

**KENDALL COUNTY  
REGIONAL PLANNING COMMISSION**

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

**Meeting Minutes of December 8, 2021 - 7:00 p.m.**

Chairman Ashton called the meeting to order at 7:01 p.m.

**ROLL CALL**

**Members Present:** Bill Ashton, Roger Bledsoe, Tom Casey, Karin McCarthy-Lange, Larry Nelson, Ruben Rodriguez, Bob Stewart, Claire Wilson, and Seth Wormley

**Members Absent:** Dave Hamman

**Staff Present:** Matthew H. Asselmeier, Senior Planner

**Others Present:** Greg Dady, Gregg Ingemunson, Brian Henrichs, Rick Porter, Chris Lannert, Pat Kelsey, Rick Porter, James Kohout, James Clune, Shabbir Shamsuddin, and Gerald Chase

**APPROVAL OF AGENDA**

Chairman Ashton noted that the Petitioner for Petition 21-49 requested a layover to the January meeting. Member Nelson made a motion, seconded by Member Bledsoe, to approve the agenda by moving Petition 21-37 to after Petition 21-48 and laying over Petition 21-49 to the January meeting. With a voice vote of nine (9) ayes, the motion carried.

**APPROVAL OF MINUTES**

Member Rodriguez made a motion, seconded by Member Wormley, to approve the minutes of the October 27, 2021, meeting. With a voice vote of nine (9) ayes, the motion carried.

**PETITIONS**

**Petition 21 – 46 – Greg Dady on Behalf of DTG Investments, LLC and Robert A. Baish on Behalf of Baish Excavating, Inc.**

Mr. Asselmeier summarized the request.

Greg Dady, on behalf of DTG Investments, LLC would like to sell the subject property to Baish Excavating. After exploring a text amendment to allow an excavating business on the subject property, the Petitioners decided to pursue a major amendment to the existing special use permit for a landscaping business at the subject property.

The application materials, aerial of the property, aerial with the flood zone, plat of survey, site plan, the court order regarding a previous excavating business at the property, and the special use permit for a landscaping business previously granted by Ordinance 2007-10 were provided.

The subject property is approximately five point five (5.5) acres in size.

Route 126 is a State maintained arterial; there is a trail planned along Route 126.

There is a floodplain on the north end of the property (Zone A-no base flood elevation determined).

The adjacent uses are agricultural or agricultural related.

The adjacent zonings are A-1. The zonings in the area are A-1, R-1, and A-1 with special use permits.

The Future Land Use Map calls for the area to be Rural Residential and Public Institutional.

The A-1 SU to the east is for a farm market, garden shop, winery, corn maze, and fall festival. The A-1 SU to the west is for a farm equipment sales and service business.

Oswego School District 308 owns the property southwest of the subject property.

Ten (10) existing houses are within one half (1/2) mile of the subject property.

Pictures of the property and area were provided.

EcoCAT Report submitted and consultation was terminated.

The LESA Score was 189 indicating a low level of protection.

Petition information was sent to Na-Au-Say Township on October 26, 2021.

Petition information was sent to the Village of Oswego on October 26, 2021. The property is inside Oswego's planning boundary.

Petition information was sent to the Village of Plainfield on October 26, 2021. The property is within one point five (1.5) miles of Plainfield.

The Oswego Fire Protection District was sent information on October 26, 2021. The Oswego Fire Protection District submitted an email on October 27, 2021, requesting that fuel tanks be installed, permitted, and inspected per applicable law, storage heights inside the storage bins be capped at twenty-five feet (25') in height, and no miscellaneous storage of vehicles, machinery, or equipment occur in the storage bins. The Petitioners were agreeable to these requests.

ZPAC reviewed this proposal at their meeting on November 2, 2021. The Petitioners stated that only trailers would be parked in the floodplain. No turning lanes off of Route 126 would be required. However, the Illinois Department of Transportation could review the need for turning lanes in the future. The Petitioners were agreeable to setting the maximum number of employees at fifteen (15). ZPAC recommended approval of the request with the conditions proposed by Staff by a vote of eight (8) in favor and zero (0) in opposition with two (2) members absent. The minutes of the meeting were provided.

The subject property has been used as a landscaping business and repair and restoration business. The Petitioner would like to retain the special use permit for a cleanup and restoration business at the property.

1. All vehicles, equipment and materials associated with a landscaping business shall be stored entirely within an enclosed structure, unless otherwise permitted under the terms of this Special Use Permit.
2. The business shall be located on, and have direct access to, a State, County or Collector Highway as identified in the County's LRMP, having an all-weather surface, designed to accommodate loads of at least 73,280 lbs, unless otherwise approved in writing by the agency having jurisdiction over said Highway. Such approvals shall establish limitations as to the number of employees and types of vehicles coming to and from the site that are engaged in the operation of the use (including delivery vehicles). These restrictions shall be included as controlling conditions of the Special Use.

3. No landscape waste generated off the property can be burned on this site.

If the County Board approves the outdoor storage of materials, the above conditions have been met.

According to the business plan, Baish Excavating, Inc. does excavation, concrete, landscaping, site maintenance, railroad and major pipeline work. Their work takes place offsite within a radius of approximately thirty-five (35) miles of Plainfield. They are relocating from their current location because their existing location has been sold.

The hours of operation are Monday through Friday from 6:00 a.m. until 5:00 p.m. The company operates outside these hours of operation during snowfalls and other emergencies. The company has eleven (11) employees, but this number could rise to fifteen (15) employees. Four (4) or five (5) of these employees work onsite while the remainder of employees work at job sites.

Equipment and trucks would be stored indoors as much as possible, but some equipment would be stored outside. Equipment consists of excavators, loaders, skid steers, track skids, two (2) semi dumps, and dump trailers. The site plan shows a sixty foot by one hundred foot (60' X 100') trailer parking area.

According to the site plan, the Baish Excavating, Inc. would like to install three (3) fuel tanks on a concrete pad. The area would be twenty feet by thirty feet (20' X 30').

The site plan also calls for a twenty foot by sixty foot (20' X 60') outdoor storage bin area. This area would be used to store aggregates and salt in "tents". The "tents" would be a maximum of thirty feet (30') in height. The tents would be enclosed except for one (1) side. A picture of the "tent" was provided.

The existing special use permit for a landscaping business was granted on March 20, 2007, and included the following conditions and restrictions:

1. The maximum number of employees reporting to the site is 40.
2. The development of the site shall be in conformance with the submitted Site Enhancement Plan dated August 18, 2006 with a latest revision of date of March 9, 2007.
3. All commercial vehicles used for the special use are to be stored inside an accessory structure when not in use.
4. No construction activity can take place on the portion of the subject parcel located in Section 9 of Na-Au-Say Township until such time that a detailed flood plain study has been forwarded to PBZ staff and Strand Associates, to ensure that there are no negative impacts to Aux Sable Creek.
5. A site development permit will need to be secured prior to construction of the proposed parking stalls demonstrating that the post construction elevations of that portion of the parking lot located within the flood plain as depicted on the existing FEMA FIRM maps dated July 19, 1982 (Community Map Panel 170341 0100C) will not exceed the existing elevations of the existing grades on the site.
6. No construction activity shall take place and no permits (building, occupancy or site development) shall be issued for the subject property located in Section 9 of Na-Au-Say Township until such time that the required 15 foot Regional Trail easement, and the additional ROW along Route 126 per the previous Agreed Court Order, has been supplied and recorded.

