

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

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

Present:

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

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

Absent:

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

Audience:

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

AGENDA

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

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

MINUTES

Mr. Guritz made a motion, seconded by Mr. Rybski, to approve the November 2, 2021, meeting minutes.

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

PETITIONS

Petition 21-48 Brian Henrichs on Behalf of Baka Properties, LLC

Mr. Asselmeier summarized the request.

The Petitioner is requesting a map amendment rezoning the subject property from A-1 Agricultural District to R-3 One Family Residential District.

The Petitioner plans to submit preliminary and final plats dividing the property into two (2) parcels in order to construct one (1) house on each new parcel.

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

The property is addressed as 55 Riverside Street and is Lot 183 in the Fox River Gardens Subdivision.

The property is approximately two point seven (2.7) acres in size.

The current land is Vacant; the property was previously used as horse pasture.

The Kendall County Future Land Use Map called for the property to be Suburban Residential (Max 1.00 DU/Acre). Yorkville's Future Land Use Map called for the property to be Estate/Conservation Residential.

Yorkville Road and Riverside Street are private streets.

Mr. Asselmeier read an email from Greg Chismark noting floodplain on the property and provided a map showing the approximate locations of the floodplain. There were no wetlands on the property.

The adjacent land uses were Single-Family Residential.

The adjacent properties were zoned A-1 and R-3.

The Kendall County Future Land Use Map called for the area to be Suburban Residential (Max 1.00 DU/Acre). Yorkville's Future Land Use Map called for the area to be Estate/Conservation Residential.

Zoning districts within one half (1/2) of a mile included A-1, A-1 SU, R-1, R-2, and R-3 in the unincorporated area. Properties inside Yorkville were zoned R-2 and OS-2.

The A-1 special use to the north was for a campground (Hide-A-Way Lakes).

EcoCat submitted on November 10, 2021. Protected resources may be in the vicinity, but adverse impacts were unlikely and consultation was terminated.

NRI application submitted on November 12, 2021. The draft LESA Score was 120 indicating a low level of protection.

Bristol Township was emailed information on November 16, 2021.

The United City of Yorkville was emailed information on November 16, 2021.

The Bristol-Kendall Fire Protection District was emailed information on November 16, 2021.

The Petitioner desired to rezone the subject property in order to subdivide the property into (2) parcels and construct one (1) house on each of the two (2) new parcels created for a total of two (2) new houses.

Section 8:07.H of the Kendall County Zoning Ordinance does not allow properties larger than ten (10) acres in size to rezone to the R-3 One Family Residential District. The subject property is less than ten (10) acres in size.

The minimum lot size in the R-3 One Family Residential District is forty-five thousand (45,000) square feet.

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

According to the Plat of Survey, there is one (1) existing steel and frame pole building and one (1) frame stable on the property.

No public or private utilities are onsite. Electricity is at Yorkville Road and Riverside Street.

The property fronts Yorkville Road and Riverside Street, two (2) private roads.

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 single-family residential uses.

The Zoning classification of property within the general area of the property in question. The surrounding properties are zoned A-1 or R-3.

The suitability of the property in question for the uses permitted under the existing zoning classification. The property is presently zoned A-1. The property is less than forty (40) acres and does not qualify for any agricultural housing allocations. No new single-family homes can be constructed on the subject property without a map amendment.

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

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 Suburban Residential. The maximum density for the Suburban Residential classification is one density unit per acre (1.00 DU/Acre). The minimum lot size for R-3 One Family Residential District zoned land is slightly over one (1) acre at forty-five thousand (45,000) square feet. Accordingly, the R-3 One Family Residential District is consistent with the Suburban Residential classification.

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

Chairman Gengler asked about the floodplain on the property. Mr. Chismark said the lot does contain floodplain from the Fox River based on the elevations contained on the plat of survey and FEMA floodmaps.

Chairman Gengler asked about restrictions regarding building in the floodplain. Mr. Chismark responded that the property was not in the regulatory floodway. The property owner would have to comply with the Kendall County Stormwater Management Ordinance. There were many lots in Kendall County that have floodplain, but also have houses.

Aaron Rybski agreed with Mr. Chismark. He noted the regulations related to septic systems. An alternative system will likely be required. The wellhead must be extended above the flood elevation.

Mr. Asselmeier read the Soil and Water Conservation District; see attachment. The NRI Report goes to the Soil and Water Conservation Board the week of December 13th.

Mr. Klaas asked if structures built in floodplains require flood insurance forever. Mr. Chismark responded that flood insurance would be likely. Structures would have to meet all applicable provisions of the Stormwater Management Ordinance.

Rick Porter, Attorney, presented an objection to the requested rezoning; see attachment. He felt having a R-3 zoned property in area zoned A-1 was inappropriate. He noted the subdivision was platted in 1927. He noted the exemptions in the Zoning Ordinance that allows houses on A-1 zoned properties. He noted the deed restrictions and argued that only one (1) home was allowed on Lot 183. He noted that almost all of the neighbors have objected to this request; meaning the map amendment will require a three-quarter (3/4) vote of the County Board and the request was unpopular in the neighborhood due to density concerns. The density would not be compatible with area. He noted that wetlands are located on the property. The property is a challenged property. He noted the area and streets are prone to flooding with odor issues from septic systems and sanitary issues will worsen. He also noted the large amount of hydric soils on the property with limited buildability. Additional buildings will create additional flooding on downstream property owners. He noted retail uses that could be allowed on R-3 zoned property. He also stated that the Petitioner has a history of not complying with County regulations. The existing uses are larger density. The property and area is zoned A-1. The trend of development is not toward increased density.

Chris Lannert, Lannert Group Land Use Planner, said the how to development the site was difficult. He provided exhibits, see attachments. Mr. Lannert agreed with the overview, but, when discussing the specific site, the situation becomes difficult. He argued that the previous rezoning in the area was probably illegal. He noted that fill had been placed on the property. He said it was a beautiful natural area. The Petitioner should not be able to build more than one (1) house on the parcel. Only a small portion of the lot was buildable. He advised the Committee not to be put into a position to accept the subdivision because the rezoning was approved.

Boyd Ingemunson, Attorney for the Petitioner, noted that the lot and neighboring lot merged Parcel Identification Numbers, otherwise the Petitioner could build one (1) house. He noted that every lot in the area was challenging to build. He noted that the request meets the Land Resource Management Plan and the intent of the subdivision.

Mr. Asselmeier asked if the Petitioner was aware that, if the request was approved, two (2) houses might not be able to be built on the lot. Mr. Ingemunson acknowledged that the lot has challenges and will have to meet regulations.

Mr. Klaas questioned the nature of the Petition. Mr. Asselmeier responded the present request is to rezone the property. If the rezoning was approved, the Petitioner could pursue a subdivision with the intent of placing two (2) houses on the existing parcel. Mr. Ingemunson said the Petitioner would ideally like to have the ability to build two (2) houses. The item before the County is rezoning the property.

Mr. Asselmeier explained that the parcel lost its grandfathering to have one (1) house and a rezoning was required in order to construct one (1) house.

Mr. Guritz noted that deed restrictions exist. Mr. Guritz asked if the owner of the property can build on the parcel without rezoning. Mr. Asselmeier responded no and that, if other property owners wanted a similar rezoning, all of the properties should be zoned R-3.

Mr. Asselmeier noted that agricultural activities could occur on all of the properties in the area. He also noted that, if the rezoning was approved, a future property owner could decide to do a subdivision.

Discussion occurred regarding the deed restrictions. The question was raised regarding which entity enforces the deed restrictions.

Mr. Klaas felt the Petition was flawed with the possibility that more than one (1) house could be placed on the parcel. He felt that the parcel should be entitled to one (1) and only one (1) house.

Dee Studler, neighbor and local business owner, described the neighborhood. She noted the animals in the area. She noted the people admiring natural beauty when traveling in their kayaks down the river. The area was not high density. She said the Petitioner has already violated the deed restrictions and will not follow the rules. She requested proper building.

Chairman Gengler asked how the property was zoned A-1. Mr. Asselmeier said that the County zoned the area during one (1) of the Countywide zoning. The subdivision was in place prior to the enactment of the first Countywide zoning ordinance.

Mr. Asselmeier asked Ms. Studler if she would be fine if the Petitioner used the property for a cattle or hog farm. Ms. Studler responded yes.

James Kohoot said that he had no problem allowing (1) house on the subject property. He was opposed to having two (2) houses on the property. He was concerned that third (3rd) home could go on the property. He questioned whether the Petitioner would have cattle or hogs on the property.

Dave Morgan, neighbor, explained why he moved to the neighborhood. He favored allowing the Petitioner to build one (1) house on the property. He expressed concerns that the property values will decline. He was also concerned with lighting and increased traffic congestion. He also had concerns regarding stormwater runoff.

JoAnn Willingham, neighbor, discussed the concerns about standing water in the wetlands. The area has a lot of bugs and snakes. She was against the rezoning.

Shabbir Shamsuddin, neighbor, has lived in the area since the early 1990s. He said the area was not designed for large densities. He had concerns about the width of the road. He said the Petitioner uses the road as a racetrack. He discussed the issues related to get a septic permit. He said the development and area is their life.

Mr. Asselmeier asked Mr. Ingemunson if the Petitioner would be interested in obtaining a conditional use permit for single-family home while retaining the A-1 zoning. Mr. Ingemunson responded that he would need to discuss the matter with the Petitioner.

Mr. Porter said the Committee could recommend R-1 zoning under the Zoning Ordinance.

Gerald Chase did not object to allowing one (1) home on the property. He had concerns about standing water issues.

Chairman Gengler felt that only one (1) house should be on the property.

Chairman Gengler made a motion, seconded by Mr. Klaas, to recommend approval of the map amendment rezoning the property to R-3.

The votes were follows

Ayes (1): Asselmeier

Nays (7): Briganti, Chismark, Gengler, Guritz, Klaas, Richardson, and Rybski

Abstain (0): None

Absent (2): Holdiman and Olson

The motion failed.

The proposal goes to the Kendall County Regional Planning Commission on December 8, 2021.

Petition 21-49 Irma Loya Quezada

Mr. Asselmeier summarized the request.

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

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

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

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

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

The current land use is Agricultural.

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

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

There were no floodplains or wetlands on the property.

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

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

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

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

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

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

Seward Township was emailed information on November 16, 2021.

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

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

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

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

No public or private utilities are onsite.

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

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

No new odors are foreseen.

Any new lighting would be for residential use only.

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

Any signage would be residential in nature.

No noise is anticipated.

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

The proposed Findings of Fact were as follows:

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

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

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

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

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

Mr. Asselmeier read the neighbors' opposition letters.

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

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

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

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

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

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

The votes were follows

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

The motion carried.

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

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

Mr. Asselmeier summarized the request.

The Petitioner would like to construct an approximately twenty thousand six hundred thirty (20,630) square foot addition to the north and east of the existing approximately forty-five thousand six hundred ninety-two (45,692) square foot building located on Parcel One of the subject property. The proposal also calls for a stormwater pond north of the proposed addition. The addition will consist of two (2) new loading docks on the on the southeast side of the addition.

Section 13:10 of the Zoning Ordinance requires site plan review for structures on properties zoned M-1.

The property has been zoned M-1 since 1966.

The property received site plan approval for the construction of an approximately thirty-four thousand (34,000) square foot storage facility in 2008.

The application material, site plan, civil plan, plat of survey, photometric plan, building elevations, aerial, and a letter addressing various concerns were provided.

The property is located at 12127 B Galena Road.

The property is approximately six (6) acres.

Galena Road is County maintained Major Collector Road.

The County has a trail planned along Galena Road.

There is no floodplain on the property. There are no wetlands on the property.

The adjacent land uses are Single-Family Residential, Wooded, Industrial, and Agricultural.

The adjacent properties are zoned A-1, A-1 BP, and M-1.

The future land use map calls for the area to be Rural Estate Residential.

Petition information was sent to Little Rock Township on November 24, 2021.

Petition information was sent to the Little Rock-Fox Fire Protection District on November 24, 2021. Mr. Asselmeier read an email from the Little Rock-Fox Fire Protection District, see attachment.

Pursuant to Section 13:10.D of the Kendall County Zoning Ordinance, the following shall be taken into account when reviewing Site Plans:

Responsive to Site Conditions-Site plans should be based on an analysis of the site. Such site analysis shall examine characteristics such as site context; geology and soils; topography; climate and ecology; existing vegetation, structures and road network; visual features; and current use of the site. In addition to the standards listed below, petitioners must also follow the regulations outlined in this Zoning Ordinance. To the fullest extent possible, improvements shall be located to preserve the natural features of the site, to avoid areas of environmental sensitivity, and to minimize negative effects and alteration of natural features. Fragile areas such as wetlands and flood plains should be preserved as open space. Slopes in excess of 20 percent as measured over a 10-foot interval also should remain as open space, unless appropriate engineering measures concerning slope stability, erosion and safety are taken. The majority of the subject property is already an improved industrial use. The only new landscaping will be around the pond. No floodplains or wetlands are located on the property. No excessive slopes exist on the property. A stormwater management permit will be required for the pond.

Traffic and Parking Layout-Site plans should minimize dangerous traffic movements and congestion, while achieving efficient traffic flow. An appropriate number of parking spaces shall be provided while maintaining County design standards. The number of curb cuts should be minimized and normally be located as far as possible from intersections. Connections shall be provided between parking areas to allow vehicles to travel among adjacent commercial or office uses. Cross-access easements or other recordable mechanisms must be employed. The property already possesses access off of Galena. The property presently has thirty-nine (39) traditional parking spaces and two (2) handicapped parking space.

Conflicts between pedestrians and vehicular movements should be minimized. When truck traffic will be present upon the site, the road size and configuration shall be adequate to provide for off-street parking and loading facilities for large vehicles. Barrier curb should be employed for all perimeters of and islands in paved parking lots, as well as for all service drives, loading dock areas, and the equivalent. Parking lots in industrial or commercial areas shall be paved with hot-mix asphalt or concrete surfacing. No conflicts are foreseen. The parking lot will meet applicable surfacing requirements. The doors on the northern side of the building are currently used to assist with air ventilation. The two (2) new docks on the south side of the addition will be screened by a six foot (6') chain link fence with slats as per the requirements of Section 11:06.F of the Zoning Ordinance.

Site Layout-Improvements shall be laid out to avoid adversely affecting ground water and aquifer recharge; minimize cut and fill; avoid unnecessary impervious cover; prevent flooding and pollution; provide adequate access to lots and sites; and mitigate adverse effects of shadow, noise, odor, traffic, drainage and utilities on neighboring properties. Improvements are laid out to avoid adversely impacting ground water, avoid unnecessary impervious cover, prevent flooding and pollution, mitigate adverse effects of shadow, noise odor, traffic, drainage, and utilities on neighboring properties.

Consistent with the Land Resource Management Plan-The proposed use and the design of the site should be consistent with the Land Resource Management Plan. This is true because the use is existing.

Building Materials-The proposed site plan design shall provide a desirable environment for its occupants and visitors as well as its neighbors through aesthetic use of materials, textures and colors that will remain appealing and will retain a reasonably adequate level of maintenance. Buildings shall be in scale with the ultimate development planned for the area. Monotony of design shall be avoided. Variations in detail, form, and setting shall be used to provide visual interest. Variation shall be balanced by coherence of design elements. The subject property presently consists of three (3) one (1) story corrugated metal buildings and one (1) one (1) story frame building. The metal on the exterior of the addition will match the existing gray exterior. The maximum building height will be thirty-one feet, three inches (31' 3").

Relationship to Surrounding Development-A site shall be developed in harmony with neighboring street pattern, setbacks and other design elements. The proposed addition is in harmony with the existing use.

Open Space and Pedestrian Circulation-Improvements shall be designed to facilitate convenient and safe pedestrian and bicycle movement within and to the property. This is not an issue.

Buffering-Measures shall be taken to protect adjacent properties from any undue disturbance caused by excessive noise, smoke, vapors, fumes, dusts, odors, glare or stormwater runoff. Incompatible, unsightly activities are to be screened and buffered from public view. Because the use is already in existence, there are no concerns regarding noise, smoke, vapors, fumes, dusts, odors or glare. The stormwater management permit will address any concerns regarding stormwater. As noted previously, the required fencing will be installed east of the new loading area.

Emergency Vehicle Access-Every structure shall have sufficient access for emergency vehicles. Circulation already exists in the property for emergency vehicles.

Mechanical Equipment Screening-All heating, ventilation and air conditioning equipment shall be screened on sides where they abut residential districts. There is no mechanical equipment requiring screening.

Lighting-The height and shielding of lighting fixtures shall provide proper lighting without hazard to motorists on adjacent roadways or nuisance to adjacent residents by extending onto adjacent property. Cut-off lighting should be used in most locations, with fixtures designed so that the bulb/light source is not visible from general side view. The proposal calls for two (2) wall packs to be mounted thirteen feet (13') in height on the north side of the building. As noted in Attachment 8, the foot candles will meet the County's lighting requirements.

Refuse Disposal and Recycling Storage Areas-All refuse disposal and recycling storage areas should be located in areas designed to provide adequate accessibility for service vehicles. Locations should be in areas where minimal exposure to public streets or residential districts will exist. Screening shall be required in areas which are adjacent to residential districts or are within public view. Such enclosures should not be located in landscape buffers. Refuse containers and compactor systems shall be placed on smooth surfaces of non-absorbent material such as concrete or machine-laid asphalt. A concrete pad shall be used for storing grease containers. Refuse disposal and recycling storage areas serving food establishments shall be located as far as possible from the building's doors and windows. The use of chain link fences with slats is prohibited. The property has existing refuse containers; no refuse containers will be added as part of the addition.

