total allowable guests shall not exceed a total of two hundred eighty (280) guests.**
- I. No music shall originate outside of any building. This exemption shall not apply to non-amplified music used or performed as part of a wedding ceremony. All speakers shall be pointed towards the inside of buildings. **For events with music, the north and south barn doors shall close by 7:00 p.m.**
- J. **Events shall be held on weekends only and shall conclude by 10:00 p.m. Only one (1) event per weekend may occur. For the purposes of this special use permit, weekends shall be Fridays, Saturdays, Sundays, Mondays, and any Federal or State Holiday falling on a Thursday or Tuesday. Tours of the facility for prospective customers shall be by appointment and could occur outside the listed hours of operation. Setup for events would start at 9:00 a.m. on the day prior to the event and 9:00 a.m. on the day of the event and customers would have one (1) hour to vacate the premises after the conclusion of the event. The facility would close on November 1st and reopen April 1st. The number of events per year shall be capped at thirty (30). Events in either event spaces shall conclude by Midnight. Tours of the facility for prospective customers shall be by appointment. Setup for events in either event spaces would start at 9:00 a.m. on the day of the event and customers would have one (1) hour to vacate the premises after the conclusion of the event. Event Space A would close on November 1st and reopen April 1st. Event Space B may operate year round.**

The Petitioners provided a comparison of certain restrictions on banquet centers.

The Petitioners have no plans to change the site plan, landscaping plan, or parking illumination plan approved as part of Ordinance 2019-23. Also, other than Conditions C, I, and J, the Petitioners do not propose any other changes to the requirements of the special use permit.

An updated Occupancy Permit will be required reflecting the change of use.

The Petitioners were working with Environmental Health regarding the size of the septic system.

The property fronts Crimmin Road.

According to the site plan approved with Ordinance 2019-23, patrons will enter the property through the driveway north of the existing house. Traffic will drive southeast along the one (1) way driveway to the existing barn, a distance of approximately seven hundred feet (700'). There are thirty-four (34) parking spaces and four (4) additional handicapped accessible parking spaces by the barn. An additional seventy-five (75) parking spaces are located east of the barn and will be accessible via a gravel driveway; these parking spaces will be served by shuttle. Traffic will exit the property through a one (1) way driveway leading to the north end of the property.

Two (2) new lights were proposed for the site. According to the parking illumination plan approved with Ordinance 2019-23, no light will leave the property. All lights will be turned off within one (1) hour of the conclusion of events.

One entrance and one exit sign are shown on the site plan attached to Ordinance 2019-23. The signs will be approximately four hundred thirty-two (432) square inches. Neither sign will be illuminated.

As shown on the site plan attached to Ordinance 2019-23, the site contains approximately one hundred sixty-six (166) trees of varying heights encircling the venue.

All music and noise shall originate inside the venue except for processions and recessions at weddings. The facility shall follow the noise regulations for banquet facilities. Speakers will face inside the building.

With the combination of distance and plantings, the Petitioners believe noise will not be an issue.

Since the issuance of the special use permit in 2019, the Kendall County Sheriff's Department has responded to one (1) noise complaint at the property. The Sheriff's Department responded to the complaint, but the decibel level was not confirmed to be in violation of the special use permit.

The proposed Findings of Fact were as follows:

That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. The establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, or general welfare, provided that the site is developed in accordance with the site plan, landscaping plan, and lighting plan approved as part of Ordinance 2019-23.

That the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The Zoning classification of property within the general area of the property in question shall be considered in determining consistency with this standard. The proposed use shall make adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open space and other improvements necessary to insure that the proposed use does not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a whole. The proposed use could be injurious to the enjoyment of other property in the immediate vicinity due to noise, light created from the proposed use, and increased traffic. Some of the negative impacts of the proposed use on properties in the immediate vicinity could be mitigated by establishing restrictions related to the number of guests allowed on the property, the days and hours of operation, and buffering within the ordinance granting the special use permit and major amendment to the special use permit.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. True, the Petitioner's approved site plan from Ordinance 2019-23 addresses utilities, drainage, and points of ingress and egress.

That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Zoning Board of Appeals. The site conforms to the regulations of the A-1 Agricultural Zoning District.

That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. True, the proposed use is consistent with an objective found on Page 3-6 of the Kendall County Land Resource Management Plan which states as an objective "Encourage Agriculture and Agribusiness."

Staff recommended approval of the requested major amendment to an existing special use permit subject to the following conditions and restrictions:

1. The approximately nineteen thousand seven hundred (19,700) square foot building shall be divided in substantial the way shown on Attachment 1, Page 5.
2. Condition 2.C of Ordinance 2019-23 shall be deleted and replaced with the following:
 - C. A maximum of two hundred eighty (280) guests shall be allowed in attendance within Event Space A at a given time. A maximum of sixty (60) guests shall be allowed in attendance within Event Space B at a given time. There shall only be one (1) event taking place at a given time and the total allowable guests shall not exceed a total of two hundred eighty (280) guests.

3. Condition 2.I of Ordinance 2019-23 shall be deleted and replaced with the following:
 - I. No music shall originate outside of any building. This exemption shall not apply to non-amplified music used or performed as part of a wedding ceremony. All speakers shall be pointed towards the inside of buildings.
4. Condition 2.J of Ordinance 2019-23 shall be deleted and replaced with the following:
 - J. Events in either event spaces shall conclude by Midnight. Tours of the facility for prospective customers shall be by appointment. Setup for events in either event spaces would start at 9:00 a.m. on the day of the event and customers would have one (1) hour to vacate the premises after the conclusion of the event. Event Space A would close on November 1st and reopen April 1st. Event Space B may operate year round.
5. All other conditions and restrictions contained in Ordinance 2019-23 shall remain effective.
6. Failure to comply with one or more of the above conditions or restrictions or the conditions and restrictions contained in Ordinance 2019-23 could result in the amendment or revocation of the special use permit.
7. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

Mr. Rybski noted that the Petitioners were working with the Kendall County Health Department to ensure that the septic system was sized appropriately. The septic system was severely undersized. There has not been a failure of the septic system. The septic system has been mapped and a design was proposed. Mr. Rybski requested a condition in the special use permit stating that the Petitioners shall submit an application and secure a permit for the septic system renovation with the Kendall County Health Department before approval of the amendment by the County Board. A permit could be secured in one (1) or two (2) weeks. Mr. Ingemunson did not object to the condition be added to the list of conditions.

Mr. Gengler asked if the Petitioners wanted to have live music events at the property. Boyd Ingemunson, Attorney for the Petitioners, responded that live music events occur ancillary to banquet center events. The Petitioners have no intention of having stand-alone live music events. Live music events could occur inside the building.

Mr. Ingemunson noted that the Petitioners wanted to have events year-round at the property.

Mr. Rybski noted that the well qualified as a non-community well and must follow the rules of that program.

Mr. Rybski made a motion, seconded by Ms. Olson, to recommend approval of the proposal.

The votes were as follows:

Yeas (6): Asselmeier, Gengler, Holdiman, Moran, Olson, and Rybski

Nays (0): None

Abstain (0): None

Absent (4): Briganti, Chismark, Guritz, Klaas

The motion carried.

The proposal goes to the Kendall County Regional Planning Commission on July 28, 2021.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

None

OLD BUSINESS/NEW BUSINESS

None

CORRESPONDENCE

None

PUBLIC COMMENT

None

ADJOURNMENT

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

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

The ZPAC, at 9:18 a.m., adjourned.

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



DEPARTMENT OF PLANNING, BUILDING & ZONING

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Petition 21-27

**Paul Kovacevich on Behalf of Tri-Star Development, Inc.
Map Amendment Rezoning Property from A-1 to R-1**

INTRODUCTION

Paul Kovacevich, on behalf of Tri-Star Development, Inc., is requesting a map amendment rezoning approximately seven point two (7.2) acres property from A-1 to R-1 in order to construct one (1) house on the subject property.

At the time of application submittal, the subject property is part of a larger parcel that is approximately forty (40) acres in size. The Petitioner has already secured an agricultural housing allocation for the property. If the map amendment is approved, the Petitioner plans to divide the property using a Plat Act exemption. The western tract would retain A-1 zoning and the agricultural housing allocation. The eastern tract would be rezoned to R-1. A total of two (2) houses, one (1) on the A-1 zoned portion of the property and one (1) on the R-1 zoned portion of the property would be constructed on the present forty (40) acre parcel.

The application materials are included as Attachment 1. The aerial of the entire property in its configuration at the time of application submittal is included as Attachment 2. The aerial of the property subject to the rezoning request is included Attachment 3. The plat of survey for the entire property is included as Attachment 4. The aerial of the entire property showing floodplains and wetlands is included as Attachment 5.

SITE INFORMATION

PETITIONER: Paul Kovacevich on Behalf of Tri-Star Development, Inc.

ADDRESS: Across Route 52 from 2735 Route 52, Minooka

LOCATION: Approximately 0.2 Miles West of Jughandle Road on the South Side of U.S. Route 52

TOWNSHIP: Seward

PARCEL #: 09-15-300-020

LOT SIZE: 40.0065 Acres (Total Parcel) 7.266 Acres (Proposed Rezoned Area)

EXISTING LAND USE: Agricultural/Wooded

ZONING: A-1 Agricultural District

LRMP:	Future Land Use	Rural Residential (Max 0.65 DU/Acre)
	Roads	U.S. 52 is a State Maintained Arterial.
	Trails	Joliet has trails planned along Route 52 and Minooka has trails planned along the Aux Sable Creek.
	Floodplain/Wetlands	There is 100-year floodplain of the Aux Sable Creek on the south and southeast sides of the property. There are also palustrine (freshwater forested shrub) and riverine wetlands on the south and southeast sides of the property.

