

MINUTES – UNOFFICIAL UNTIL APPROVED
KENDALL COUNTY
ZONING BOARD OF APPEALS MEETING
111 WEST FOX STREET, COUNTY BOARD ROOM (ROOMS 209 and 210)
YORKVILLE, IL 60560
November 1, 2021 – 7:00 p.m.

CALL TO ORDER

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

ROLL CALL:

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

Members Absent: Scott Cherry and Karen Clementi

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

Others Present: Brenda Zeiter, Boyd Ingemunson, Ron Miller, and Fran Miller

Chairman Mohr swore in Brenda Zeiter, Boyd Ingemunson, Ron Miller, and Fran Miller.

PETITIONS

Without objection, the agenda was amended to move Petitions 21-40 and 21-41 to ahead of Petition 21-37.

Without objection, the review of Petitions 21-40 and 21-41 were combined.

The Zoning Board of Appeals started their review of Petitions 21-40 and 21-41 at 7:20 p.m.

Petition 21 – 40 – Robert J. Fisher

Request: Amendment to the Future Land Use Map in the Kendall County Land Resource Management Plan by Reclassifying the Subject Property from Agricultural to Rural Estate Residential (Max 0.45 DU/Acre)

PIN: 09-29-400-005

Location: West Side of O'Brien Road Across from 16924 O'Brien Road in Seward Township

Purpose: Petitioner Wishes to Rezone the Property to R-1 to Construct One House

Petition 21 – 41 – Robert J. Fisher

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

PIN: 09-29-400-005

Location: West Side of O'Brien Road Across from 16924 O'Brien Road in Seward Township

Purpose: Petitioner Wishes to Rezone the Property to R-1 to Construct One House

Mr. Asselmeier summarized the requests.

Robert J. Fisher would like an amendment to the Future Land Use Map contained in the Land Resource Management Plan for approximately nineteen point five more or less (19.5 +/-) acres located on the

west side of O'Brien Road across from 16924 O'Brien Road. The Petitioner would also like to rezone the property R-1 in order to construct one (1) house on the property.

The application materials, aerial of the property, and aerial of the property with the floodplain was provided.

The County's Future Land Use Map called for the property to be Agricultural. Minooka's Future Land Use Map called for the property to be Low Density Residential.

O'Brien Road is a Township maintained Local Road. Minooka has a road planned connecting Whitewillow and O'Brien Roads.

Minooka has a trail planned along O'Brien Road.

There is floodplain and a riverine wetland on the property. An unnamed tributary of the Middle Aux Sable Creek flows through the property.

The adjacent land uses were Agricultural and Farmstead.

The adjacent properties were zoned A-1.

The Kendall County Land Resource Management Plan called for the property to the north to be Rural Estate Residential (Max 0.45 DU/acre). The property to the east would be Rural Residential (Max 0.65 DU/acre). The properties to the south and west were classified as Agricultural.

The Village of Minooka's Future Land Use Map called for the area to the north, south, and west to be Low Density Residential. The land to the east was planned to be a Regional Park.

The properties in the vicinity were zoned A-1.

EcoCAT Report submitted and consultation was terminated.

The application for NRI was submitted on September 21, 2021. The LESA Score was 229 indicating a high level of protection. The NRI was provided.

Petition information was sent to Seward Township on September 24, 2021. No comments have been received.

Petition information was sent to the Village of Minooka on September 24, 2021. No comments have been received.

Petition information was sent to the Minooka Fire Protection District on September 24, 2021. No comments have been received.

ZPAC reviewed these proposals at their meeting on October 5, 2021. Discussion occurred about a future subdivision of the property and the need to obtain proper permits when development occurred. ZPAC recommended approval of the request by a vote of eight (8) in favor and zero (0) in opposition with two (2) members absent. The minutes of the meeting were provided.

The Kendall County Regional Planning Commission held a public hearing on the requested change to the Future Land Use Map on October 27, 2021. No members of the public testified in favor or in opposition to the request. The Kendall County Regional Planning Commission recommended approval of the request by a vote of seven (7) in favor and zero (0) in opposition with three (3) members absent. The minutes of the hearing were provided.

The Kendall County Regional Planning Commission also reviewed the proposed map amendment at their meeting on October 27, 2021. Discussion occurred about the amount of floodplain on the property and the number of houses that could be constructed on the property without a formal subdivision. A maximum of three (3) lots could be created from the subject property without the submittal of a formal subdivision. The Petitioner's Attorney noted that the Petitioner has no plans to build a house; the Petitioner wanted to sell the property and market the property as a residential site. No other members of the public spoke at the meeting. The Kendall County Regional Planning Commission recommended approval of the request by a vote of seven (7) in favor and zero (0) in opposition with two (3) members absent. The minutes of the meeting were provided.

The Future Land Use Map of the Village of Minooka calls for the area to residential and for a park to be located across the street of the subject property on the east side of O'Brien Road.

The requested amendment is consistent with the Future Land Use Map of the Village of Minooka.

The property to the north of the subject property already possesses the classification requested for the subject property.

The Petitioner desires to rezone the subject property in order to build one (1) house on the property. A future owner might subdivide the property for additional houses.

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

There is electricity along O'Brien Road. No other public or private utilities are onsite.

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

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

No new odors are foreseen.

Any new lighting would be for residential use only.

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

Any signage would be residential in nature.

No noise is anticipated.

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

The proposed Findings of Fact were as follows:

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

The Zoning classification of property within the general area of the property in question. The surrounding properties are zoned A-1.

The suitability of the property in question for the uses permitted under the existing zoning classification. The Petitioner cannot construct a house on the property unless the property is rezoned. Only agricultural uses would be permitted if the map amendment did not occur.

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 Agricultural, the property to the north as Rural Estate Residential (Max 0.45 DU/Acre), and the property to the east as Rural Residential (Max 0.65 DU/Acre). The Village of Minooka's Future Land Use Map classifies this property as Low Density Residential. The Petitioner submitted a request amending the Kendall County Future Land Use Map to reclassify the subject property as Rural Estate Residential. The R-1 One Family Residential District is consistent with the Rural Estate Residential classification.

Staff recommended approval of the requested amendment.

If the requested amendment to the Future Land Use Map in the Land Resource Management Plan reclassifying this property as Rural Estate Residential was approved, Staff recommended approval of the proposed map amendment.

Chairman Mohr noted that putting two (2) houses on the property would be possible, but difficult. A third house would be difficult until Minooka extended Whitewillow Road.

Chairman Mohr asked if Rural Estate Residential allowed horses. Mr. Asselmeier responded yes.

The minimum lot size for the R-1 District is approximately two point nine-nine (2.99) acres. Discussion occurred about how much land would be available after accounting for setbacks and the placement of well and septic systems.

Chairman Mohr opened the public hearing at 7:28 p.m.

Chairman Mohr asked how the Petitioner planned to market the property. Boyd Ingemunson, Attorney for the Petitioner, said the Petitioner was going to market the property in its totality to build one (1) house. The Petitioner has no plans to divide the property; they will sell the whole piece at one (1) time. Chairman Mohr closed the public hearing at 7:29 p.m.

Member LeCuyer made a motion, seconded by Member Whitfield, to approve the Findings of Fact for the map amendment.

The votes were as follows:

Ayes (5): Fox, LeCuyer, Mohr, Thompson, and Whitfield
Nays (0): None
Abstain (0): None
Absent (2): Cherry and Clementi

The motion passed.

Member LeCuyer made a motion, seconded by Member Fox, to recommend approval of the change to the Future Land Use Map as requested.

The votes were as follows:

Ayes (5): Fox, LeCuyer, Mohr, Thompson, and Whitfield
Nays (0): None
Abstain (0): None
Absent (2): Cherry and Clementi

The motion passed.

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

The votes were as follows:

Ayes (5): Fox, LeCuyer, Mohr, Thompson, and Whitfield
Nays (0): None
Abstain (0): None
Absent (2): Cherry and Clementi

The motion passed.

Seward Township and the Village of Minooka will be notified of the results of the hearing.

Mr. Ingemunson requested that the Planning, Building and Zoning Committee review the proposals in November. Mr. Asselmeier will contact Planning, Building and Zoning Committee Chairman Scott Gengler and get his opinion.

The Zoning Board of Appeals completed their review of Petitions 21-40 and 21-41 at 7:33 p.m.

PUBLIC COMMENTS

Mr. Asselmeier stated that a request for a major amendment to a special use permit for a landscaping business at 3485 Route 126 had been submitted. The major amendment changes the site plan to have outdoor storage of equipment and materials and changes the number of employees that can report to the property. This item will be on the December 13, 2021, Zoning Board of Appeals agenda. The application deadline for that meeting is November 12, 2021.

ADJOURNMENT OF THE ZONING BOARD OF APPEALS

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

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

The Zoning Board of Appeals meeting adjourned at 7:57 p.m.

The next hearing/meeting will be on December 13, 2021.

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

Exhibits

1. Memo on Petition 21-40 Dated October 28, 2021
2. Certificate of Publication for Petition 21-40 (Not Included with Report but on file in Planning, Building and Zoning Office)
3. Memo on Petition 21-41 Dated October 28, 2021
4. Certificate of Publication for Petition 21-41 (Not Included with Report but on file in Planning, Building and Zoning Office)



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 203

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

Petition 21-40

Robert J. Fisher

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

Agricultural to Rural Estate Residential

INTRODUCTION

Robert J. Fisher would like an amendment to the Future Land Use Map contained in the Land Resource Management Plan for approximately nineteen point five more or less (19.5 +/-) acres located on the west side of O'Brien Road across from 16924 O'Brien Road. If approved, the Petitioner would like to rezone the property R-1 in order to construct one (1) house on the property.

The application materials are included as Attachment 1. An aerial of the property is included as Attachment 2. An aerial of the property with the floodplain is included as Attachment 3.

The map amendment request is a separate petition (Petition 21-41).

SITE INFORMATION

PETITIONER: Robert J. Fisher

ADDRESS: Across from 16924 O'Brien Road, Minooka

LOCATION: West Side of O'Brien Road Approximately 0.25 Miles North of Whitewillow Road



TOWNSHIP: Seward

PARCEL #: 09-29-400-005

LOT SIZE: 19.5 +/- Acres

EXISTING LAND USE: Agricultural

ZONING: A-1 Agricultural District

LRMP:	Future Land Use	Agricultural (Petitioner is requesting a change to Rural Estate Residential Max 0.45 DU/Acre.) Minooka calls for the property to be Low Density Residential.
	Roads	O'Brien Road is a Township maintained Local Road. Minooka has a road planned connecting Whitewillow and O'Brien Roads.
	Trails	Minooka has a trail planned along O'Brien Road.
	Floodplain/Wetlands	There is floodplain and a riverine wetland on the property. An unnamed tributary of the Middle Aux Sable Creek flows through the property.

REQUESTED ACTION: Amendment to Future Land Use Map from Agricultural to Rural Estate Residential
Map Amendment Rezoning Property from A-1 Agricultural to R-1 One Family Residential

APPLICABLE REGULATIONS: Section 13:07 – Map Amendment Procedures

SURROUNDING LAND USE

Location	Adjacent Land Use	Adjacent Zoning	Land Resource Management Plan	Zoning within ½ Mile
North	Agricultural	A-1	Rural Estate Residential (0.45 DU/Acre Max Density) (County) Low Density Residential (Minooka)	A-1
South	Agricultural/Farmstead	A-1	Agricultural (County) Low Density Residential (Minooka)	A-1
East	Agricultural/Farmstead	A-1	Rural Residential (0.65 DU/Acre Max Density) (County) Regional Park (Minooka)	A-1
West	Agricultural	A-1	Agricultural (County) Low Density Residential (Minooka)	A-1

ACTION SUMMARY

SEWARD TOWNSHIP

Petition information was sent to Seward Township on September 24, 2021.

VILLAGE OF MINOOKA

Petition information was sent to the Village of Minooka on September 24, 2021.

MINOOKA FIRE PROTECTION DISTRICT

Petition information was sent to the Minooka Fire Protection District on September 24, 2021.

ZPAC

ZPAC reviewed this proposal at their meeting on October 5, 2021. Discussion occurred about a future subdivision of the property and the need to obtain proper permits when development occurred. ZPAC recommended approval of the request by a vote of eight (8) in favor and zero (0) in opposition with two (2) members absent. The minutes of the meeting were included as Attachment 4.

RPC

The Kendall County Regional Planning Commission held a public hearing on this proposal on October 27, 2021. No members of the public testified in favor or in opposition to the request. The Kendall County Regional Planning Commission recommended approval of the request by a vote of seven (7) in favor and zero (0) in opposition with three (3) members absent. The minutes of the hearing were included as Attachment 5.

ANALYSIS

The Future Land Use Map of the Village of Minooka calls for the area to residential and for a park to be located across the street of the subject property on the east side of O'Brien Road.

The requested amendment is consistent with the Future Land Use Map of the Village of Minooka.

The property to the north of the subject property already possesses the classification requested for the subject property.

RECOMMENDATION

Staff recommends approval of the requested amendment.