Pending comments from ZPAC members, Staff recommends approval of the proposed site plan as proposed with the following conditions:

1. The site plan approved in 2008 shall be amended to incorporate the subject site plan.
2. The site shall be developed substantially in conformance with the submitted site plan, civil plan, photometric plan, and elevations. The metal siding shall be gray to match the existing building.
3. The November 23, 2021, letter from Tebrugge Engineering will be included as part of the site plan.
4. The site shall be developed in accordance with all applicable federal, state, and local laws related to site development and the type of use proposed for the site, including, but not limited to, securing the applicable building and stormwater permits.

Mr. Rybski asked if there will be a staffing increase. John Tebrugge, Engineer for the Petitioner, said no. The expansion will be away from the existing septic systems and water wells.

Mr. Tebrugge noted that the Fire Department did tour the building and they were satisfied with the fire suppression plan.

Mr. Klaas asked about stormwater in relation to the amount of impervious surface and the proximity to the Big Rock Creek. Mr. Chismark noted the existing stormwater basin and he has examined the calculations. He submitted numerous comments on December 6th and Tebrugge Engineering was reviewing.

Mr. Chismark expressed concerns regarding access to the control structure and maintain the control structure long-term. Mr. Tebrugge discussed creating a flat area for access.

Mr. Rybski made a motion, seconded by Ms. Briganti, to approve the site plan.

The votes were follows

Ayes (8): Asselmeier, Briganti, Chismark, Gengler, Guritz, Klaas, Richardson, and Rybski

Nays (0): None

Abstain (0): None

ZPAC Meeting Minutes 12.07.21

Absent (2): Holdiman and Olson

The motion carried.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

Mr. Asselmeier reported that Petition 21-26 was removed from the November 16, 2021, County Board agenda and will be reviewed at the County Board again on December 7, 2021.

Mr. Asselmeier reported that Petitions 21-32 and 21-36 were approved by the County Board.

OLD BUSINESS/NEW BUSINESS

None

CORRESPONDENCE

None

PUBLIC COMMENT

None

ADJOURNMENT

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

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


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

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

Encs

**KENDALL COUNTY
ZONING & PLATTING ADVISORY COMMITTEE
DECEMBER 7, 2021**

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

NAME	ADDRESS (OPTIONAL)	EMAIL ADDRESS (OPTIONAL)
Rick Porter		R Porter @ HimsHawken.com
James Kehou		James Kehou K04007
Dan Moya		
John Willingham		
SHABIR SHAMSUDIN		
Gerald Chou		
DM Stutler		
Dan Kim		

JOHN TERBIDGE

DEPARTMENT OF PLANNING, BUILDING AND ZONING
KENDELL COUNTY, ILLINOIS

In Re: Petition of Baka Properties, LLC)
Map Amendment Rezoning of 55 Riverside)
Street Yorkville, Illinois (Lot 183 Fox River) Petition 21-48
Gardens))

STUDLER, MUND AND SISO LLC OBJECTION TO PETITION 21-48

NOW COME Objectors, DM Studler, Ronald G. Mund, and SISO, LLC., by and through their attorneys Hinshaw & Culbertson and for their Objection to Petition 21-48 state as follows:

I. INTRODUCTION

The Petition for Rezoning should be rejected by the Department of Planning and Zoning and by the Members of the Kendall County Board for the following reasons:

1. The subdivision and specific lot of the Applicant has a deed restriction which limits the property to only one single family home and the purpose of the R-3 zoning request of allowing two homes cannot be met and thus the zoning must be denied.
2. The density that will be permitted is not compatible with the surrounding properties of single family homes on large parcels of land and the R-3 zoning change is objected to by the majority of surrounding landowners.
3. The property in question includes wetlands that will be destroyed if the development that is planned goes through.
4. The property is in a flood plain which will create flooding problems if developed as requested.
5. There is no available municipal sanitary sewer to the site and, if developed with the septic tanks, odor and sanitation problems will develop and be exacerbated because of site conditions.

6. The amount of floodplain and lack of street access of the site will not permit two houses to be situated on the property.

7. A R-3 designation includes retail and office uses, albeit with a special use permit, that are wholly inappropriate for the surrounding community.

8. The Petitioner has a history of failing to comply with the County's ordinances and intrusion upon neighbors and their properties.

9. The Petitioner has not satisfied the conditions required by the Zoning Ordinance for a Map Amendment.

II. BASIS FOR OBJECTION

1. THE LOT WHICH IS THE SUBJECT OF THE PETITION IS PART OF A SUBDIVISION PLAT AND THE DEED HAS RESTRICTIONS OF ONE DWELLING ONLY.

The lot at issue is part of a subdivision which was platted in 1927. (**See Subdivision Plat attached hereto as Ex. A**). After the subdivision was platted deeds were issued with covenants, conditions and restrictions one of which explicitly provides that on the subdivided lots "only one such [single family residence] shall be erected on any lot..." **See April 22, 1030 Deed – Restriction No. 6 – attached hereto As Ex. B**. It has been stated by the Applicant that the purpose of the R-3 zoning change is to seek to build two homes on Lot 183 as R-3 zoning allows for a home per 45,000 sq. ft. However, the subdivision plat and deed covenants and restrictions explicitly disallow more than one home on the land designated lot 183 and thus the zoning change would be improper and serve no purpose.

2. THE DENSITY OF THE PROPOSED SUBDIVISION IS NOT COMPATIBLE WITH THE SURROUNDING COMMUNITY

The surrounding community was developed under the Ag-1 zoning though the lots, as originally laid out, may be developed with one single family residence pursuant to Section 7.01

C. 18. c. of the Zoning Ordinance. This has created a unique living experience for those that reside in the homes and is entitled to protection against incompatible density like any other established neighborhood. The majority of surrounding landowners have estate parcels that substantially exceed 45000 sq. ft and smaller lots (in violation of the subdivision restrictive covenants) would detract from the rural nature of the neighborhood. A majority of surrounding landowners object Petition 21-48. **See Petition Submitted to the County Board of the County of Kendall, State of Illinois, Submitted Pursuant to Section 13.07G.2 of the Kendall County Zoning Ordinance attached hereto as Ex. C and Map of Objector Parcels attached hereto as Exhibit D).**

3. THE PROPERTY IN QUESTION INCLUDES WETLANDS THAT WILL BE DESTROYED IN THE DEVELOPMENT OF THE PROPERTY IN QUESTION.

Pursuant to the **Deuchler Engineering Wetlands Reconnaissance Report Dated July 17, 2020, attached hereto as Ex. E**, the subject property includes a significant area of hydric soils that qualify to be classified jurisdictional wetlands much of which have been covered by fill material by the Applicant. Upon information and belief, that fill material was placed without any Kendall County or Army Corps of Engineers permits. If the property is developed in the manner planned by Applicant the Wetlands would be destroyed. This area, immediately adjacent to and a part of the Fox River flowage, is extremely sensitive due to that proximity.

4. A SIGNIFICANT PART OF THE PROPERTY IN QUESTION IS LOCATED IN A FLOODPLAIN AND FURTHER DEVELOPMENT OF THE PROPERTY WILL CAUSE THE FLOODING IN THE AREA TO WORSEN.

The majority of lot 183 is located within floodplain as it is below the flood zone elevation of 582 MSL and the County has hired an engineer that has confirm same. **See Email from Engineer Chismark attached hereto as Ex. F and Flood Plain Map of Lot 183 attached hereto as Ex. G.** To build residences in the floodplain will require that the site be elevated by

bringing in even more fill. Elevating the property in question will substantially increase the water that is discharged during a storm. The neighborhood, being so close to the Fox River, is already prone to flooding events. **(See Photo of Flooded Riverside Road attached hereto as Ex. H).** The development of the property in question as planned will only make that worse, not only because of the increased elevation but also because of the increase in impervious surfaces such as driveways, homes, patios, decks and walkways that inevitably come with new development.

The Petitioner has, over the last two years, dumped over 40 semi-trailer loads of dirt onto the property in question, and upon information and belief, without any county or Army Corps permits, which has increased the chance of more water discharging from the site, contributing to an increased chance of flooding. **(See Photos of Filling of Lot 183, attached hereto as Group Ex. I)** Despite that filling over $\frac{3}{4}$ of the property is still below the flood zone of 582 MSL per Ex. G. If the subdivision is approved, the subsequent development of the property will only make matters worse because of the significant increase in impervious surfaces. Because the Petitioner has not submitted a site plan with its application, the Board cannot evaluate the impact of the zoning change on the flooding problem.

5. IF ALLOWED TO BE DEVELOPED AS REQUESTED, THE SANITARY CONDITIONS IN THE AREA WILL WORSEN.

There is no sanitary sewer available to the property in question or the surrounding neighborhood. The soil cannot support more septic tanks and fields. Presently, after significant storms, the septic tanks and the fields they drain into fail to function properly, creating noxious odors and unsanitary conditions. Because of the wetlands and the fact that a majority of the property is located within a floodplain, adding additional septic tanks and fields will exacerbate this public health problem.

6. THE AMOUNT OF FLOODPLAIN, AND LACK OF BUILDABLE SOILS AND LACK STREET ACCESS MAKE CONSTRUCTION OF TWO HOMES ON THE SUBJECT PROPERTY IMPOSSIBLE AND R-3 ZONING IMPROPER.

In order to further fill floodplain and wetland it is legally required that 1 ½ times of land mitigation be provided and per the expert opinion of land planner Chris Lannert there is insufficient buildable land to do so. Further, the Kendall County Soil & Water Conservation District has drafted a Natural Resources Inventory (NRI) Report and concluded that almost all of the property is comprised of hydric soils. **(See Hydric Soils Map Lot 183, attached hereto as Ex. J)**. In that same NRI report it was also found that almost all of the property has the most restrictive soil rating of being “very limited” for building purposes such that dwellings cannot have basements and the land is primarily useful for only lawn or landscape. **(See Very Limited Building Capability Lot 183, attached hereto as Ex. K)**. Finally, the deed restriction only allows one dwelling and thus there is no road access for multiple dwellings.

Because Lot 183 cannot support a dwelling on every 45,000 sq. ft zoning as M-3 would be improper.

7. A R-3 DESIGNATION INCLUDES RETAIL AND OFFICE USES.

A R-3 designation includes retail and office uses, albeit with a special use permit, that are wholly inappropriate for the surrounding community. While there is a requirement that a special use permit be obtained, there is nevertheless a threat of increased commercial use of the property in question by changing the zoning designation as requested by the petitioner.

8. THE PETITIONER HAS A HISTORY OF FAILING TO COMPLY WITH THE COUNTY'S ORDINANCES AND INFRINGING UPON NEIGHBORS AND THEIR PROPERTIES

As explained above upon information and belief, no permits were acquired for the filling of the wetlands and floodplain on lot 183. Further, upon information and belief the Applicant

has been involved in conflict with several neighbors and been the subject of petitions for order of protection which have been granted to neighbors.

9. THE PETITIONER HAS FAILED TO SATISFY THE CONDITIONS FOR A MAP AMENDMENT.

The following are the criteria that must be satisfied by the Petitioner to allow for the County Board to approve a Map Amendment and the Petitioner has failed to satisfy that criteria:

FINDING OF FACT AND RECOMMENDATION OF THE ZBA. Within thirty (30) days after the close of the hearing on a proposed amendment, the ZBA shall make written findings of fact and shall submit same together with its recommendation to the County Board of Kendall County. Where the purpose and effect of the proposed amendment is to change the Zoning classification of particular property, the Zoning Board of Appeals shall make findings based upon evidence presented to it in each specific case with respect to the following matters Amended 9/15/20):

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

While the surrounding property is residential, it is not of the density as that proposed. The R-3 zoning allowing a dwelling on every 45,000 sq. ft of land as proposed by the Petitioner is wholly inconsistent with the surrounding properties. Further, the addition of impermeable surfaces such as driveways, patios, decks and multiple dwellings is inconsistent with the existing uses and poses odor, health and flooding issues.

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

The surrounding property is primarily Ag-1. While there is a parcel that is zoned R-3 (by the Applicant previously), the vast majority of the surrounding properties are zoned Ag-1.

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

The property is wholly unsuitable for R-3 uses of a dwelling on every 45,000 sq. ft. The soils are almost entirely hydric, the property contains wetlands, the property is in flood plain and the existing area is already prone to flooding and odor and thus cannot support more septic systems. Further, the subdivision plat and restrictive covenants do not allow for multiple homes on the land no multiple access points to roadways.

4. *The trend of development, if any, in the general area of the property in question, including changes, if any, which may have taken place since the day the property in question was in its present zoning classification.*

There is no trend toward increased density. To the contrary, the subdivision is well established and those properties at lower elevations nearer the Fox River are larger parcels with estate homes. The subdivision plan, relied upon by all of the owners of land in the subdivision does not allow for multiple dwellings on the site and limits access. Further, the Land Resource Management Plan discourages conversion of agricultural land to residential zoning.

The ZBA 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 ZBA 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-213-14 District shall be considered the lowest classification.

Clearly changing the zoning from A-1 to R-3 is not in the public's interest at this location and the majority of surrounding landowners object to same. The Subdivision Plat has been in place for nearly 100 years and explicitly allows for only one dwelling per lot. That plan has been relied upon by all owners of property in the subdivision and there is no public purpose served in amending it. Further, the impermeable surfaces on this flood plain area of hydric soils and

wetlands will detrimentally affect the neighbors and the public by exacerbating flooding, odors and unhealthful conditions.

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

The Land Resource Management Plan encourages the protection of Agricultural lands and discourages "spot" zoning which create inherently contradictory land uses within each zone.

III. CONCLUSION

For the foregoing reasons the Petition 21-48 for a Map Amendment should be denied.

Date: 12-7-2021

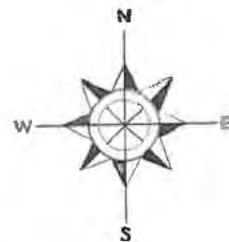
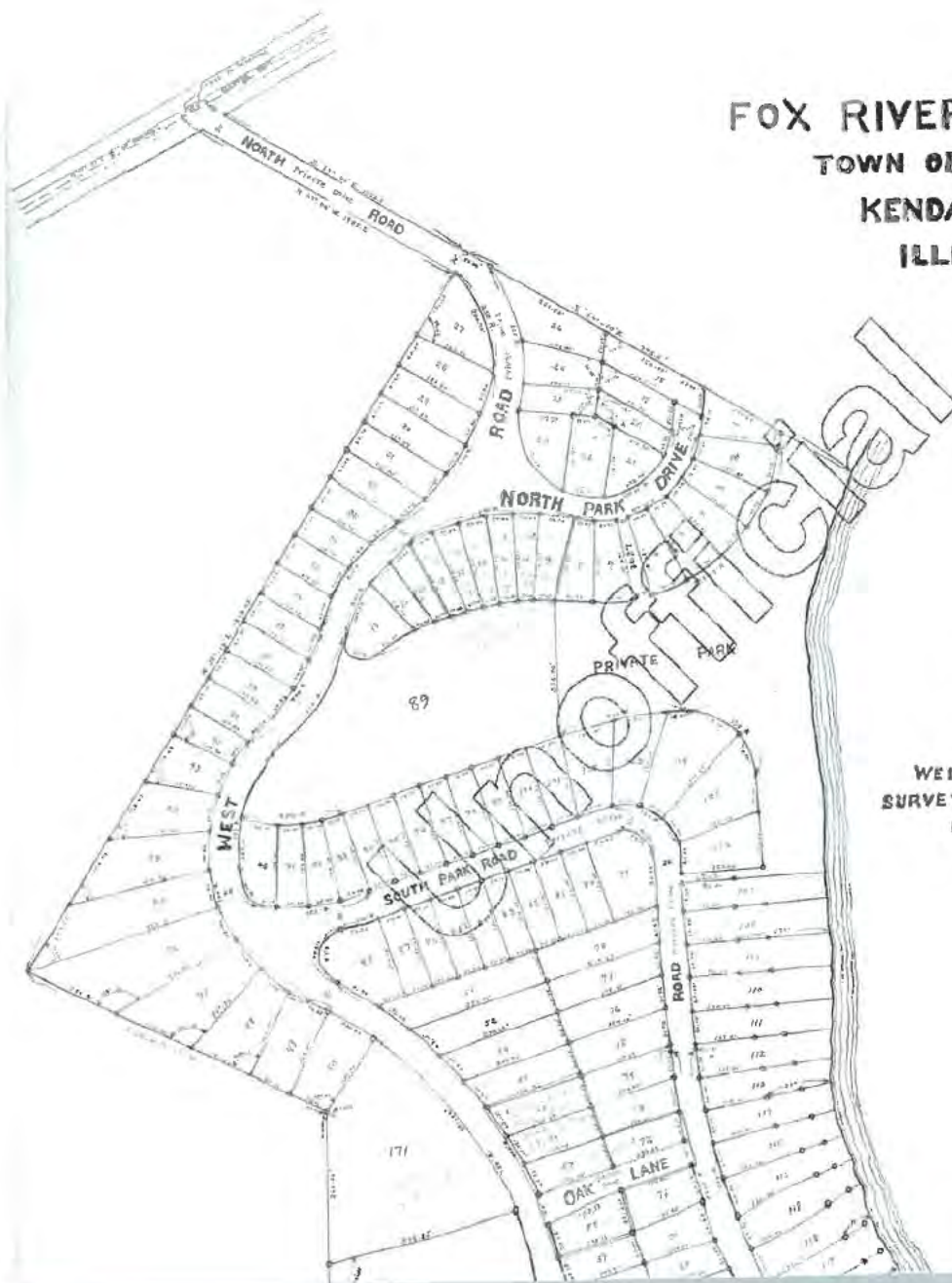
Respectfully Submitted,