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

APPLICABLE REGULATIONS: Section 13:07 – Map Amendment Procedures

SURROUNDING LAND USE

Location	Adjacent Land Use	Adjacent Zoning	Land Resource Management Plan	Zoning within ½ Mile
North	Agricultural Farmstead/Special Use For Products Not Grown on the Premises	A-1 SU	Rural Residential (Max 0.65 DU/Acre)	A-1 and A-1 SU
South	Agricultural/Wooded	A-1 and R-1	Rural Residential	A-1, A-1 CU, R-1, and R-1 PUD
East	Single-Family Residential	A-1 and R-1	Rural Residential	A-1 and R-1
West	Agricultural Farmstead and Baker Woods Forest Preserve	A-1 and R-1	Rural Residential and Forest Preserve	A-1, A-1 SU, and R-1

The A-1 special use permit to the north is for the sale of products not grown on the premises. The A-1 conditional use permit to the south is for one (1) single-family home on A-1 zoned property less than forty (40) acres. The A-1 special use permit to the west is for a horse training facility with groomsmen’s quarters.

PHYSICAL DATA

ENDANGERED SPECIES REPORT

EcoCAT Report submitted (see Attachment 1, Pages 10-12) and noted the presences of the following protected resources in the vicinity:

Aux Sable Creek INAI Site
Greater Redhorse (*Moxostoma valenciennesi*)

NATURAL RESOURCES INVENTORY

The application for NRI was submitted on June 25, 2021 (see Attachment 1, Page 9).

ACTION SUMMARY

SEWARD TOWNSHIP

Petition information was sent to Seward Township on July 7, 2021.

VILLAGE OF SHOREWOOD

Petition information was sent to the Village of Shorewood on July 7, 2021.

MINOOKA FIRE PROTECTION DISTRICT

Petition information was sent to the Minooka Fire Protection District on July 7, 2021.

GENERAL INFORMATION

The Petitioner desires to rezone the subject property in order to build one (1) house on the subject property and build one (1) house on the property that retains the A-1 zoning classification.

BUILDING CODES

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

UTILITIES

No public or private utilities are onsite.

ACCESS

The property fronts Route 52. Staff has no concerns regarding the ability of Route 52 to support the proposed map amendment.

PARKING AND INTERNAL TRAFFIC CIRCULATION

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

ODORS

No new odors are foreseen.

LIGHTING

Any new lighting would be for residential use only.

LANDSCAPING AND SCREENING

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

SIGNAGE

Any signage would be residential in nature.

NOISE CONTROL

No noise is anticipated.

STORMWATER

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

FINDINGS OF FACT

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

*Existing uses of property within the general area of the property in question. **The surrounding properties are used for agricultural purposes or larger lot single-family residential uses. A forest preserve is located in the vicinity.***

*The Zoning classification of property within the general area of the property in question. **The surrounding properties are zoned A-1 and R-1. The A-1 property to north has a special use permit for sale of products not grown on the premises.***

*The suitability of the property in question for the uses permitted under the existing zoning classification. **The property is presently zoned A-1. The property is presently heavily wooded. Floodplain and wetlands will greatly restrict the area where a new single-family home could be built.***

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

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

ZPAC Memo – Prepared by Matt Asselmeier – July 7, 2021 Page 3 of 4

District is consistent with the Rural Residential classification.

RECOMMENDATION

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

ATTACHMENTS

1. Application Materials (Including the Petitioner's Findings of Fact, NRI, and EcoCat)
2. Aerial of the Larger Property
3. Aerial of the Property Subject to the Map Amendment
4. Plat of Survey for Property
5. Aerial of the Larger Property Showing Floodplains and Wetlands



DEPARTMENT OF PLANNING, BUILDING & ZONING

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

APPLICATION

PROJECT NAME Tri-Star Rezoning FILE #: _____

NAME OF APPLICANT Tri-Star Development Inc.		
CURRENT LANDOWNER/NAME(s) Tri-Star Development Inc.		
SITE INFORMATION		
ACRES 40.0065 acres	SITE ADDRESS OR LOCATION US Route 52	ASSESSOR'S ID NUMBER (PIN) 09-15-300-020
EXISTING LAND USE vacant land	CURRENT ZONING A-1	LAND CLASSIFICATION ON LRMP A-1
REQUESTED ACTION (Check All That Apply):		
<input type="checkbox"/> SPECIAL USE	<input checked="" type="checkbox"/> MAP AMENDMENT (Rezone to <u>R-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.)
<input type="checkbox"/> AMENDMENT TO A SPECIAL USE (<input type="checkbox"/> Major; <input type="checkbox"/> Minor)		
¹PRIMARY CONTACT Daniel J. Kramer	PRIMARY CONTACT MAILING ADDRESS [REDACTED]	PRIMARY CONTACT EMAIL [REDACTED]
PRIMARY CONTACT PHONE # [REDACTED]	PRIMARY CONTACT FAX # [REDACTED]	PRIMARY CONTACT OTHER #(Cell, etc.) [REDACTED]
²ENGINEER CONTACT Chris Papesh	ENGINEER MAILING ADDRESS [REDACTED]	ENGINEER EMAIL [REDACTED]
ENGINEER PHONE # [REDACTED]	ENGINEER FAX # [REDACTED]	ENGINEER OTHER # (Cell, etc.) [REDACTED]
I UNDERSTAND THAT BY SIGNING THIS FORM, THAT THE PROPERTY IN QUESTION MAY BE VISITED BY COUNTY STAFF & BOARD/ COMMISSION MEMBERS THROUGHOUT THE PETITION PROCESS AND THAT THE PRIMARY CONTACT LISTED ABOVE WILL BE SUBJECT TO ALL CORRESPONDANCE ISSUED BY THE COUNTY.		
I CERTIFY THAT THE INFORMATION AND EXHIBITS SUBMITTED ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND THAT I AM TO FILE THIS APPLICATION AND ACT ON BEHALF OF THE ABOVE SIGNATURES:		
SIGNATURE OF APPLICANT [REDACTED]		DATE 6/25/21

FEE PAID: \$ 500.00
 CHECK #: [REDACTED]

RECEIVED
 JUN 30 2021
 KENDALL COUNTY
 PLANNING, BUILDING
 & ZONING

¹Primary Contact will receive all correspondence from County
²Engineering Contact will receive all correspondence from the County's Engineering Consultants

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

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

There is a mix of residential and agricultural zoning in the area. However, the predominant use in the area is large lot single family residential that was developed either under prior Kendall County Ordinances since 1973 allowing various sizes of real property parcels to serve as permissible splits to construct residential residences or residences built pursuant to the Allocation Ordinance in the Kendall County Agricultural Zone. Large Lot Estate Residential type housing.

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

Matches the above description of the zoning with a some R-1 Rural Residential as well.

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

The subject real property is suitable for building of large lot single family homes above the 100 year flood elevation. The area is not suitable for row crop farming due to the 100 year flood stage, wooded area, and non-productive agricultural sales for traditional row crop farming, as well as the small size of said parcels which is not conducive to modern day large scale farm equipment.

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

There is a mix of residential and agricultural zoning in the area. However, the predominant use in the area is large lot single family residential that was developed either under prior Kendall County Ordinances since 1973 allowing various sizes of real property parcels to serve as permissible splits to construct residential residences or residences built pursuant to the Allocation Ordinance in the Kendall County Agricultural Zone. Large Lot Estate Residential type housing.

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

The application for the residential zoning with large lot single family residential is consistent with the residential class provided for the area in which the real property is located for this application under the Kendall County Land Resource Management Plan.

TRI-STAR DEVELOPMENT, INC.

EAST TRACT
PROPOSED R-1 ZONING

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 15, IN TOWNSHIP 35 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF AFORESAID SECTION 15; THENCE NORTH 88 DEGREES 21 MINUTES 36 SECONDS EAST ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER, 1091.99 FEET; THENCE SOUTH 01 DEGREES 38 MINUTES 24 SECONDS EAST 40.00 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF U.S. ROUTE 52, SAID POINT BEING THE NORTHEAST CORNER OF LANDS CONVEYED BY DOCUMENT NUMBER 201000000304; THENCE NORTH 88 DEGREES 21 MINUTES 18 SECONDS EAST ALONG SAID SOUTH RIGHT OF WAY LINE, 330.00 FEET TO A POINT ON A LINE 330.00 FEET EAST OF AND PARALLEL WITH THE EAST LINE OF THE AFORESAID LANDS CONVEYED BY DOCUMENT NUMBER 201000000304, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE CONTINUING NORTH 88 DEGREES 21 MINUTES 18 SECONDS EAST ALONG SAID SOUTH RIGHT OF WAY LINE, 208.70 FEET TO THE NORTHWEST CORNER OF LANDS CONVEYED BY DOCUMENT NUMBER 200900002662; THENCE SOUTH 01 DEGREES 17 MINUTES 14 SECONDS EAST PARALLEL WITH THE EAST LINE OF THE AFORESAID SOUTHWEST QUARTER, 672.16 FEET TO THE SOUTHWEST CORNER OF SAID DOCUMENT NUMBER 200900002662; THENCE NORTH 88 DEGREES 21 MINUTES 18 SECONDS EAST PARALLEL WITH THE AFORESAID SOUTH RIGHT OF WAY LINE OF U.S. ROUTE 52, A DISTANCE OF 324.16 FEET TO A POINT ON THE WEST LINE OF LANGELAND'S SUBDIVISION, SAID POINT BEING THE SOUTHEAST CORNER OF SAID DOCUMENT NUMBER 200900002662; THENCE SOUTH 01 DEGREES 17 MINUTES 14 SECONDS EAST ALONG SAID WEST LINE, 100.00 FEET; THENCE SOUTH 37 DEGREES 15 MINUTES 59 SECONDS WEST 350.00 FEET; THENCE SOUTH 75 DEGREES 26 MINUTES 06 SECONDS WEST 316.30 FEET TO A POINT ON A LINE 330.00 FEET EAST OF AND PARALLEL WITH THE EAST LINE OF THE AFORESAID LANDS CONVEYED BY DOCUMENT NUMBER 201000000304; THENCE NORTH 01 DEGREES 38 MINUTES 24 SECONDS WEST ALONG SAID PARALLEL LINE, 1115.20 FEET TO THE POINT OF BEGINNING, IN SEWARD TOWNSHIP, KENDALL COUNTY, ILLINOIS.
Containing 7.266 acres more or less.