ATTACHMENTS

1. Application Materials
2. Aerial
3. Aerial of Floodplain Area
4. October 5, 2021 ZPAC Minutes (This Petition Only)
5. October 27, 2021 Regional Planning Commission Minutes (This Petition Only)



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

APPLICATION

PROJECT NAME Fisher Re-Zoning

FILE #: 21-40 + 21-41

NAME OF APPLICANT Robert J. Fisher		
CURRENT LANDOWNER/NAME(s) Robert J. Fisher		
SITE INFORMATION	SITE ADDRESS OR LOCATION	ASSESSOR'S ID NUMBER (PIN)
ACRES 19.00		09-29-400-005
EXISTING LAND USE Agricultural	CURRENT ZONING A-1	LAND CLASSIFICATION ON LRMP Agricultural
REQUESTED ACTION (Check All That Apply):		
<input type="checkbox"/> SPECIAL USE	<input checked="" type="checkbox"/> MAP AMENDMENT (Rezone to _____)	<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 (___ Concept; ___ Preliminary; ___ 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 Boyd Ingemunson	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 n/a	ENGINEER MAILING ADDRESS n/a	ENGINEER EMAIL n/a
ENGINEER PHONE # n/a	ENGINEER FAX # n/a	ENGINEER OTHER # (Cell, etc.) n/a
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 [REDACTED]

FEE PAID: \$ 500.00
CHECK # [REDACTED]

RECEIVED

SEP 21 2021

KENDALL COUNTY
PLANNING, BUILDING & ZONING
Date Stamp Here If
Checklist is Complete

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.

Mix of Residential / Agricultural

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

Agricultural

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

suitable

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.

Rural Residential Development

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

Consistent

LEGAL DESCRIPTION

THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 35 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, KENDALL COUNTY, ILLINOIS, EXCEPTING THE NORTH 2008.02 FEET THEREOF. CONSISTING OF 19.51 ACRES, MORE OR LESS.

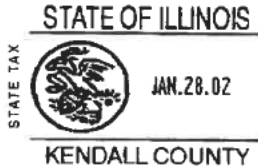
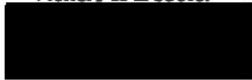
TRUSTEE'S DEED

Statutory Form

200200002571
Filed for Record in
KENDALL COUNTY, ILLINOIS
PAUL ANDERSON
01-28-2002 At 09:04 a.m.
TRUSTEES D 1097.25

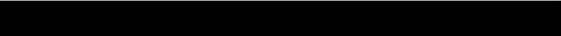
PREPARED BY & RETURN TO:

Robert E. White
White, Marsh, Anderson,
Vickers & Deobler



REAL ESTATE TRANSFER TAX
007 1950
FP351015

0000003143

THIS INDENTURE made this 10th day of January, 2002, between **GERALD R. KNUDSON**, Trustee under the **Gerald R. Knudson Living Trust** dated **January 28, 1993**, as to an undivided **50% interest**, and **PATRICIA A. KNUDSON**, Trustee under the **Patricia A. Knudson Living Trust** dated **January 28, 1993**, as to an undivided **50% interest**, Grantors, and **ROBERT J. FISHER**, of the  Grantee.

WITNESSETH: That said Grantors, in consideration of the sum of Ten (\$10.00) Dollars and other good and valuable consideration, receipt whereof is hereby acknowledged, and in pursuance of the power and authority vested in the Grantor as said Trustees, and of every other power and authority the Grantors hereunto enabling, do hereby convey and quitclaim unto Grantee, in fee simple, the following described real estate, situated in the County of Kendall and State of Illinois, to wit:

SEE "EXHIBIT A" ATTACHED HERETO AND EXPRESSLY MADE A PART HEREOF.

Subject to: General Real Estate Taxes and Special Assessments for the year 2001 and subsequent years; all zoning ordinances, easements, covenants and restrictions of record; rights of the public in and to that portion of the premises in question taken, used or dedicated for roads or highways; rights of way for drainage ditches, drain tiles, feeders, laterals and underground pipes, if any;

together with the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining.


COUNTY OF KENDALL
REAL ESTATE TRANSFER TAX
\$ 359.75


To Have and to Hold the same unto said Grantee, and to the proper use, benefit and behoof forever of said Grantee.

This Deed is executed pursuant to aid in the exercise of the power and authority granted to and vested in said Trustees by the terms of the Deed or Deeds in Trust delivered to said Trustees in pursuant of the Trust Agreement mentioned above. This Deed is made subject to the lien of every Trust Deed or Mortgage (if any there be) of record in said County given to secure the payment of money, and remaining unreleased at the date of the delivery thereof.

Permanent Index Numbers:

09-29-400-004 & 09-32-200-005

 (SEAL)
GERALD R. KNUDSON, Trustee
under the Gerald R. Knudson Living
Trust dated January 28, 1993

 (SEAL)
PATRICIA A. KNUDSON, Trustee
under the Patricia A. Knudson Living
Trust dated January 28, 1993

STATE OF ILLINOIS

COUNTY OF ILLINOIS

)
) SS.
)

I, the undersigned, a Notary Public in and for, said County, in the State aforesaid DO HEREBY CERTIFY, that GERALD R. KNUDSON and PATRICIA A. KNUDSON, personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that they signed, sealed and delivered the same instrument as their free and voluntary act for the uses and purposes therein set forth, including the release and waiver of the right of homestead.

GIVEN under my hand and notarial seal, this 10th day of January, 2002.




Notary Public

MAIL TAX BILL TO:

Robert J. Fisher


AFFIX TRANSFER TAX STAMP
OR
*Exempt under provisions of Paragraph _____
Section 4, Real Estate Transfer Tax Act

EXHIBIT A

THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 29, AND THE EAST HALF OF THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 32, EXCEPT A TRACT ON THE EAST SIDE WHICH IS MEASURED 208.71 FEET X 208.71 FEET, BEING APPROXIMATELY ONE ACRE IN AREA, ALL LOCATED IN TOWNSHIP 35 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, KENDALL COUNTY, ILLINOIS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 35 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, SAID POINT BEING THE POINT OF BEGINNING; THENCE SOUTH 00° 00' 00" WEST ALONG THE EAST LINE OF THE SAID SOUTHEAST QUARTER FOR A DISTANCE OF 1116.82 FEET; THENCE NORTH 90° 00' 00" WEST FOR A DISTANCE OF 208.71 FEET; THENCE SOUTH 00° 00' 00" WEST FOR A DISTANCE OF 208.71 FEET; THENCE SOUTH 90° 00' 00" EAST FOR A DISTANCE OF 208.71 FEET TO A POINT WHICH FALLS ON THE SAID EAST LINE; THENCE SOUTH 00° 00' 00" WEST ALONG THE SAID EAST LINE FOR A DISTANCE OF 1325.34 FEET TO THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF SECTION 32, TOWNSHIP 35 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN; THENCE SOUTH 00° 57' 37" WEST ALONG THE EAST LINE OF SAID NORTHEAST QUARTER FOR A DISTANCE OF 1328.70 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH HALF OF THE SAID NORTHEAST QUARTER; THENCE NORTH 89° 46' 23" WEST ALONG THE SAID SOUTH LINE FOR A DISTANCE OF 1321.21 FEET TO THE WEST LINE OF THE EAST HALF OF THE NORTH HALF OF THE SAID NORTHEAST QUARTER; THENCE NORTH 00° 54' 36" EAST ALONG THE SAID WEST LINE FOR A DISTANCE OF 1329.53 FEET TO THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 29; THENCE NORTH 00° 01' 54" WEST ALONG THE WEST LINE OF THE EAST HALF OF THE SAID SOUTHEAST QUARTER FOR A DISTANCE OF 2651.09 FEET TO A POINT ON THE NORTH LINE OF THE SAID SOUTHEAST QUARTER; THENCE SOUTH 89° 44' 35" EAST ALONG THE SAID NORTH LINE FOR A DISTANCE OF 1323.83 FEET TO THE POINT OF BEGINNING; CONTAINING 119.854 ACRES MORE OR LESS, ALL LOCATED IN THE SOUTHEAST QUARTER OF SECTION 29 AND THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 32, TOWNSHIP 35 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN; COUNTY OF KENDALL AND STATE OF ILLINOIS.***

COUNTY OF KENDALL)

Gerald R. Knudson

he resides at [redacted] being duly sworn on oath, states that [redacted] that the attached deed represents:

1. A distinct separate parcel on record prior to July 17, 1959.
2. A distinct separate parcel qualifying for a Kendall County building permit prior to August 10, 1971.
3. The division or subdivision of land is into parcels or tracts of 5 acres or more in size which does not involve any new streets or easements of access.
4. The division is of lots or blocks of less than 1 acre in any recorded subdivision which does not involve any new streets or easements of access.
5. The sale or exchange of parcels of land is between owners of adjoining and contiguous land.
6. The conveyance is of parcels of land or interests therein for use as right-of-way for railroads or other public utility facilities which does not involve any new streets or easements of access.
7. The conveyance is of land owned by a railroad or other public utility which does not involve any new streets or easements of access.
8. The conveyance is of land for highway or other public purpose or grants or conveyances relating to the dedication of land for public use or instruments relating to the vacation of land impressed with a public use.
9. The conveyance is made to correct description in prior conveyances.
10. The sale or exchange is of parcels or tracts of land following the division into no more than two parts of a particular parcel or tract of land existing on July 17, 1959 and not involving any new streets or easements of access.
11. The sale is of a single lot of less than 5 acres from a larger tract evidenced by a survey made by a registered surveyor which single lot is the first sale from said larger tract as determined by the dimensions and configuration thereof on October 1, 1973 and which sale does not violate any local requirements applicable to the subdivision of land.

CIRCLE NUMBER ABOVE WHICH IS APPLICABLE TO ATTACHED DEED.

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

Subscribed to and sworn before me this 10th day of Jan 2002

[redacted signature]





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: Robert Fisher
Contact Person: Boyd Ingemunson
 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) 29
 Parcel Index Number(s) 09-29-400-005
 Project or Subdivision Name Fisher Re-Zoning Number of Acres 20 acres
 Current Use of Site Agricultural Proposed Use Rural Residential
 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 on site

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	\$ <u>375.00</u>
<u>15</u> Additional Acres at \$18.00 each	\$ <u>270</u>
Total NRI Fee	\$ <u>645</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.

 Petitioner or Authorized Agent

9/21/2021

 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# 2117 Date initially rec'd 9/21/21 Date all rec'd 9/21/21 Board Meeting October
 Fee Due \$ 300.00 Fee Paid \$ 300.00 Check # [Redacted] Over/Under Payment N/A Refund Due N/A



Illinois Department of Natural Resources

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

JB Pritzker, Governor

Colleen Callahan, Director

September 15, 2021

Boyd Ingemunson
Robert J. Fisher

RE: Fisher Re-Zoning
Project Number(s): 2204976
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.