7. All renovations to existing structures must conform to a commercial standard per the provisions of the Kendall County Building Code, including handicapped accessibility of the structures.
8. Other than the outside storage of non-growing landscaping materials, no outside storage shall be allowed on the site.
9. Occupancy in the existing residence will be restricted to an employee of the petitioner, for use as a caretaker's residence, and his/her immediate family members.
10. No composting will be done on-site. All grass clippings will be stored temporarily in a bin or dumpster and be hauled off the site periodically when the bin becomes full.

The Petitioner is requesting that conditions 1, 2, 3, and 8 be amended or repealed. Conditions 4, 6, and 7 have previously been met. The FEMA FIRM maps have been updated since the original special use permit was granted in 2007.

According to the site plan, there is one (1) approximately fourteen thousand (14,000) square foot metal building on the property that is used for office operations and maintenance. One (1) approximately one thousand six hundred (1,600) square foot wood frame machine shed is located on the northeast corner of the truck parking area. One (1) single-family home with a detached garage is located on the west side of the property.

Any new structures would require applicable building permits.

The property is served by well and septic.

There is floodplain as part of the Little Slough Creek on the property as shown on the flood zone aerial and plat of survey. This area is considered Zone A which means no flood elevation has been determined; therefore, this area is considered Floodway.

On October 26, 2021, the Petitioners and their engineer met with the Senior Planner, a representative of WBK, and the Planning, Building and Zoning Committee Chairman at the property. The Petitioners agreed that no hazardous or flammable materials would be stored in the floodway. The Kendall County Stormwater Management Ordinance forbids the storage of such materials in the floodway.

The property has two accesses off of Route 126. The western access would be used by the existing house and the eastern access would be used by the business operating out of the metal building.

According to the site plan, a parking area is shown north of the metal building. The parking area is gravel.

Contrary to the business plan, no additional lighting beyond the existing lighting on the building and light near the entrance is planned at this time. Section 11:02.F.12.A requires an illumination plan for parking lots with thirty (30) or more parking spaces.

There is one (1) existing four foot by eight foot (4'X8') freestanding sign. A light exists next to the sign. A picture of the sign was provided.

There is an existing wooden fence around the property and a single gate east of the metal building.

A berm and several mature trees are between the metal building and Route 126. Pictures of the landscaping were provided.

No information was provided regarding noise control.

No new odors are foreseen by the proposed use.

The proposed Findings of Fact were as follows:

That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. The operation of the special use will not be detrimental to the public health, safety, morals, comfort, or general welfare provided that the operator of the business allowed by this special use permit develops the site according to the submitted site plan, follows the agreed upon hours of operation, and follows the Kendall County Inoperable Vehicle Ordinance, Kendall County Junk and Debris Ordinance, and Kendall County Stormwater Management Ordinance, and related ordinances.

That the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The Zoning classification of property within the general area of the property in question shall be considered in determining consistency with this standard. The proposed use shall make adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open space and other improvements necessary to insure that the proposed use does not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a whole. Provided that the business operates as proposed, no injury should occur to other property and property values should not be negatively impacted.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. Adequate utilities exist on the site based upon the number of proposed employees at the property. No additional buildings are planned for the site. The Petitioners are aware that parking cannot occur in the front yard setback. Route 126 is a State maintained road and should be able to handle the traffic. The Petitioners are aware that floodplain exists on the property and certain materials cannot be stored in the floodplain per the Kendall County Stormwater Management Ordinance.

That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Zoning Board of Appeals. This is true because the Petitioners are not asking for any variances.

That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. True, the proposed use is consistent with an objective found on Page 10-11 of the Kendall County Land Resource Management Plan which calls for “a strong base of agricultural, commercial and industry that provide a broad range of job opportunities, a healthy tax base, and improved quality of services to County residents.”

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

1. Conditions 1 (pertaining to number of employees), 2 (pertaining to the site plan), 3 (pertaining to outside storage of commercial vehicles), and 8 of Ordinance 2007-10 shall be repealed. The remaining conditions and restrictions in Ordinance 2007-10 shall remain in force and valid.

2. The site shall be developed substantially in accordance with the site plan. The property owner or operators of the business allowed by this special use permit may remove the frame residence, garage, wood frame machine shed, and corn crib without amending the site plan.
3. The owners of the business allowed by the special use permit shall maintain the parking areas shown on the site plan and in substantially the same location as depicted on the site plan. The parking area north of the building shall be gravel and the parking lot south of the building shall be asphalt. Any expansions of either parking lots shall require an amendment to the special use permit.
4. The owners of the businesses allowed by this special use permits shall diligently monitor the property for leaks from equipment and vehicles parked and stored on the subject property and shall promptly clean up the site if leaks occur.
5. Any new structures constructed or installed on the property shall not be considered for agricultural purposes and must secure applicable building permits.
6. Equipment and vehicles related to the business allowed by the special use permit may be stored outdoors.
7. None of the vehicles or equipment parked or stored on the subject property related to the business allowed by the special use permit shall be considered agricultural vehicles or agricultural equipment.
8. All of the vehicles and equipment stored on the subject property related to the business allowed by the special use permit shall be maintained in good condition with no deflated tires and shall be licensed if required by law.
9. Except for the purposes of loading and unloading, all landscape related materials shall be stored indoors or in the designated outdoor storage bins as shown on the site plan. The maximum height of the bins or “tents” shall be thirty feet (30’) and shall look substantial like the structures shown in the pictures. The maximum storage heights inside the storage bins shall be capped at twenty-five feet (25’). No miscellaneous storage of vehicles, machinery, or equipment shall occur in the storage bins.
10. One (1) maximum four foot by eight foot (4’ X 8’) freestanding sign may be located on the subject property. The sign may be illuminated.
11. No landscape waste generated off the property can be burned on the subject property.
12. A maximum of fifteen (15) employees of the business allowed by this special use permit, including the owners of the business allowed by this special use permit, may report to this site for work. No employees shall engage in the sale of landscaping related materials on the property.
13. No retail customers of the business allowed by this special use permit shall be invited onto the property by anyone associated with the use allowed by this special use permit.
14. The hours of operation of the business allowed by this special use permit shall be Monday through Saturday from 6:00 a.m. until 5:00 p.m. Business operations may occur outside the hours of operation in the event of bad weather and snow removal. The owners of the business allowed by this special use permit may reduce these hours of operation.
15. The noise regulations are as follows:  
  
Day Hours: No person shall cause or allow the emission of sound during daytime hours (7:00 A.M. to 10:00 P.M.) from any noise source to any receiving residential land which exceeds sixty-five (65) dBA

when measured at any point within such receiving residential land, provided; however, that point of measurement shall be on the property line of the complainant.

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

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

16. At least one (1) functioning fire extinguisher and one (1) first aid kit shall be on the subject property. Applicable signage stating the location of the fire extinguisher and first aid kit shall be placed on the subject property.
17. The owners of the business allowed by this special use permit acknowledge and agree to follow Kendall County's Right to Farm Clause.
18. The conditions and restrictions contained in Ordinance 2014-29 shall be separate and enforceable from the conditions and restrictions contained in Ordinance 2007-10 and this major amendment to an existing special use permit.
19. The property owner and operator of the business allowed by this special use permit shall follow all applicable Federal, State, and Local laws related to the operation of this type of business, including but not limited, the public health protection standards for properties in the floodplain contained in the Kendall County Stormwater Management Ordinance.
20. Failure to comply with one or more of the above conditions or restrictions could result in the amendment or revocation of the special use permit.
21. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
22. This special use permit shall be treated as a covenant running with the land and is binding on the successors, heirs, and assigns as to the same special use conducted on the property.