200700010249
Filed for Record in
KENDALL COUNTY, ILLINOIS
PAUL ANDERSON
03-28-2007 At 02:40 pm.
QUIT CLAIM 40.00
RHSP Surcharge 10.00

QUIT CLAIM DEED
Illinois

THE GRANTOR, Kovacevich Enterprises, Inc., a corporation created and existing under and by virtue of the laws of Delaware corporation., for and in consideration of the sum of Ten and 00/100 Dollars (\$10.00), and other good and valuable consideration in hand paid, and pursuant to authority given by the Board of Directors of said Corporation,

CONVEYS and QUIT CLAIMS to

Tri-Star Development, Inc., an Illinois corporation, whose address is P.O. Box 208, Minooka, Illinois 60447, the following described Real Estate situated in the County of Kendall, in the State of Illinois, to-wit:

See attached legal description.

Permanent Real Estate Index Numbers: 09-15-300-003; 09-15-300-005; 09-15-300-013; 09-16-400-002; 09-16-400-005; 09-16-400-006; 09-21-200-004; 09-22-100-010

This transaction exempt pursuant to 35 ILCS 200/31-45 paragraph (e).



Attorney

IN WITNESS WHEREOF, said Grantor has caused its name to be signed to these presents by its President this 14th day of March, 2007.

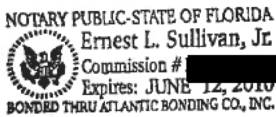
Kovacevich Enterprises, Inc.,
a Delaware corporation

BY: [Redacted]
Sam Kovacevich, President

State of Florida)
Illinois)
County of Broward)
Kendall) ss.

I, the undersigned, a Notary Public in and for the County and State aforesaid, DO HEREBY CERTIFY that Stuart Garland, personally known to me to be the President of Kovacevich Enterprises, Inc., and 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 as such President he signed and delivered the said instrument, pursuant to authority given by the Board of Directors of said Corporation, as his free and voluntary act, and as the free and voluntary act and deed of said Corporation, for the uses and purposes therein set forth.

Given under my hand and official seal, this 14th day of March, 2007.



[Redacted]
Notary Public

This instrument was prepared by Gerald M. Newman, 222 S. Riverside Plaza, #2100, Chicago, IL. 60606.

MAIL TO:

Herbert B. Rosenberg
[Redacted] Newman & Rosenberg, Ltd.

SEND TAX BILLS TO:

Tri-Star Development, Inc
[Redacted]

Legal Description

THE WEST 252.26 FEET OF THE EAST 502.26 FEET OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 16; AND ALSO THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SECTION 16; AND ALSO THE NORTH 43.65 ACRES OF THE NORTHEAST QUARTER OF SECTION 21; AND ALSO THAT PART OF THE SOUTHWEST QUARTER OF SECTION 15 AND PART OF THE NORTHWEST QUARTER OF SECTION 22, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 15, THENCE NORTH 89 DEGREES, 36 MINUTES, 00 SECONDS EAST ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 15, 1091.99 FEET; THENCE SOUTH 0 DEGREES, 24 MINUTES, 00 SECONDS EAST TO THE SOUTH RIGHT OF WAY LINE OF U.S. ROUTE 52, 40.0 FEET TO THE POINT OF BEGINNING; THENCE NORTH 89 DEGREES 35 MINUTES, 42 SECONDS EAST ALONG SAID SOUTH RIGHT OF WAY LINE 539.63 FEET; THENCE SOUTH 0 DEGREES, 01 MINUTES, 04 SECONDS WEST 672.08 FEET; THENCE NORTH 89 DEGREES, 35 MINUTES, 42 SECONDS EAST PARALLEL TO THE SOUTH RIGHT OF WAY LINE OF SAID U.S. ROUTE 52, 324.16 FEET TO THE WEST LINE OF LANGELAND'S SUBDIVISION; THENCE SOUTH ALONG THE WEST LINE OF SAID SUBDIVISION 287.19 FEET TO THE SOUTHWEST CORNER OF SAID SUBDIVISION; THENCE SOUTH 89 DEGREES, 40 MINUTES, 20 SECONDS EAST ALONG THE SOUTH LINE OF SAID SUBDIVISION, 135.15 FEET; THENCE SOUTH 0 DEGREES, 01 MINUTES, 04 SECONDS WEST, 326.85 FEET TO THE SOUTH LINE OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 15; THENCE EAST ALONG SAID SOUTH LINE TO THE EAST LINE OF SAID SOUTHWEST QUARTER; THENCE SOUTH ALONG SAID EAST LINE 1328.00 FEET TO THE SOUTHEAST CORNER OF SAID SOUTHWEST QUARTER; THENCE SOUTH ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF AFORESAID SECTION 22, A DISTANCE OF 717.35 FEET TO THE SOUTH LINE OF NORTH 43.65 ACRES OF SAID NORTHWEST QUARTER; THENCE WEST ALONG THE SAID SOUTH LINE TO THE WEST LINE OF SAID NORTHWEST QUARTER; THENCE NORTH ALONG SAID WEST LINE TO THE NORTHWEST CORNER OF SAID SECTION 22; THENCE NORTH ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF AFORESAID SECTION 15, A DISTANCE OF 1324.19 FEET TO THE NORTHWEST CORNER OF THE SOUTH HALF OF SAID SOUTHWEST QUARTER; THENCE EAST ALONG THE NORTH LINE OF THE SOUTH HALF OF SAID SOUTHWEST QUARTER 370.50 FEET TO THE CENTERLINE OF AUX SABLE CREEK; THENCE NORTHERLY ALONG SAID CENTER LINE TO A LINE DRAWN PARALLEL WITH AND 620.7 FEET SOUTH OF, AS MEASURED AT RIGHT ANGLES THERETO, THE NORTH LINE OF SAID SOUTHWEST QUARTER; THENCE NORTH 89 DEGREES, 36 MINUTES, 00 SECONDS EAST ALONG SAID PARALLEL LINE 717.0 FEET; THENCE NORTH 0 DEGREES, 24 MINUTES, 00 SECONDS WEST 580.7 FEET TO THE POINT OF BEGINNING, EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PARCEL: BEGINNING AT THE SOUTHEAST CORNER OF SAID SOUTHWEST QUARTER OF SECTION 15; THENCE NORTH 0 DEGREES 00 MINUTES 13 SECONDS EAST ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER, 426.00 FEET; THENCE NORTH 84 DEGREES 22 MINUTES 17 SECONDS WEST, 260.00 FEET; THENCE NORTH 5 DEGREES 37 MINUTES 43 SECONDS EAST, 36.00 FEET; THENCE NORTH 87 DEGREES 19 MINUTES 31 SECONDS WEST, 386.00 FEET; THENCE SOUTH 75 DEGREES 24 MINUTES 43 SECONDS

WEST, 112.00 FEET; THENCE SOUTH 14 DEGREES 35 MINUTES 17 SECONDS EAST, 114.00 FEET; THENCE SOUTH 46 DEGREES 24 MINUTES 43 SECONDS WEST, 202.00 FEET; THENCE SOUTH 42 DEGREES 50 MINUTES 11 SECONDS WEST, 104.86 FEET; THENCE SOUTH 18 DEGREES 17 MINUTES 03 SECONDS WEST, 114.29 FEET TO THE CENTERLINE OF AUX SABLE CREEK; THENCE SOUTH 7 DEGREES 43 MINUTES 27 SECONDS EAST ALONG SAID CENTERLINE, 150.00 FEET; THENCE SOUTH 3 DEGREES 18 MINUTES 43 SECONDS WEST ALONG SAID CENTERLINE, 160.00 FEET; THENCE SOUTH 16 DEGREES 49 MINUTES 33 SECONDS WEST ALONG SAID CENTERLINE, 160.00 FEET; THENCE SOUTH 43 DEGREES 09 MINUTES 58 SECONDS WEST ALONG SAID CENTERLINE, 419.79 FEET TO THE SOUTH LINE OF THE AFORESAID NORTH 43.65 ACRES OF THE NORTHWEST QUARTER OF SECTION 22; THENCE NORTH 89 DEGREES 38 MINUTES 17 SECONDS EAST ALONG SAID SOUTH LINE, 1300.00 FEET TO THE EAST LINE OF THE AFORESAID NORTHWEST QUARTER OF SECTION 22; THENCE NORTH 0 DEGREES 16 MINUTES 42 SECONDS WEST ALONG SAID EAST LINE, 717.38 FEET TO THE POINT OF BEGINNING, AND ALSO EXCEPTING THEREFROM THE LAND CONTAINED IN QUIT CLAIM DEED RECORDED AS DOCUMENT NUMBER 912009, DESCRIBED AS FOLLOWS: LOT 22 (EXCEPT THE SOUTH 10 ACRES) IN SECTION 15, TOWNSHIP 35 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE MAP THEREOF RECORDED IN THE RECORDER'S OFFICE OF KENDALL COUNTY IN PLAT BOOK 2 ON PAGE 67, ALL IN THE TOWNSHIP OF SEWARD, IN KENDALL COUNTY, ILLINOIS.