HINSHAW & CULBERTSON LLP,

By: 
Richard S. Porter
One of their Attorneys

Richard S. Porter ARDC #6209751
rporter@hinshawlaw.com
HINSHAW & CULBERTSON LLP
100 Park Avenue
Rockford, IL 61101
Phone: (815) 490-4900

**FOX RIVER GARDENS
TOWN OF BRISTOL
KENDALL CO.
ILLINOIS**

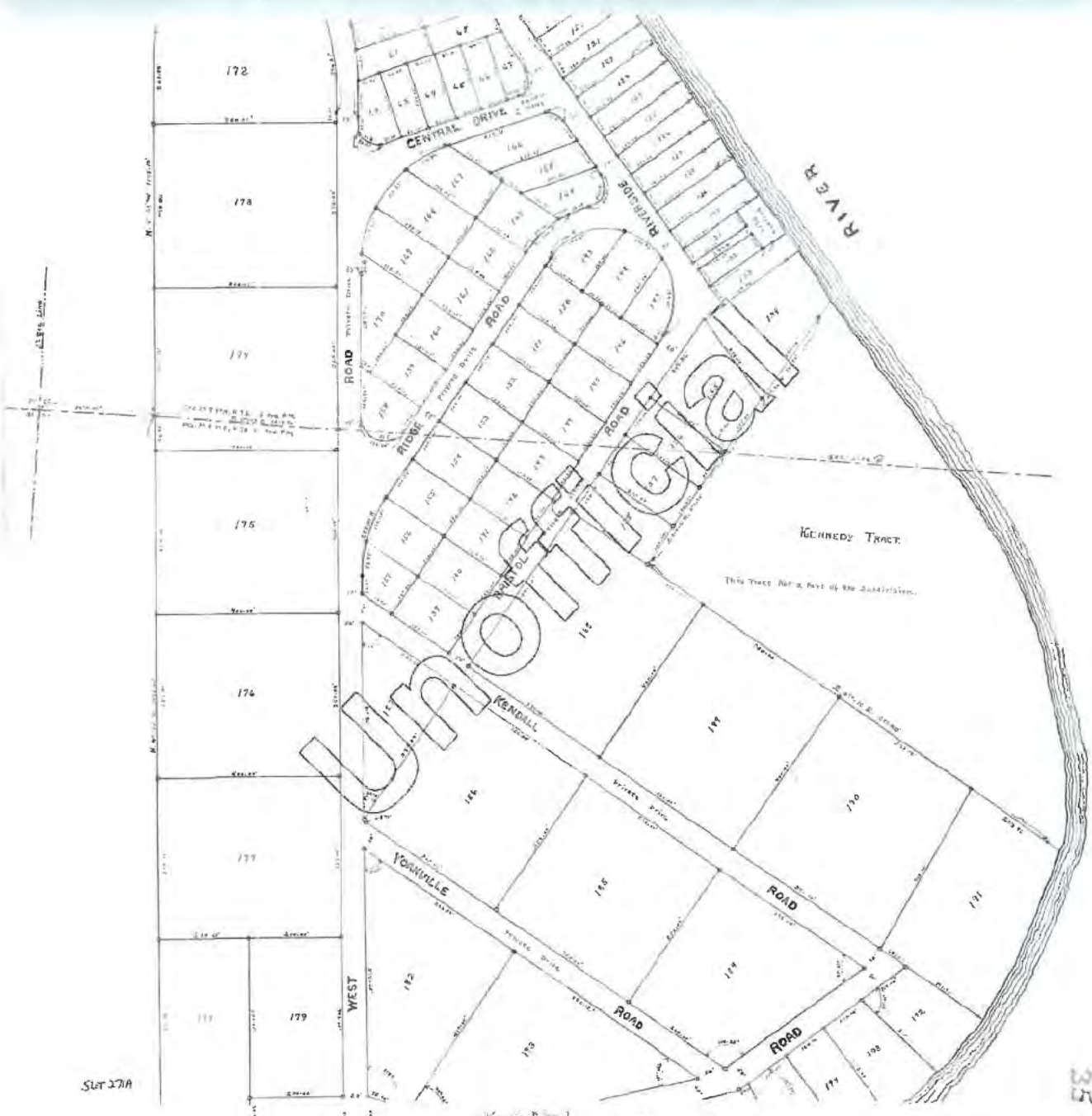


SCALE - 1"=100'

SURVEYED BY
WELLS ENGINEERING CO.
SURVEYORS AND SUBDIVIDERS
GENEVA, ILLINOIS

SLIT 0764





SLR 277A



817 316

State of Kentucky
County of Madison

Know all men by these presents, that I, John H. Smith, of the County of Madison, State of Kentucky, do hereby certify that the following is a true and correct copy of the original of the same as the same appears in the office of the County Clerk of the County of Madison, State of Kentucky, to-wit: A certain deed of land bearing date the 10th day of April, 1912, between John H. Smith and John H. Smith, the contents of which are as follows: That the said John H. Smith do hereby convey unto the said John H. Smith all that certain

Witness my hand and seal of office this 10th day of April, 1912, at Bristol, in the County of Madison, State of Kentucky.

John H. Smith
County Clerk

Unofficial

State of Kentucky
County of Madison

Know all men by these presents, that I, John H. Smith, of the County of Madison, State of Kentucky, do hereby certify that the following is a true and correct copy of the original of the same as the same appears in the office of the County Clerk of the County of Madison, State of Kentucky, to-wit: A certain deed of land bearing date the 10th day of April, 1912, between John H. Smith and John H. Smith, the contents of which are as follows: That the said John H. Smith do hereby convey unto the said John H. Smith all that certain

Witness my hand and seal of office this 10th day of April, 1912, at Bristol, in the County of Madison, State of Kentucky.

John H. Smith
County Clerk



JOINT TENANCY DEED

Frank Tuma and Anna Tuma, his wife

to

EMAN MICHALEK and MARY MICHALEK

This Indenture Witnesseth, That the Grantors FRANK TUMA and ANNA TUMA, his wife of the City of Berwyn in the County of Cook and State of Illinois for and in consideration of the sum of One and no/100 (\$1.00) Dollar in hand paid, CONVEY and WARRANT to EMAN MICHALEK and MARY MICHALEK, his wife, not in tenancy in common but in Joint Tenancy, of the City of Berwyn, County of Cook and State of Illinois, the following described real estate; to-wit: Lots 1 to 4 both inclusive, 6, 10, 11, 12, 17 to 35 both inclusive, 40, 41, 42, 45 to 63 both inclusive, 67 to 113 both inclusive, 115 to 123 both inclusive, 126 to 149 both inclusive, 151, 152, 153, 155 to 170 both inclusive, 172, 173, 174, 175, 176 (except the South 18-1/2 feet), 182 to 203 both inclusive, in Fox River Gardens, same being part of Sections Twenty-seven (27), twenty eight (28) and thirty-four (34), Township thirty-seven (37) North, Range seven (7), East of the third (3rd) Principal Meridian, situated in the Town of Bristol County of Kendall in the State of Illinois hereby releasing and waiving all rights under and by virtue of the Homestead Exemption Laws of the State of Illinois.

This conveyance is subject to the following covenants, conditions and restrictions:

- (1st) No part or parts of any lots in the subdivision aforesaid are to be sold or leased by the purchasers thereof or by the heirs, executors, administrators or assigns of any such purchasers for road or any other purpose without the consent or approval of the first party.
- (2nd) Each and every residence built in the subdivision aforesaid must have a sanitary toilet.
- (3rd) No building or any part thereof erected on said premises shall extend toward the street in front of said lot beyond a line parallel to and twenty feet distant from said street.
- (4th) No trees on the premises herein described at the date hereof shall be removed without the consent of first party, except dead trees and those which may impede the construction of buildings.
- (5th) No tents may be erected on said premises for commercial purposes.
- (6th) No building shall be built on any of the lots in the subdivision aforesaid except private residences for the use and occupancy of one family only and only one such building shall be erected on any lot in said subdivision containing not to exceed one acre. At or after the erection of a residence as aforesaid, a garage or other out-building necessary or appurtenant thereto may be erected. That no garage, barn, or other building, erected on said lot, shall at any time be used as a residence.
- (7th) All purchasers or owners of lots in Fox River Gardens Subdivision aforesaid and their families shall have free and unrestricted access to the community beach as shown upon the plat of said Subdivision.
- (8th) Should the grantee herein improve the premises herein described with a residence, the cost of such residence shall not be less than \$1,500.00.
- (9th) It is expressly agreed that the premises herein described shall not be conveyed or leased by the grantee or any of the successors in title of the grantee, to any person who is not a Caucasian, that neither the premises herein described nor any of the improvements thereon shall be occupied by anyone who is not a Caucasian; and that in the event that the premises herein described shall be

EXHIBIT

B

conveyed or leased by the grantee or any of the successors in title of the grantee . to any person who is not a Caucasian or in the event that said premises or any improvements erected thereon shall at any time be occupied by a person who is not a Caucasian, the property herein described shall revert to the grantor herein free and clear from any claim of the grantee or the successors in title of the grantees. To have and to hold the above granted premises unto the said parties of the second part forever not in tenancy in common, but in joint tenancy.

DATED this first (1st) day of May A. D. 1930



Frank Tuma (SEAL)

Anna Tuma (SEAL)

(SEAL)

(SEAL)

STATE OF ILLINOIS }
COUNTY OF COOK }

SS. I, Charles T. Salak Notary Public in and for the said County, in the State aforesaid, DO HEREBY CERTIFY that FRANK TUMA and ANNA

TUMA, his wife, who are 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 said instrument as their free and voluntary act, for the uses and purposes therein set forth, including the release and waiver of the right of homestead.

Given under my hand and notarial seal this first (1st) day of May A. D. 1930

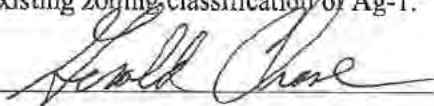
Charles T. Salak
Notary Public

Filed for record on the 3rd day of May A. D. 1930 at 11-25 o'clock A. M.

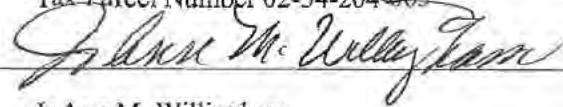
Rebecca B. Davis Recorder of Deeds.

PETITION SUBMITTED TO THE COUNTY BOARD OF THE COUNTY OF KENDALL, STATE OF ILLINOIS, SUBMITTED PURSUANT TO SECTION 13.07 G.2 OF THE KENDALL COUNTY ZONING ORDINANCE

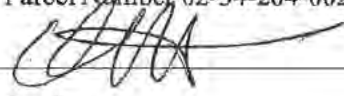
The undersigned have been advised that that BAKA Properties LLC – Series 5 the owner of the property commonly known as Lot 183 Fox River Gardens (tax parcel number 02-34-130-004), (the “Development Parcel”), in unincorporated Kendall County, Illinois, pursuant to Petition 21-48, has requested that Kendall County pass a map amendment ordinance changing the zoning applicable to the Development Parcel from Ag-1 to R-3. The undersigned, being more than twenty percent of the owners of the frontage immediately adjoining or across an alley, street or public right-of-way from the Development Parcel, wish to notify the County Board of the County of Kendall that they protest and object to the rezoning of the Development Parcel from its existing zoning classification of Ag-1.

1.  (Signature)
Gerald Chase FOR S150, LLC
Print Name

40 Riverside St.
Address
Tax Parcel Number 02-34-204-005

2.  (Signature)
JoAnn M. Willingham
Print Name

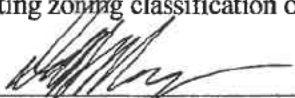
56 Riverside St.
Address
Tax Parcel Number 02-34-204-002

3.  (Signature)
DM Studler
Print Name

34 Riverside St.
Address
Tax Parcel Number 02-34-176-003



The undersigned have been advised that that BAKA Properties LLC – Series 5 the owner of the property commonly known as Lot 183 Fox River Gardens (tax parcel number 02-34-130-004), (the “Development Parcel”), in unincorporated Kendall County, Illinois, pursuant to Petition 21-48, has requested that Kendall County pass a map amendment ordinance changing the zoning applicable to the Development Parcel from Ag-1 to R-3. The undersigned, being more than twenty percent of the owners of the frontage immediately adjoining or across an alley, street or public right-of-way from the Development Parcel, wish to notify the County Board of the County of Kendall that they protest and object to the rezoning of the Development Parcel from its existing zoning classification of Ag-1.

4.  (Signature)

David A. Morgan

Print Name

16 Yorkville Road

Address

Tax Parcel Number 02-34-130-005

5.  (Signature)

KENT HANNA

Print Name

15 YORKVILLE ST.

Address

Tax Parcel Number 02-34-129-006

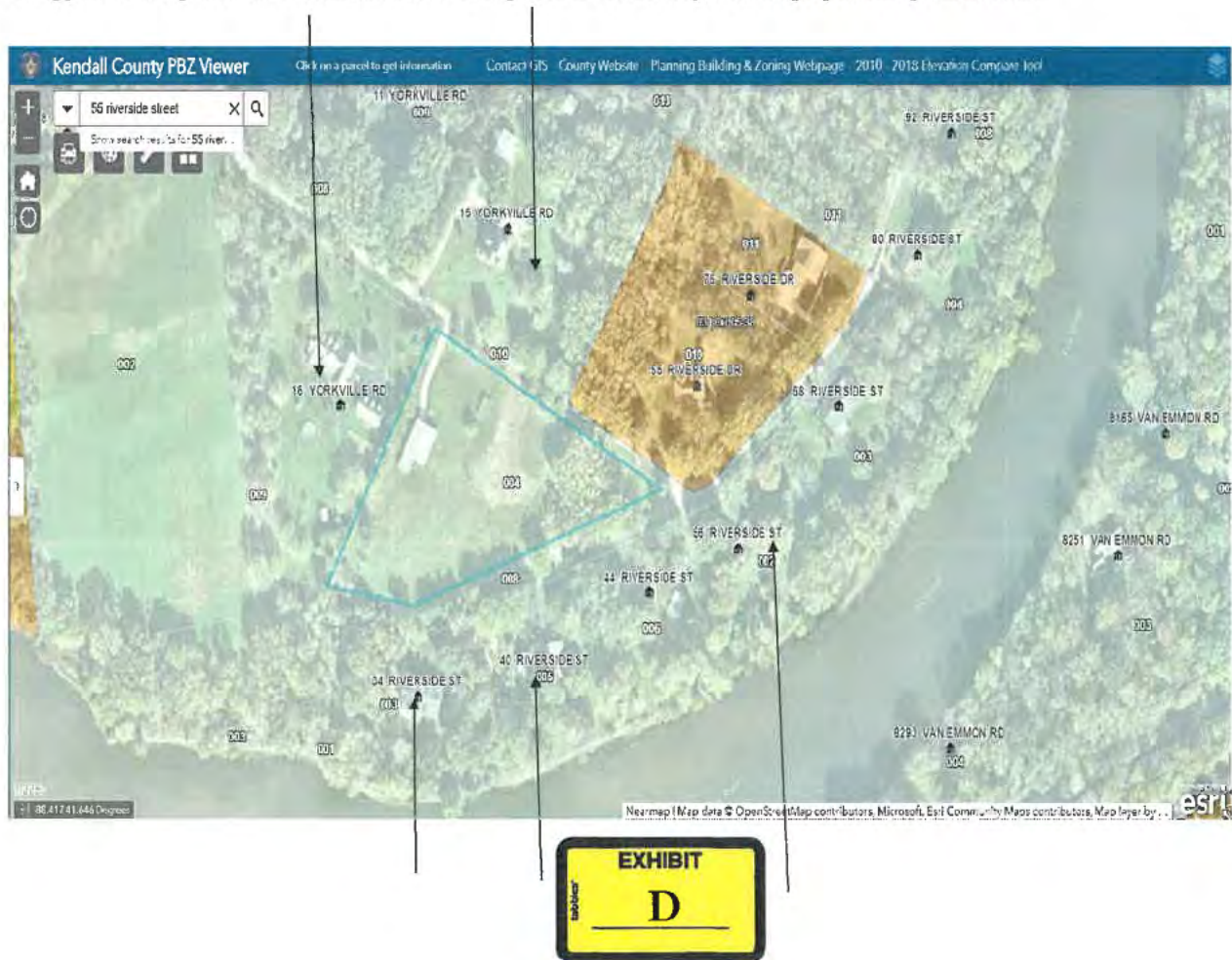
6. _____ (Signature)

Print Name

Address

Tax Parcel Number 02-34-____-____

Black arrows indicate the location of the parcels owned by the objectors. The parcels highlighted in orange below are also owned by the applicant. The parcel "004" outlined in blue is the parcel that is the subject of the proposed map amendment.