Member Nelson asked how the building located in the floodplain on the northeast side of the property was used. Gregg Ingemunson, Attorney for the Petitioner, stated the building is not used and has been on the property for a long time. Mr. Ingemunson was agreeable that a condition be added that this building not be used as part of the special use permit.

Member Nelson made a motion, seconded by Member Rodriguez, to recommend approval of the major amendment to an existing special use permit with the conditions proposed by Staff and the additional condition that the building located in the floodplain not be utilized as part of the special use.

The votes were as follows:

Ayes (9): Ashton, Bledsoe, Casey, McCarthy-Lange, Nelson, Rodriguez, Stewart, Wilson, and Wormley

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

The motion carried.

This proposal will go to the Kendall County Zoning Board of Appeals on December 13, 2021.

**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.

55 ILCS 5/5-12014(b)(B) allows for written protests signed by the owner or owners of land immediately touching, or immediately across a street, alley, or public right-of-way from, at least 20% of the perimeter of the land to be rezoned. In such cases, a three quarters (3/4) vote of the entire County Board is necessary to approve the map amendment. On November 30, 2021, this type of written protest was submitted to the County; the protest was 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 Yorkville Economic Development Committee reviewed this proposal on December 7, 2021, and did not issue a recommendation. The Yorkville Planning and Zoning Commission will review this proposal on December 8, 2021.

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

ZPAC reviewed this proposal at their meeting on December 7, 2021. Discussion occurred about floodplain on the lot and restrictions about building in the floodplain. Appropriate federal, state, and local permits would be needed to build in the floodplain and applicable insurance would be required. An alternative septic system would likely be needed.

Rick Porter presented an objection to the requested rezoning from several neighbors. He felt having a R-3 zoned property in the area was inappropriate. 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. The density would not be compatible with area. He noted that wetlands are located on the 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. Additional buildings will create additional flooding on downstream property owners. He also stated that the Petitioner has a history of not complying with County regulations. The trend of development is not toward increased density. Mr. Porter said the Committee could recommend R-1 zoning under the Zoning Ordinance.

Chris Lannert said development of the site was 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. 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.

Mr. Guritz noted that deed restrictions exist. Discussion occurred regarding the deed restrictions. The question was raised regarding which entity enforces the deed restrictions.

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.

Dee Studler 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. 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.

Mr. Asselmeier explained how the property was originally zoned A-1.

James Kohoot, Dave Morgan, and Gerald Chase stated they were in favor of allowing the Petitioner to have one (1) house, but were opposed to multiple houses on the property.

Dave Morgan and JoAnn Willingham express concerns about stormwater runoff and standing water.

Dave Morgan also expressed concerns related to property values, lighting, and traffic congestion.

Shabbir Shamsuddin expressed concerns regarding the width of the road and septic issues.

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.

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

ZPAC recommended denial of the request map amendment by a vote of seven (7) against the proposal, one (1) in favor of the proposal and two (2) members absent. The minutes were provided.

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 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.

Mr. Asselmeier noted that the Planning, Building and Zoning Department would not enforce any deed or covenant restrictions in the subdivision. Also, the parcel might be old enough to qualify for the one (1) time division allowance under the Plat Act. There was a way to divide the property that would not involve the creation of new easements.

The subject property and property to west shared one (1) parcel identification number.

Chairman Ashton asked if the Commission had to consider the buildability of the property. Mr. Asselmeier responded that was not a consideration in cases of map amendments.

Commissioners reviewed the aerial showing the approximate location of floodplain. They have to obtain necessary permits to build in the floodplain. The possibility existed that the rezoning could be approved and no permits would be issued.

Boyd Ingemunson, Attorney for the Petitioner, said building in the floodplain was allowed with parameters. A mechanical septic system probably would be required. Applicable permits would be required. The buildability of the lot has not been determined.

Mr. Ingemunson noted that many of the houses in the area on located on lots less than one (1) acre is size; the subdivision was platted before the County adopted zoning.

Rick Porter, Attorney for the Objectors, distributed an objection. He stated that the subject property was combined with the neighboring lot under one (1) parcel identification number. He discussed the exemption that allows parties to build on property less than forty (40) acres. He argued that two (2) dwellings would be inappropriate for the area. He discussed issues and odors related to the septic systems in the area. He noted the less density in the area. He stated that his clients support having one (1) home on the subject property provided the property has a septic mound. He suggested that the Commission recommend a higher classification like R-1 or R-2. He noted the density and lot size of lots in the area and the Objectors' properties. He said the Petitioner was not neighborly. He stated that wetlands exist on the property. Fill was placed on the property in spring 2020. He provided a picture of flooding on River Street. He noted the amount of hydric soils on the property.

Chris Lannert stated the lot should not be subdivided. He noted the uniqueness of the area. He felt the R-3 zoning that was previously granted occurred improperly. He noted the location of wetlands on the property and the area where fill occurred. He noted the open space of the area. He called the development of two (2) lots unnecessary. He discussed several objectives in the Land Resource Management Plan related to stormwater and preserving the environment. He noted the amount of land available for one (1) house on the property.

Pat Kelsey discussed the fill on the property. He provided a picture of the fill. He discussed the drainage and plants in the area. He discussed the difficulty of putting septic systems in hydric soils and in the area. He discussed the engineering and earthwork that would need to occur to raise buildings out of the floodplain.

Member Rodriguez asked if this subject property was the lowest point in the area. Mr. Kelsey responded that the houses along the Fox River were naturally elevated.

Member Wilson asked about the location of the wetlands. Mr. Kelsey explained that the wetland grows and shrinks. Mr. Kelsey said approximately less than twenty-five percent (25%) of the property was impacted by the wetland. He said a wet stream was located on the property; he described the flow of the stream. There is a culvert under Yorkville Road.

Mr. Ingemunson explained rights of property owners. He said that the density of the area would not change if two (2) houses were constructed in the area. He discussed the previous map amendment for the Petitioners adjacent property in 2005. He noted that several of the objectors purchased their properties prior to the Petitioner's other application and none of the neighbors objected to that proposal at that time. He noted hydric

soils on neighboring properties. He noted that the deed restrictions did not prevent houses from being constructed on the property. He said it would be unreasonable to get farm implements to the property. He explained that the area is residential and residential zoning was appropriate; the land was not suitable for most agricultural uses. He noted that none of the neighbors objected to the classification in the Land Resource Management Plan. He stated that his client operated within the regulations with regards to the placement of fill. He also said neighbors did not like the Petitioners.

Member Wormley asked why the Petitioner wanted two (2) homes on the property. He questioned whether or not two (2) homes could actually fit on the parcel. He noted the issues raised by building homes on wet ground. Brian Henrichs, Petitioner, said the parcel was to keep his kids and grandkids in the area.

Mr. Porter argued the Petitioner does not have a right to rezoning. He said that neighbors did not receive notice about the rezoning in 2005. Chairman Ashton said the deed restrictions did not matter. Mr. Porter discussed the existing uses and the proposed densities and discussed the facts needed to rezone the property.