KENDALL COUNTY
DISCLOSURE OF BENEFICIARIES FORM

1. Applicant Tri-Star Development Inc.
Address [REDACTED]
City [REDACTED] State [REDACTED] Zip [REDACTED]

2. Nature of Benefit Sought Owner

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:

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
Paul Kovacevich	[REDACTED]	26.6%
GREGG KOVACEVICH	[REDACTED]	26.6%
JACQUELINE WYDRA	[REDACTED]	15.6%
CHRISTOPHER KOVACEVICH	[REDACTED]	15.6%
KYLE KOVACEVICH	[REDACTED]	15.6%

6. Name, address, and capacity of person making this disclosure on behalf of the applicant:
[REDACTED]

VERIFICATION

I, _____ 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 25th day of June A.D. 2021

(seal) _____
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: Tri-Star Development Inc. **Contact Person:** Daniel J. Kramer
 Address: [REDACTED]
 City, State, Zip: [REDACTED]
 Phone Number: [REDACTED]
 Email: [REDACTED]

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

Site Location & Proposed Use

Township Name Seward Township 35 N, Range 8 E, Section(s) 15
 Parcel Index Number(s) 09-15-300-020
 Project or Subdivision Name Tri-Star Number of Acres 40.065
 Current Use of Site vacant Proposed Use one single family home
 Proposed Number of Lots 1 Proposed Number of Structures 1
 Proposed Water Supply well Proposed type of Wastewater Treatment septic
 Proposed type of Storm Water Management _____

Type of Request

Change in Zoning from A-1 to R-1
 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	\$	<u>375.00</u>
<u>36</u> Additional Acres at \$18.00 each	\$	<u>648.00</u>
Total NRI Fee	\$	<u>1023.00</u>

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

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

[Signature] 6-25-21
 Petitioner or Authorized Agent 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: Tri-Start Development Inc
Contact: Attorney Daniel J. Kramer
Address: [Redacted]

IDNR Project Number: 2115163
Date: 06/28/2021

Project: Tri-Star Development
Address: US Route 52, Minooka

Description: Rezone property from A-1 to R-1 to build one single family home

Natural Resource Review Results

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

The Illinois Natural Heritage Database shows the following protected resources may be in the vicinity of the project location:

Aux Sable Creek INAI Site
Greater Redhorse (*Moxostoma valenciennesi*)

An IDNR staff member will evaluate this information and contact you to request additional information or to terminate consultation if adverse effects are unlikely.

Location

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



County: Kendall

Township, Range, Section:
35N, 8E, 15

IL Department of Natural Resources Contact
Adam Rawe
217-785-5500
Division of Ecosystems & Environment

Government Jurisdiction
Kendall County Planning, Building, & Zoning
Matt Asselmeier
111 W Fox Street
Yorkville, Illinois 60560

Disclaimer

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

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.

IDNR Project Number: 2115163

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: 2115163



EcoCAT Receipt	Project Code 2115163
-----------------------	-----------------------------

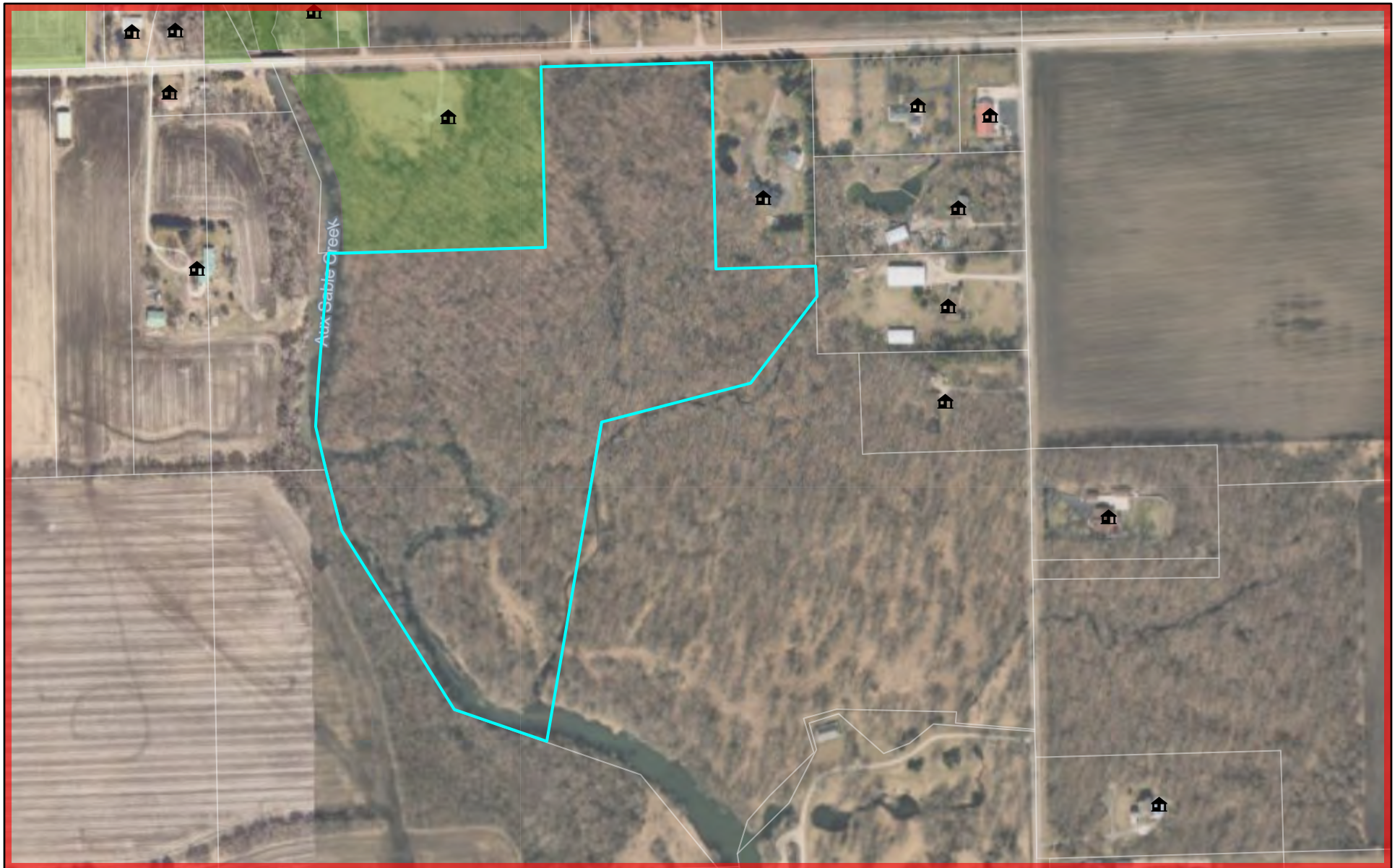
APPLICANT	DATE
Tri-Start Development Inc Attorney Daniel J. Kramer [REDACTED]	6/28/2021