Kyle Burkwald
Division of Ecosystems and Environment
217-785-5500

Attachment 2

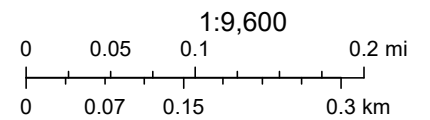


September 21, 2021

 Kendall County Address Points

Parcels

Ownership Parcel

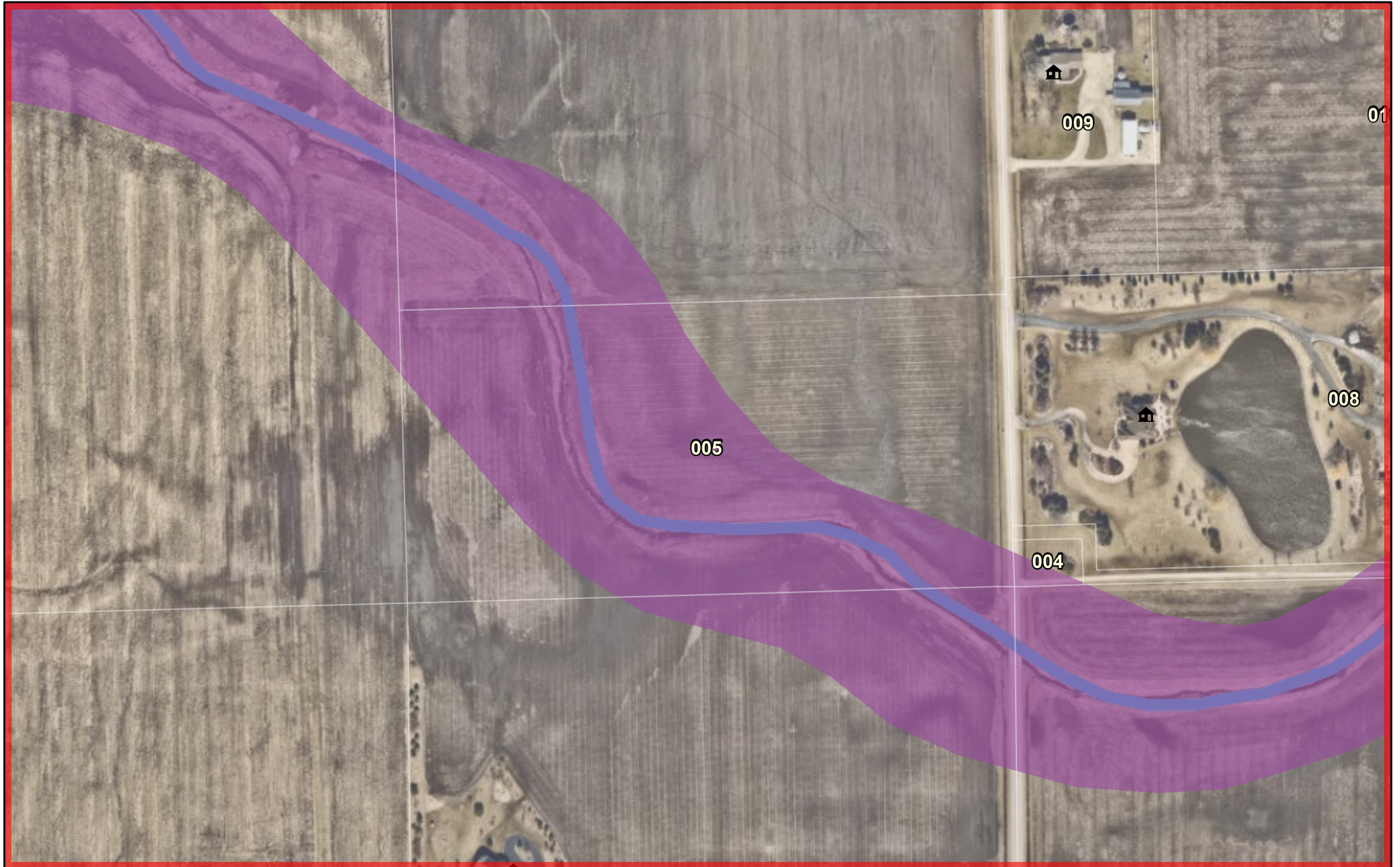


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Kendall County Web GIS

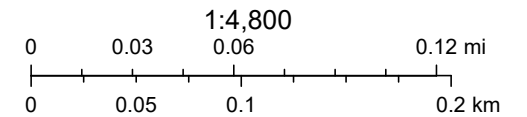
View GIS Disclaimer at <https://www.co.kendall.il.us/departments/geographic-information-systems/gis-disclaimer-page/>.

Attachment 3



September 21, 2021

- | | | |
|-------------------------------|-------------------------------|------------|
| Kendall County Address Points | USA Flood Hazard Areas | Estuarine |
| Parcels | 1% Annual Chance Flood Hazard | Palustrine |
| Ownership Parcel | USA Wetlands | Riverine |
| | Marine | |



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Kendall County Web GIS

View GIS Disclaimer at <https://www.co.kendall.il.us/departments/geographic-information-systems/gis-disclaimer-page/>.

**ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)
October 5, 2021 – Unapproved Meeting Minutes**

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

Present:

Matt Asselmeier – PBZ Department
Meagan Briganti – GIS Department
Scott Gengler – PBZ Committee Chair
Brian Holdiman – PBZ Department
Fran Klaas – Highway Department
Sergeant Dave Lawson – Sheriff's Department
Alyse Olson – Soil and Water Conservation District
Aaron Rybski – Health Department

Absent:

Greg Chismark – WBK Engineering, LLC
David Guritz – Forest Preserve

Audience:

Brenda Zeiter, Gregg Ingemunson, Greg Dady, Boyd Ingemunson, and John Tebrugge

PETITIONS

Petition 21-40 and 21-41 Robert J. Fisher

Mr. Asselmeier summarized the request.

Robert J. Fisher would like an amendment to the Future Land Use Map contained in the Land Resource Management Plan for approximately nineteen point five more or less (19.5 +/-) acres located on the west side of O'Brien Road across from 16924 O'Brien Road. The Petitioner would also like to rezone the property R-1 in order to construct one (1) house on the property.

The application materials, aerial of the property, and aerial of the property with the floodplain was provided.

The County's Future Land Use Map called for the property to be Agricultural. Minooka's Future Land Use Map called for the property to be Low Density Residential.

O'Brien Road is a Township maintained Local Road. Minooka has a road planned connecting Whitewillow and O'Brien Roads.

Minooka has a trail planned along O'Brien Road.

There is floodplain and a riverine wetland on the property. An unnamed tributary of the Middle Aux Sable Creek flows through the property.

The adjacent land uses were Agricultural and Farmstead.

The adjacent properties were zoned A-1.

The Kendall County Land Resource Management Plan called for the property to the north to be Rural Estate Residential (Max 0.45 DU/acre). The property to the east would be Rural Residential (Max 0.65 DU/acre). The properties to the south and west were classified as Agricultural.

The Village of Minooka's Future Land Use Map called for the area to the north, south, and west to be Low Density Residential. The land to the east was planned to be a Regional Park.

The properties in the vicinity were zoned A-1.

EcoCAT Report submitted and consultation was terminated.

The application for NRI was submitted on September 21, 2021.

Petition information was sent to Seward Township on September 24, 2021.

Petition information was sent to the Village of Minooka on September 24, 2021.

Petition information was sent to the Minooka Fire Protection District on September 24, 2021.

The Petitioner desires to rezone the subject property in order to build one (1) house on the property. A future owner might subdivide the property for additional houses.

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

There was electricity along O'Brien Road. No other public or private utilities were onsite.

The property fronted O'Brien. Staff had no concerns regarding the ability of O'Brien Road to support the proposed map amendment.

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

No new odors were foreseen.

Any new lighting would be for residential use only.

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

Any signage would be residential in nature.

No noise was anticipated.

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

The Future Land Use Map of the Village of Minooka calls for the area to residential and for a park to be located across the street of the subject property on the east side of O'Brien Road.

The requested amendment is consistent with the Future Land Use Map of the Village of Minooka.

The property to the north of the subject property already possesses the classification requested for the subject property.

The proposed Findings of Fact were as follows:

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

The Zoning classification of property within the general area of the property in question. The surrounding properties are zoned A-1.

The suitability of the property in question for the uses permitted under the existing zoning classification. The Petitioner cannot construct a house on the property unless the property is rezoned. Only agricultural uses would be permitted if the map amendment did not occur.

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 Agricultural, the property to the north as Rural Estate Residential (Max 0.45 DU/Acre), and the property to the east as Rural Residential (Max 0.65 DU/Acre). The Village of Minooka's Future Land Use Map classifies this property as Low ZPAC Meeting Minutes 10.05.21

Density Residential. The Petitioner submitted a request amending the Kendall County Future Land Use Map to reclassify the subject property as Rural Estate Residential. The R-1 One Family Residential District is consistent with the Rural Estate Residential classification.

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

Mr. Rybski asked if a subdivision is planned for this property. Mr. Asselmeier said no subdivision was planned. Boyd Ingemunson, Attorney for the Petitioner, said the current owner wants to market the property for one (1) house. No agricultural allocations were available. The current owner has no plans to subdivide the property for additional homes.

Ms. Olson requested that the property owners obtain the necessary permits from the Army Corps of Engineers and Illinois Department of Resources. She also noted the limitations of the site caused by the soils. Mr. Ingemunson said that the Petitioner does not plan to build a house; the Petitioner wants to be able to market the property for residential purposes.

Mr. Holdiman asked why the Petitioner did not pursue a conditional use permit. Mr. Ingemunson responded that the Petitioner owns the property to the south and the Petitioner was looking to make it easier for a future property owner to build.

Chairman Gengler made a motion, seconded by Mr. Holdiman, to recommend approval of the amendment to the Future Land Use Map and the text amendment.

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

The proposal goes to the Kendall County Regional Planning Commission on October 27, 2021.

CORRESPONDENCE

None

PUBLIC COMMENT

None

ADJOURNMENT

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

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

The ZPAC, at 10:44 a.m., adjourned.

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

Enc.

Attachment 5, Page 1
KENDALL COUNTY
REGIONAL PLANNING COMMISSION

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

Unapproved - Meeting Minutes of October 27, 2021 - 7:00 p.m.

Chairman Ashton called the meeting to order at 7:28 p.m.

ROLL CALL

Members Present: Bill Ashton, Roger Bledsoe, Tom Casey, Dave Hamman, Larry Nelson, Claire Wilson, and Seth Wormley

Members Absent: Karin McCarthy-Lange, Ruben Rodriguez, and Bob Stewart

Staff Present: Matthew H. Asselmeier, Senior Planner

Others Present: Brenda Zeiter, Boyd Ingemunson, Ron Miller, Fran Miller, and Dan Koukol

PUBLIC HEARING

Petition 21-40 Robert J. Fisher

The Kendall County Regional Planning Commission started their review of Petition 21-40 at 7:29 p.m.

Chairman Ashton opened the public hearing at 7:29 p.m.

Mr. Asselmeier summarized the request.

Robert J. Fisher would like an amendment to the Future Land Use Map contained in the Land Resource Management Plan for approximately nineteen point five more or less (19.5 +/-) acres located on the west side of O'Brien Road across from 16924 O'Brien Road. The Petitioner would also like to rezone the property R-1 in order to construct one (1) house on the property.

The application materials, aerial of the property, and aerial of the property with the floodplain was provided.

The County's Future Land Use Map called for the property to be Agricultural. Minooka's Future Land Use Map called for the property to be Low Density Residential.

O'Brien Road is a Township maintained Local Road. Minooka has a road planned connecting Whitewillow and O'Brien Roads.

Minooka has a trail planned along O'Brien Road.

There is floodplain and a riverine wetland on the property. An unnamed tributary of the Middle Aux Sable Creek flows through the property.

The adjacent land uses were Agricultural and Farmstead.

The adjacent properties were zoned A-1.

The Kendall County Land Resource Management Plan called for the property to the north to be Rural Estate Residential (Max 0.45 DU/acre). The property to the east would be Rural Residential (Max 0.65 DU/acre). The properties to the south and west were classified as Agricultural.

The Village of Minooka's Future Land Use Map called for the area to the north, south, and west to be Low Density Residential. The land to the east was planned to be a Regional Park.

The properties in the vicinity were zoned A-1.

Petition information was sent to Seward Township on September 24, 2021. No comments have been received.

Petition information was sent to the Village of Minooka on September 24, 2021. No comments have been received.

Petition information was sent to the Minooka Fire Protection District on September 24, 2021. No comments have been received.

ZPAC reviewed this proposal at their meeting on October 5, 2021. Discussion occurred about a future subdivision of the property and the need to obtain proper permits when development occurred. ZPAC recommended approval of the request by a vote of eight (8) in favor and zero (0) in opposition with two (2) members absent. The minutes of the meeting were provided.

The Future Land Use Map of the Village of Minooka calls for the area to residential and for a park to be located across the street of the subject property on the east side of O'Brien Road.

The requested amendment is consistent with the Future Land Use Map of the Village of Minooka.

The property to the north of the subject property already possesses the classification requested for the subject property.

Staff recommended approval of the requested amendment.

Chairman Ashton if the classification of the parcel to the east in the County's Land Resource Management Plan pre-existed the application. Mr. Asselmeier responded yes.

Boyd Ingemunson, Attorney for the Petitioner, asked if anyone had any questions.

There were no additional questions or comments from the Planning Commissioners or members of the public.

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

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

Member Nelson made a motion, seconded by Member Hamman, to recommend approval of the requested amendment to the Future Land Use Map.

The votes were as follows:

Ayes (7): Ashton, Bledsoe, Casey, Hamman, Nelson, Wilson, and Wormley

Nays (0): None

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

Abstain (0): None

The motion carried.

This proposal will go to the Kendall County Zoning Board of Appeals on November 1, 2021.

The Kendall County Regional Planning Commission concluded their review of Petition 21-40 at 7:35 p.m.

CITIZENS TO BE HEARD/ PUBLIC COMMENT

Member Wilson asked if any special use permits had to be rescinded due to the Agricultural Experiences Act. Mr. Asselmeier responded that several of the entities that have seasonal festivals also have special use permits for other activities. The special use permits for other activities could still be enforced. Any restrictions on a seasonal festival specifically would no longer be enforceable.

Dan Koukol, as a County Board Member, thanked all of the Commissioners for their time and work on the Commission. He noted all of the experience of the Commissioners. He stated that the issues raised by the Regional Planning do not always get enough time and attention at the Planning, Building and Zoning Committee. He also discussed the complaints that he received regarding agricultural special uses.

Dan Koukol, as a citizen, noted that he has a special use permit. He noted that he communicated with a landscaper in McCook that wanted to move to Kendall County because the zoning was easy and he could just purchase land and start operations. He expressed concerns about companies claiming to be landscaping businesses with large amounts of heavy equipment. He discussed the floodplain and requested special use permit amendment at 3485 Route 126. He suggested weight restriction for equipment for landscaping businesses. He also discussed the pallet factory near Ashley Road and Plattville Road. Member Nelson suggested having a boiler plate restriction for landscaping businesses.

Chairman Ashton discussed a conversation he had regarding an industrial zone along Route 126. After the October 27, 2021, Comprehensive Land Plan and Ordinance Committee meeting he did not think a conversation like that along Route 126 would occur. He noted a future exodus from the County because of taxes.