Member Nelson asked about the notice requirements. Mr. Porter said notice had to be proper and jurisdictional requirements never expire.

Discussion occurred regarding the definition of Suburban Residential.

Discussion occurred regarding the value of the lot.

Member Wilson asked the fill in the wetland. Fill was placed in area that was modeled by FEMA. Elevation by concrete structure could occur. No permit was issued for the placement of fill.

Dee Studler, neighbor, explained the neighborhood and uses in the neighborhood. She expected the area to be agricultural. She noted the judgment that recently occurred related to a tree dispute. She discussed the plants and animals that can be viewed from the Fox River. Mr. Ingemunson discussed the tree and access disputes.

James Kohout, neighbor, said that he still uses his property as active agriculture. He was agreeable to having one (1) home on the property. He noted that a portion of the Petitioner's other property was less than forty-five thousand (45,000) square feet. He questioned if the Petitioner would follow regulations. He stated that he visited with Mr. Asselmeier and Mr. Asselmeier indicated that farm animals could be placed on the property.

Member Wormley asked if Mr. Kohout favored the map amendment. Mr. Kohout did not want two (2) houses on the subject property. Member Wormley asked about changing the covenants. The zoning could invite other issues.

Member Nelson suggested neighbors should buy-out the Petitioner; the lot will be very expensive to build.

A neighbor said the southern portion of Fox River Gardens was different than the northern portion of Fox River Gardens. He noted the frequency of his sump pump running. He noted issues exist between neighbors. He was concerned about property values. He did not object to one (1) house on the property. The neighbors just want to protect and preserve the neighborhood.

James Clune, neighbor, was opposed to any buildings on the property because of the floodplain, stormwater, and mosquitos. He was concerned about the neighborhood getting a bad reputation with Realtors.

Shabbir Shamsuddin, neighbor, said that he has lived in the area since 1992. He was not against the Petitioner. He did not receive notice of the rezoning in 2005. He discussed the septic issues he has at his property. His yard was underwater when it rains. He said building one (1) home will cause issues with hydrology. He was also concerned about property values and increased traffic.

Gerald Chase, neighbor, said that he has not received notice of the previous zoning change. He was concerned about drainage and the impact of a second on the water situation.

Member Stewart asked about making motion for a zoning classification other than the requested R-3. Mr. Asselmeier responded the Commission could make that motion. The property is too small to meet the R-1 square footage requirements, but does meet the R-2 square foot requirements. Mr. Asselmeier provided the minimum square footage requirements for R-1, R-2, and R-3.

Mr. Porter indicated his clients would not be opposed to variance to the R-1 minimum square foot requirements.

Discussion occurred regarding doing a conditional use permit under A-1 to obtain one (1) house.

Member Rodriguez felt that one (1) house was enough and the challenges of building houses on the property.

Member Nelson asked if the Petitioner was aware that rezoning to R-3 forbids farm animals.

Mr. Henrichs explained the water table in the area. He said no wetlands were located on the property. He said that he likes wooded lots. He said that his septic system works fine. He noted that the back of his lot is a natural drainage area.

Member Wilson asked if the Petitioner would have to amend his Petition for R-2. Mr. Asselmeier said the Zoning Board of Appeals could recommend R-2. Additional discussions would have to occur if the advisory boards recommended one (1) classification and the Petitioner wanted a different classification.

Member Wilson made a motion, seconded by Member Bledsoe, that the Planning Commission recommend approval of the map amendment if the request was changed to R-2.

The votes were as follows:

Ayes (7): Bledsoe, Casey, McCarthy-Lange, Rodriguez, Stewart, Wilson, and Wormley

Nays (2): Ashton and Nelson

Absent (1): Hamman

Abstain (0): None

The motion carried.

This proposal will go to the Kendall County Zoning Board of Appeals on December 13, 2021.

### **Petition 21-37 Kendall County Planning, Building and Zoning Committee**

Mr. Asselmeier summarized the request.

Earlier in 2021, the Illinois General Assembly passed and the Governor signed Public Act 102-0180 (formerly House Bill 0633) also known as the Garden Act.

The Garden Act allows people to plant vegetable gardens as the primary use on residential pieces of property. Further, no county in Illinois can prevent people from using residential property for the purpose of vegetable gardens. The Garden Act becomes effective January 1, 2022. A copy of Public Act 102-0180 was provided.

Presently, farming is a permitted use on A-1, RPD-1, RPD-2, and RPD-3 zoned property in unincorporated Kendall County.

Also, per Section 4:05.B of the Kendall County Zoning Ordinance, gardens may encroach up to all property lines.

At their meeting on September 13, 2021, the Kendall County Planning, Building and Zoning Committee voted to initiate text amendments to the Zoning Ordinance to allow vegetable gardening as a primary use on R-1, R-2, R-3, R-4, R-5, R-6, and R-7 zoned property, allow roadside stands selling agricultural products grown on the premises in the same residential zoning districts, and to restrict gardens from forty foot (40') sight triangles where two (2) public streets meet. Roadside stands must be setback at least ten feet (10') from the nearest right-of-way.

Below please find the original redlined version of the proposal:

#### **8:02.A Permitted Uses in the R-1**

5. Lands and buildings used for horticulture or farm purposes **including vegetable gardens as defined by the Garden Act.**

#### **8:06.A Permitted Uses in the R-2**

1. Any permitted use in the R-1 One-Family Estate Residence District, Section 8:02.A except:

a. Lands and buildings used for horticultural or farm purposes, **not including vegetable gardens as defined by the Garden Act and roadside stands following the setback requirements in Section 8:02.A**

~~b. Roadside stands for the display, sale or offering for sale of agricultural products grown or produced on the property, and~~

~~e. b.~~ Farm-type animals shall be prohibited in the R-2 District with the exception of chickens.

#### **8:07.A Permitted Uses in the R-3**

1. Any permitted use in the R-1 One-Family Estate Residence District, Section 8:02.A except:

a. Lands and buildings used for horticultural or farm purposes, **not including vegetable gardens as defined by the Garden Act and roadside stands following the setback requirements in Section 8:02.A**

~~b. Roadside stands for the display, sale or offering for sale of agricultural products grown or produced on the property, and~~

~~e. b.~~ Farm-type animals shall be prohibited in the R-3 District with the exception of chickens.

#### **8:08.A Permitted Uses in the R-4, R-5, R-6, and R-7 Districts**

**6. Roadside stands for the display, sale or offering for sale of agricultural products grown or produced on the property, provided that the stands and produce on display are located ten feet (10') back from the nearest right-of-way line.**

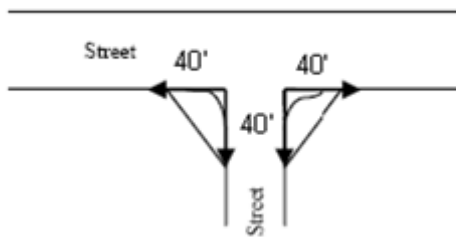
**10. Vegetable Gardens as defined by the Garden Act.**

**Remaining Permitted Uses to be Renumbered.**

**Amendment to Appendix 9, Table of Uses to reflect the addition of Vegetable Gardens and Roadside Stands as Permitted Use in all Residential Zoning Districts.**

Section 11:02.F.11 should be clarified as follows regarding sight triangles:

11. Landscape sight triangle. No landscaping including berms **and vegetable gardens as defined by the Garden Act** shall be planted within a forty foot (40') sight triangle measured at the intersection of two public streets.