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

Attachment 2

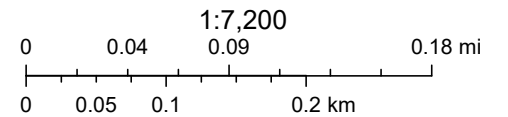


June 30, 2021

 Kendall County Address Points  Kendall County Forest Preserves

Parcels

Ownership Parcel



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Kendall County Web GIS

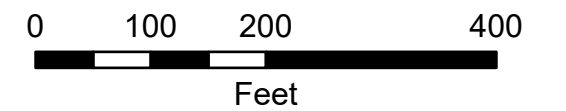


Proposed R1 Zoning

Eastern part of 09-15-300-020

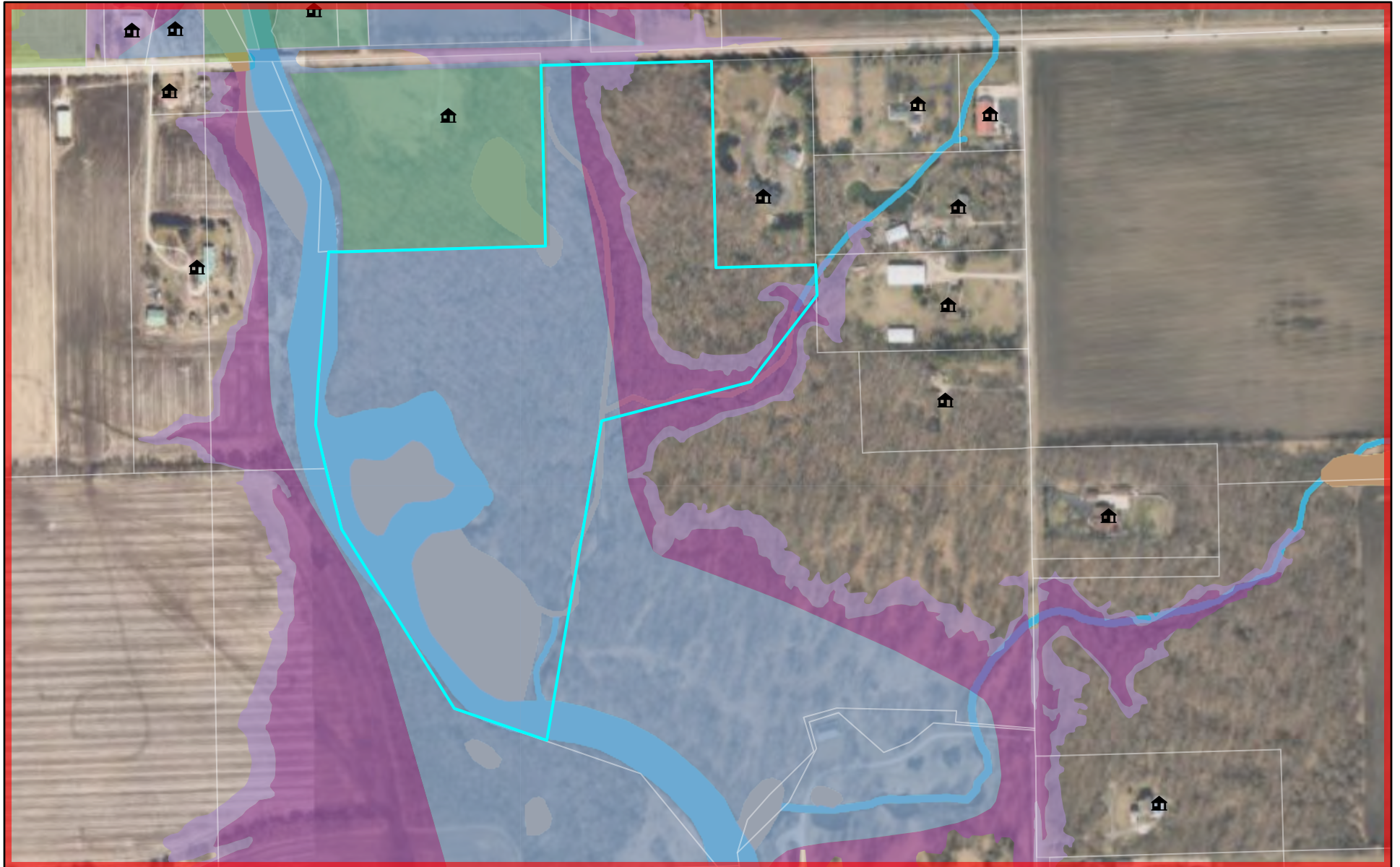
Legend

 Parcels













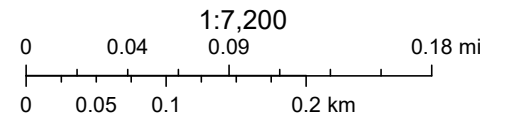
Kendall County GIS
111 West Fox Street - Room 308
Yorkville, Illinois 60560
630.553.4212

Attachment 5



June 30, 2021

-  Kendall County Address Points
-  Kendall County Forest Preserves
-  0.2% Annual Chance Flood Hazard
-  USA Wetlands
-  Parcels
-  USA Flood Hazard Areas
-  Regulatory Floodway
-  Marine
-  1% Annual Chance Flood Hazard
-  Palustrine



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Kendall County Web GIS

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DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 203
 Yorkville, IL • 60560
 (630) 553-4141 Fax (630) 553-4179

Petition 21-28
Brian and Jennifer Gore
Map Amendment Rezoning Property from A-1 to R-1

INTRODUCTION

Brian and Jennifer Gore are requesting a map amendment rezoning approximately twelve point six (12.6) more or less acres from A-1 to R-1 in order to construct two (2) houses on the subject property after rezoning.

At the time of application submittal, the subject property is part of a larger parcel that is approximately forty (40) acres in size. The Petitioner has already secured an agricultural housing allocation for the property. If the map amendment is approved, the Petitioner plans to divide the property using a Plat Act exemption. Tract 3, which is approximately twenty-seven point three (27.3) acres would retain A-1 zoning and the agricultural housing allocation. Tracts 1 and 2 would be rezoned to R-1. Tract 1 is approximately seven (7) acres in size. Tract 2 is approximately five point six (5.6) acres in size. A total of three (3) houses, one (1) on each Tract, would be constructed on the present forty (40) acre parcel with a private forty foot (40') wide road easement connecting Tract 3 to Jughandle Road.

The application materials are included as Attachment 1. The aerial of the entire property in its configuration at the time of application submittal is included as Attachment 2. The aerial of the property subject to the rezoning request is included as Attachment 3. The plat of survey for the entire property is included as Attachment 4. The aerial of the entire property showing floodplains and wetlands is included as Attachment 5.

SITE INFORMATION

PETITIONER: Brian and Jennifer Gore

ADDRESS: Across Jughandle Road from 14776 Jughandle Road, Minooka

LOCATION: Approximately 0.25 Miles South of Route 52 on the West Sided of Jughandle Road

TOWNSHIP: Seward

PARCEL #: 09-15-300-021

LOT SIZE: 40.046 Acres (Total Parcel) 12.671 Acres (Proposed Rezoned Area)

EXISTING LAND USE: Agricultural/Wooded

ZONING: A-1 Agricultural District

LRMP:	Future Land Use	Rural Residential (Max 0.65 DU/Acre)
	Roads	Jughandle Road is a Township maintained Local Road.
	Trails	Minooka has trails planned along the Aux Sable Creek.
	Floodplain/Wetlands	There is 100-year floodplain of the Aux Sable Creek on the south side of the property. Approximately, 4.8 acres of Tract 1 and 3.0 acres of Tract 2 are outside the 100-year floodplain. There is a riverine on the southeast corner of the property.

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

APPLICABLE REGULATIONS: Section 13:07 – Map Amendment Procedures

SURROUNDING LAND USE

Location	Adjacent Land Use	Adjacent Zoning	Land Resource Management Plan	Zoning within ½ Mile
North	Single-Family Residential	A-1	Rural Residential (Max 0.65 DU/Acre)	A-1, A-1 SU, and R-1
South	Single-Family Residential/Wooded	A-1	Rural Residential	A-1 and A-1 CU
East	Single-Family Residential/Wooded	A-1	Rural Residential	A-1, R-1 PUD, and R-3
West	Agricultural/Wooded	A-1 and R-1	Rural Residential	A-1 and R-1

The A-1 special use permit to the north is for the sale of products not grown on the premises. The A-1 conditional use permit to the south is for one (1) single-family home on A-1 zoned property less than forty (40) acres.

PHYSICAL DATA

ENDANGERED SPECIES REPORT

EcoCAT Report submitted and noted the presences of the following protected resources in the vicinity:

Aux Sable Creek INAI Site
Greater Redhorse (*Moxostoma valenciennesi*)

Consultation was terminated because adverse effects were unlikely (see Attachment 1, Pages 11 and 12).

NATURAL RESOURCES INVENTORY

The application for NRI was submitted on June 22, 2021 (see Attachment 1, Page 10).

ACTION SUMMARY

SEWARD TOWNSHIP

Petition information was sent to Seward Township on July 7, 2021.

VILLAGE OF SHOREWOOD

Petition information was sent to the Village of Shorewood on July 7, 2021.

MINOOKA FIRE PROTECTION DISTRICT

Petition information was sent to the Minooka Fire Protection District on July 7, 2021.

GENERAL INFORMATION

The Petitioner desires to rezone the subject property in order to build two (2) houses on the subject property and build one (1) house on the property that retains the A-1 zoning classification.

BUILDING CODES

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

UTILITIES

No public or private utilities are onsite.

ACCESS

The property fronts Jughandle Road.

PARKING AND INTERNAL TRAFFIC CIRCULATION

Any new driveways constructed would be for residential purposes.

ODORS

No new odors are foreseen.

LIGHTING

Any new lighting would be for residential use only.

LANDSCAPING AND SCREENING

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

SIGNAGE

Any signage would be residential in nature.

NOISE CONTROL

No noise is anticipated.

STORMWATER

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

FINDINGS OF FACT

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

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

The Zoning classification of property within the general area of the property in question. The surrounding properties are zoned A-1. There are R-1, R-1 PUD, and R-3 zoned parcels within one half (1/2) mile of the subject property.

The suitability of the property in question for the uses permitted under the existing zoning classification. The property is presently zoned A-1. The property is presently heavily wooded. Floodplain and wetlands will greatly restrict the area where new single-family homes could be built.

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

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

RECOMMENDATION

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

ATTACHMENTS

1. Application Materials (Including the Petitioner's Findings of Fact, NRI, and EcoCat)
2. Aerial of the Larger Property
3. Aerial of the Property Subject to the Map Amendment
4. Plat of Survey for Property
5. Aerial of the Larger Property Showing Floodplains and Wetlands

Rezone Tract 1a722



DEPARTMENT OF PLANNING, BUILDING & ZONING

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

APPLICATION

PROJECT NAME *Gore Map Amendment* FILE #: _____

NAME OF APPLICANT Brian Gore and Jennifer Gore		
CURRENT LANDOWNER/NAME(s) Brian Gore and Jennifer Gore		
SITE INFORMATION ACRES 40.046	SITE ADDRESS OR LOCATION Jughandle Road, Minooka, IL 60447	ASSESSOR'S ID NUMBER (PIN) 09-15-300-021 & 09-22-100-018
EXISTING LAND USE vacant land	CURRENT ZONING A-1 Agircultral	LAND CLASSIFICATION ON LRMP A-1 Agricultural
REQUESTED ACTION (Check All That Apply):		
<input type="checkbox"/> SPECIAL USE	<input checked="" type="checkbox"/> MAP AMENDMENT (Rezone to <u><i>R1</i></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.)
<input type="checkbox"/> AMENDMENT TO A SPECIAL USE (Major, Minor)		
¹PRIMARY CONTACT Daniel J. Kramer	PRIMARY CONTACT MAILING ADDRESS [REDACTED]	PRIMARY CONTACT EMAIL [REDACTED]
PRIMARY CONTACT PHONE # [REDACTED]	PRIMARY CONTACT FAX # [REDACTED]	PRIMARY CONTACT OTHER #(Cell, etc.) [REDACTED]
²ENGINEER CONTACT Chris Papesh	ENGINEER MAILING ADDRESS [REDACTED]	ENGINEER EMAIL [REDACTED]
ENGINEER PHONE # [REDACTED]	ENGINEER FAX # [REDACTED]	ENGINEER OTHER #(Cell, etc.) [REDACTED]
I UNDERSTAND THAT BY SIGNING THIS FORM, THAT THE PROPERTY IN QUESTION MAY BE VISITED BY COUNTY STAFF & BOARD/ COMMISSION MEMBERS THROUGHOUT THE PETITION PROCESS AND THAT THE PRIMARY CONTACT LISTED ABOVE WILL BE SUBJECT TO ALL CORRESPONDANCE ISSUED BY THE COUNTY.		
I CERTIFY THAT THE INFORMATION AND EXHIBITS SUBMITTED ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND THAT I AM TO FILE THIS APPLICATION AND ACT ON BEHALF OF THE ABOVE SIGNATURES.		
SIGNATURE OF APPLICANT <input checked="" type="checkbox"/> [REDACTED]		DATE 6-22-2021

FEE PAID: \$ *500.00*
 CHECK #: [REDACTED]

¹Primary Contact will receive all correspondence from County
²Engineering Contact will receive all correspondence from the County's Engineering Consultants

Last Revised:
12.15.20

RECEIVED
JUN 30 2021
 Date Stamp Here If
 Checklist is Complete
KENDALL COUNTY
PLANNING, BUILDING
& ZONING

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

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

There is a mix of residential and agricultural zoning in the area. However, the predominant use in the area is large lot single family residential that was developed either under prior Kendall County Ordinances since 1973 allowing various sizes of real property parcels to serve as permissible splits to construct residential residences or residences built pursuant to the Allocation Ordinance in the Kendall County Agricultural Zone. Large Lot Estate Residential type housing.