Mr. Asselmeier noted that only a small number of special use permits have periodic reviews.

ADJOURNMENT

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

The Kendall County Regional Planning Commission meeting adjourned at 8:47 p.m.

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


Exhibits

1. Memo on Petition 21-40 Dated October 20, 2021
2. Certificate of Publication for Petition 21-40 (Not Included with Report but on file in Planning, Building and Zoning Office)



**KENDALL COUNTY
REGIONAL PLANNING COMMISSION
OCTOBER 27, 2021**

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

NAME	ADDRESS (OPTIONAL)	EMAIL ADDRESS (OPTIONAL)
Ron & Fern MILLER		



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 203

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

Petition 21-41

Robert J. Fisher

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

INTRODUCTION

Robert J. Fisher would like a map amendment rezoning approximately nineteen point five more or less (19.5 +/-) acres located on the west side of O'Brien Road across from 16924 O'Brien Road from A-1 Agricultural to R-1 One Family Residential. If approved, the Petitioner would like to construct one (1) house on the property.

The application materials are included as Attachment 1. An aerial of the property is included as Attachment 2. An aerial of the property with the floodplain is included as Attachment 3.

The amendment to the Future Land Use Map in the Land Resource Management Plan is a separate petition (Petition 21-40).

SITE INFORMATION

PETITIONER: Robert J. Fisher

ADDRESS: Across from 16924 O'Brien Road, Minooka

LOCATION: West Side of O'Brien Road Approximately 0.25 Miles North of Whitewillow Road



TOWNSHIP: Seward

PARCEL #: 09-29-400-005

LOT SIZE: 19.5 +/- Acres

EXISTING LAND
USE: Agricultural

ZONING: A-1 Agricultural District

LRMP:	Future Land Use	Agricultural (Petitioner is requesting a change to Rural Estate Residential Max 0.45 DU/Acre.) Minooka calls for the property to be Low Density Residential.
	Roads	O'Brien Road is a Township maintained Local Road. Minooka has a road planned connecting Whitewillow and O'Brien Roads.
	Trails	Minooka has a trail planned along O'Brien Road.
	Floodplain/Wetlands	There is floodplain and a riverine wetland on the property. An unnamed tributary of the Middle Aux Sable Creek flows through the property.

REQUESTED ACTION: Amendment to Future Land Use Map from Agricultural to Rural Estate Residential
Map Amendment Rezoning Property from A-1 Agricultural to R-1 One Family Residential

APPLICABLE REGULATIONS: Section 13:07 – Map Amendment Procedures

SURROUNDING LAND USE

Location	Adjacent Land Use	Adjacent Zoning	Land Resource Management Plan	Zoning within ½ Mile
North	Agricultural	A-1	Rural Estate Residential (0.45 DU/Acre Max Density) (County) Low Density Residential (Minooka)	A-1
South	Agricultural/Farmstead	A-1	Agricultural (County) Low Density Residential (Minooka)	A-1
East	Agricultural/Farmstead	A-1	Rural Residential (0.65 DU/Acre Max Density) (County) Regional Park (Minooka)	A-1
West	Agricultural	A-1	Agricultural (County) Low Density Residential (Minooka)	A-1

PHYSICAL DATA

ENDANGERED SPECIES REPORT

EcoCAT Report submitted and consultation was terminated (see Attachment 1, Page 9).

NATURAL RESOURCES INVENTORY

The application for NRI was submitted on September 21, 2021 (see Attachment 1, Page 8). The LESA Score was 229 indicating a high level of protection. The NRI is included as Attachment 4.

ACTION SUMMARY

SEWARD TOWNSHIP

Petition information was sent to Seward Township on September 24, 2021.

VILLAGE OF MINOOKA

Petition information was sent to the Village of Minooka on September 24, 2021.

MINOOKA FIRE PROTECTION DISTRICT

Petition information was sent to the Minooka Fire Protection District on September 24, 2021.

ZPAC

ZPAC reviewed this proposal at their meeting on October 5, 2021. Discussion occurred about a future subdivision of the property and the need to obtain proper permits when development occurred. ZPAC recommended approval of the request by a vote of eight (8) in favor and zero (0) in opposition with two (2) members absent. The minutes of the meeting were included as Attachment 5.

RPC

The Kendall County Regional Planning Commission reviewed this proposal at their meeting on October 27, 2021. Discussion occurred about the amount of floodplain on the property and the number of houses that could be constructed on the property without a formal subdivision. A maximum of three (3) lots could be created from the subject property without the submittal of a formal subdivision. The Petitioner's Attorney noted that the Petitioner has no plans to build a house; the Petitioner wanted to sell the property and market the property as a residential site. No other members of the public spoke at the meeting. The Kendall County Regional Planning Commission recommended approval of the request by a vote of seven (7) in favor and zero (0) in opposition with two (3) members absent. The minutes of the meeting were included as Attachment 6.

GENERAL INFORMATION

The Petitioner desires to rezone the subject property in order to build one (1) house on the property. A future owner might subdivide the property for additional houses.

BUILDING CODES

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

UTILITIES

There is electricity along O'Brien Road. No other public or private utilities are onsite.

ACCESS

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

PARKING AND INTERNAL TRAFFIC CIRCULATION

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

ODORS

No new odors are foreseen.

LIGHTING

Any new lighting would be for residential use only.

LANDSCAPING AND SCREENING

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

SIGNAGE

Any signage would be residential in nature.

NOISE CONTROL

No noise is anticipated.

STORMWATER

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

FINDINGS OF FACT

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

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

*The Zoning classification of property within the general area of the property in question. **The surrounding properties are zoned A-1.***

*The suitability of the property in question for the uses permitted under the existing zoning classification. **The Petitioner cannot construct a house on the property unless the property is rezoned. Only agricultural uses would be permitted if the map amendment did not occur.***

*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 Agricultural, the property to the north as Rural Estate Residential (Max 0.45 DU/Acre), and the property to the east as Rural Residential (Max 0.65 DU/Acre). The Village of Minooka's Future Land Use Map classifies this property as Low Density Residential. The Petitioner submitted a request amending the Kendall County Future Land Use Map to reclassify the subject property as Rural Estate Residential. The R-1 One Family Residential District is consistent with the Rural Estate Residential classification.***

RECOMMENDATION

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

ATTACHMENTS

1. Application Materials
2. Aerial
3. Aerial of Floodplain Area
4. NRI Report
5. October 5, 2021 ZPAC Minutes (This Petition Only)
6. October 27, 2021 Regional Planning Commission Minutes (This Petition Only)



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

APPLICATION

PROJECT NAME Fisher Re-Zoning

FILE #: 21-40 + 21-41

NAME OF APPLICANT Robert J. Fisher		
CURRENT LANDOWNER/NAME(S) Robert J. Fisher		
SITE INFORMATION	SITE ADDRESS OR LOCATION	ASSESSOR'S ID NUMBER (PIN)
ACRES 19.00		09-29-400-005
EXISTING LAND USE Agricultural	CURRENT ZONING A-1	LAND CLASSIFICATION ON LRMP Agricultural
REQUESTED ACTION (Check All That Apply):		
<input type="checkbox"/> SPECIAL USE	<input checked="" type="checkbox"/> MAP AMENDMENT (Rezone to _____)	<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 (____ Concept; ____ Preliminary; ____ 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 Boyd Ingemunson	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 n/a	ENGINEER MAILING ADDRESS n/a	ENGINEER EMAIL n/a
ENGINEER PHONE # n/a	ENGINEER FAX # n/a	ENGINEER OTHER # (Cell, etc.) n/a
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 [REDACTED]

FEE PAID: \$ 500.00
CHECK # [REDACTED]

RECEIVED

SEP 21 2021

KENDALL COUNTY
PLANNING, BUILDING & ZONING
Date Stamp Here If
Checklist is Complete

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.

Mix of Residential / Agricultural

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

Agricultural

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

suitable

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.

Rural Residential Development

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

Consistent

LEGAL DESCRIPTION

THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 35 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, KENDALL COUNTY, ILLINOIS, EXCEPTING THE NORTH 2008.02 FEET THEREOF. CONSISTING OF 19.51 ACRES, MORE OR LESS.

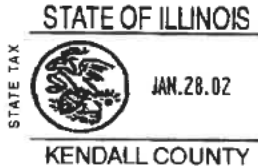
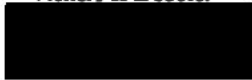
TRUSTEE'S DEED

Statutory Form

200200002571
Filed for Record in
KENDALL COUNTY, ILLINOIS
PAUL ANDERSON
01-28-2002 At 09:04 a.m.
TRUSTEES D 1097.25

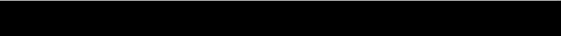
**PREPARED BY &
RETURN TO:**

Robert E. White
White, Marsh, Anderson,
Vickers & Deobler



REAL ESTATE TRANSFER TAX
007 1950
FP 35 10 15

0000003143

THIS INDENTURE made this 10th day of January, 2002, between **GERALD R. KNUDSON**, Trustee under the **Gerald R. Knudson Living Trust** dated **January 28, 1993**, as to an undivided **50% interest**, and **PATRICIA A. KNUDSON**, Trustee under the **Patricia A. Knudson Living Trust** dated **January 28, 1993**, as to an undivided **50% interest**, Grantors, and **ROBERT J. FISHER**, of the  Grantee.

WITNESSETH: That said Grantors, in consideration of the sum of Ten (\$10.00) Dollars and other good and valuable consideration, receipt whereof is hereby acknowledged, and in pursuance of the power and authority vested in the Grantor as said Trustees, and of every other power and authority the Grantors hereunto enabling, do hereby convey and quitclaim unto Grantee, in fee simple, the following described real estate, situated in the County of Kendall and State of Illinois, to wit:

SEE "EXHIBIT A" ATTACHED HERETO AND EXPRESSLY MADE A PART HEREOF.

Subject to: General Real Estate Taxes and Special Assessments for the year 2001 and subsequent years; all zoning ordinances, easements, covenants and restrictions of record; rights of the public in and to that portion of the premises in question taken, used or dedicated for roads or highways; rights of way for drainage ditches, drain tiles, feeders, laterals and underground pipes, if any;

together with the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining.


COUNTY OF KENDALL
REAL ESTATE TRANSFER TAX
\$ 359.75 *AC*


To Have and to Hold the same unto said Grantee, and to the proper use, benefit and behoof forever of said Grantee.

This Deed is executed pursuant to aid in the exercise of the power and authority granted to and vested in said Trustees by the terms of the Deed or Deeds in Trust delivered to said Trustees in pursuant of the Trust Agreement mentioned above. This Deed is made subject to the lien of every Trust Deed or Mortgage (if any there be) of record in said County given to secure the payment of money, and remaining unreleased at the date of the delivery thereof.

Permanent Index Numbers:

09-29-400-004 & 09-32-200-005

 (SEAL)
GERALD R. KNUDSON, Trustee
under the Gerald R. Knudson Living
Trust dated January 28, 1993

 (SEAL)
PATRICIA A. KNUDSON, Trustee
under the Patricia A. Knudson Living
Trust dated January 28, 1993

STATE OF ILLINOIS

COUNTY OF ILLINOIS

)
) SS.
)

I, the undersigned, a Notary Public in and for, said County, in the State aforesaid DO HEREBY CERTIFY, that GERALD R. KNUDSON and PATRICIA A. KNUDSON, personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that they signed, sealed and delivered the same instrument as their free and voluntary act for the uses and purposes therein set forth, including the release and waiver of the right of homestead.

GIVEN under my hand and notarial seal, this 10th day of January, 2002.