Petition information was emailed to the townships on September 22, 2021. To date, only the Na-Au-Say Township Planning Commission has reviewed this proposal and they unanimously recommended approval.

ZPAC reviewed this proposal at their meeting on October 5, 2021. Discussion centered on the State imposing new regulations. ZPAC recommended approval of the proposal by a vote of seven (7) in favor, zero (0) in opposition, and one (1) present with two (2) members absent. The minutes were provided.

At the October 27, 2021, Kendall County Regional Planning Commission meeting, the consensus of the Commission was to establish a setback larger than ten feet (10') in the front yards and side yards of corner lots for Boulder Hill. The minutes were provided.

The Kendall County Zoning Board of Appeals started their review of the proposal on November 1, 2021. The discussion centered on increased traffic. They noted that existing garage sales, which are not regulated, caused additional traffic and parking issues. The Zoning Board also noted that the size of lots in Boulder Hill will restrict the amount produce available to be sold. The minutes of the hearing were provided.

Per the Zoning Ordinance, the required front yard setbacks in the R-4, R-5, and R-6 Districts are forty feet (40') from the right-of-way from freeway and arterial roads, thirty feet (30') for major and minor collector roads, and twenty-five feet (25') from all other roads. For the R-7 District, the front yard setbacks are fifty feet (50') for freeway and arterial roads, forty feet (40') from major and minor collector roads, and thirty feet (30') from all other roads. The side yard setback for corner lots in the R-4, R-5, R-6, and R-7 Districts is thirty feet (30').

A map showing the areas zoned R-4, R-5, R-6, and R-7 was provided.



The proposal could be amended to restrict roadside stands from the front yard and side yards of corner lots in the R-4, R-5, R-6, and R-7 Districts with the setbacks as noted in the previous paragraph. This would cause roadside stands to be placed closer to the house, including on porches and inside garages, on smaller lots.

Staff would like to point out that accessory structures are presently not allowed in the front yard or side yards of corner lot setbacks and that lawn furniture can be placed within two point five feet (2.5') of any property line. Staff has also been directed not to strictly enforce setback restrictions related to lemonade and similar stands in residential areas.

Member Wormley said there was not much the Commission could do regarding changing the proposal.

Mr. Henrichs asked about the procedure considering the Land Resource Management Plan calls for the area to be zoned R-3. Member Nelson said the Petitioner had a pretty good chance of winning in court. Member Nelson also felt that there would be difficulties get septic permits.

Member Wormley made a motion, seconded by Member McCarthy-Lange, to recommend approval of the text amendment to restrict roadside stands from the required front yard and corner yard setbacks in the R-4, R-5, R-6, and R-7 zoning districts.

The votes were as follows:

Ayes (9): Ashton, Bledsoe, Casey, McCarthy-Lange, Nelson, Rodriguez, Stewart, Wilson, and Wormley  
Nays (0): None  
Absent (1): Hamman  
Abstain (0): None

The motion carried.

This proposal will go to the Kendall County Zoning Board of Appeals on December 13, 2021.

#### **CITIZENS TO BE HEARD/PUBLIC COMMENT**

None

#### **NEW BUSINESS**

##### **Review of Annual Meeting Invitation List**

Mr. Asselmeier reported the Annual Meeting will be February 5, 2022.

Commissioners reviewed the invitation list.

#### **OLD BUSINESS**

None

#### **REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD**

Mr. Asselmeier reported that Petitions 21-26, 21-32, and 21-36 were approved by the County Board.

#### **OTHER BUSINESS/ANNOUNCEMENTS**

##### **November 16, 2021 Letter from Clarence DeBold, Mayor of Shorewood, to County Board Chairman Scott Gryder RE: Village of Shorewood Extra-Territorial Jurisdiction**

Commissioners reviewed the letter.

Mr. Asselmeier will research when the notification distance was placed in the Zoning Ordinance.

**ADJOURNMENT**

Member Rodriguez made a motion, seconded by Member Wilson, to adjourn. With a voice of nine (9) ayes, the motion carried.

The Kendall County Regional Planning Commission meeting adjourned at 9:53 p.m.

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

Enc.

**KENDALL COUNTY  
REGIONAL PLANNING COMMISSION  
DECEMBER 8, 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)
Gregg Ingemans		
Boyd Ingemans		
CHRIS LANNERT		
PAT KELSEY		
Rick Porter		
James Kohout		
James Cunniff		
SHABIR SHAMSUDDIN		

Gerald Chase

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 Kendell 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 buildable land on 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 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**).

Because Lot 183 cannot support a dwelling on every 45,000 sq. ft zoning as R-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: 12-8-2021

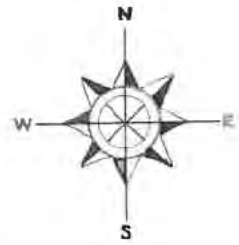
Respectfully Submitted,

HINSHAW & CULBERTSON LLP,

By:   
Richard S. Porter  
One of their Attorneys

Richard S. Porter ARDC #6209751  
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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

SLOT 2704





Sheet 271A



State of Illinois ) ss.  
County of Kane

This is to certify that J. & M. ... and ...  
and ...  
...

Town of Bristol, Kendall County, Illinois

Unofficial

Placed in ...



County of Kane  
Date of Survey ...

Survey Clerk

## JOINT TENANCY DEED

Frank Tuma and Anna Tuma, his wife

to

Evan 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 EVAN 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- $\frac{1}{2}$  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 hereat 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 grantee. 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

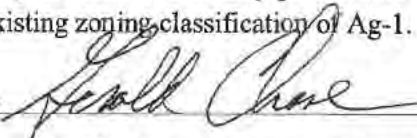
Filed for record on the 3rd day of May A. D. 1930 at 11-25 o'clock A. M.

\_\_\_\_\_  
R. A. 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**

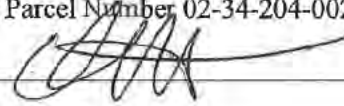
The undersigned have been advised that that BAKA Properties LLC – Series 5 the owner of the property commonly known as Lot 183 Fox River Gardens (tax parcel number 02-34-130-004), (the "Development Parcel"), in unincorporated Kendall County, Illinois, pursuant to Petition 21-48, has requested that Kendall 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

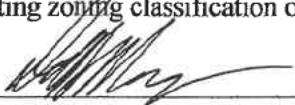
56 Riverside St.  
Address  
Tax Parcel Number 02-34-204-002