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

Matches the above description of the zoning with a some R-1 Rural Residential as well.

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

The subject real property is suitable for building of large lot single family homes above the 100 year flood elevation. The area is not suitable for row crop farming due to the 100 year flood stage, wooded area, and non-productive agricultural sales for traditional row crop farming, as well as the small size of said parcels which is not conducive to modern day large scale farm equipment.

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

There is a mix of residential and agricultural zoning in the area. However, the predominant use in the area is large lot single family residential that was developed either under prior Kendall County Ordinances since 1973 allowing various sizes of real property parcels to serve as permissible splits to construct residential residences or residences built pursuant to the Allocation Ordinance in the Kendall County Agricultural Zone. Large Lot Estate Residential type housing.

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

The application for the residential zoning with large lot single family residential is consistent with the residential class provided for the area in which the real property is located for this application under the Kendall County Land Resource Management Plan.

BRIAN & JENNIFER GORE

TRACT 1:

THE EAST 350.00 FEET OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 15, IN TOWNSHIP 35 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING NORTH OF LANDS CONVEYED BY QUIT CLAIM DEED, RECORDED AS DOCUMENT NUMBER 20150000055, SITUATED IN SEWARD TOWNSHIP, KENDALL COUNTY, ILLINOIS. Containing 7.023 acre more or less.

TRACT 2

THAT PART OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 15, IN TOWNSHIP 35 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHWEST QUARTER; THENCE NORTH 01 DEGREES 17 MINUTES 14 SECONDS WEST ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 426.00 FEET TO THE NORTHEAST CORNER OF LANDS CONVEYED BY QUIT CLAIM DEED, RECORDED AS DOCUMENT NUMBER 20150000055, SAID CORNER BEING THE POINT OF BEGINNING (TRACT 2); THENCE CONTINUING NORTH 01 DEGREES 17 MINUTES 14 SECONDS WEST ALONG SAID EAST LINE, 901.42 FEET TO THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF AFORESAID SECTION 15; THENCE SOUTH 88 DEGREES 21 MINUTES 55 SECONDS WEST ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER, 550.01 FEET TO A POINT ON THE WEST LINE OF THE EAST 550.00 FEET OF NORTHEAST QUARTER OF AFORESAID SOUTHWEST QUARTER, SAID POINT BEING THE SOUTHWEST CORNER OF LANDS CONVEYED BY DOCUMENT NUMBER 199607024; THENCE SOUTH 11 DEGREES 56 MINUTES 54 SECONDS WEST 862.92 FEET TO THE NORTHWESTERLY CORNER OF AFORESAID QUIT CLAIM DEED; THENCE NORTH 74 DEGREES 08 MINUTES 06 SECONDS EAST ALONG THE NORTHERLY LINE OF SAID QUIT CLAIM DEED, A DISTANCE OF 112.00 FEET; THENCE SOUTH 88 DEGREES 36 MINUTES 08 SECONDS EAST ALONG SAID NORTHERLY LINE, 386.00 FEET; THENCE SOUTH 04 DEGREES 21 MINUTES 06 SECONDS WEST ALONG SAID NORTHERLY LINE, 36.00 FEET; THENCE SOUTH 85 DEGREES 38 MINUTES 54 SECONDS EAST ALONG SAID NORTHERLY LINE, 260.00 FEET TO THE POINT OF BEGINNING (TRACT 2); EXCEPTING THEREFROM THE EAST 350.00 FEET THEREOF, SITUATED IN SEWARD TOWNSHIP, KENDALL COUNTY, ILLINOIS. Containing 5.648 acre more or less.

Matt Asselmeier

From: Daniel J Kramer <dkramer@dankramerlaw.com>
Sent: Wednesday, June 30, 2021 10:59 AM
To: Matt Asselmeier
Subject: [External]RE: Gore Rezoning Questions

Yes the two small parcels are the only two being re-zoned . The larger parcel is entitled to one house permit under the registered allocation. The Gore's plan on moving ahead right away to build on that Ag. Land. The two building permits from the re-zoning my be children of gores building in the future or not being built on if the children decided living too close to parents.

Very Truly Yours,

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

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From: Matt Asselmeier <masselmeier@co.kendall.il.us>
Sent: Wednesday, June 30, 2021 9:31 AM
To: Daniel J Kramer <dkramer@dankramerlaw.com>
Subject: Gore Rezoning Questions

Dan:

On the Gore rezoning, are they only rezoning tracts 1 and 2?

Also, do they intend to construct houses on all three tracts?

Thanks,

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

202100012533

**DEBBIE GILLETTE
RECORDER - KENDALL COUNTY, IL
RECORDED: 5/14/2021 3:41 PM
REC FEE: 57.00 RHSPS: 10.00
STATE TAX: 437.50
COUNTY TAX: 218.75
PAGES: 5**

Chicago Title

This instrument prepared by:
Schoenberg Finkel Beederman Bell
Glazer LLC
300 South Wacker Drive, Suite 1500
Chicago, Illinois 60606
Attention: Joan T. Berg

After Recording, please return to:
Daniel J. Kramer
Attorney at Law
1107A S. Bridge Street
Yorkville, IL. 60560

Send subsequent tax bills to:
Brian R. Gore and Jennifer A. Gore

Property Index Numbers:
09-15-300-021-0000
09-22-100-018-0000

2003918ALIFE 1/2 **SPECIAL WARRANTY DEED**


THIS INDENTURE, made as of February 18, 2021 between Tri-Star Development, Inc., an Illinois corporation, Grantor, having offices at 26647 Samantha Court, Channahon, Illinois, and Brian R. Gore and Jennifer A. Gore, husband and wife, not as Tenants in Common, but as JOINT TENANTS with right of survivorship, Grantee, for and in consideration of the sum of Ten and NO/100 Dollars (\$10.00) and other good and valuable consideration in hand paid by the Grantee, the receipt whereof is hereby acknowledged, and pursuant to the authority of the members of said limited liability company, by there presents does REMISE RELEASE, ALIEN AND CONVEY unto the Grantee the following described real estate, situated in the County of Kendall and State of Illinois known and described as follows, to wit: Please see EXHIBIT A, attached hereto and made a part hereof.

Together with all and singular of the hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim or demand whatsoever, of the Grantor, either in law or in equity, of, in and to the above described premises, with the hereditaments and appurtenances: TO HAVE AND TO HOLD the said premises as above described, with the appurtenances, unto the Grantee forever.

And the Grantor, for itself, and its successors, does covenant, promise and agree, to and with the Grantee, that it has not done or suffered to be done, anything whereby the said premises hereby granted are, or may be in any manner encumbered or charged, except as herein recited; and that the said premises, against all persons lawfully claiming the same, by, through or under it, it WILL WARRANT AND DEFEND, subject to: Please see EXHIBIT B, attached hereto and made a part hereof.

IN WITNESS WHEREOF, Grantor has executed this instrument as of the day and year first above written.

Tri-Star Development, Inc.
an Illinois corporation

By: 
Paul B. Kovacevich, Vice President

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

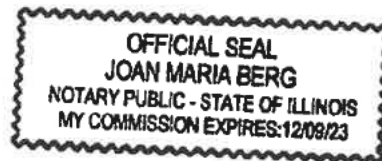
I, the undersigned, a Notary Public, in and for the County and State aforesaid, DO HEREBY CERTIFY, that Paul B. Kovacevich, personally known to me to be the Vice President of Tri-Star Development, Inc. an Illinois corporation, and personally known to me to be the same persons whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that as such Vice President, he signed and delivered said instrument and caused the corporate seal of said corporation to be affixed thereto, pursuant to the authority given by the Board of Directors of said corporation, as their free and voluntary act, and as the free and voluntary act and deed of said corporation, for the uses and purposes therein set forth.

GIVEN under my hand and notarial seal this 18th day of February, 2021.