WETLAND RECONNAISSANCE REPORT

**55 RIVERSIDE DRIVE, YORKVILLE
KENDALL COUNTY, ILLINOIS**

JULY 17, 2020

Prepared for:

Hinshaw & Culbertson, LLP
151 N Franklin St Suite 2500, Chicago, IL 60606

Deuchler Engineering Corporation

230 Woodlawn Avenue | Aurora, Illinois 60506



TABLE OF CONTENTS

	Page
1.0 INTRODUCTION	2
2.0 METHODS.....	2
2.1 Map and Photograph Review	
2.2 Field Survey	
2.3 Report	
3.0 PROJECT DESCRIPTION	3
4.0 MAP AND PHOTOGRAPH REVIEW	4
4.1 NWI Map	
4.2 NRCS Soil Survey Map	
4.3 NRCS Photographic Map	
4.4 USGS 7.5 Minute Quadrangle Topography Map	
4.5 Aerial Photograph	
5.0 FIELD INVESTIGATION	6
6.0 SUMMARY AND CONCLUSIONS	7

FIGURES

- Figure 1 - Site Location Map
- Figure 2 - Aerial Map
- Figure 3 - NWI Map
- Figure 4 - Kendall County Topographic Map
- Figure 5 - NRCS We Soil Survey Map
- Figure 6 - FEMA Flood Insurance Rate Map

APPENDICES

- Appendix A - USACE Data Sheets
- Appendix B – FQI Calculation

1.0 INTRODUCTION

A Wetland Reconnaissance was performed on atypical conditions in the common area immediate adjacent to the subject property, *BAKA Properties, LLC, Trust: Series 5, 55 Riverside Street, Yorkville, IL (Parcel Identification Number 02-34-130-00)*. The purpose of the investigation was to determine the likelihood of fill having been placed in a wetland on the subject parcel. This project is in unincorporated Bristol Township in Section 34 of Township 37, North, Range 7 East in Kendall County, Illinois. See Site Location Map included as **Figure 1**.

Deuchler Engineering Corporation (DEC) was contracted by Hinshaw & Culbertson, LLP to conduct a wetland delineation survey of the subject site. The project site evaluated is an open field in Fox River Gardens, a rural residential subdivision in unincorporated Yorkville, IL. Field work for the project was completed on July 1, 2020. Aerial Photograph analysis was completed on July 14 and 15, 2020.

2.0 METHODS

A wetland reconnaissance was performed by Deuchler Engineering Corporation (DEC) in accordance with the Corps of Engineers Wetland Delineation Manual (1987) and the Midwest Regional Supplement to 1987 Wetland Delineation Manual (2010). The scope of work performed by Deuchler staff includes the following:

2.1 Map and Aerial Photograph Review

Prior to the field survey, a preliminary site evaluation was performed to identify the physical setting of the subject area utilizing an aerial photographs, National Wetland Inventory Mapping Tool (NWI), and Natural Resources Conservation Service (NRCS) Web Soil Survey and the FEMA Flood Insurance Rate Mapping Tool (Firmette).

2.2 Field Survey

The site was visually and physically observed to determine if any jurisdictional wetlands exist within the site by examining the soil, hydrology, and vegetation. A USACE Routine Wetland Delineation Data Sheet was completed for a data point in the potential wetland and a comparative data point was taken from the surrounding upland.

To be considered a jurisdictional wetland, an area must meet minimum criteria in all three of the following categories: soils, hydrology, and vegetation. These criteria are discussed as follows:

- 1) **Soil:**
The soil criterion for a wetland is met when the soils have been classified as hydric. Field indicators of hydric soils include: a) organic soils, b) specific low chroma soil color (gleyed matrix with or without bright mottles), c) presence

of a histic epipedon (high organic content in the surface horizon), d) presence of sulfidic material (the soil smells like hydrogen sulfide), e) aquic or peraquic moisture regime (the soil is saturated for long periods), and f) reduced soil conditions (soil contains reduced iron).

Soil borings were taken to a minimum depth of 18 inches below existing grade and soil properties were recorded, at locations of concern. Soil color (matrix), and redoximorphic features (if present) were determined using the Munsell Soil Color Charts (1990).

2) Hydrology:

The hydrology criterion for a wetland is met when the area is inundated either permanently or periodically at a maximum water depth of 6.6 feet, or the soil is saturated to the surface for at least 5% of the growing season. Indicators include drainage patterns, drift lines, sediment deposition, watermarks, stream gage data and flood prediction, historic records, visual observation of saturated soils, and visual observation of inundation. Hydrologic indicators were recorded.

3) Vegetation:

The vegetation criteria for a wetland is met when more than 50% of the dominant plant species are classified as hydrophytic. Hydrophytes are plants which can grow in water or on a substrate that is at least periodically deficient in oxygen because of excessive water content. A *Regional List of Plant Species that Occur in Wetlands* has been prepared by the U.S. Fish and Wildlife Service (USFWS). Wetland plants are categorized into three classes based on wetland indicator status: (1) obligate wetland species (OBL), (2) facultative wetland species (FACW), or (3) facultative species (FAC). Dominant plant species were recorded for each data point.

2.3 Report

DEC prepared a Wetland Reconnaissance Report documenting the findings of the wetland investigation. This Report includes sources and documents supporting the analysis, opinions, and conclusions.

3.0 PROJECT DESCRIPTION

The subject property is a 2.68-acre open field and lies on a minor terrace of the Fox River in Fox River Gardens subdivision, unincorporated Yorkville, IL. The northeast side of the property is bounded by Yorkville Street and the southern edge of the property is bounded by Riverside Street. The rest of the property is bounded by residential lots. The property contains recently placed fill over a large portion of the open area of the parcel. The parcel also contains a single drainageway that has a Silver Maple Swamp (forested wetland) on either side of the bed and bank channel.

The investigation was undertaken to determine if the limits of fill extended into the wetland. The fill appears to cover about half of the open field. It extends under the Silver Maple branches and stops at the limit of a white plastic 3 rail fence. The fill appears to be several feet in thickness at the edge of the Silver Maple swamp. Standing water was present in the wetland as well as the stream channel on the day of the site investigation.

A data point was taken just outside the fill in the Yorkville Street road easement where wetlands vegetation was like that seen at the base of the fill. An upland data point was taken along the road easement several feet in elevation higher than the data point where the vegetation appeared to be hydric. The description of the field investigation can be found in Section 5.0.

4.0 MAP AND AERIAL PHOTOGRAPH REVIEW

Aerial photography, Kendall County LIDAR topographic mapping, National Wetland Inventory mapping, NRCS Web Soil Survey, and FEMA Flood Insurance Rate Mapping, were reviewed to evaluate topographic conditions and whether any wetlands have been identified within the project area.

4.1 National Wetland Inventory Map (Figure 2)

The United States Fish and Wildlife Service (USFWS) conducted a wetland inventory of the wetland locations within the United States. That data has been aggregated into a national data tool, the NWI Mapper. The subject property is not identified by the NWI as having wetlands.

It should be noted that the "National Wetland Inventory" was compiled via review of high-altitude aerial photography over a period of the last 30 years and may not accurately represent current conditions. Therefore, the presence of potential wetlands was field investigated by DEC.

4.2 Kendall County Topographic Map (Figure 3a)

The Kendall County GIS topographic data was reviewed for the physical setting conditions of the subject property. According to the Topographic Map, the general topography of the subject area and its surroundings is a river valley with broad floodplain and terraces on either side of the river. The project site is at the bottom of the bluff and the creek on the property comes down the bluff from the upland above.

The topographic map show that much of the subject property lies between the elevations of 582 and 584 ft msl. The creek and wetland are at elevations below 582 ft msl. During heavy precipitation events the channel shows evidence of overbank flooding.

4.3 FEMA Flood Insurance Rate Map (Figure 3b)

The FEMA Flood Mapping Tool produces a Firmette of the project site and surrounding area. The Firmette of the site is derived from the Kendall County FIRM Panel 17093C0045H, effective date 1/8/2014. The 1% chance of recurrence (100-year flood elevation) is elevation 582 ft msl. The subject property is mapped by FEMA as Zone X, outside the 100-year floodplain. However, portions of the wetland on the property are below elevation 582.

4.4 NRCS Web Soil Survey Map (Figure 4)

The NRCS Soil Survey Map of the area was reviewed as a preliminary evaluation to identify soils which exist within the subject area. These soils were identified as hydric or non-hydric using the National Hydric Soils Database. The NRCS Soil Survey Map indicated that the project site was mapped as 8082A Millington silt loam, a floodplain soil map unit.

4.5 Aerial Photographic Maps (Figure 5)

Using aerial photography, the project site was reviewed for the presence of wetland and open water visual signatures. Historic aerial photography was reviewed for the period 1998-2019. This type of aerial reconnaissance review is how the USDA-NRCS and US Fish and Wildlife Service screen parcels for potential wetlands prior to a field investigation. In this project, a time-series of wetlands was evaluated, and an approximate wetland boundary was drawn on each aerial examined.

The years examined include a range of wetness conditions from very wet years to droughty years. The specific years that photos were evaluated for are 1998, 2002, 2005, 2008, 2013, 2015, 2017, 2018 and 2019. The approximate limits of the wetland signature in any given year is outlined in yellow on each of the aerial photographs in Figure 5.

The aerial interpretation of each photo shows evidence of two wetland types in most years: an herbaceous wetland either sedge meadow or wet meadow dominated by sedges and grasses surrounding the incipient Silver Maple swamp. The bed and bank of the creek is evident in all years. The size of the trees in the swamp have grown significantly over the last twenty-two years. While the size of the wetland signature varies by year, which is typical, there was wetland on the property prior to any development on the parcel. Those wetlands remain today and are the subject of the field investigation portion of this report.

Based upon the 2019 Kendall County Geographic Information System Parcel Viewer Data, there were 33 wetland signatures on the subject property when the 2019 aerial photograph was flown. Table 1 summarizes their size and percentage of parcel coverage

Table 1. Wetland Signatures from 2019 Aerial Photography Interpretation

Wetland Signature	Area (Square Feet)	Area (Acres)	Parcel Coverage (%)
1	21,880	0.502	18.7
2	550	0.013	0.49
3	2,300	0.053	1.98

5.0 FIELD INVESTIGATION

The purpose of the field investigation was to determine if any jurisdictional wetlands existed within the site, and if so, their approximate size and boundaries. Potential jurisdictional areas encountered in the field were delineated using the USACE Corps of Engineers Wetlands Delineation Manual (1987) and the Midwest Regional Supplement to the Wetland Delineation Manual (2010).

One data point was selected to represent the conditions in the project site area. The project site is approximately 2.7 acres. The site investigation was performed on July 1, 2020 by Patrick Kelsey, CPSS/SC. Dominant plants, soil type, and evidence of wetland hydrologic indicators were recorded on USACE Wetland Delineation Data Sheets for the Midwest Regional Supplement. The data sheets are included in **Appendix A**.

Following are the results of the field survey:

Data Point 1

Data Point #1 is located on the northeast side of the subject property. The Data Point 1 plant community was dominated by hydrophytic plant species including Silver Maple (*Acer saccharinum*), Box Elder (*Acer negundo*), Crested Sedge (*Carex cristatella*), and Barnyard Grass (*Echinochloa crus-galli*). The soil observed at Data Point 1 was determined to be Millington silt loam, a poorly drained and hydric soil. This is also the soil map unit determined by the public soil survey. Primary wetland hydrology indicators observed included surface water, sediment deposits, and drift deposits.

Data Point 1 is identified as a single wetland with two distinct communities: A Silver Maple swamp on either side of a small creek and a wet meadow dominated by sedges and grasses.

Data Point 1A

Data Point 1A was selected in the adjacent upland to capture the difference between the wetland and non-wetland conditions. Data Point 1A is located along Yorkville Street approximately 2 ft in elevation above the wetland. The two sites are approximately 125 ft apart. The vegetation surveyed was decidedly upland in nature and was dominated by planted turf grasses including Fescue (*Festuca elatior*), Perennial Ryegrass (*Lolium perenne*), and Kentucky Bluegrass (*Poa pratensis*). The soil identified is Dresden silt loam, a non-hydric soil. No indicators of wetland hydrology were found at Data Point 1.

6.0 SUMMARY AND CONCLUSIONS

Deuchler Engineering Corporation (DEC) conducted a routine wetland reconnaissance of 55 Riverside Street, unincorporated Yorkville, IL. The purpose of this wetland reconnaissance was to determine if any jurisdictional wetlands or Waters of the US exist within the project site, and if so, whether recently placed fill was placed within boundaries of these wetlands.

The project site contains one Wetland (as defined in 33 CFR Part 328 and 40 CFR Parts 110, 112, 116, 117, 120, 122, 230, 232, 300, 302, and 401, inclusively). It is our professional opinion that fill has been placed over hydric soils and that wetland hydrology is present within the limits of the fill that has been placed. Based on the requirements for atypical wetland conditions, there is more than adequate evidence that the fill placed also had hydrophytic vegetation.

The limits of encroachment can only be identified by excavating the fill to the depth of the original soil/vegetation line at the original ground surface. The extent of the wetland encroachment is likely not more than 50 feet along the northeast-southwest fence line based upon review of historic aerial photographs. These same photographs and the Web Soil Survey map suggest that the limit of hydric soils in this field is likely up near the pole barn structure along the northern boundary of the subject property.

Though a jurisdictional determination has not been performed by the USACE Rock Island District, it is likely that the wetland is jurisdictional under the current rules for determining federal jurisdiction. The conclusion is drawn by the evidence of an overland flow connection to a bed and bank stream with hydrologic connection to the Fox River, a traditional navigable waterway.

FIGURES



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55 RIVERSIDE DRIVE
YORKVILLE, IL
LOCATION MAP

1
SHT 1
OF 9



U.S. Fish and Wildlife Service
National Wetlands Inventory

55 Riverside Drive, Yorkville, IL



July 15, 2020

Wetlands

- Estuarine and Marine Deepwater
- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Lake
- Other
- Estuarine and Marine Wetland
- Freshwater Pond
- Riverine

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site

National Wetlands Inventory (NWI)
This page was produced by the NWI mapper

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**55 RIVERSIDE DRIVE
YORKVILLE, IL
NWI MAP**

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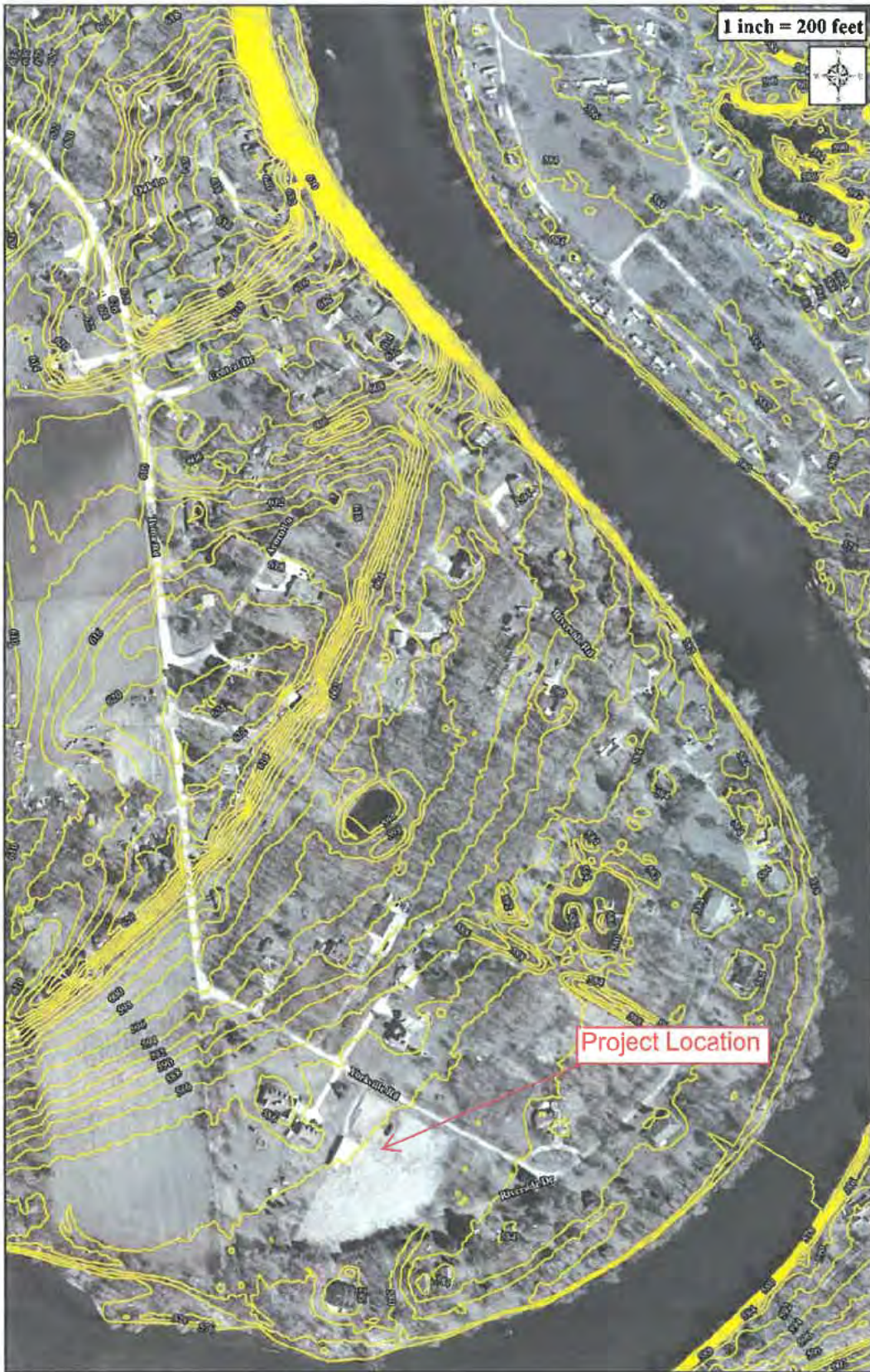
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**55 RIVERSIDE DRIVE
YORKVILLE, IL
TOPOGRAPHIC MAP**

3a
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National Flood Hazard Layer FIRMette



Legend

- SEE THE REPORT FOR DETAILED LEGEND AND HOW TO MAP FOR FIRM PANEL LAYOUT
- SPECIAL FLOOD HAZARD AREAS**
- Without Base Flood Elevation (BFE) Zone A, V, AP
 - With BFE or Depth Zone AE, AD, AX, VE, LP
 - Regulatory Floodway
- OTHER AREAS OF FLOOD HAZARD**
- 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
 - Future Conditions 1% Annual Chance Flood Hazard Zone X
 - Area with Reduced Flood Risk due to Levee. See Notes, Zone X
 - Area with Flood Risk due to Levee Zone X
- OTHER AREAS**
- Area of Minimal Flood Hazard Zone X
 - Effective LOMRs
 - Area of Undetermined Flood Hazard Zone X
- GENERAL STRUCTURES**
- Channel, Culvert, or Storm Sewer
 - Levee, Dike, or Floodwall
- OTHER FEATURES**
- Cross Section with 1% Annual Chance Water Surface Elevation
 - Coastal Transect
 - Base Flood Elevation Line (BFE)
 - Limit of Study
 - Jurisdiction Boundary
 - Coastal Transect Baseline
 - Profile Baseline
 - Hydrographic Feature
- MAP PANELS**
- Digital Data Available
 - No Digital Data Available
 - Unmapped
- The pin/drop icon on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The base map shown complies with FEMA's base map accuracy standards.