Notary Public

MAIL TAX BILL TO:

Robert J. Fisher

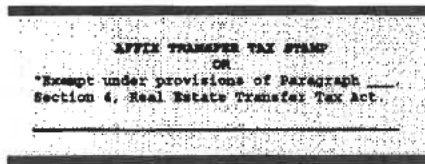



EXHIBIT A

THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 29, AND THE EAST HALF OF THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 32, EXCEPT A TRACT ON THE EAST SIDE WHICH IS MEASURED 208.71 FEET X 208.71 FEET, BEING APPROXIMATELY ONE ACRE IN AREA, ALL LOCATED IN TOWNSHIP 35 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, KENDALL COUNTY, ILLINOIS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 35 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, SAID POINT BEING THE POINT OF BEGINNING; THENCE SOUTH 00° 00' 00" WEST ALONG THE EAST LINE OF THE SAID SOUTHEAST QUARTER FOR A DISTANCE OF 1116.82 FEET; THENCE NORTH 90° 00' 00" WEST FOR A DISTANCE OF 208.71 FEET; THENCE SOUTH 00° 00' 00" WEST FOR A DISTANCE OF 208.71 FEET; THENCE SOUTH 90° 00' 00" EAST FOR A DISTANCE OF 208.71 FEET TO A POINT WHICH FALLS ON THE SAID EAST LINE; THENCE SOUTH 00° 00' 00" WEST ALONG THE SAID EAST LINE FOR A DISTANCE OF 1325.34 FEET TO THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF SECTION 32, TOWNSHIP 35 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN; THENCE SOUTH 00° 57' 37" WEST ALONG THE EAST LINE OF SAID NORTHEAST QUARTER FOR A DISTANCE OF 1328.70 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH HALF OF THE SAID NORTHEAST QUARTER; THENCE NORTH 89° 46' 23" WEST ALONG THE SAID SOUTH LINE FOR A DISTANCE OF 1321.21 FEET TO THE WEST LINE OF THE EAST HALF OF THE NORTH HALF OF THE SAID NORTHEAST QUARTER; THENCE NORTH 00° 54' 36" EAST ALONG THE SAID WEST LINE FOR A DISTANCE OF 1329.53 FEET TO THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 29; THENCE NORTH 00° 01' 54" WEST ALONG THE WEST LINE OF THE EAST HALF OF THE SAID SOUTHEAST QUARTER FOR A DISTANCE OF 2651.09 FEET TO A POINT ON THE NORTH LINE OF THE SAID SOUTHEAST QUARTER; THENCE SOUTH 89° 44' 35" EAST ALONG THE SAID NORTH LINE FOR A DISTANCE OF 1323.83 FEET TO THE POINT OF BEGINNING; CONTAINING 119.854 ACRES MORE OR LESS, ALL LOCATED IN THE SOUTHEAST QUARTER OF SECTION 29 AND THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 32, TOWNSHIP 35 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN; COUNTY OF KENDALL AND STATE OF ILLINOIS.***

COUNTY OF KENDALL)

Gerald R. Knudson

he resides at [redacted] being duly sworn on oath, states that [redacted] that the attached deed represents:

1. A distinct separate parcel on record prior to July 17, 1959.
2. A distinct separate parcel qualifying for a Kendall County building permit prior to August 10, 1971.
3. The division or subdivision of land is into parcels or tracts of 5 acres or more in size which does not involve any new streets or easements of access.
4. The division is of lots or blocks of less than 1 acre in any recorded subdivision which does not involve any new streets or easements of access.
5. The sale or exchange of parcels of land is between owners of adjoining and contiguous land.
6. The conveyance is of parcels of land or interests therein for use as right-of-way for railroads or other public utility facilities which does not involve any new streets or easements of access.
7. The conveyance is of land owned by a railroad or other public utility which does not involve any new streets or easements of access.
8. The conveyance is of land for highway or other public purpose or grants or conveyances relating to the dedication of land for public use or instruments relating to the vacation of land impressed with a public use.
9. The conveyance is made to correct description in prior conveyances.
10. The sale or exchange is of parcels or tracts of land following the division into no more than two parts of a particular parcel or tract of land existing on July 17, 1959 and not involving any new streets or easements of access.
11. The sale is of a single lot of less than 5 acres from a larger tract evidenced by a survey made by a registered surveyor which single lot is the first sale from said larger tract as determined by the dimensions and configuration thereof on October 1, 1973 and which sale does not violate any local requirements applicable to the subdivision of land.

CIRCLE NUMBER ABOVE WHICH IS APPLICABLE TO ATTACHED DEED.

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

Subscribed to and sworn before me this 10th day of Jan 2002

[redacted signature]





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: Robert Fisher
Address: [Redacted]
City, State, Zip: [Redacted]
Phone Number: [Redacted]
Email: [Redacted]

Contact Person: Boyd Ingemunson
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) 29
 Parcel Index Number(s) 09-29-400-005
 Project or Subdivision Name Fisher Re-Zoning Number of Acres 20 acres
 Current Use of Site Agricultural Proposed Use Rural Residential
 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 on site

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	\$ <u>375.00</u>
<u>15</u> Additional Acres at \$18.00 each	\$ <u>270</u>
Total NRI Fee	\$ <u>645</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.

 Petitioner or Authorized Agent

9/21/2021
 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# 2117 Date initially rec'd 9/21/21 Date all rec'd 9/21/21 Board Meeting October
 Fee Due \$ 300.00 Fee Paid \$ 300.00 Check # [Redacted] Over/Under Payment N/A Refund Due N/A



Illinois Department of Natural Resources

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

JB Pritzker, Governor

Colleen Callahan, Director

September 15, 2021

Boyd Ingemunson
Robert J. Fisher

RE: Fisher Re-Zoning
Project Number(s): 2204976
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.


Kyle Burkwald
Division of Ecosystems and Environment
217-785-5500

Attachment 2

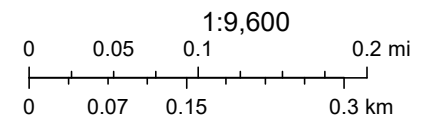


September 21, 2021

 Kendall County Address Points

Parcels

Ownership Parcel

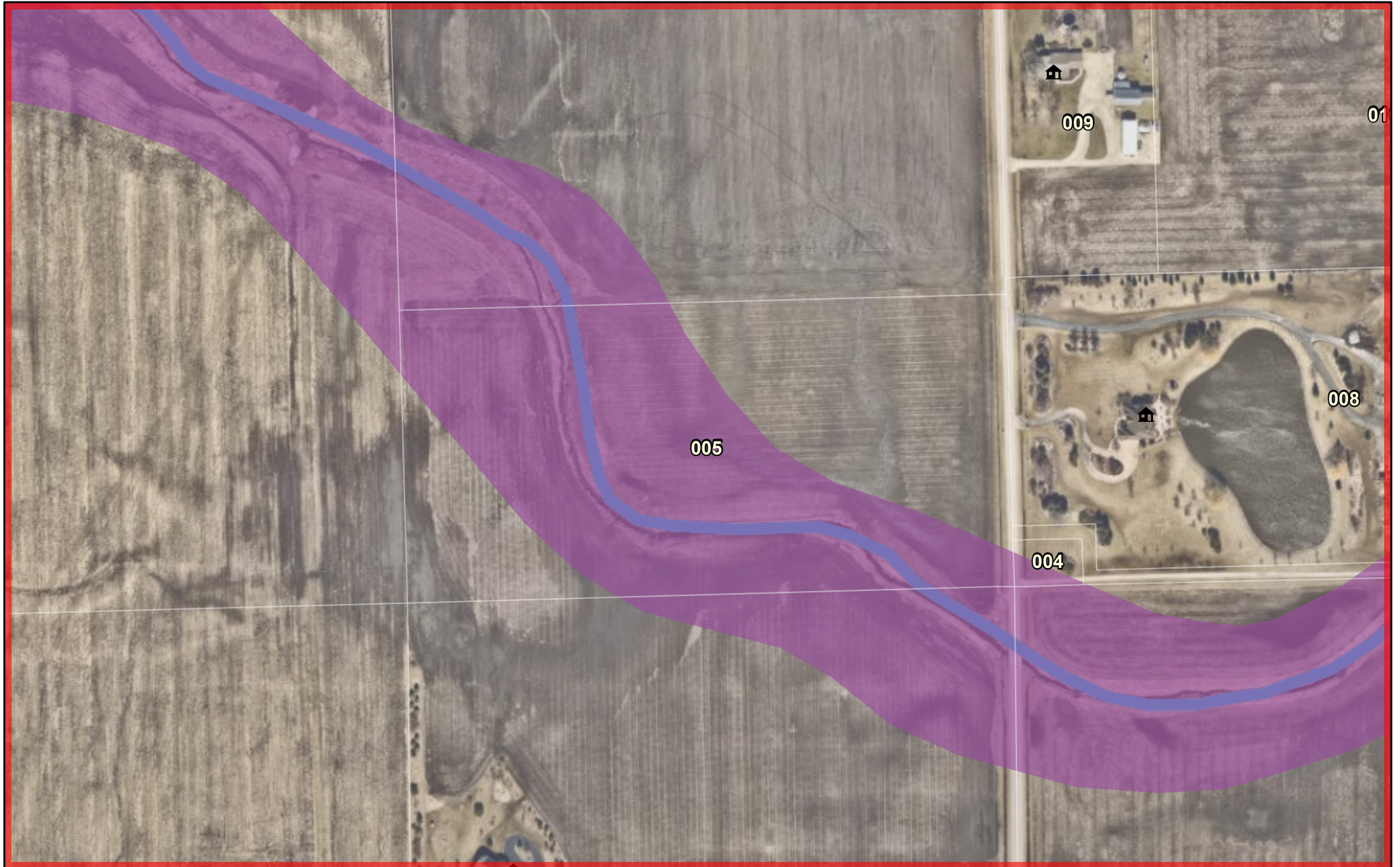


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Kendall County Web GIS

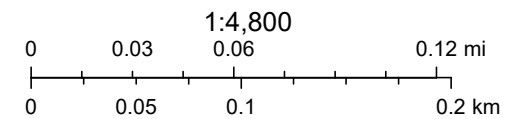
View GIS Disclaimer at <https://www.co.kendall.il.us/departments/geographic-information-systems/gis-disclaimer-page/>.

Attachment 3



September 21, 2021

- | | | |
|-------------------------------|-------------------------------|------------|
| Kendall County Address Points | USA Flood Hazard Areas | Estuarine |
| Parcels | 1% Annual Chance Flood Hazard | Palustrine |
| Ownership Parcel | USA Wetlands | Riverine |
| | Marine | |

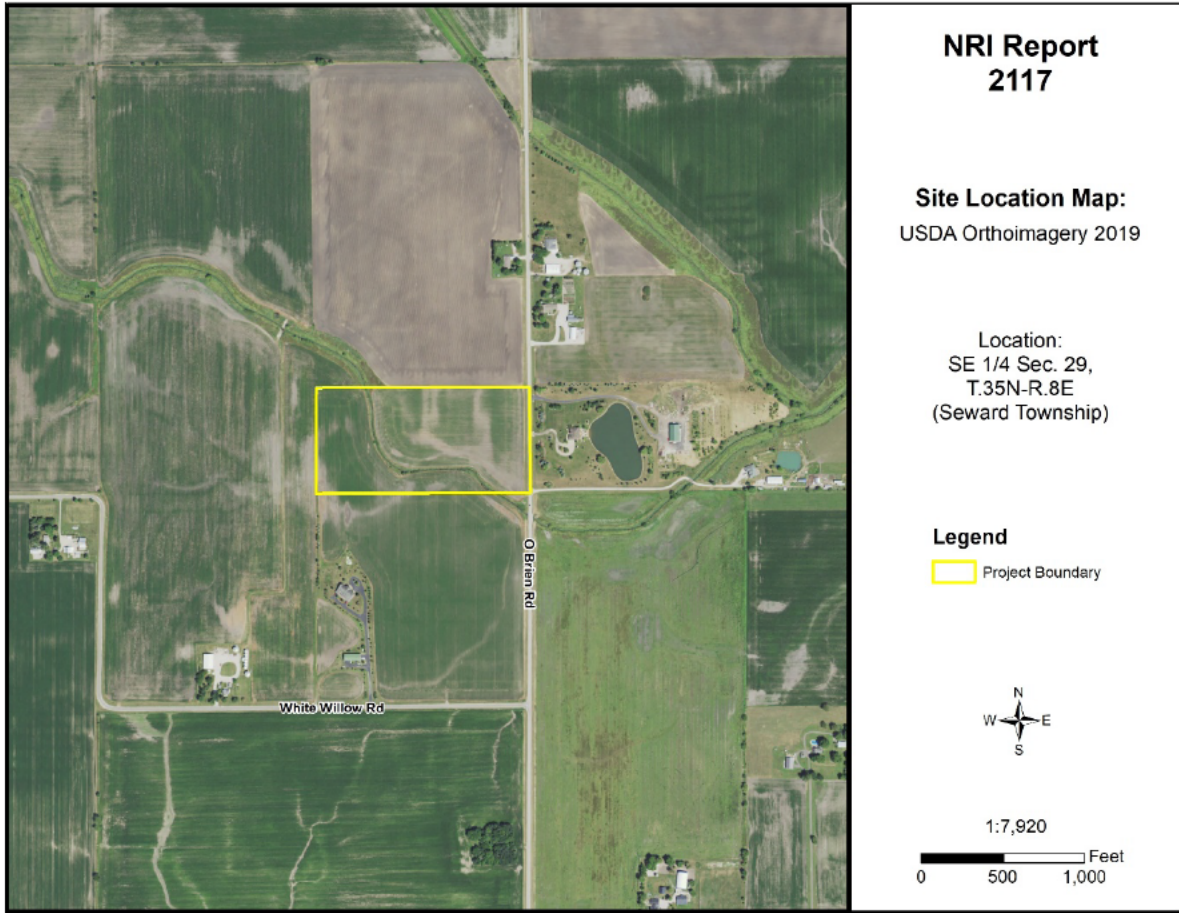


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Kendall County Web GIS

View GIS Disclaimer at <https://www.co.kendall.il.us/departments/geographic-information-systems/gis-disclaimer-page/>.