Notary Public

My Commission Expires: 12/09/2023



LEGAL DESCRIPTION

Order No.: 20039189LFE

Exhibit A

PARCEL 1:

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 15 AND THAT PART OF THE NORTHWEST QUARTER OF SECTION 22, ALL IN TOWNSHIP 35 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF AFORESAID SECTION 15; THENCE NORTH 88 DEGREES 21 MINUTES 36 SECONDS EAST ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER, 1091.99 FEET; THENCE SOUTH 01 DEGREES 38 MINUTES 24 SECONDS EAST 40.00 FEET TO THE SOUTH RIGHT OF WAY LINE OF U.S. ROUTE 52; THENCE NORTH 88 DEGREES 21 MINUTES 18 SECONDS EAST ALONG SAID SOUTH RIGHT OF WAY LINE, 538.70 FEET TO THE NORTHWEST CORNER OF LANDS CONVEYED BY DOCUMENT NUMBER 200900002662; THENCE SOUTH 01 DEGREES 17 MINUTES 14 SECONDS EAST PARALLEL WITH THE EAST LINE OF THE AFORESAID SOUTHWEST QUARTER, 672.16 FEET TO THE SOUTHWEST CORNER OF SAID DOCUMENT NUMBER 200900002662; THENCE NORTH 88 DEGREES 21 MINUTES 18 SECONDS EAST PARALLEL WITH THE AFORESAID SOUTH RIGHT OF WAY LINE OF U.S. ROUTE 52, A DISTANCE OF 324.16 FEET TO A POINT ON THE WEST LINE OF LANGELAND'S SUBDIVISION, SAID POINT BEING THE SOUTHEAST CORNER OF SAID DOCUMENT NUMBER 200900002662; THENCE SOUTH 01 DEGREES 17 MINUTES 14 SECONDS EAST ALONG SAID WEST LINE, 100.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 37 DEGREES 15 MINUTES 59 SECONDS WEST 350.00 FEET; THENCE SOUTH 75 DEGREES 26 MINUTES 06 SECONDS WEST 500.00 FEET; THENCE SOUTH 09 DEGREES 38 MINUTES 05 SECONDS WEST 1047.97 FEET TO A POINT ON THE WESTERLY BANK OF THE AUX SABLE CREEK; THENCE SOUTH 71 DEGREES 00 MINUTES 39 SECONDS EAST ALONG SAID WESTERLY BANK, 324.95 FEET; THENCE SOUTH 39 DEGREES 37 MINUTES 14 SECONDS EAST ALONG SAID WESTERLY BANK, 404.44 FEET TO A POINT ON SAID WESTERLY BANK THAT IS LOCATED 65.00 FEET WESTERLY OF AND PARALLEL WITH THE WESTERLY LINE OF LANDS CONVEYED BY TRUSTEES DEED, RECORDED AS DOCUMENT NUMBER 201400011624; THENCE SOUTH 09 DEGREES 00 MINUTES 04 SECONDS EAST ALONG SAID PARALLEL LINE, 100.91 FEET; THENCE SOUTH 02 DEGREES 02 MINUTES 06 SECONDS WEST ALONG SAID PARALLEL LINE, 146.02 FEET; THENCE SOUTH 15 DEGREES 32 MINUTES 56 SECONDS WEST ALONG SAID PARALLEL LINE, 137.09 FEET; THENCE SOUTH 41 DEGREES 53 MINUTES 22 SECONDS WEST ALONG SAID PARALLEL LINE, 466.06 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH 43.65 ACRES OF THE NORTHWEST QUARTER OF AFORESAID SECTION 22, SAID POINT BEING LOCATED NORTH 88 DEGREES 22 MINUTES 13 SECONDS EAST 1260.00 FEET FROM THE WEST LINE OF SAID NORTHWEST QUARTER (AS MEASURED ALONG SAID SOUTH LINE); THENCE NORTH 88 DEGREES 22 MINUTES 13 SECONDS EAST ALONG SAID SOUTH LINE, 89.65 FEET TO THE SOUTHWEST CORNER OF LANDS CONVEYED BY AFORESAID TRUSTEES DEED, SAID CORNER ALSO BEING THE CENTERLINE OF THE AUX SABLE CREEK; THENCE NORTH 41 DEGREES 53 MINUTES 22 SECONDS EAST ALONG THE WESTERLY LINE OF LANDS CONVEYED BY AFORESAID TRUSTEES DEED, A DISTANCE OF 419.55 FEET; THENCE NORTH 15 DEGREES 32 MINUTES 56 SECONDS EAST ALONG SAID WESTERLY LINE, 160.00 FEET; THENCE NORTH 02 DEGREES 02 MINUTES 06 SECONDS EAST ALONG SAID WESTERLY LINE, 160.00 FEET; THENCE NORTH 09 DEGREES 00 MINUTES 04 SECONDS WEST ALONG SAID WESTERLY LINE, 150.00 FEET TO THE SOUTHERNMOST CORNER OF LANDS CONVEYED BY QUIT CLAIM DEED, RECORDED AS DOCUMENT NUMBER 201500000055; THENCE ALONG THE WESTERLY AND NORTHERLY LINES

LEGAL DESCRIPTION

(continued)

OF SAID QUIT CLAIM DEED, AS FOLLOWS: NORTH 17 DEGREES 00 MINUTES 26 SECONDS EAST 114.29 FEET, NORTH 41 DEGREES 33 MINUTES 34 SECONDS EAST 104.86 FEET, NORTH 45 DEGREES 08 MINUTES 06 SECONDS EAST 202.00 FEET, NORTH 15 DEGREES 51 MINUTES 54 SECONDS WEST 114.00 FEET, NORTH 74 DEGREES 08 MINUTES 06 SECONDS EAST 112.00 FEET, SOUTH 88 DEGREES 36 MINUTES 08 SECONDS EAST 386.00 FEET, SOUTH 04 DEGREES 21 MINUTES 06 SECONDS WEST 36.00 FEET, AND SOUTH 85 DEGREES 38 MINUTES 54 SECONDS EAST 260.00 FEET TO A POINT ON THE EAST LINE OF THE AFORESAID SOUTHWEST QUARTER, SAID POINT BEING THE NORTHEAST CORNER OF AFORESAID QUIT CLAIM DEED, SAID POINT IS 426.00 FEET NORTH OF THE SOUTHEAST CORNER OF SAID SOUTHWEST QUARTER; THENCE NORTH 01 DEGREES 17 MINUTES 14 SECONDS WEST ALONG SAID EAST LINE, 901.42 FEET TO THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF AFORESAID SECTION 15; THENCE SOUTH 88 DEGREES 21 MINUTES 55 SECONDS WEST ALONG THE SOUTH LINE OF SAID NORTHEAST QUARTER, 550.01 FEET TO A POINT ON THE WEST LINE OF THE EAST 350.00 FEET OF SAID NORTHEAST QUARTER, SAID POINT BEING THE SOUTHWEST CORNER OF LANDS CONVEYED BY DOCUMENT NUMBER 199607024; THENCE NORTH 01 DEGREES 17 MINUTES 14 SECONDS WEST ALONG SAID WEST LINE, 325.96 FEET TO A POINT ON THE SOUTH LINE OF LOT 2 IN AFORESAID LANGELAND'S SUBDIVISION, SAID POINT BEING THE NORTHWEST CORNER OF LANDS CONVEYED BY DOCUMENT NUMBER 199607024; THENCE SOUTH 89 DEGREES 02 MINUTES 26 SECONDS WEST ALONG THE SOUTH LINE OF SAID LOT 2, A DISTANCE OF 135.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 2; THENCE NORTH 01 DEGREES 17 MINUTES 14 SECONDS WEST ALONG THE WEST LINE OF AFORESAID LANGELAND'S SUBDIVISION, A DISTANCE OF 187.73 FEET TO THE POINT OF BEGINNING, ALL SITUATED IN SEWARD TOWNSHIP, KENDALL COUNTY, ILLINOIS.

Unofficial



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: Brian and Jennifer Gore
Address: [Redacted]
City, State, Zip: Y [Redacted]
Phone Number: [Redacted]
Email: [Redacted]

Contact Person: Daniel J. Kramer
 [Redacted]
 [Redacted]

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

Site Location & Proposed Use
 Township Name Seward Township 35 N, Range 8 E, Section(s) 15
 Parcel Index Number(s) 09-15-300-021 and 09-22-100-018
 Project or Subdivision Name Gore Number of Acres 40.046
 Current Use of Site vacant land Proposed Use 2 single family homes
 Proposed Number of Lots 2 Proposed Number of Structures 2
 Proposed Water Supply well Proposed type of Wastewater Treatment septic
 Proposed type of Storm Water Management _____

Type of Request

- Change in Zoning from A-1 to R-1
 - 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: _____

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

- Plat of Survey/Site Plan – showing location, legal description and property measurements
- Concept Plan - showing the locations of proposed lots, buildings, roads, stormwater detention, open areas, etc.
- If available: topography map, field tile map, copy of soil boring and/or wetland studies
- NRI fee (Please make checks payable to Kendall County SWCD)

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

Full Report: \$375.00 for five acres and under, plus \$18.00 per acre for each additional acre or any fraction thereof over five.
Executive Summary Report: \$300.00 (KCSWCD staff will determine when a summary or full report will be necessary.)

Fee for first five acres and under	\$ 375.00
<u>36</u> Additional Acres at \$18.00 each	\$ 648.00
Total NRI Fee	\$ 1,023.00

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 [Redacted Signature]

 Petitioner or Authorized Agent

6-22-2021

 Date

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

FOR OFFICE USE ONLY

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



Applicant: Brian and Jennifer Gore
Contact: Daniel J. Kramer
Address: [Redacted]

IDNR Project Number: 2114965
Date: 06/21/2021

Project: Gore
Address: Jughandle Road, Minooka

Description: zone from A-1 to R-2 to allow for two single family homes to be built

Natural Resource Review Results

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

The Illinois Natural Heritage Database shows the following protected resources may be in the vicinity of the project location:

Aux Sable Creek INAI Site
Greater Redhorse (*Moxostoma valenciennesi*)

An IDNR staff member will evaluate this information and contact you to request additional information or to terminate consultation if adverse effects are unlikely.