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

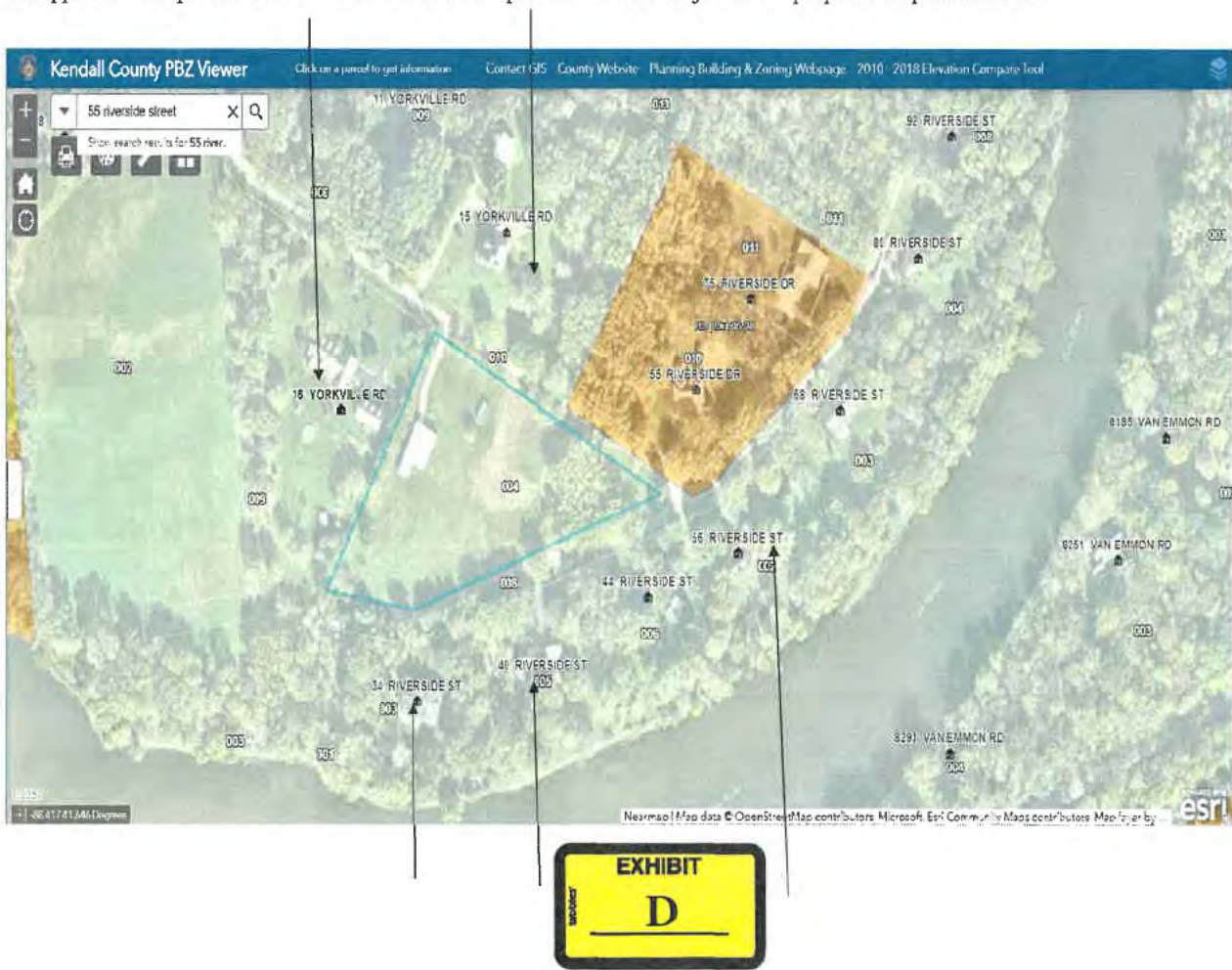
15 YORKVILLE ST.  
Address  
Tax Parcel Number 02-34-129-006

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**



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- Figure 2 - Aerial Map
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- Figure 5 - NRCS We Soil Survey Map
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### 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

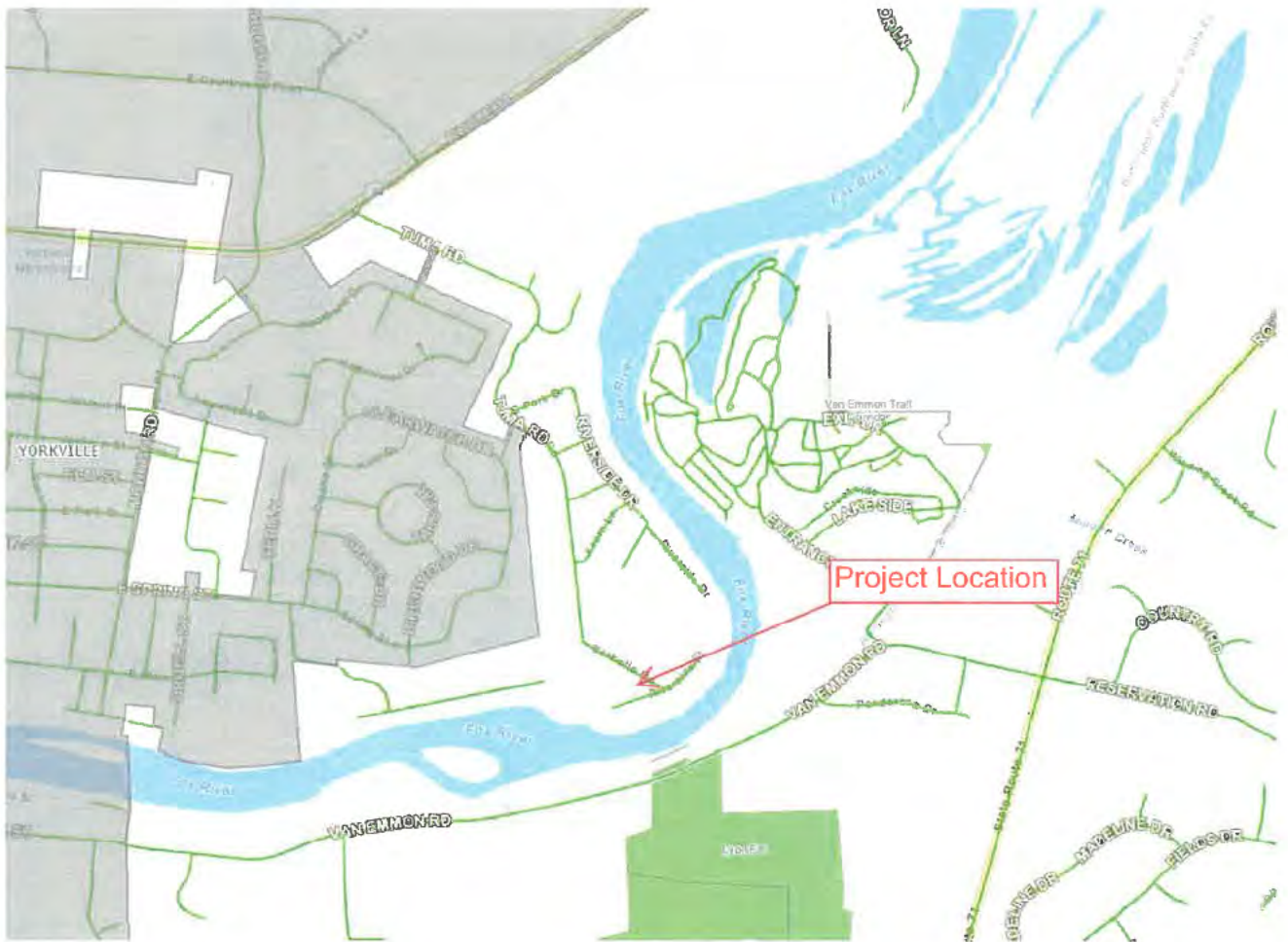
Deuchler Engineering Corporation (DEC) conducted a routine wetland reconnaissance of 55 Riverside Street, unincorporated Yorkville, IL. The purpose of this wetland reconnaissance was to determine if any jurisdictional wetlands or Waters of the US exist within the project site, and if so, whether recently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