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 8/2/2020 at 6:12:16 AM. It does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: base map imagery, flood zone labels, legend, scale bar, map elevation data, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmapped areas cannot be used for regulatory purposes.

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**55 RIVERSIDE DRIVE
YORKVILLE, IL
FIRM**

3b
SHT 3b
OF 9

Soil Map—Kendall County, Illinois
(55 Riverside Drive, Yorkville, IL)



Map Scale: 1:9,550 if printed on A landscape (11" x 8.5") sheet.
 0 100 200 400 600 Meters
 0 100 200 400 600 Feet
 Map projection: Web Mercator Corner coordinates: WGS84 Edge-ticks: UTM zone 18N WGS84

NRCS
**Natural Resources
 Conservation Service**

Web Soil Survey
 National Cooperative Soil Survey

7/15/2020
 Page 1 of 4

Map Unit Symbol	Map Unit Name	Acres In AOI
8082A	Millington silt loam, 0 to 2 percent slopes, occasionally flooded	53.6
8321A	Du Page silt loam, 0 to 2 percent slopes, occasionally flooded	39.2
W	Water	45.9
Totals for Area of Interest		403.4

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**55 RIVERSIDE DRIVE
 YORKVILLE, IL
 SOIL MAP**

4
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OF 9

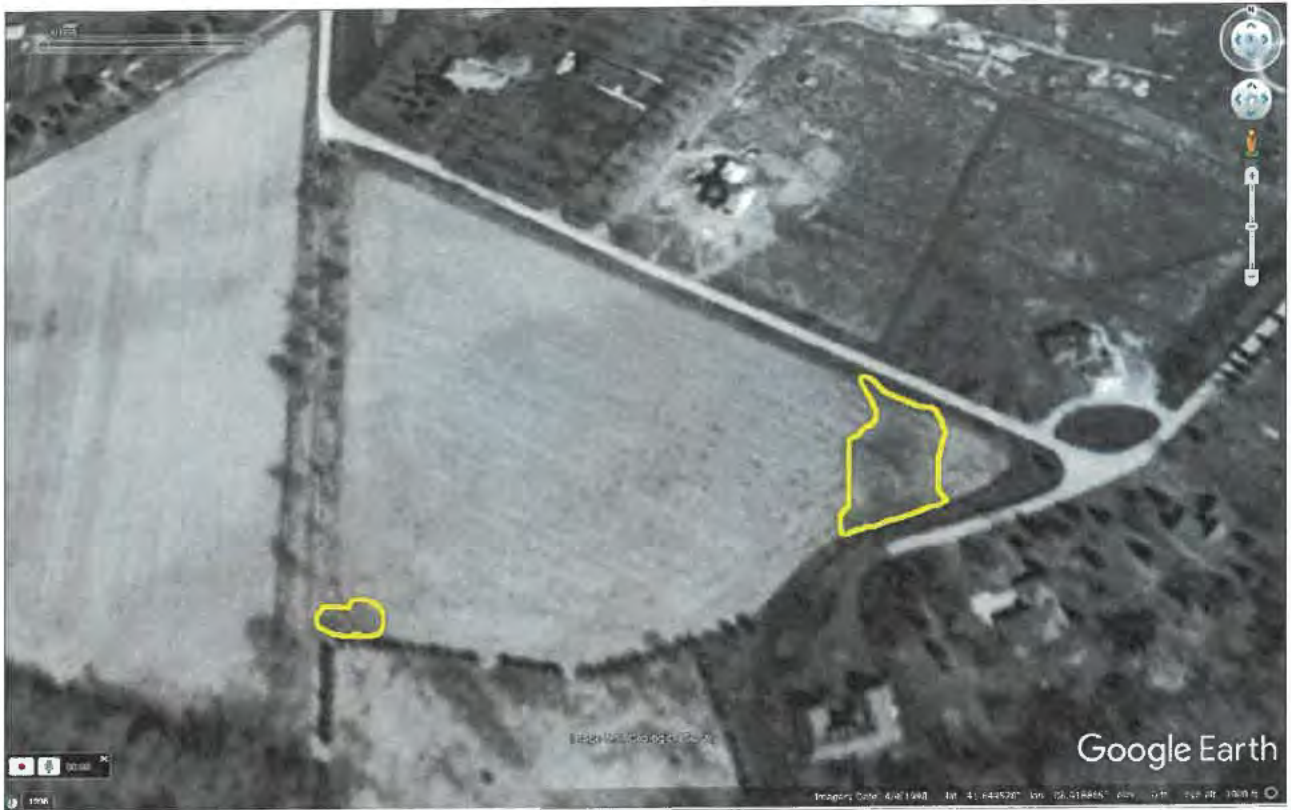
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1998



2002

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2005



2008

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2013



2015

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YORKVILLE, IL**

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2017



2018

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**55 RIVERSIDE DRIVE
YORKVILLE, IL**

5
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2019

Wetland Signatures

- 1 21,850 SF
- 2 550 SF
- 3 2,300 SF

Source: Kendall County GIS Parcel Viewer



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**55 RIVERSIDE DRIVE
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APPENDIX A

USACE Midwest Regional Data Sheets

WETLAND DETERMINATION DATA FORM – Midwest Region

Project/Site: 55 Riverside Street City/County: Yorkville/Kendall Sampling Date: 07/01/2020
 Applicant/Owner: Hinshaw & Culbertson, LLP State: IL Sampling Point: 1
 Investigator(s): Patrick Kelsey Deuchler Engineering Corp. Section, Township, Range: 34, T37N, R7E
 Landform (hillslope, terrace, etc.): Floodplain Local relief (concave, convex, none): none
 Slope (%): 0-2% Lat: _____ Long: _____ Datum: NADV 88
 Soil Map Unit Name: Millington silt loam NWI classification: None

Are climatic / hydrologic conditions on the site typical for this time of year? Yes _____ No _____ (If no, explain in Remarks.)
 Are Vegetation , Soil , or Hydrology _____ significantly disturbed? Are "Normal Circumstances" present? Yes _____ No _____
 Are Vegetation _____, Soil _____, or Hydrology _____ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes <input checked="" type="checkbox"/> No _____	Is the Sampled Area within a Wetland?	Yes <input checked="" type="checkbox"/> No _____
Hydric Soil Present?	Yes <input checked="" type="checkbox"/> No _____		
Wetland Hydrology Present?	Yes <input checked="" type="checkbox"/> No _____		

Remarks:
 Area has been recently filled in part.

VEGETATION – Use scientific names of plants.

Tree Stratum (Plot size: <u>9.0 m2</u>)	Absolute % Cover	Dominant Species?	Indicator Status	Dominance Test worksheet: Number of Dominant Species That Are OBL, FACW, or FAC: <u>3</u> (A) Total Number of Dominant Species Across All Strata: <u>3</u> (B) Percent of Dominant Species That Are OBL, FACW, or FAC: <u>100</u> (A/B)
1. <u>Acer saccharinum</u>	<u>30</u>	<u>x</u>	<u>FAC</u>	
2. <u>Acer negundo</u>	<u>5</u>		<u>FACW</u>	
3. _____	_____			Prevalence Index worksheet: Total % Cover of: _____ Multiply by: _____ OBL species <u>5</u> x 1 = <u>5</u> FACW species <u>65</u> x 2 = <u>130</u> FAC species <u>30</u> x 3 = <u>90</u> FACU species _____ x 4 = _____ UPL species _____ x 5 = _____ Column Totals: <u>100</u> (A) <u>215</u> (B) Prevalence Index = B/A = <u>2.15</u>
4. _____	_____			
5. _____	_____			
_____ = Total Cover				
_____ = Total Cover				
Sapling/Shrub Stratum (Plot size: <u>4.0 m2</u>)	Absolute % Cover	Dominant Species?	Indicator Status	Hydrophytic Vegetation Indicators: <input checked="" type="checkbox"/> 1 - Rapid Test for Hydrophytic Vegetation <input checked="" type="checkbox"/> 2 - Dominance Test is >50% <input checked="" type="checkbox"/> 3 - Prevalence Index is ≤3.0' _____ 4 - Morphological Adaptations ¹ (Provide supporting data in Remarks or on a separate sheet) _____ Problematic Hydrophytic Vegetation ¹ (Explain) ¹ Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.
1. _____	_____			
2. _____	_____			
3. _____	_____			
4. _____	_____			
5. _____	_____			
_____ = Total Cover				
_____ = Total Cover				
Herb Stratum (Plot size: <u>1.0 m2</u>)	Absolute % Cover	Dominant Species?	Indicator Status	Hydrophytic Vegetation Present? Yes <input checked="" type="checkbox"/> No _____
1. <u>Carex cristatella</u>	<u>25</u>	<u>x</u>	<u>FACW</u>	
2. <u>Cyperus esculentus</u>	<u>5</u>		<u>FACW</u>	
3. <u>Echinochloa crus-galli</u>	<u>30</u>	<u>x</u>	<u>FACW</u>	
4. <u>Juncus effusus</u>	<u>5</u>		<u>OBL</u>	
5. _____	_____			
6. _____	_____			
7. _____	_____			
8. _____	_____			
9. _____	_____			
10. _____	_____			
_____ = Total Cover				
_____ = Total Cover				
Woody Vine Stratum (Plot size: _____)	Absolute % Cover	Dominant Species?	Indicator Status	
1. _____	_____			
2. _____	_____			
_____ = Total Cover				

Remarks: (Include photo numbers here or on a separate sheet.)
 Vegetation is hydrophytic.

SOIL

Sampling Point: _____

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type	Loc ¹		
0-18	N2.5/0						sil	Saturated at 8 inches
18-24	10YR3/1						sicl	

¹Type: C=Concentration, D=Depletion, RM=Reduced Matrix, MS=Masked Sand Grains. ²Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators:

<input type="checkbox"/> Histosol (A1)	<input type="checkbox"/> Sandy Gleyed Matrix (S4)	<input type="checkbox"/> Coast Prairie Redox (A16)
<input type="checkbox"/> Histic Epipedon (A2)	<input type="checkbox"/> Sandy Redox (S5)	<input type="checkbox"/> Dark Surface (S7)
<input type="checkbox"/> Black Histic (A3)	<input type="checkbox"/> Stripped Matrix (S6)	<input type="checkbox"/> Iron-Manganese Masses (F12)
<input type="checkbox"/> Hydrogen Sulfide (A4)	<input type="checkbox"/> Loamy Mucky Mineral (F1)	<input type="checkbox"/> Very Shallow Dark Surface (TF12)
<input type="checkbox"/> Stratified Layers (A5)	<input type="checkbox"/> Loamy Gleyed Matrix (F2)	<input type="checkbox"/> Other (Explain in Remarks)
<input type="checkbox"/> 2 cm Muck (A10)	<input type="checkbox"/> Depleted Matrix (F3)	
<input type="checkbox"/> Depleted Below Dark Surface (A11)	<input type="checkbox"/> Redox Dark Surface (F6)	
<input checked="" type="checkbox"/> Thick Dark Surface (A12)	<input type="checkbox"/> Depleted Dark Surface (F7)	
<input type="checkbox"/> Sandy Mucky Mineral (S1)	<input type="checkbox"/> Redox Depressions (F8)	
<input type="checkbox"/> 5 cm Mucky Peat or Peat (S3)		

Indicators for Problematic Hydric Soils²:

³Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if observed):

Type: _____

Depth (inches): _____

Hydric Soil Present? Yes No

Remarks:
Soil is a Cumulic Endoaquoll. Soil is on the County hydric Soil List.

HYDROLOGY

Wetland Hydrology Indicators:

<u>Primary Indicators (minimum of one is required: check all that apply)</u>		<u>Secondary Indicators (minimum of two required)</u>
<input type="checkbox"/> Surface Water (A1)	<input type="checkbox"/> Water-Stained Leaves (B9)	<input type="checkbox"/> Surface Soil Cracks (B6)
<input checked="" type="checkbox"/> High Water Table (A2)	<input type="checkbox"/> Aquatic Fauna (B13)	<input type="checkbox"/> Drainage Patterns (B10)
<input checked="" type="checkbox"/> Saturation (A3)	<input type="checkbox"/> True Aquatic Plants (B14)	<input type="checkbox"/> Dry-Season Water Table (C2)
<input type="checkbox"/> Water Marks (B1)	<input type="checkbox"/> Hydrogen Sulfide Odor (C1)	<input type="checkbox"/> Crayfish Burrows (C8)
<input type="checkbox"/> Sediment Deposits (B2)	<input type="checkbox"/> Oxidized Rhizospheres on Living Roots (C3)	<input type="checkbox"/> Saturation Visible on Aerial Imagery (C8)
<input checked="" type="checkbox"/> Drift Deposits (B3)	<input type="checkbox"/> Presence of Reduced Iron (C4)	<input type="checkbox"/> Stunted or Stressed Plants (D1)
<input type="checkbox"/> Algal Mat or Crust (B4)	<input type="checkbox"/> Recent Iron Reduction in Tilled Soils (C6)	<input type="checkbox"/> Geomorphic Position (D2)
<input type="checkbox"/> Iron Deposits (B5)	<input type="checkbox"/> Thin Muck Surface (C7)	<input type="checkbox"/> FAC-Neutral Test (D5)
<input type="checkbox"/> Inundation Visible on Aerial Imagery (B7)	<input type="checkbox"/> Gauge or Well Data (D9)	
<input type="checkbox"/> Sparsely Vegetated Concave Surface (B8)	<input type="checkbox"/> Other (Explain in Remarks)	

Field Observations:

Surface Water Present?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Depth (inches): in channel	Wetland Hydrology Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Water Table Present?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Depth (inches): 8 inches	
Saturation Present? (includes capillary fringe)	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Depth (inches): 8 inches	

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:
The hydrology criterion is met by water table depth, soil saturation, and one additional primary indicator.

WETLAND DETERMINATION DATA FORM – Midwest Region

Project/Site: 55 Riverside Street City/County: Yorkville/Kendall Sampling Date: 07/01/2020
 Applicant/Owner: Hinshaw & Culbertson, LLP State: IL Sampling Point: 1A
 Investigator(s): Patrick Kelsey Deuchler Engineering Corp. Section, Township, Range: 34, T37N, R7E
 Landform (hillslope, terrace, etc.): Floodplain Local relief (concave, convex, none): none
 Slope (%): 0-2% Lat: _____ Long: _____ Datum: NADV 88
 Soil Map Unit Name: Millington silt loam NWI classification: None

Are climatic / hydrologic conditions on the site typical for this time of year? Yes _____ No _____ (If no, explain in Remarks.)
 Are Vegetation , Soil , or Hydrology _____ significantly disturbed? Are "Normal Circumstances" present? Yes _____ No _____
 Are Vegetation _____, Soil _____, or Hydrology _____ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes <input checked="" type="checkbox"/>	No _____	Is the Sampled Area within a Wetland? Yes <input checked="" type="checkbox"/> No _____
Hydric Soil Present?	Yes <input checked="" type="checkbox"/>	No _____	
Wetland Hydrology Present?	Yes <input checked="" type="checkbox"/>	No _____	
Remarks: Area has been recently filled in part.			

VEGETATION – Use scientific names of plants.