NATURAL RESOURCE INFORMATION (NRI) EXECUTIVE SUMMARY REPORT: #2117



Oct.
2021

Petitioner: Robert Fisher
Contact: Boyd Ingemunson

Prepared By:



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

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EXECUTIVE SUMMARY

Natural Resource Information Report Number	#2117
Petitioner	Robert Fisher
Contact Person	Boyd Ingemunson
County or Municipality the Petition is Filed With	Kendall County
Location of Parcel	SE ¼ of Section 29, T.35N.-R.8E. (Seward Township) of the 3 rd Principal Meridian
Project or Subdivision Name	Fisher Re-Zoning
Existing Zoning & Land Use	A-1 Agricultural; Cropland
Proposed Zoning & Land Use	R-1 Single Family Residential; Potential Residence
Proposed Water Source	Well
Proposed Type of Sewage Disposal System	Septic
Proposed Type of Storm Water Management	N/A
Size of Site	(+/-) 20 acres
Land Evaluation Site Assessment Score	229 (Land Evaluation: 87; Site Assessment: 142)

NATURAL RESOURCE CONSIDERATIONS

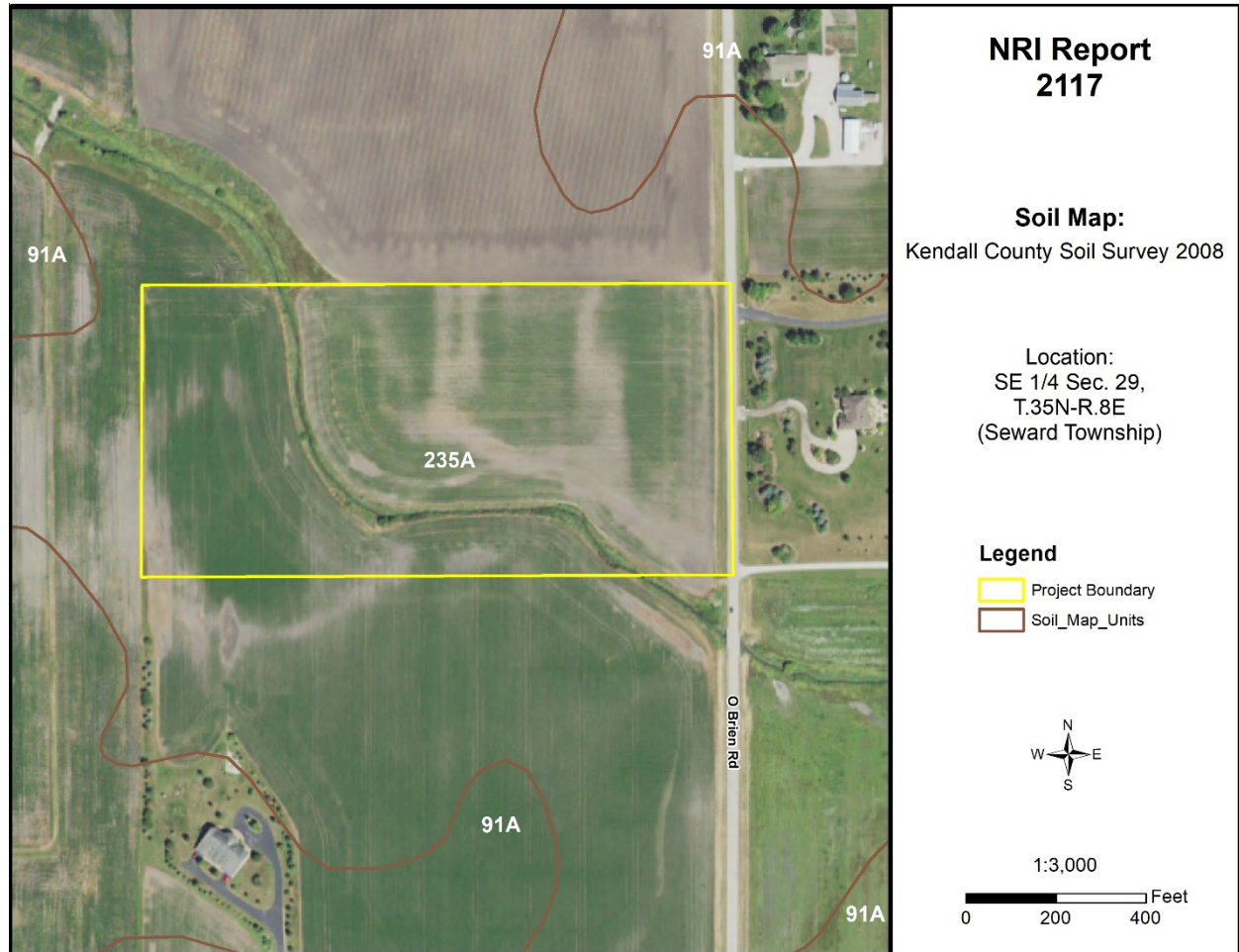


Figure 1: Soil Map

SOIL INFORMATION

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

Table 1: Soils Information

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

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

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

Hydric Soils – A hydric soil is one that formed under conditions of saturation, flooding, or ponding long enough during the growing season to develop anaerobic conditions in the upper part of the soil profile that supports the growth or regeneration of hydrophytic vegetation. Soils with hydric inclusions have map units dominantly made up of non-hydric soils that may have inclusions of hydric soils in the lower positions on the landscape. The only soil found onsite is classified as hydric soil.

Prime Farmland – Prime farmland is land that has the best combination of physical and chemical characteristics for agricultural production. Prime farmland soils are an important resource to Kendall County and some of the most productive soils in the United States occur locally. The only soil found onsite is designated as prime farmland if drained.

Soil Water Features – Table 2 gives estimates of various soil water features that should be taken into consideration when reviewing engineering for a land use project.

Table 2: Water Features

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

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

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

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

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

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

SOIL LIMITATIONS

According to the USDA-NRCS, soil properties influence the development of building sites, including the selection of the site, the design of the structure, construction, performance after construction and maintenance. This report gives ratings for proposed uses in terms of limitations and restrictive features. The tables list only the most restrictive features. Ratings are based on the soil in an undisturbed state, that is, no unusual modification occurs other than that which is considered normal practice for the rated use. Even though soils may have limitations, an engineer may alter soil features or adjust building plans for a structure to compensate for most degrees of limitations. The final decision in selecting a site for a particular use generally involves weighing the costs for site preparation and maintenance.

- **Not Limited:** Indicates that the soil has features that are very favorable for the specified use; good performance and low maintenance can be expected.
- **Somewhat Limited:** Indicates that the soil has features that are moderately favorable for the specified use. The limitations can be overcome or minimized by special planning, design, or installation; fair performance and moderate maintenance can be expected.
- **Very Limited:** Indicates that the soil has one or more features that are unfavorable for the specified use. The limitations generally cannot be overcome without major soil reclamation, special design, or expensive installation procedures; poor performance and high maintenance can be expected.

Conventional Septic System Rating Criteria – The factors considered for determining suitability include the characteristics and qualities of the soil that affect the limitations for absorbing waste from domestic sewage disposal systems. The major features considered are soil permeability, percolation rate,

groundwater level, depth to bedrock, flooding hazards, and slope. Soils that are deemed unsuitable for installation of an on-site sewage disposal system, per the Kendall County Subdivision Control Ordinance, may necessitate the installation of a non-conventional onsite sewage disposal system. If the scope of the project may include the use of on-site septic systems please consult with the Kendall County Health Department – Environmental Health Services located at 811 W. John Street, Yorkville, IL; (630) 553-9100 ext. 8026.

Limitations are listed below for dwellings with basements, dwellings without basements, shallow excavations, lawns and landscaping, and onsite conventional sewage disposal systems. Please note this information is based on soils in an undisturbed state as compiled for the USDA-NRCS 2008 Soil Survey of Kendall County, IL and the Kendall County Subdivision Control Ordinance; this does not replace the need for site specific soil testing or results of onsite soil testing.

Table 3: Building Limitations

Soil Type	Dwellings with Basements	Dwellings without Basements	Shallow Excavations	Lawns & Landscaping	Onsite Conventional Sewage Systems	Acres	%
235A	Very Limited: Ponding; Depth to saturated zone; Shrink-swell	Very Limited: Ponding; Depth to saturated zone; Shrink-swell	Very Limited: Ponding; Depth to saturated zone; Too clayey; Unstable excavation walls; Dusty	Very Limited: Ponding; Depth to saturated zone; Too clayey; Dusty	Unsuitable	19.7	100%
% Very Limited	100%	100%	100%	100%	100%		

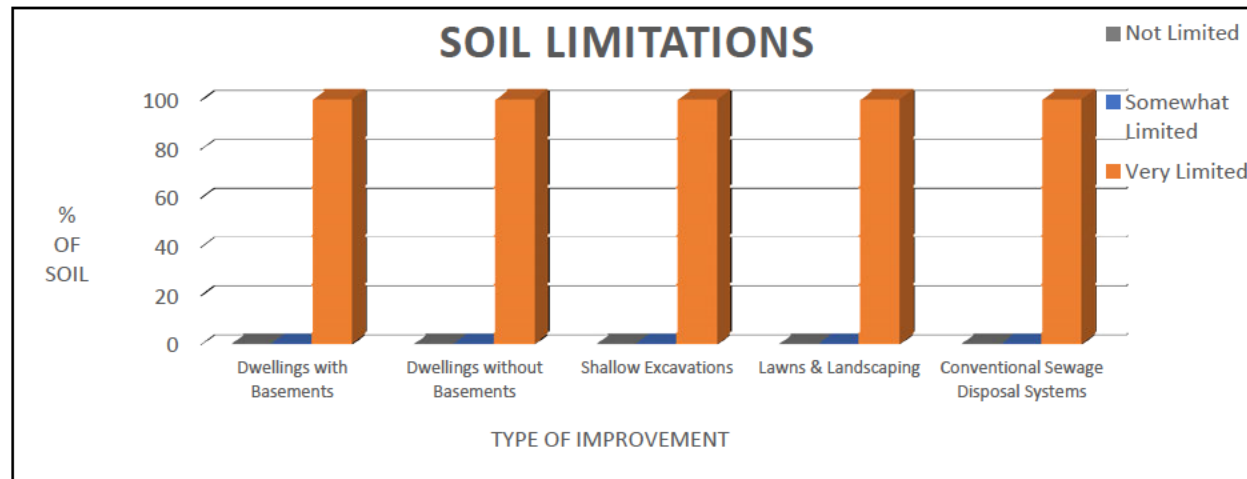


Figure 2: Soil Limitations



Figure 3A: Map of Building Limitations – Dwellings with Basements, Dwellings without Basements, Shallow Excavations, and Lawns & Landscaping

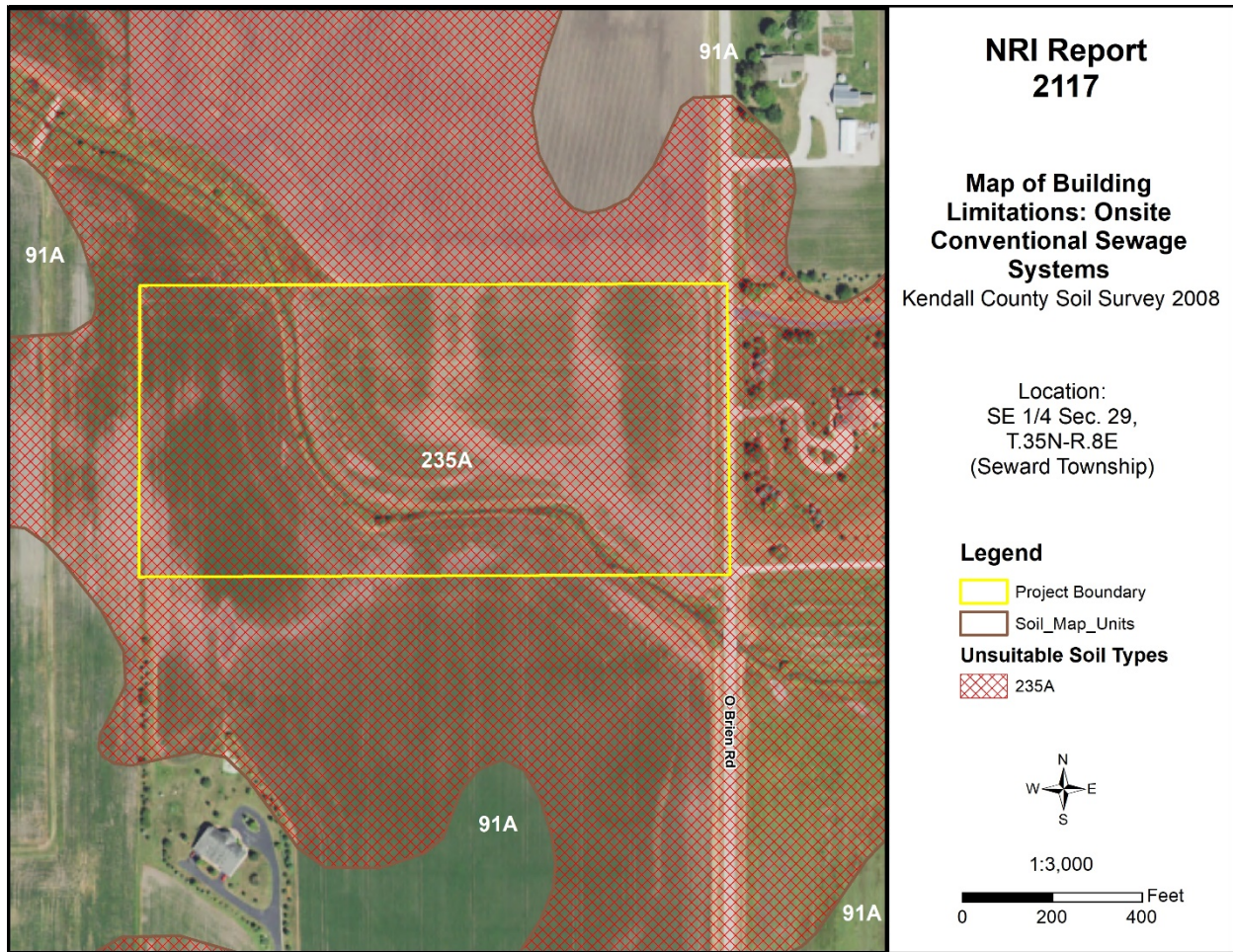


Figure 3B: Map of Building Limitations – Onsite Conventional Sewage System

KENDALL COUNTY LAND EVALUATION AND SITE ASSESSMENT (LESA)

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

- **Land Evaluation (LE):** The soils of a given area are rated and placed in groups ranging from the best to worst suited for a stated agriculture use, cropland, or forestland. The best group is assigned a value of 100 and all other groups are assigned lower values. The Land Evaluation value accounts for 1/3 of the total score and is based on data from the Kendall County Soil Survey. The Kendall County Soil and Water Conservation District is responsible for this portion of the LESA system.
- **Site Assessment (SA):** The site is numerically evaluated according to important factors that contribute to the quality of the site. Each factor selected is assigned values in accordance with the local needs and objectives. The Site Assessment value is based on a 200-point scale and accounts for 2/3 of the total score. The Kendall County LESA Committee is responsible for this portion of the LESA system.