<b>1</b>
SHT
<b>1</b>
OF
<b>9</b>



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       | Lake     |
| Estuarine and Marine Wetland   | Freshwater Forested/Shrub Wetland | Other    |
|                                | 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)  
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**55 RIVERSIDE DRIVE  
YORKVILLE, IL  
NWI MAP**

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

**3a**  
 SHT **3a**  
 OF **9**

# National Flood Hazard Layer FIRMette



## Legend

SEE FIG REPORT FOR DETAILED LEGEND AND NOTES REGARDING FIRM PANEL LOCATION

**SPECIAL FLOOD HAZARD AREAS**

- Without Base Flood Elevation (BFE) Zone A, V, X, Y
- With BFE or Depth Zone AE, AO, AK, VE, AP
- 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 Levees. See Notes. Zone X
- Area with Flood Risk due to Levees Zone X

**OTHER AREAS**

- Area of Minimal Flood Hazard Zone X
- Effective LOMFs
- Area of Uninsured Flood Hazard Zone X

**GENERAL STRUCTURES**

- Channel, Culvert, or Storm Sewer
- Levee, Dike, or Floodwall

**CROSS SECTIONS WITH 1% ANNUAL CHANCE WATER SURFACE ELEVATION**

- Coastal Traverset
- Base Flood Elevation Line (BFE)
- Limit of Study
- Jurisdiction Boundary
- Coastal Traverset Baseline
- Profile Baseline
- Hydrographic Feature

**OTHER FEATURES**

- Digital Data Available
- No Digital Data Available
- Unmapped

The pin displayed 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 basemap shown complies with FEMA's basemap security standards.

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 02/25/2020 at 11:02:15 AM and 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: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifier, 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**

<b>3b</b>
SHT <b>3b</b>
OF <b>9</b>



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



USDA 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
<b>Totals for Area of Interest</b>		<b>403.4</b>

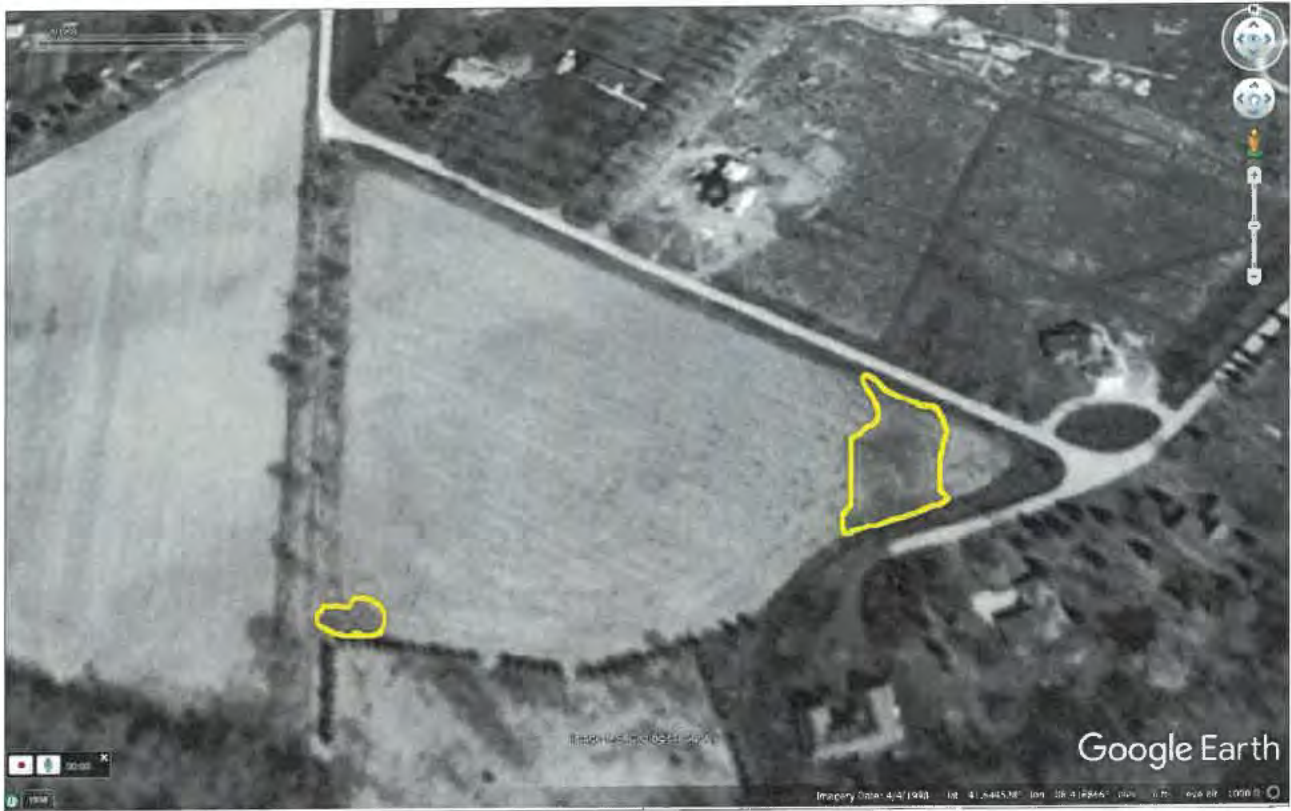
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55 RIVERSIDE DRIVE  
YORKVILLE, IL  
SOIL MAP

<b>4</b>
SHT <b>4</b>
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1998



2002

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**55 RIVERSIDE DRIVE  
YORKVILLE, IL**

**5**  
SHT  
**5**  
OF  
**9**

ILLINOIS DESIGN FIRM #184-001830

230 WOODLAWN AVENUE, AURORA, IL 60506

PH. 630-897-4651

FAX 630-897-5696

www.deuchler.com



2005



2008

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**55 RIVERSIDE DRIVE  
YORKVILLE, IL**

**5**  
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OF **9**

ILLINOIS DESIGN FIRM #184.001830

230 WOODLAWN AVENUE, AURORA, IL 60506

PH. 630-807-4651

FAX 630-807-5606

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2013



2015

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**55 RIVERSIDE DRIVE  
YORKVILLE, IL**

**5**  
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OF **9**

ILLINOIS DESIGN FIRM #184.001830

230 WOODLAWN AVENUE, AURORA, IL 60506

PH. 630-897-4651

FAX 630-897-5696

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2017



2018

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**55 RIVERSIDE DRIVE  
YORKVILLE, IL**

<b>5</b>
SHT <b>8</b>
OF <b>9</b>




2019

**Wetland Signatures**

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

Source: Kendall County GIS Parcel Viewer

 <p><b>DEUCHLER</b> CIVIL   STRUCTURAL   ELECTRICAL   ENVIRONMENTAL</p> <p>ILLINOIS DESIGN FIRM #184.001830</p>	1.	DATE: 7-16-2020	DESIGNED: PK	<p><b>55 RIVERSIDE DRIVE</b> <b>YORKVILLE, IL</b></p>	<b>5</b>
	2.	SCALE: NTS	DRAWN: AS		SHT <b>9</b>
	3.	JOB NO. 555-20035-00	CHECKED: PK		GF <b>9</b>
	4.	FIELD BOOK NO.: N/A	APPROVED: PK		
<p>230 WOODLAWN AVENUE, AURORA, IL 60506</p>		<p>PH. 630-897-4851</p>		<p>FAX 630-897-5696</p>	
<p>www.deuchler.com</p>					