Tree Stratum (Plot size: <u>9.0 m2</u>)	Absolute % Cover	Dominant Species?	Indicator Status	Dominance Test worksheet:
1. _____	_____	_____	_____	Number of Dominant Species That Are OBL, FACW, or FAC: <u>1</u> (A)
2. _____	_____	_____	_____	Total Number of Dominant Species Across All Strata: <u>3</u> (B)
3. _____	_____	_____	_____	Percent of Dominant Species That Are OBL, FACW, or FAC: <u>33%</u> (A/B)
4. _____	_____	_____	_____	Prevalence Index worksheet: Total % Cover of: _____ Multiply by: _____
5. _____	_____	_____	_____	
_____ = Total Cover				FACW species _____ x 2 = _____
Sapling/Shrub Stratum (Plot size: <u>4.0 m2</u>)				FAC species <u>30</u> x 3 = <u>90</u>
1. _____	_____	_____	_____	FACU species <u>65</u> x 4 = <u>260</u>
2. _____	_____	_____	_____	UPL species <u>5</u> x 5 = <u>25</u>
3. _____	_____	_____	_____	Column Totals: <u>100</u> (A) <u>375</u> (B)
4. _____	_____	_____	_____	Prevalence Index = B/A = <u>3.75</u>
5. _____	_____	_____	_____	Hydrophytic Vegetation Indicators: ___ 1 - Rapid Test for Hydrophytic Vegetation ___ 2 - Dominance Test is >50% ___ 3 - Prevalence Index is ≤3.0' ___ 4 - Morphological Adaptations ¹ (Provide supporting data in Remarks or on a separate sheet) ___ Problematic Hydrophytic Vegetation ¹ (Explain) ¹ Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.
_____ = Total Cover				
Herb Stratum (Plot size: <u>1.0 m2</u>)				
1. Bromus inermis	<u>5</u>	_____	UPL	
2. Digitaria sanguinalis	<u>10</u>	_____	FACU	
3. Festuca elatior	<u>25</u>	<u>x</u>	FACU	
4. Hordeum jubatum	<u>5</u>	_____	FAC	
5. Lolium perrene	<u>25</u>	<u>x</u>	FACU	
6. Plantago lanceolata	<u>5</u>	_____	FACU	
7. Poa pratensis	<u>25</u>	<u>x</u>	FAC	
8. _____	_____	_____	_____	
9. _____	_____	_____	_____	
10. _____	_____	_____	_____	
_____ = Total Cover				
Woody Vine Stratum (Plot size: _____)				
1. _____	_____	_____	_____	
2. _____	_____	_____	_____	
_____ = Total Cover				

Remarks: (Include photo numbers here or on a separate sheet.)
 Hydrophytic vegetation criterion is not met

SOIL

Sampling Point: _____

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type	Loc*		
0-12	10YR 2/2						sil	
12-18	10YR5/4		10YR2/1	<2	MnO		cl	

¹Type: C=Concentration, D=Depletion, RM=Reduced Matrix, MS=Masked Sand Grains. ²Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators:

<input type="checkbox"/> Histosol (A1)	<input type="checkbox"/> Sandy Gleyed Matrix (S4)	<input type="checkbox"/> Coast Prairie Redox (A16)
<input type="checkbox"/> Histic Epipedon (A2)	<input type="checkbox"/> Sandy Redox (S5)	<input type="checkbox"/> Dark Surface (S7)
<input type="checkbox"/> Black Histic (A3)	<input type="checkbox"/> Stripped Matrix (S6)	<input type="checkbox"/> Iron-Manganese Masses (F12)
<input type="checkbox"/> Hydrogen Sulfide (A4)	<input type="checkbox"/> Loamy Mucky Mineral (F1)	<input type="checkbox"/> Very Shallow Dark Surface (TF12)
<input type="checkbox"/> Stratified Layers (A5)	<input type="checkbox"/> Loamy Gleyed Matrix (F2)	<input type="checkbox"/> Other (Explain in Remarks)
<input type="checkbox"/> 2 cm Muck (A10)	<input type="checkbox"/> Depleted Matrix (F3)	
<input type="checkbox"/> Depleted Below Dark Surface (A11)	<input type="checkbox"/> Redox Dark Surface (F6)	
<input type="checkbox"/> Thick Dark Surface (A12)	<input type="checkbox"/> Depleted Dark Surface (F7)	
<input type="checkbox"/> Sandy Mucky Mineral (S1)	<input type="checkbox"/> Redox Depressions (F8)	
<input type="checkbox"/> 5 cm Mucky Peat or Peat (S3)		

³Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if observed):

Type: _____

Depth (inches): _____

Hydric Soil Present? Yes _____ No

Remarks:
Soil is not hydric.

HYDROLOGY

Wetland Hydrology Indicators:

<u>Primary Indicators (minimum of one is required; check all that apply)</u>		<u>Secondary Indicators (minimum of two required)</u>	
<input type="checkbox"/> Surface Water (A1)	<input type="checkbox"/> Water-Stained Leaves (B9)	<input type="checkbox"/> Surface Soil Cracks (B6)	
<input type="checkbox"/> High Water Table (A2)	<input type="checkbox"/> Aquatic Fauna (B13)	<input type="checkbox"/> Drainage Patterns (B10)	
<input type="checkbox"/> Saturation (A3)	<input type="checkbox"/> True Aquatic Plants (B14)	<input type="checkbox"/> Dry-Season Water Table (C2)	
<input type="checkbox"/> Water Marks (B1)	<input type="checkbox"/> Hydrogen Sulfide Odor (C1)	<input type="checkbox"/> Crayfish Burrows (C8)	
<input type="checkbox"/> Sediment Deposits (B2)	<input type="checkbox"/> Oxidized Rhizospheres on Living Roots (C3)	<input type="checkbox"/> Saturation Visible on Aerial Imagery (C9)	
<input type="checkbox"/> Drift Deposits (B3)	<input type="checkbox"/> Presence of Reduced Iron (C4)	<input type="checkbox"/> Stunted or Stressed Plants (D1)	
<input type="checkbox"/> Algal Mat or Crust (B4)	<input type="checkbox"/> Recent Iron Reduction in Tilled Soils (C6)	<input type="checkbox"/> Geomorphic Position (D2)	
<input type="checkbox"/> Iron Deposits (B5)	<input type="checkbox"/> Thin Muck Surface (C7)	<input type="checkbox"/> FAC-Neutral Test (D5)	
<input type="checkbox"/> Inundation Visible on Aerial Imagery (B7)	<input type="checkbox"/> Gauge or Well Data (D9)		
<input type="checkbox"/> Sparsely Vegetated Concave Surface (B8)	<input type="checkbox"/> Other (Explain in Remarks)		

Field Observations:

Surface Water Present?	Yes _____ No <input checked="" type="checkbox"/>	Depth (inches):	<u>in channel</u>	Wetland Hydrology Present? Yes _____ No <input checked="" type="checkbox"/>
Water Table Present?	Yes _____ No <input checked="" type="checkbox"/>	Depth (inches):	<u>8 inches</u>	
Saturation Present? (includes capillary fringe)	Yes _____ No <input checked="" type="checkbox"/>	Depth (inches):	<u>8 inches</u>	

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:
Hydrology indicator is not met.

APPENDIX B

Floristic Quality Assessments

FLORISTIC QUALITY ASSESSMENT DATA POINT 1

SITE: 55 Riverside DP1
LOCALE:
BY: PDK
NOTES:

CONSERVATISM-BASED METRICS		ADDITIONAL METRICS	
MEAN C (NATIVE SPECIES)	1.67	SPECIES RICHNESS (ALL)	6
MEAN C (ALL SPECIES)	1.67	SPECIES RICHNESS (NATIVE)	6
MEAN C (NATIVE TREES)	0.50	% NON-NATIVE WET INDICATOR (ALL)	0.00
MEAN C (NATIVE SHRUBS) n/a			-1.00
MEAN C (NATIVE HERBACEOUS)	2.25	WET INDICATOR (NATIVE)	-1.00
FQAI (NATIVE SPECIES)	4.08	% HYDROPHYTE (MIDWEST)	1.00
FQAI (ALL SPECIES)	4.08	% NATIVE PERENNIAL	0.83
ADJUSTED FQAI	16.67	% NATIVE ANNUAL	0.17
% C VALUE 0	0.50	% ANNUAL	0.17
% C VALUE 1-3	0.17	% PERENNIAL	0.83
% C VALUE 4-6	0.33		
% C VALUE 7-10	0.00		

SPECIES ACRONYM	SPECIES NAME (NWPL/MOHLNBROCK)	SPECIES (SYNONYM)	COMMON NAME	C VALUE	MIDWEST WET INDICATOR	NC-NE WET INDICATOR	WET INDICATOR (NUMERIC)	HABIT	DURATION	NATIVITY
aceneg	Acer negundo	violaceum Acer	Ash-Leaf Maple		0 FAC	FAC	0	Tree	Perennial	Native
acesai	Acer saccharinum	saccharinum Carex	Silver Maple		1 FACW	FACW	-1	Tree	Perennial	Native
CXCRIS	Carex cristatella	crizatella Cyperus	Crested Sedge		4 FACW	FACW	-1	Sedge	Perennial	Native
cypesc	Cyperus esculentus	esculentus	Chufa		0 FACW	FACW	-1	Sedge	Perennial	Native
echcru	Echinochloa crus-galli	Echinochloa crusgalli	Large Barnyard Grass		0 FACW	FAC	-1	Grass	Annual	Native
juneff	Juncus effusus ssp. solutus	Juncus effusus	Lamp Rush		5 OBL	OBL	-2	Forb	Perennial	Native

FLORISTIC QUALITY IASSESSMENT DATA POIT 1A

SITE: 55 Riverside DP1A
LOCALE:
BY: PDK
NOTES:

CONSERVATISM-BASED METRICS		ADDITIONAL METRICS	
MEAN C (NATIVE SPECIES)	0.00	SPECIES RICHNESS (ALL)	7
MEAN C (ALL SPECIES)	0.00	SPECIES RICHNESS (NATIVE)	1
MEAN C (NATIVE TREES) n/a		% NON-NATIVE WET INDICATOR (ALL)	0.86
MEAN C (NATIVE SHRUBS) n/a		WET INDICATOR (NATIVE)	0.71
MEAN C HERBACEOUS)	0.00	% HYDROPHYTE (MIDWEST)	0.00
FQAI (NATIVE SPECIES)	0.00	% NATIVE PERENNIAL	0.29
FQAI (ALL SPECIES)	0.00	% NATIVE ANNUAL	0.14
ADJUSTED FQAI	0.00	% ANNUAL	0.00
% C VALUE 0	1.00	% PERENNIAL	0.14
% C VALUE 1-3	0.00		0.86
% C VALUE 4-6	0.00		
% C VALUE 7-10	0.00		

SPECIES ACRONYM	SPECIES NAME (NWPL/ MOHLENBROCK)	SPECIES (SYNONYM)	COMMON NAME	C VALUE	MIDWEST WET INDICATOR	NC-NE WET INDICATOR	WET INDICATOR (NUMERIC)	HABIT	DURATION	NATIVITY
broine	Bromus inermis	BROMUS INERMIS	Smooth Brome	0	FACU	UPL		1 Grass	Perennial	Adventive
digsan	Digitaria sanguinalis	DIGITARIA SANGUINALIS	Hairy Crab Grass	0	FACU	FACU		1 Grass	Annual	Adventive
horjub	Hordeum jubatum	HORDEUM JUBATUM	Fox-Tail Barley	0	FAC	FAC		0 Grass	Perennial	Native
LOLPER	Lolium perenne	LOLIUM PERENNE	Perennial Rye Grass	0	FACU	FACU		1 Grass	Perennial	Adventive
plalan	Plantago lanceolata	PLANTAGO LANCEOLATA	English Plantain	0	FACU	FACU		1 Forb	Perennial	Adventive
poapra	Poa pratensis	POA PRATENSIS	Kentucky Blue Grass	0	FAC	FACU		0 Grass	Perennial	Adventive
fesela	Schedonorus pratensis	FESTUCA ELATIOR	Meadow False Rye Grass	0	FACU	FACU		1 Grass	Perennial	Adventive

Matt Asselmeier

From: Greg Chismark <gchismark@wbkengineering.com>
Sent: Saturday, November 13, 2021 4:29 PM
To: Matt Asselmeier
Subject: RE: [External]RE: Unincorporated Kendall County

Yes, I have a comment.

The base flood elevation of the Fox River in proximity to this lot is 582. The County GIS contours indicates there is hydraulic connectivity from the Fox River to the property. The survey submitted shows elevations lower than 582 which documents floodplain exists on the property.

Unless the petitioner can provide a survey that depicts ground elevation at or above 582 between the lot and the Fox River, my opinion is that there is floodplain on the lot. Let me know if you need anything formal on this.

Greg

Greg Chismark, PE
President
Direct: (630) 338-8527 | Main: (630) 443-7755
gchismark@wbkengineering.com

WBK Engineering, LLC
116 W. Main Street, Suite 201, St. Charles, IL 60174

Part of Bodwé Professional Services

From: Matt Asselmeier <masselmeier@co.kendall.il.us>
Sent: Friday, November 12, 2021 8:49 AM
To: Greg Chismark <gchismark@wbkengineering.com>
Subject: RE: [External]RE: Unincorporated Kendall County

Greg:

The owner of Lot 183 in Fox River Gardens is submitting an application to rezone the property R-3 in order to build 2 houses.

The Petitioner submitted the attached topographic survey and is claiming no floodplain and no BFE on the property.

Do you have any comments on this?


Thanks,

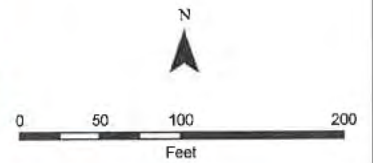
Matthew H. Asselmeier, AICP, CFM
Senior Planner
Kendall County Planning, Building & Zoning
111 West Fox Street
Yorkville, IL 60560-1498
PH: 630-553-4139
Fax: 630-553-4179





**Aerial for
02-34-130-004**

 Approximate floodplain area below 582'. Please see topographic survey for exact area.



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

EXHIBIT
G



EXHIBIT
H

cabbot's

10:33 AT&T

84%

20210409_0832...

CC

N



2:05

3:04









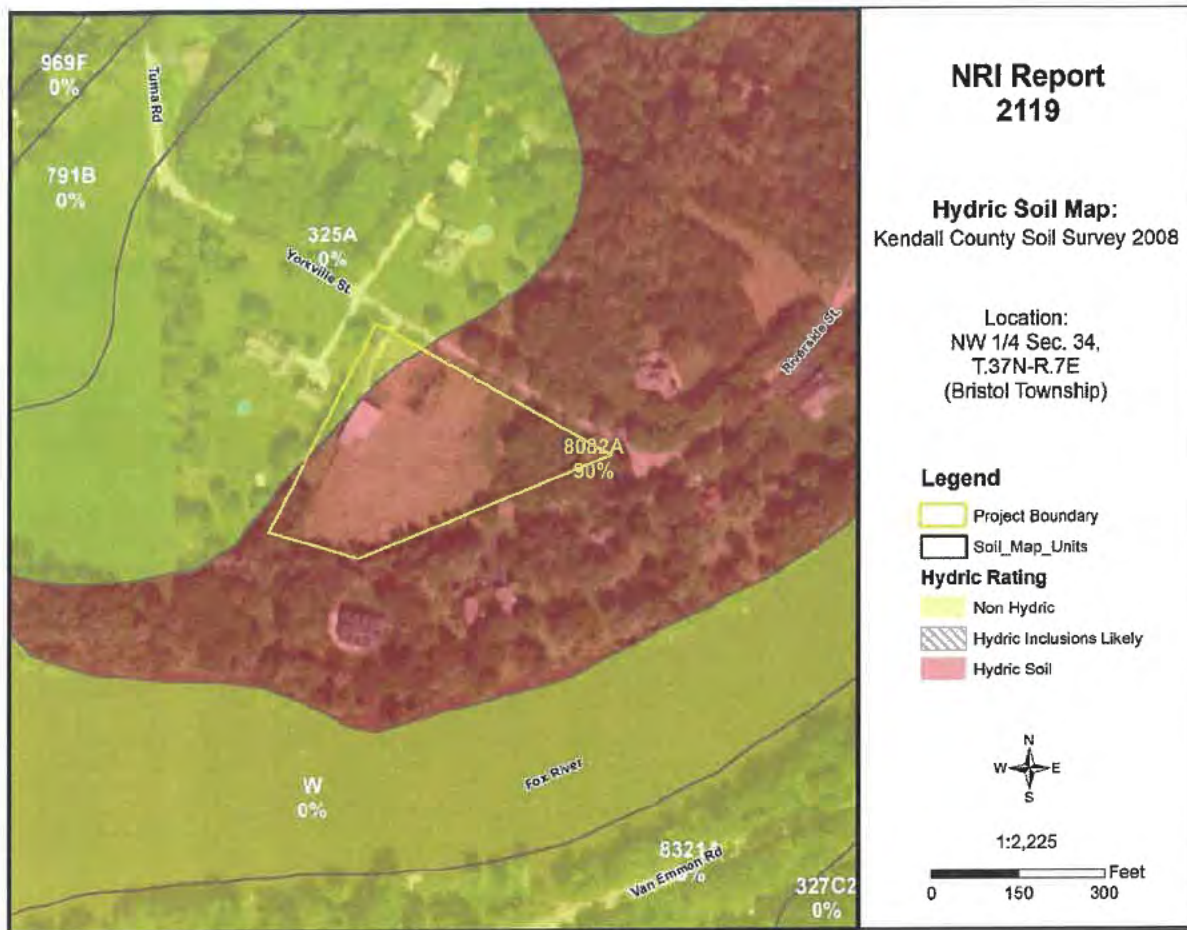


Figure 11: Hydric Soil Map



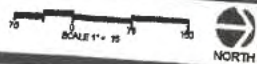


Figure 6B: Map of Building Limitations – Dwellings without Basements, Shallow Excavations, and Lawns/Landscaping