Table 4A: Land Evaluation Computation

Soil Type	Value Group	Relative Value	Acres	Product (Relative Value x Acres)
235A	3	87	19.7	1,713.9
Totals			19.7	1,713.9
LE Calculation			(Product of relative value / Total Acres) 1,713.9 / 19.7 = 87	
LE Score			LE = 87	

The Land Evaluation score for this site is 87, indicating that this site is currently designated as land that is well suited for agricultural uses considering the Land Evaluation score is above 80.

Table 4B: Site Assessment Computation

A.	Agricultural Land Uses	Points
	1. Percentage of area in agricultural uses within 1.5 miles of site. (20-10-5-0)	20
	2. Current land use adjacent to site. (30-20-15-10-0)	20
	3. Percentage of site in agricultural production in any of the last 5 years. (20-15-10-5-0)	20
	4. Size of site. (30-15-10-0)	10
B.	Compatibility / Impact on Uses	
	1. Distance from city or village limits. (20-10-0)	10
	2. Consistency of proposed use with County Land Resource Management Concept Plan and/or municipal comprehensive land use plan. (20-10-0)	20
	3. Compatibility of agricultural and non-agricultural uses. (15-7-0)	7
C.	Existence of Infrastructure	
	1. Availability of public sewage system. (10-8-6-0)	10
	2. Availability of public water system. (10-8-6-0)	10
	3. Transportation systems. (15-7-0)	7
	4. Distance from fire protection service. (10-8-6-2-0)	8
	Site Assessment Score:	142

The Site Assessment score for this site is 142. The Land Evaluation value (87) is added to the Site Assessment value (142) to obtain a LESA Score of 229 out of a possible 300. The table below shows the level of protection for the proposed project site based on the LESA Score.

Table 5: LESA Score Summary

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

Land Evaluation Value: 87 + Site Assessment Value: 142 = LESA Score: 229

The LESA Score for this site is 229, which indicates a high level of protection for the proposed project site. Note: Selecting the project site with the lowest total points will generally protect the best farmland

located in the most viable areas and maintain and promote the agricultural industry in Kendall County. If the project is agricultural in nature, however, a higher score may provide an indication of the suitability of the project as it relates to the compatibility with existing agricultural land use.

WETLANDS

The U.S. Fish & Wildlife Service's National Wetland Inventory map indicates the presence of a riverine wetland(s) on the proposed project site. To determine if a wetland is present, a wetland delineation specialist, who is recognized by the U.S. Army Corps of Engineers, should determine the exact boundaries and value of the wetlands.

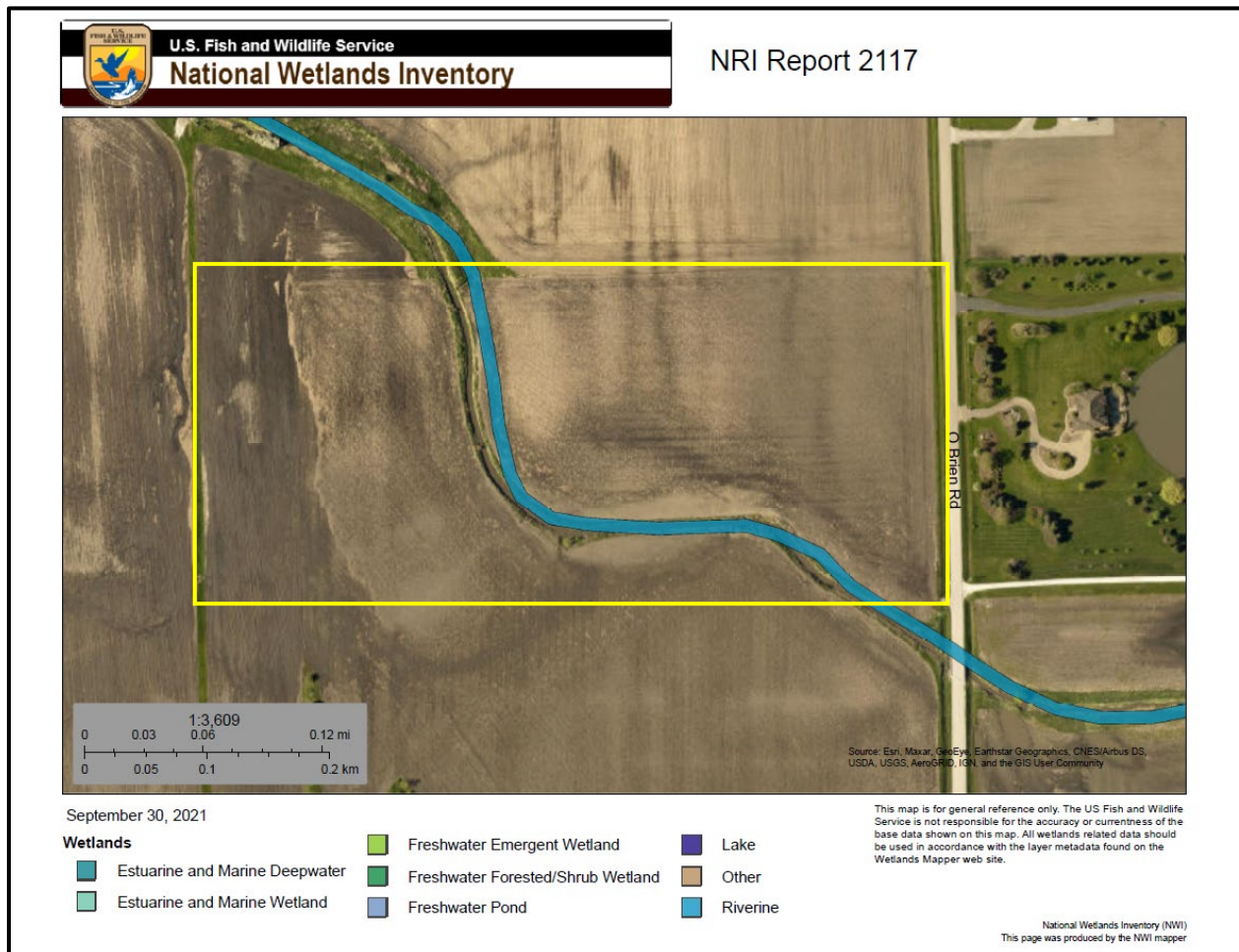


Figure 4: Wetland Map – USFWS National Wetland Inventory

FLOODPLAIN

The Federal Emergency Management Agency's (FEMA) Digital Flood Insurance Rate Map (DFIRM) for Kendall County, Community Panel No. 17093C0225H (effective date January 8, 2014) was reviewed to determine the presence of floodplain and floodway areas within the project site. According to the map, the parcel is located within Zone A floodplain.

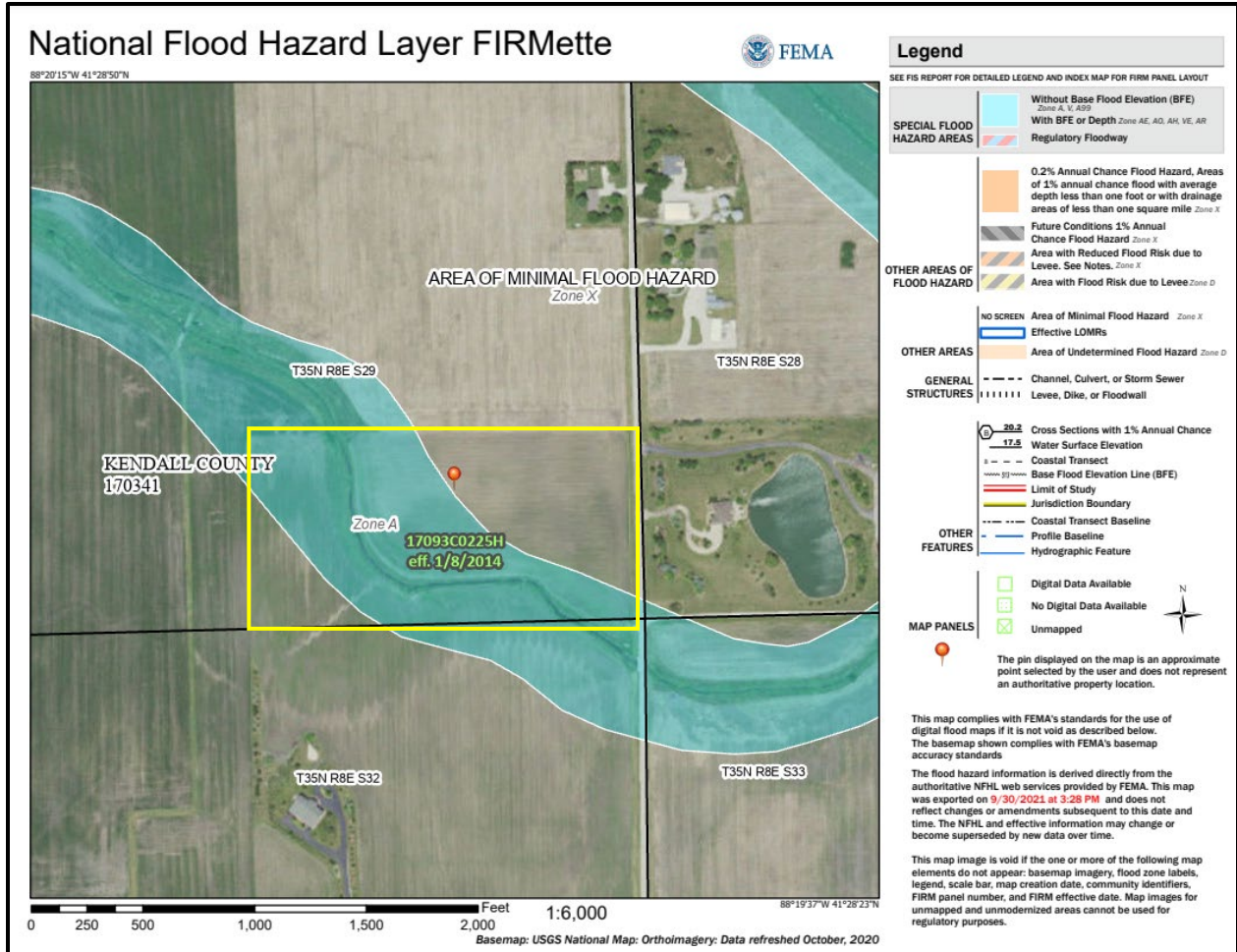


Figure 5: FEMA Floodplain Map

SEDIMENT AND EROSION CONTROL

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

LAND USE FINDINGS

The Kendall County Soil and Water Conservation District (SWCD) Board has reviewed the proposed site plans for Petitioner Robert Fisher for the proposed change in zoning from A-1 Agricultural to R-1 Single-Family Residential on a parcel located in Seward Township of Kendall County in the SE ¼ of Section 29, Township 35N, and Range 8E of the 3rd Principal Meridian. Based on the information provided by the petitioner and a review of natural resource related data available to the Kendall County SWCD, the SWCD Board presents the following information.