Location

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

County: Kendall

Township, Range, Section:
35N, 8E, 15



**IL Department of Natural Resources
Contact**
Adam Rawe
217-785-5500
Division of Ecosystems & Environment

Government Jurisdiction
Kendall County Planning, Building, & Zoning
Matt Asselmeier
111 W Fox Street
Yorkville, Illinois 60560

Disclaimer

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

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.



Illinois Department of Natural Resources

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

JB Pritzker, Governor

Colleen Callahan, Director

June 22, 2021

Daniel J. Kramer
Brian and Jennifer Gore

RE: Gore
Project Number(s): 2114965
County: Kendall

Dear Applicant:

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

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

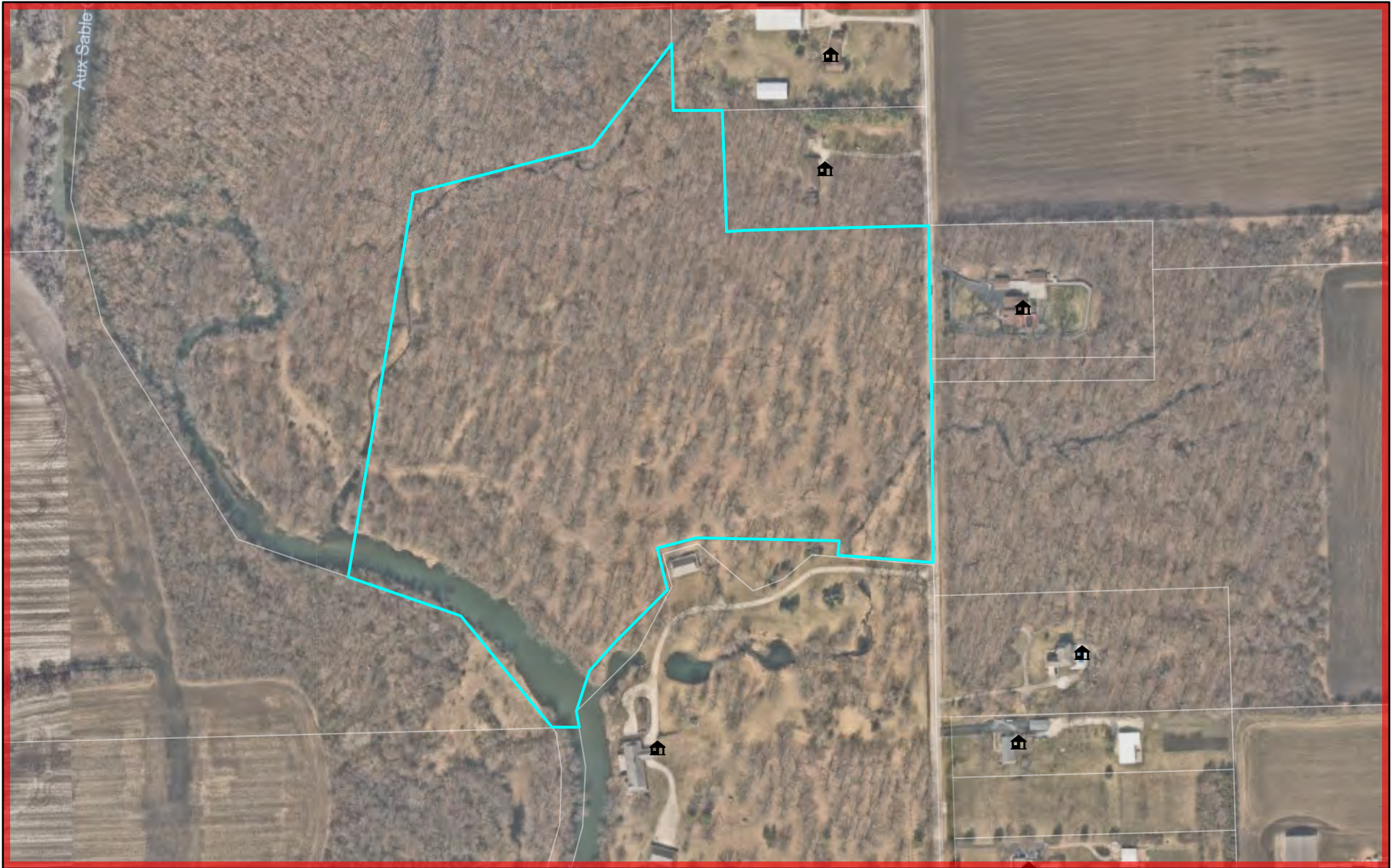
The natural resource review reflects the information existing in the Illinois Natural Heritage Database at the time of the project submittal, and should not be regarded as a final statement on the site being considered, nor should it be a substitute for detailed site surveys or field surveys required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

Please contact me if you have questions regarding this review.

[REDACTED]

Adam Rawe
Division of Ecosystems and Environment
217-785-5500

Attachment 2

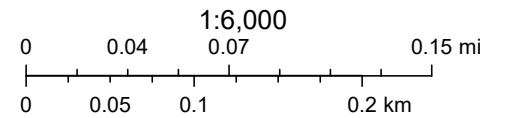


June 30, 2021

 Kendall County Address Points

Parcels

Ownership Parcel



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Kendall County Web GIS

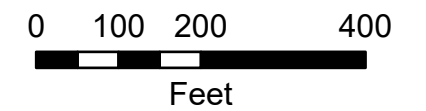


Brian & Jennifer Gore

**Eastern part of
09-15-300-021**

Legend

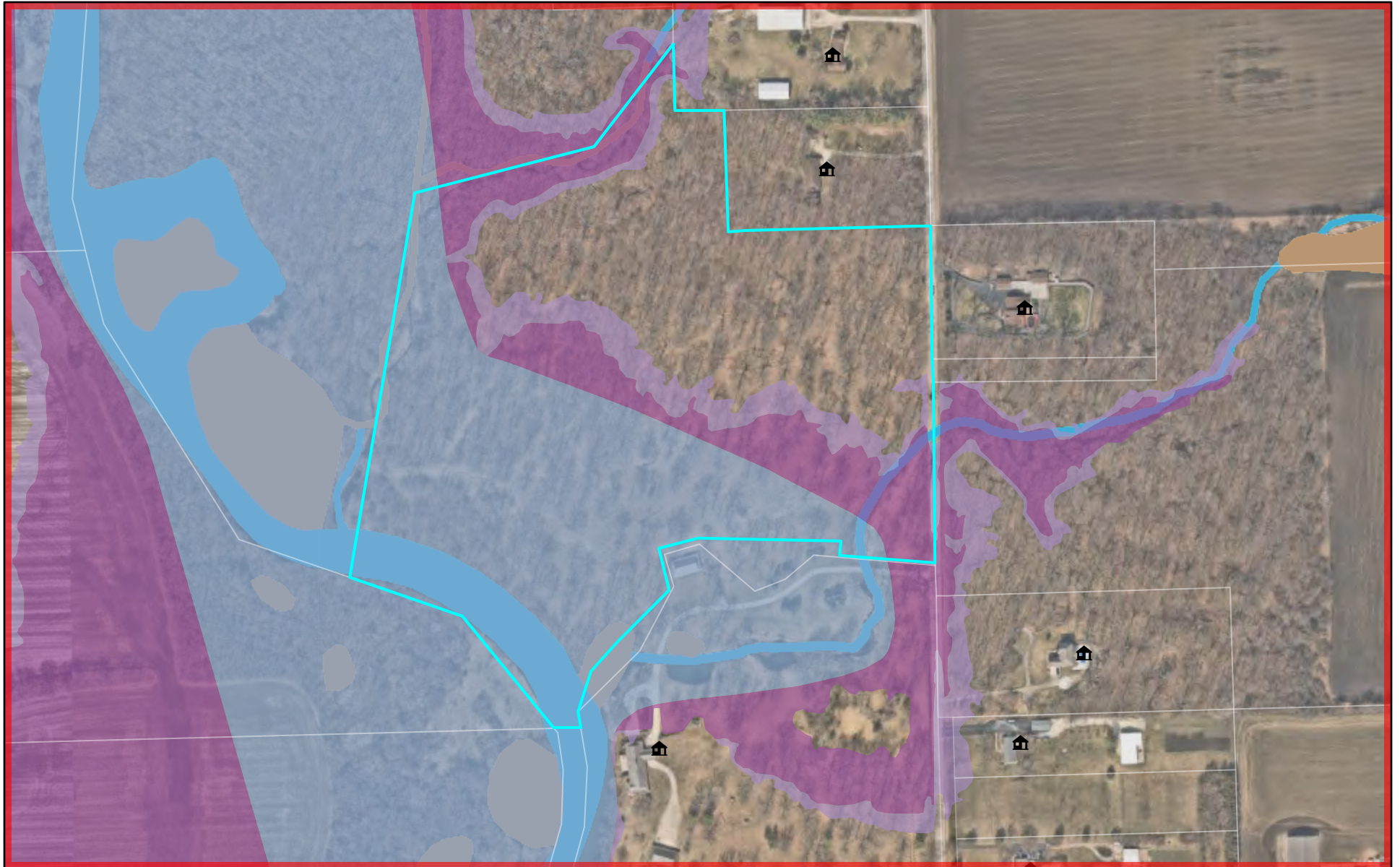
 Parcels




Kendall County GIS



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

Attachment 5



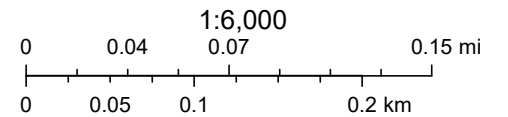
June 30, 2021

 Kendall County Address Points
 Parcels
 Ownership Parcel

USA Flood Hazard Areas
 1% Annual Chance Flood Hazard
 0.2% Annual Chance Flood Hazard

 Regulatory Floodway
USA Wetlands
 Marine

 Estuarine
 Palustrine
 Riverine



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