CONTEXT AERIAL



Lannert Group
Landscape Architecture • Planning • Community Consulting
215 Fulton Street
Geneva, Illinois 60134
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(630) 208-8000
Fax: (630) 208-8000
http://www.lannert.com
@lannert.com

HINSHAW ETAL

HINSHAW & CULBERTSON LLP
100 Park Avenue
Rockford, Illinois 61101
615.460.4000

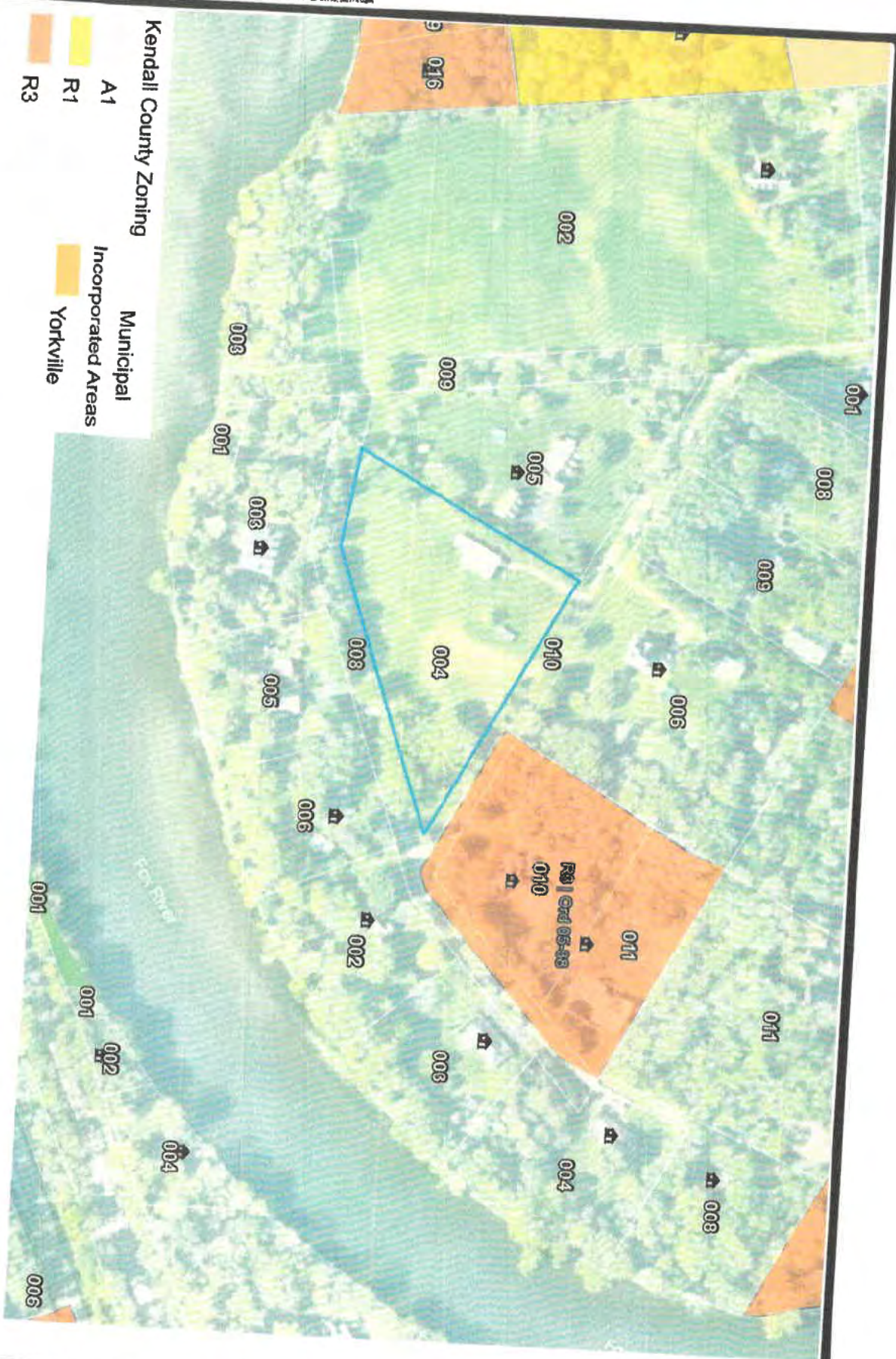
DATE	10/18/11
SCALE	1" = 75'
PROJECT	FOX RIVER
DRAWN BY	
CHECKED BY	
DATE	10/18/11

Kendall County Zoning

A1
R1
R3

Municipal Incorporated Areas

Yorkville



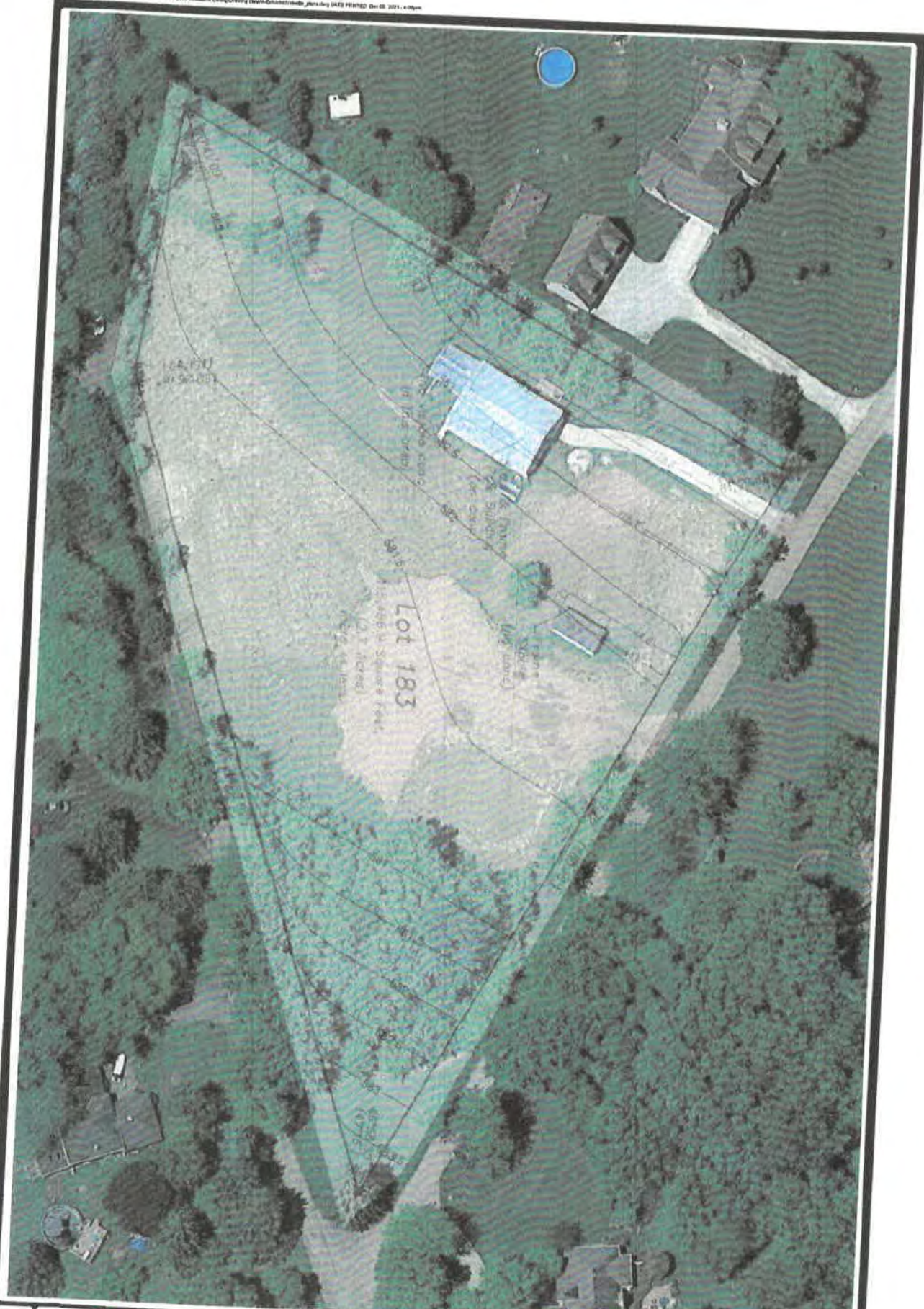
KENDALL CO. ZONING



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 215 Fulton Street
 Geneva, Illinois 60134
 (630) 208-8086 Fax (630) 208-8080
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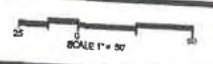
HINSHAW ETAL
 HINSHAW & CULBERTSON LLP
 100 Park Avenue
 Rockford, Illinois 61101
 815.400.4000

PROJECT NUMBER	2
DATE	10/18/11
REVISION	
DESIGNED BY	EC
CHECKED BY	
DATE	



3
SHEET NO.

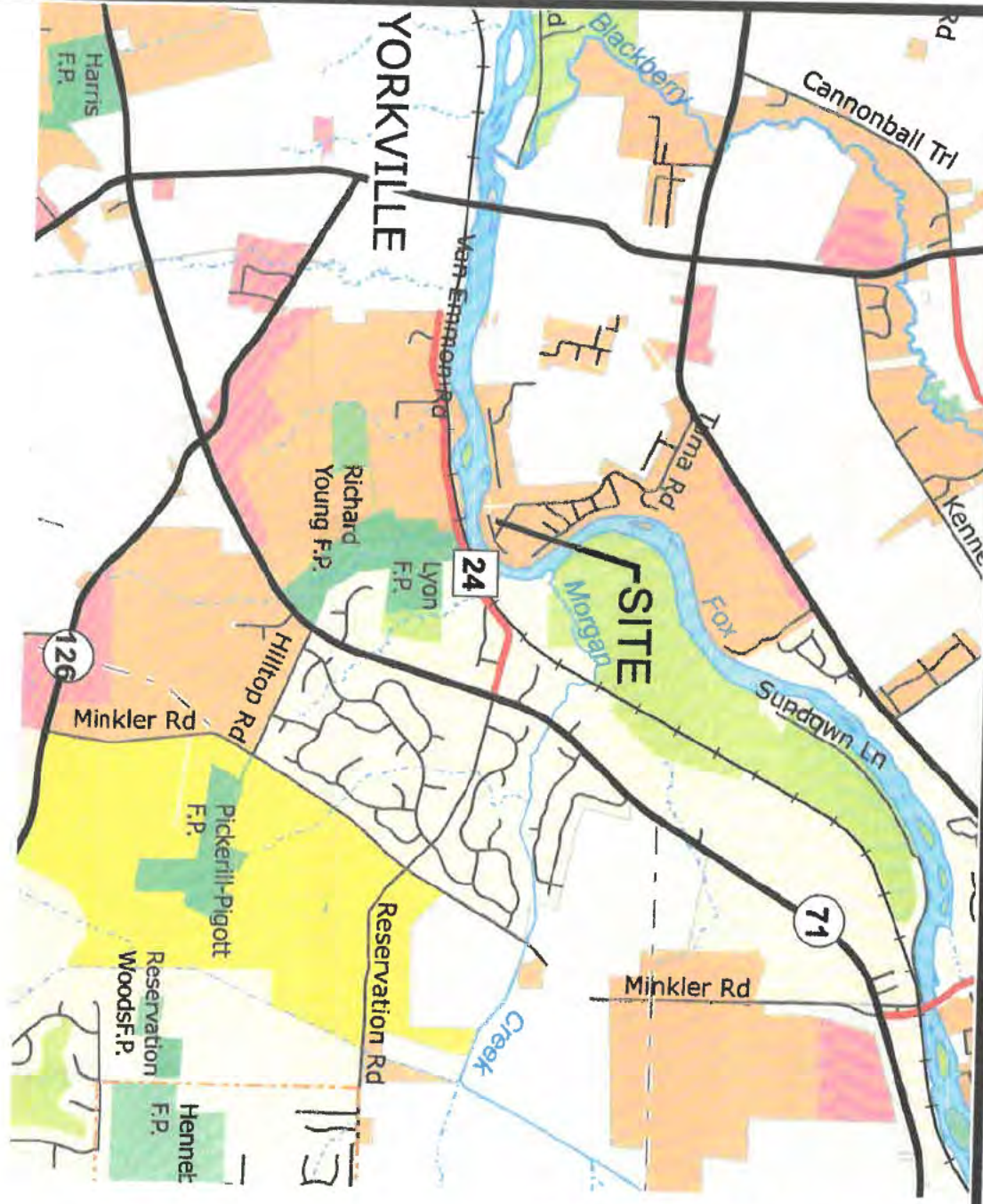
SITE AERIAL



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Landscape Architecture • Planning • Community Consulting
215 Fulon Street
Geneva, Illinois 60134
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(630) 268-8068
Fax (630) 268-8090
mylannert.com
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100 Park Avenue
Rockford, Illinois 61101
815.420.4800

DATE	08/20/21
SCALE	1" = 30'
SHEET NO.	3
TITLE	SITE AERIAL
PROJECT NO.	215-01-01
DRAWN BY	
CHECKED BY	
DATE	



- Future Land Use**
- Suburban Residential - Max Density 1.00 DU Acres
 - Rural Residential Max Density 0.65 DU Acres
 - Rural Estate Residential Max Density 0.45 DU Acre
 - Countryside Residential Max Density 0.33 DU Acre
 - Commercial
 - Mixed Use Business
 - Commonwealth Edison
 - Transportation Corridors
 - Mining
 - Potential Mining District
 - Public/Institutional
 - Agriculture
 - Forest Preserves
 - Open Space
 - Proposed Roadway Improvements

KENDALL CO LRMP

SCALE 1" = 10 MILES

NORTH

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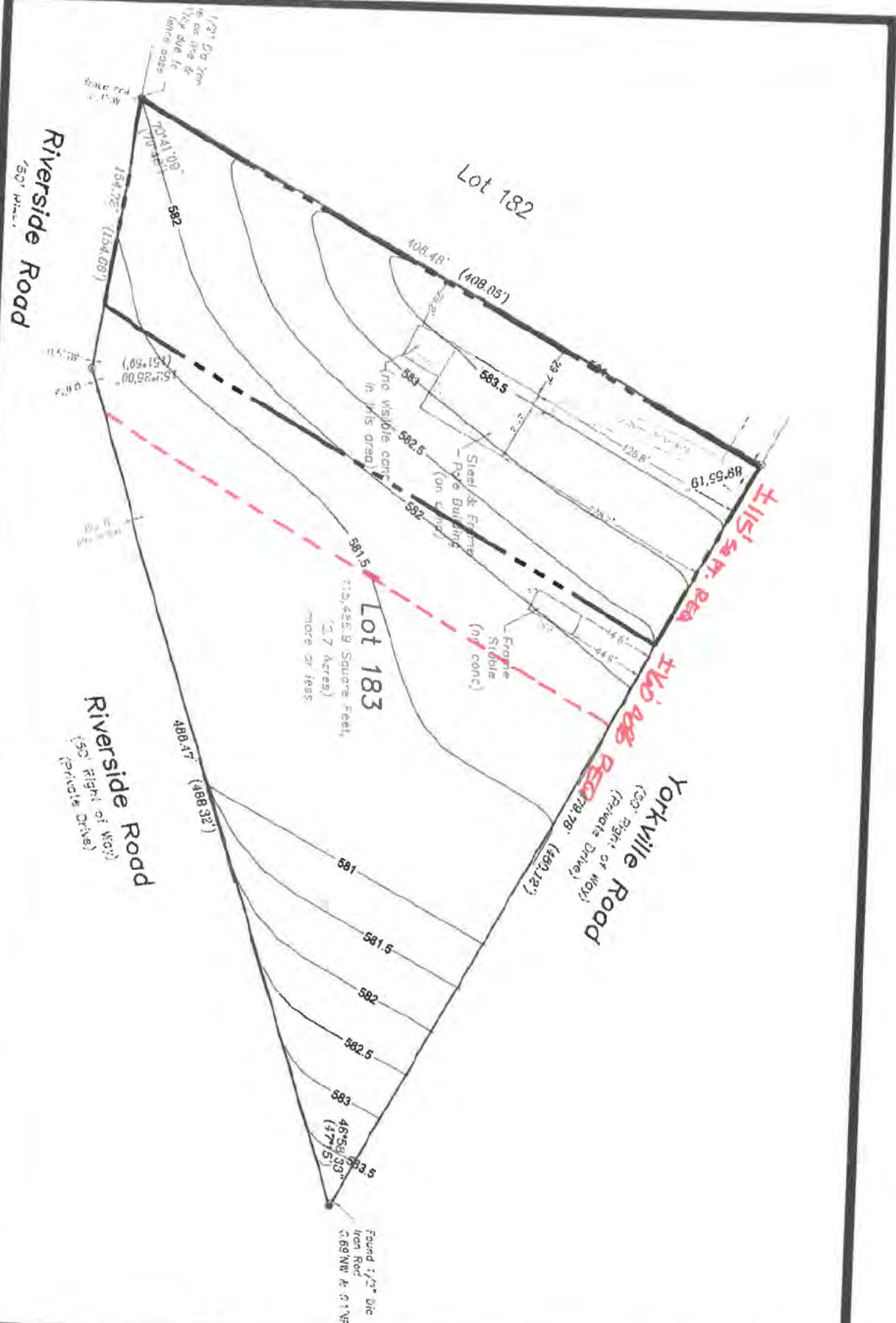
215 Fulton Street
 Geneva, Illinois 60134

(800) 234-6368
 Fax: (630) 234-4050
<http://www.lannert.com>
 @ lannert.com

HINSHAW ETAL
 HINSHAW & CULBERTSON LLP

100 Park Avenue
 Rockford, Illinois 61101
 815.460.4900

DATE: 10/20/11
 DRAWING NO.: 215



54
 SURVEY/LOTING
 SCALE 1" = 50'
 NORTH

Lannert Group
 Landscape Architecture • Planning • Community Consulting
 215 Fulton Street
 Geneva, Illinois 60134
 (630) 208-4088
 Fax (630) 204-4080
 hpl@lannert.com
 @lannert.com

HINSHAW ETAL
 HINSHAW & CULBERTSON LLP
 100 Park Avenue
 Rockford, Illinois 61101
 815.480.4600

DATE	11/28/11
SCALE	1" = 50'
PROJECT	
CLIENT	
DATE PLOTTED	11/15/11 11:15 AM
PLOTTED BY	
CHECKED BY	
DATE	

Matt Asselmeier

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

Hi Matt,

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

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

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

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

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

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

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

December 4, 2021

To Whom It May Concern:

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

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

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

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

Thank you for your time and listening to our concerns.