The Kendall County SWCD has always had the opinion that Prime Farmland should be preserved whenever feasible. Of the soils found onsite, 100% are designated as prime farmland. A land evaluation, which is a part of the Land Evaluation and Site Assessment (LESA) was conducted on this parcel. The soils on this parcel scored an 87 out of a possible 100 points indicating that the soils are well suited for agricultural uses. The total LESA Score for this site is 229 out of a possible 300, which indicates a high level of protection for the proposed project site. Selecting the project site with the lowest total points will generally protect the best farmland located in the most viable areas and maintain and promote the agricultural industry in Kendall County. If the project is agricultural in nature, however, a higher score may provide an indication of the suitability of the project as it relates to the compatibility with existing agricultural land use.

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

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

For intense use it is recommended that a drainage tile survey be completed on the parcel to locate subsurface drainage tile. That survey should be taken into consideration during the land use planning process. Drainage tile expedites drainage and facilitates farming. It is imperative that these drainage tiles remain undisturbed. Impaired tile may affect a few acres or hundreds of acres of drainage.

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

[Redacted Signature]

SWCD Board Representative

10/04/2021
Date

**ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)
October 5, 2021 – Unapproved Meeting Minutes**

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

Present:

Matt Asselmeier – PBZ Department
Meagan Briganti – GIS Department
Scott Gengler – PBZ Committee Chair
Brian Holdiman – PBZ Department
Fran Klaas – Highway Department
Sergeant Dave Lawson – Sheriff's Department
Alyse Olson – Soil and Water Conservation District
Aaron Rybski – Health Department

Absent:

Greg Chismark – WBK Engineering, LLC
David Guritz – Forest Preserve

Audience:

Brenda Zeiter, Gregg Ingemunson, Greg Dady, Boyd Ingemunson, and John Tebrugge

PETITIONS

Petition 21-40 and 21-41 Robert J. Fisher

Mr. Asselmeier summarized the request.

Robert J. Fisher would like an amendment to the Future Land Use Map contained in the Land Resource Management Plan for approximately nineteen point five more or less (19.5 +/-) acres located on the west side of O'Brien Road across from 16924 O'Brien Road. The Petitioner would also like to rezone the property R-1 in order to construct one (1) house on the property.

The application materials, aerial of the property, and aerial of the property with the floodplain was provided.

The County's Future Land Use Map called for the property to be Agricultural. Minooka's Future Land Use Map called for the property to be Low Density Residential.

O'Brien Road is a Township maintained Local Road. Minooka has a road planned connecting Whitewillow and O'Brien Roads.

Minooka has a trail planned along O'Brien Road.

There is floodplain and a riverine wetland on the property. An unnamed tributary of the Middle Aux Sable Creek flows through the property.

The adjacent land uses were Agricultural and Farmstead.

The adjacent properties were zoned A-1.

The Kendall County Land Resource Management Plan called for the property to the north to be Rural Estate Residential (Max 0.45 DU/acre). The property to the east would be Rural Residential (Max 0.65 DU/acre). The properties to the south and west were classified as Agricultural.

The Village of Minooka's Future Land Use Map called for the area to the north, south, and west to be Low Density Residential. The land to the east was planned to be a Regional Park.

The properties in the vicinity were zoned A-1.

EcoCAT Report submitted and consultation was terminated.

The application for NRI was submitted on September 21, 2021.

Petition information was sent to Seward Township on September 24, 2021.

Petition information was sent to the Village of Minooka on September 24, 2021.

Petition information was sent to the Minooka Fire Protection District on September 24, 2021.

The Petitioner desires to rezone the subject property in order to build one (1) house on the property. A future owner might subdivide the property for additional houses.

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

There was electricity along O'Brien Road. No other public or private utilities were onsite.

The property fronted O'Brien. Staff had no concerns regarding the ability of O'Brien Road to support the proposed map amendment.

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

No new odors were foreseen.

Any new lighting would be for residential use only.

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

Any signage would be residential in nature.

No noise was anticipated.

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

The Future Land Use Map of the Village of Minooka calls for the area to residential and for a park to be located across the street of the subject property on the east side of O'Brien Road.

The requested amendment is consistent with the Future Land Use Map of the Village of Minooka.

The property to the north of the subject property already possesses the classification requested for the subject property.

The proposed Findings of Fact were as follows:

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

The Zoning classification of property within the general area of the property in question. The surrounding properties are zoned A-1.

The suitability of the property in question for the uses permitted under the existing zoning classification. The Petitioner cannot construct a house on the property unless the property is rezoned. Only agricultural uses would be permitted if the map amendment did not occur.

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 Agricultural, the property to the north as Rural Estate Residential (Max 0.45 DU/Acre), and the property to the east as Rural Residential (Max 0.65 DU/Acre). The Village of Minooka's Future Land Use Map classifies this property as Low ZPAC Meeting Minutes 10.05.21

Density Residential. The Petitioner submitted a request amending the Kendall County Future Land Use Map to reclassify the subject property as Rural Estate Residential. The R-1 One Family Residential District is consistent with the Rural Estate Residential classification.

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

Mr. Rybski asked if a subdivision is planned for this property. Mr. Asselmeier said no subdivision was planned. Boyd Ingemunson, Attorney for the Petitioner, said the current owner wants to market the property for one (1) house. No agricultural allocations were available. The current owner has no plans to subdivide the property for additional homes.

Ms. Olson requested that the property owners obtain the necessary permits from the Army Corps of Engineers and Illinois Department of Resources. She also noted the limitations of the site caused by the soils. Mr. Ingemunson said that the Petitioner does not plan to build a house; the Petitioner wants to be able to market the property for residential purposes.

Mr. Holdiman asked why the Petitioner did not pursue a conditional use permit. Mr. Ingemunson responded that the Petitioner owns the property to the south and the Petitioner was looking to make it easier for a future property owner to build.

Chairman Gengler made a motion, seconded by Mr. Holdiman, to recommend approval of the amendment to the Future Land Use Map and the text amendment.

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

The proposal goes to the Kendall County Regional Planning Commission on October 27, 2021.

CORRESPONDENCE

None

PUBLIC COMMENT

None

ADJOURNMENT

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

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

The ZPAC, at 10:44 a.m., adjourned.

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

Enc.

Attachment 6, Page 1
KENDALL COUNTY
REGIONAL PLANNING COMMISSION

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

Unapproved - Meeting Minutes of October 27, 2021 - 7:00 p.m.

Chairman Ashton called the meeting to order at 7:28 p.m.

ROLL CALL

Members Present: Bill Ashton, Roger Bledsoe, Tom Casey, Dave Hamman, Larry Nelson, Claire Wilson, and Seth Wormley

Members Absent: Karin McCarthy-Lange, Ruben Rodriguez, and Bob Stewart

Staff Present: Matthew H. Asselmeier, Senior Planner

Others Present: Brenda Zeiter, Boyd Ingemunson, Ron Miller, Fran Miller, and Dan Koukol

Without objection, Chairman Ashton amended the agenda to move Petition 21-41 to ahead of Petition 21-36.

PETITIONS

Petition 21-41 Robert J. Fisher

Mr. Asselmeier summarized the request.

Robert J. Fisher would like an amendment to the Future Land Use Map contained in the Land Resource Management Plan for approximately nineteen point five more or less (19.5 +/-) acres located on the west side of O'Brien Road across from 16924 O'Brien Road. The Petitioner would also like to rezone the property R-1 in order to construct one (1) house on the property.

The application materials, aerial of the property, and aerial of the property with the floodplain was provided.

The County's Future Land Use Map called for the property to be Agricultural. Minooka's Future Land Use Map called for the property to be Low Density Residential.

O'Brien Road is a Township maintained Local Road. Minooka has a road planned connecting Whitewillow and O'Brien Roads.

Minooka has a trail planned along O'Brien Road.

There is floodplain and a riverine wetland on the property. An unnamed tributary of the Middle Aux Sable Creek flows through the property.

The adjacent land uses were Agricultural and Farmstead.

The adjacent properties were zoned A-1.

The Kendall County Land Resource Management Plan called for the property to the north to be Rural Estate Residential (Max 0.45 DU/acre). The property to the east would be Rural Residential (Max 0.65 DU/acre). The properties to the south and west were classified as Agricultural.

The Village of Minooka's Future Land Use Map called for the area to the north, south, and west to be Low Density Residential. The land to the east was planned to be a Regional Park.

The properties in the vicinity were zoned A-1.

EcoCAT Report submitted and consultation was terminated.

The application for NRI was submitted on September 21, 2021. The LESA Score was 229 indicating a high level of protection. The NRI was provided.

Petition information was sent to Seward Township on September 24, 2021. No comments have been received.

Petition information was sent to the Village of Minooka on September 24, 2021. No comments have been received.

Petition information was sent to the Minooka Fire Protection District on September 24, 2021. No comments have been received.

ZPAC reviewed this proposal at their meeting on October 5, 2021. Discussion occurred about a future subdivision of the property and the need to obtain proper permits when development occurred. ZPAC recommended approval of the request by a vote of eight (8) in favor and zero (0) in opposition with two (2) members absent. The minutes of the meeting were provided.

The Petitioner desires to rezone the subject property in order to build one (1) house on the property. A future owner might subdivide the property for additional houses.

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

There is electricity along O'Brien Road. No other public or private utilities are onsite.

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

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

No new odors are foreseen.

Any new lighting would be for residential use only.

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

Any signage would be residential in nature.

No noise is anticipated.

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

The proposed Findings of Fact were as follows:

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

The Zoning classification of property within the general area of the property in question. The surrounding properties are zoned A-1.

The suitability of the property in question for the uses permitted under the existing zoning classification. The Petitioner cannot construct a house on the property unless the property is rezoned. Only agricultural uses would be permitted if the map amendment did not occur.

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 Agricultural, the property to the north as Rural Estate Residential (Max 0.45 DU/Acre), and the property to the east as Rural Residential (Max 0.65 DU/Acre). The Village of Minooka's Future Land Use Map classifies this property as Low Density Residential. The Petitioner submitted a request amending the Kendall County Future Land Use Map to reclassify the subject property as Rural Estate Residential. The R-1 One Family Residential District is consistent with the Rural Estate Residential classification.

If the requested amendment to the Future Land Use Map in the Land Resource Management Plan reclassifying this property as Rural Estate Residential was approved, Staff recommended approval of the proposed map amendment.

Member Wilson asked how much acreage was not in the floodplain. Based on the aerial, it appeared approximately ten (10) acres was outside the floodplain.

Member Nelson asked how many houses could be placed on the property using the Plat Act exemptions. Mr. Asselmeier noted that the property had over six hundred feet (600') of frontage. Based upon the County's two hundred foot (200') frontage requirements for R-1 zoned property and the minimum lot size of slightly less than three (3) acres, a maximum of three (3) houses could be placed upon the property. Due to the floodplain, the placement of two (2) houses was more likely without going through the subdivision process. Discussion occurred regarding the placement of septic systems in relation to the floodplain.

Boyd Ingemunson, Attorney for the Petitioner, noted that the property does not intend to construct a house on the property; the Petitioner would like to market the property as a residential site for sale.

Member Nelson made a motion, seconded by Member Hamman, to recommend approval of the map amendment.

The votes were as follows:

Ayes (7): Ashton, Bledsoe, Casey, Hamman, Nelson, Wilson, and Wormley

Nays (0): None

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

Abstain (0): None

The motion carried.

This proposal will go to the Kendall County Zoning Board of Appeals on November 1, 2021.

CITIZENS TO BE HEARD/ PUBLIC COMMENT

Member Wilson asked if any special use permits had to be rescinded due to the Agricultural Experiences Act. Mr. Asselmeier responded that several of the entities that have seasonal festivals also have special use permits for other activities. The special use permits for other activities could still be enforced. Any restrictions on a seasonal festival specifically would no longer be enforceable.

Dan Koukol, as a County Board Member, thanked all of the Commissioners for their time and work on the Commission. He noted all of the experience of the Commissioners. He stated that the issues raised by the Regional Planning do not always get enough time and attention at the Planning, Building and Zoning Committee. He also discussed the complaints that he received regarding agricultural special uses.

Dan Koukol, as a citizen, noted that he has a special use permit. He noted that he communicated with a landscaper in McCook that wanted to move to Kendall County because the zoning was easy and he could just purchase land and start operations. He expressed concerns about companies claiming to be landscaping businesses with large amounts of heavy equipment. He discussed the floodplain and requested special use permit amendment at 3485 Route 126. He suggested weight restriction for equipment for landscaping businesses. He also discussed the pallet factory near Ashley Road and Plattville Road. Member Nelson suggested having a boiler plate restriction for landscaping businesses.

Chairman Ashton discussed a conversation he had regarding an industrial zone along Route 126. After the October 27, 2021, Comprehensive Land Plan and Ordinance Committee meeting he did not think a conversation like that along Route 126 would occur. He noted a future exodus from the County because of taxes.

Mr. Asselmeier noted that only a small number of special use permits have periodic reviews.

ADJOURNMENT

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

The Kendall County Regional Planning Commission meeting adjourned at 8:47 p.m.

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



**KENDALL COUNTY
REGIONAL PLANNING COMMISSION
OCTOBER 27, 2021**

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

NAME	ADDRESS (OPTIONAL)	EMAIL ADDRESS (OPTIONAL)
Ron & Fern MILLER	