Signature

Amy White Amy White

Print

14625 Brisbin Rd Minoa IL 60447

Address

December 4, 2021

To Whom It May Concern:

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

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

Thank you for your time and listening to our concerns.

Signature 

DONALD SCHUCK SR

Print JACQUELINE SCHUCK

14525 BRISBIN RD

14525 BRISBIN RD.

MINOOKA, ILL. 60447

Address

MINOOKA, IL. 60447

December 4, 2021

To Whom It May Concern:

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

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

Thank you for your time and listening to our concerns.



Signature

JENNIFER E MILLER

Print

5700 US HWY 52

MINDOKA, IC 60447

Address

December 4, 2021

To Whom It May Concern:

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

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

Thank you for your time and listening to our concerns.



Signature

Bruce O. Knudson

Print

5765 US Hwy. 52

Miroka, IL. 60447-9672

Address

December 4, 2021

To Whom It May Concern:

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

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

Thank you for your time and listening to our concerns.



Signature

Dustin Walzer

Print

14550 Brisbin Rd

Minooka IL 60447

Address

Matt Asselmeier

From: Randy Roberts <randygayleroberts@gmail.com>
Sent: Monday, November 29, 2021 11:50 AM
To: Matt Asselmeier
Cc: Bureau at LRFFPD
Subject: [External]TMF plastics
Attachments: Bureau Permit Package 2020 08-30.pdf

Matt,

As discussed the Fire district has some concerns with the proposed site plan. We would require an access road as required per IFC 2018 section 503.

As discussed there may be other solutions, I would need to visit the site to determine if any would be applicable.

I have also attached our permit package, if you could forward to the applicants.

SECTION 503

FIRE APPARATUS ACCESS ROADS

503.1 Where required. Fire apparatus access roads shall be provided and maintained in accordance with Sections 503.1.1 through 503.1.3.

503.1.1 Buildings and facilities. Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet (45 720 mm) of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility

--
Have a Great Day :)
Randy



Little Rock-Fox Fire Protection District
PO Box 154, Plano, IL 60545
Tel: (630) 552-3311 x318 • Fax: (630) 563-2827
Email: bureau@lrffpd.com
Web: <http://www.lrffpd.com>

FIRE BUREAU PROCESSES

GENERAL

The Little Rock-Fox Fire Protection District (LRF) is the Authority Having Jurisdiction (AHJ) for plan reviews, fire sprinkler, fire alarm, and fire protection systems within the fire district. A copy of fire prevention ordinance #2020-001 is attached. LRF has adopted the 2018 International Fire Code and 2018 Life Safety Code and reviews all commercial building permits within the fire district for compliance with applicable codes.

This document outlines the information and procedures required for the submittal of plans and fees. This includes architectural, site, engineering, and subdivision plans, fire alarm systems, fire sprinkler systems, kitchen hood suppression systems, and other fire protection and life safety systems. All new fire protection systems and modifications/alterations to existing fire protection systems require the issuance of a permit prior to the start of installation.

PLAN REVIEWS / INSPECTIONS

Plans and applications submitted for review and permit are submitted to LRF as above.

To be submitted:

- Two sets of plans
- Manufacturers' spec sheets on all devices, piping, fittings, nozzles, wire etc.
- Applicable Fee(s)

Inspections / testing must be scheduled a least 72 hours in advance. Inspections are scheduled by calling the Bureau at the number above. All installing contactors shall be present for the testing. LRF does not do any testing but must be present to witness all tests.

FEES

- Site Plan Review (no inspection) \$150.00
- Plan/Life Safety Review/Permit
 - Up to 999 square feet \$100.00
 - 1,000 to 4,999 square feet \$200.00
 - 5,000 to 9,999 square feet \$400.00
 - 10,000 + square feet \$500.00

- **Suppression Plan Review/permit**
 - Sprinkler new/revised \$300.00
 - Each head over 100 .50each
 - Kitchen new/revised \$250.00
 - Explosion, Foam \$250.00
- **Fire Alarm Plan Review/Permit**
 - With sprinkler \$100.00
 - Fire Alarm Only \$250.00
- **Inspection/reinspection fees.**
 - Plan/Life Safety -one inspection is included per permit
 - Suppression - two inspections included per permit
 - Fire Alarm – one inspection included per permit

Additional inspection including re-inspections \$75.00 each

INSPECTIONS

Inspections / testing must be scheduled a least 72 hours in advance. You may schedule an inspection by calling the Bureau as above. All installing contactors shall be present for the testing. LRFFPD does not do any testing but must be there to witness all tests.

LOCK BOX INFORMATION

Lock boxes (“Knox Boxes”) for emergency entry are required on the following types of construction:

- Commercial or industrial structures that have an automated fire alarm system or automated fire suppression system.
- Multi-family residential structures that have restricted access through locked doors and have restricted access to living units.
- Health care facilities
- Other facilities as deemed appropriate by the district.

For Lock Box information, ordering help, or any other questions contact the LRF Fire Bureau at the number above.



Little Rock-Fox Fire Protection District
PO Box 154 • Plano, IL 60545
Tel: (630) 552-3311 • Fax: (630) 563-2827
Email: bureau@lrffpd.com
Web: http://www.lrffpd.com

FIRE BUREAU PERMIT

(please return completed Application and Fee to LRF Fire Bureau as above)

GENERAL

Date: _____ Job Name: _____
Property Owner: _____ Job Address: _____
Contact Name: _____ Job Total Cost: _____ Size (sq ft): _____
Contact Phone: _____ Contact Email: _____

PERMIT APPLICANT

Applicant Name(s): _____
Address: _____
Phone: _____ Email: _____

Applicant certifies all information given is correct and all ordinances will be complied with
in performing the work for which this permit is issued.

Applicant Signature: _____ Date: _____

PERMIT TYPE

Submittals must include: two sets of plans, manufactures' specification
sheets on all devices and components, and review/permit fees.

<input type="checkbox"/>	Site Plan	<input type="checkbox"/>	Fire Alarm
<input type="checkbox"/>	Architectural/Engineering	<input type="checkbox"/>	Sprinkler
<input type="checkbox"/>	Fire Pump	<input type="checkbox"/>	Kitchen Hood/Duct
<input type="checkbox"/>	Hazardous Materials	<input type="checkbox"/>	Kitchen Fire Suppression
<input type="checkbox"/>	Tank(s)	<input type="checkbox"/>	Other:

CONTRACTOR / OTHER APPLICANT

Applicant Name(s): _____
Address: _____
Phone: _____ Email: _____

*** OFFICE USE ONLY ***

Approved Not Approved Permit No.: _____ Permit Fee: _____ Signature: _____

FIRE PREVENTION ORDINANCE

ORDINANCE NUMBER 2020-001

**LITTLE ROCK-FOX FIRE PROTECTION DISTRICT
KENDALL COUNTY
STATE OF ILLINOIS**

AN ORDINANCE ADOPTING A FIRE PREVENTION CODE THAT PRESCRIBES REGULATIONS GOVERNING CONDITIONS HAZARDOUS TO LIFE AND PROPERTY FROM FIRE OR EXPLOSIONS AND ESTABLISHING A FIRE PREVENTION BUREAU AND PROVIDING OFFICERS THEREFORE AND DEFINING THEIR POWERS AND DUTIES.

Be it ordained by the Board of Trustees of the Little Rock-Fox Fire Protection District as follows:

SECTION 1 – ADOPTION OF NATIONALLY RECOGNIZED CODES

Pursuant to the authority granted in the Fire Protection District Act 70 ILCS 705/6 to pass all necessary ordinances for the management of the Fire District, The Board of Trustees of the Little Rock-Fox Fire Protection District in accordance to 70 ILCS 705/11 fulfills their legal duty and prescribes necessary regulations and codes for the prevention and control of fire parallel to national standards, those codes known as the:

INTERNATIONAL FIRE CODE – 2018, including **APPENDICES B,C,D,E,F,G,H,I,N** as recommended by the **INTERNATIONAL CODE COUNCIL (“ICC”)** and the **LIFE SAFETY CODE**, more specifically identified as the National Fire Protection Association (“NFPA”) 101, the 2018 edition thereof.

The provisions of the aforesaid codes are further clarified in this ordinance. The clarified paragraphs together with the aforesaid codes and other provisions specifically adopted therein shall be collectively known as the Little Rock-Fox Fire Protection District Fire Prevention Ordinance. Three copies of the aforesaid codes have been available for inspection for at least 15 days prior to the adoption hereof and are now on file in the office of the Secretary of the Board of Trustees of the Little Rock-Fox Fire Protection District, and have been there kept available for public use, inspection, and examination, and the same hereby adopted and incorporated as fully as if set out at length herein, and from the date in which this ordinance shall take effect, the provisions thereof shall be controlling within the corporate limits of the Little Rock-Fox Fire Protection District, Kendall County, Illinois.

SECTION 2 – ESTABLISHMENT & DUTIES OF THE FIRE PREVENTION BUREAU

- A. The Fire Prevention Ordinance shall be enforced by the Fire Prevention Bureau of the Little Rock-Fox Fire Protection District, Kendall County, Illinois, which is hereby established and which shall be operated under the general supervision of and pursuant to the discretion of the Fire Chief of said District.
- B. Said Fire Chief may appoint a Fire Marshall, Deputy Code Officials, Plan Examiners, and/or Inspectors to help enforce and support this Ordinance as required.
- C. Said Fire Chief may hire outside consultants and/or experts to assist with plan review, in support of this Ordinance, the cost of which shall be borne by the builder or owner of the property said services are utilized for.

SECTION 3 – DEFINITIONS

- A. Wherever the words “Fire Prevention Ordinance” or “this Ordinance” are used herein they shall be held to mean this Little Rock-Fox Fire Protection District Ordinance in its entirety, including the codes adopted by reference herein.
- B. Wherever the words “the District” are used in the Fire Prevention Ordinance they shall be held to mean the Little Rock-Fox Fire Protection District, Kendall County, Illinois.
- C. Wherever the words “Board of Trustees” are used herein, it shall be held to mean the Board of Trustees of the District.

SECTION 4 – LIMITS FOR THE STORAGE, HANDLING, PROCESSING, MANUFACTURING, AND TRANSPORTATION OF HAZARDOUS MATERIALS.

- A. ESTABLISHMENT OF LIMITS IN WHICH STORAGE OF EXPLOSIVES AND BLASTING AGENTS IS PROHIBITED. The storage of explosives and blasting agents is prohibited within the District, except by an operational permit.
- B. ESTABLISHMENT OF LIMITS IN WHICH THE SALES, MANUFACTURING, AND STORAGE OF FIREWORKS IS PROHIBITED. The manufacturing, sale, handling, use or storage of fireworks is prohibited within the District, except by an operational permit.
- C. ESTABLISHMENT OF LIMITS IN WHICH THE STORAGE OF FLAMMABLE LIQUIDS IN OUTSIDE ABOVE GROUND TANKS IS PROHIBITED. The storage of flammable liquids in outside above ground tanks is prohibited within the District, except by an operational permit.
- D. ESTABLISHMENT OF LIMITS IN WHICH BULK STORAGE OF LIQUIFIED PETROLEUM GASES IS TO BE RESTRICTED. The above ground storage of more than 500 gallons is prohibited within the District.

E. ESTABLISHMENTS OF TRANSPORTATION ROUTES FOR VEHICLES TRANSPORTING EXPLOSIVE AND BLASTING AGENTS. Vehicles transporting explosives or blasting agents are hereby prohibited within the District.

- a. Exception: Route 34, East to West
- b. Exception: Burlington Northern Railroad

F. ESTABLISHMENT OF TRANSPORTATION ROUTES FOR VEHICLES TRANSPORTING HAZARDOUS MATERIALS OR OTHER DANGEROUS ARTICLES. Vehicles transporting hazardous materials or dangerous articles are prohibited within the District.

- a. Exception: Route 34, East to West
- b. Exception: Burlington Northern Railroad
- c. Exception: Eldmain Road North of Route 34
- d. Exception: Fox River Drive
- e. Exception: Little Rock Road

SECTION 5 – AMENDMENTS TO THE INTERNATIONAL FIRE CODE – 2018

A. 101.1, Name of Jurisdiction. Change to:
LITTLE ROCK-FOX FIRE PROTECTION DISTRICT, KENDALL COUNTY, ILLINOIS

B. Section 106.2, Permit Fees:

- a. Site Plan Review (no Inspections) \$150.00
- b. Plan/Life Safety Review/Permit
 - 1. Up to 999 square feet \$100.00
 - 2. 1,000 to 4,999 square feet \$200.00
 - 3. 5,000 to 9,999 square feet \$400.00
 - 4. 10,000 + square feet \$500.00
- c. Suppression Plan Review/Permit
 - 1. Sprinkler New/revised \$300.00
 - a. Each head over 100 .50 each
 - 2. Commercial Kitchen new/revised \$250.00
 - 3. Explosion, foam, all others \$250.00
- d. Fire Alarm Plan Review/permit
 - 1. With sprinkler system \$100.00
 - 2. Fire alarm only \$250.00
- e. Inspection/reinspection Fees.
 - 1. Plan/Life Safety Inspection - one inspection per permit
 - 2. Suppression – two inspections included per permit
 - 3. Fire Alarm – one inspection per permit
 - 4. Additional inspections including re-inspections \$75.00

Allow a minimum of 72 hours notice for any inspections or re-inspections.

- C. Section 109, Board of Appeals, create Section 109.1.1:
The board of appeals shall consist of the Trustees of the District.
- D. Section 903.2.8 Group R, ADD Exception:
An automatic sprinkler system is not required in one and two family structures in the R-3 Use Group.
- E. Section 904.12 Commercial Cooking Systems, Create Section 904.12.6
All occupancies with a Commercial cooking operation shall have a monitored fire alarm system in accordance with applicable requirements of NFPA 70 and NFPA 72.
- F. Section 907, Fire Alarm and Detection Systems, Create Section 907.1.4
Provide a red colored lens visual device above the fire department connection that activates on water flow only. Provide a clear visual lens device above the entrance to each building that activates on all alarms. In multi-tenant buildings provide a clear visual lens device above each tenant space, zone the device to that space.
- G. Section 907, Fire Alarm and Detection Systems, Create Section 907.1.5
Combination fire and burglar alarm panels are prohibited in buildings that contain automatic suppression systems.
- H. Section 1206, Electrical Energy Storage Systems, Create Section 1206.1.1
NFPA 855 2020 Standard for the Installation of Stationary Energy Storage Systems: Installation of Stationary Energy Storage Systems shall comply with this standard as applicable.

SECTION 6 – AMENDMENTS TO THE LIFE SAFETY CODE (NFPA 101, 2018 Edition)

- A. Section 24.1.6 Minimum Construction Requirements: Remove “Reserved” and Create Section 24.1.6.1, Prefabricated Trusses:
Prefabricated wood floor trusses (i-joists) shall be protected by five-eighths inch (5/8”) fire-rated gypsum board.
- B. Section 24.3.5 Extinguishment Requirements: Remove Section 24.3.5.1

SECTION 7 – VIOLATIONS

- A. Any person who violates any provision of this Ordinance, or who fails to comply with any of the requirements thereof, shall be guilty of a misdemeanor, punishable by a fine not less than \$100.00, nor more than \$500.00 in the case of a first offense. For continued violations fines shall be \$1000.00. Each day that a violation continues shall be a separate offense.
- B. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions, including the issuance of mandatory injunction.

SECRETARY'S CERTIFICATE

I, **SCOTT WADE**, the duly qualified and acting Secretary of the Board of Trustees of the Little Rock-Fox Fire Protection District, Kendall County, Illinois, do hereby certify that attached hereto is a true and correct copy of an Ordinance entitled:

**ORDINANCE NO. 2020-001
FIRE PREVENTION ORDINANCE**

which Ordinance was duly adopted by said Board of Trustees at a meeting held on the 16th day of April, 2020.

I do further certify that a quorum of said Board of Trustees was present at said meeting, and that the Board of Trustees complied with all the requirements of the Illinois Open Meetings Act.

IN WITNESS WHEREOF, I have hereunto set my hand this 16th day of April, 2020.



Secretary, Board of Trustees
Little Rock-Fox Fire Protection District

(SEAL)