**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															
1. <u>Acer saccharinum</u>	<u>30</u>	<u>x</u>	<u>FAC</u>	<b>Dominance Test worksheet:</b> 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)														
2. <u>Acer negundo</u>	<u>5</u>		<u>FACW</u>															
3. _____																		
4. _____																		
5. _____																		
_____ = Total Cover				<b>Prevalence Index worksheet:</b> <table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%;">Total % Cover of:</td> <td style="width:50%;">Multiply by:</td> </tr> <tr> <td>OBL species <u>5</u></td> <td><u>x 1 = 5</u></td> </tr> <tr> <td>FACW species <u>65</u></td> <td><u>x 2 = 130</u></td> </tr> <tr> <td>FAC species <u>30</u></td> <td><u>x 3 = 90</u></td> </tr> <tr> <td>FACU species _____</td> <td><u>x 4 = _____</u></td> </tr> <tr> <td>UPL species _____</td> <td><u>x 5 = _____</u></td> </tr> <tr> <td>Column Totals: <u>100</u> (A)</td> <td><u>215</u> (B)</td> </tr> </table> Prevalence Index = B/A = <u>2.15</u>	Total % Cover of:	Multiply by:	OBL species <u>5</u>	<u>x 1 = 5</u>	FACW species <u>65</u>	<u>x 2 = 130</u>	FAC species <u>30</u>	<u>x 3 = 90</u>	FACU species _____	<u>x 4 = _____</u>	UPL species _____	<u>x 5 = _____</u>	Column Totals: <u>100</u> (A)	<u>215</u> (B)
Total % Cover of:	Multiply by:																	
OBL species <u>5</u>	<u>x 1 = 5</u>																	
FACW species <u>65</u>	<u>x 2 = 130</u>																	
FAC species <u>30</u>	<u>x 3 = 90</u>																	
FACU species _____	<u>x 4 = _____</u>																	
UPL species _____	<u>x 5 = _____</u>																	
Column Totals: <u>100</u> (A)	<u>215</u> (B)																	
_____ = Total Cover																		
<b>Sapling/Shrub Stratum (Plot size: <u>4.0 m2</u>)</b>																		
1. _____																		
2. _____																		
3. _____																		
4. _____																		
5. _____																		
_____ = Total Cover																		
<b>Herb Stratum (Plot size: <u>1.0 m2</u>)</b>																		
1. <u>Carex cristatella</u>	<u>25</u>	<u>x</u>	<u>FACW</u>	<b>Hydrophytic Vegetation Indicators:</b> <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 $\geq 3.0^1$ _____ 4 - Morphological Adaptations <sup>1</sup> (Provide supporting data in Remarks or on a separate sheet) _____ Problematic Hydrophytic Vegetation <sup>1</sup> (Explain)														
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																		
<b>Woody Vine Stratum (Plot size: _____)</b>																		
1. _____				<b>Hydrophytic Vegetation Present?</b> Yes <input checked="" type="checkbox"/> No _____														
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		
0-18	N2.5/0						sil	Saturated at 8 inches
18-24	10YR3/1						sicl	

<sup>1</sup>Type: C=Concentration, D=Depletion, RM=Reduced Matrix, MS=Masked Sand Grains.      <sup>2</sup>Location: 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)		

<sup>3</sup>Indicators 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:**

<b>Primary Indicators (minimum of one is required; check all that apply)</b>		<b>Secondary Indicators (minimum of two required)</b>
<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 (C9)
<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 _____	Depth (inches): in channel	<b>Wetland Hydrology Present?</b> Yes <input checked="" type="checkbox"/> No _____
Water Table Present?	Yes <input checked="" type="checkbox"/> No _____	Depth (inches): 8 inches	
Saturation Present? (includes capillary fringe)	Yes <input checked="" type="checkbox"/> No _____	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. _____	_____	_____	_____	= Total Cover
5. _____	_____	_____	_____	
_____ = Total Cover				<b>Prevalence Index worksheet:</b> Total % Cover of: _____ Multiply by: _____ OBL species _____ x 1 = _____ FACW species _____ x 2 = _____ FAC species <u>30</u> x 3 = <u>90</u> FACU species <u>65</u> x 4 = <u>260</u> UPL species <u>5</u> x 5 = <u>25</u> Column Totals: <u>100</u> (A) <u>375</u> (B)  Prevalence Index = B/A = <u>3.75</u>
Saoping/Shrub Stratum (Plot size: <u>4.0 m2</u> )				
1. _____	_____	_____	_____	
2. _____	_____	_____	_____	
3. _____	_____	_____	_____	
4. _____	_____	_____	_____	
5. _____	_____	_____	_____	
_____ = 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				

**Hydrophytic Vegetation Indicators:**  
 \_\_\_ 1 - Rapid Test for Hydrophytic Vegetation  
 \_\_\_ 2 - Dominance Test is >50%  
 \_\_\_ 3 - Prevalence Index is ≤3.0<sup>1</sup>  
 \_\_\_ 4 - Morphological Adaptations<sup>1</sup> (Provide supporting data in Remarks or on a separate sheet)  
 \_\_\_ Problematic Hydrophytic Vegetation<sup>1</sup> (Explain)

<sup>1</sup>Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Hydrophytic Vegetation Present? Yes \_\_\_\_\_ No

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 <sup>1</sup>		
0-12	10YR 2/2						sil	
12-18	10YR5/4		10YR2/1	<2	MnO		cl	

<sup>1</sup>Type: C=Concentration, D=Depletion, RM=Reduced Matrix, MS=Masked Sand Grains.      <sup>2</sup>Location: 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)		

<sup>3</sup>Indicators 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): in channel	Wetland Hydrology Present? Yes _____ No <input checked="" type="checkbox"/>
Water Table Present? Yes _____ No <input checked="" type="checkbox"/>	Depth (inches): 8 inches	
Saturation Present? Yes _____ No <input checked="" type="checkbox"/> (includes capillary fringe)	Depth (inches): 8 inches	

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 var. Acer	Ash-Leaf Maple	0	FAC	FAC	0	Tree	Perennial	Native
acesai	Acer saccharinum	saccharinum	Silver Maple	1	FACW	FACW	-1	Tree	Perennial	Native
CXCRIS	Carex cristatella	cristatella	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)	0.00
MEAN C (NATIVE HERBACEOUS)	0.00	% HYDROPHYTE (MIDWEST)	0.29
FQAI (NATIVE SPECIES)	0.00	% NATIVE PERENNIAL	0.14
FQAI (ALL SPECIES)	0.00	% NATIVE ANNUAL	0.00
ADJUSTED FQAI	0.00	% ANNUAL	0.14
% C VALUE 0	1.00	% PERENNIAL	0.86
% C VALUE 1-3	0.00		
% 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	PERENNE LOLIUM	Perennial Rye Grass		0 FACU	FACU		1 Grass	Perennial	Adventive
plalan	Plantago lanceolata	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](mailto: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  
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### 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  
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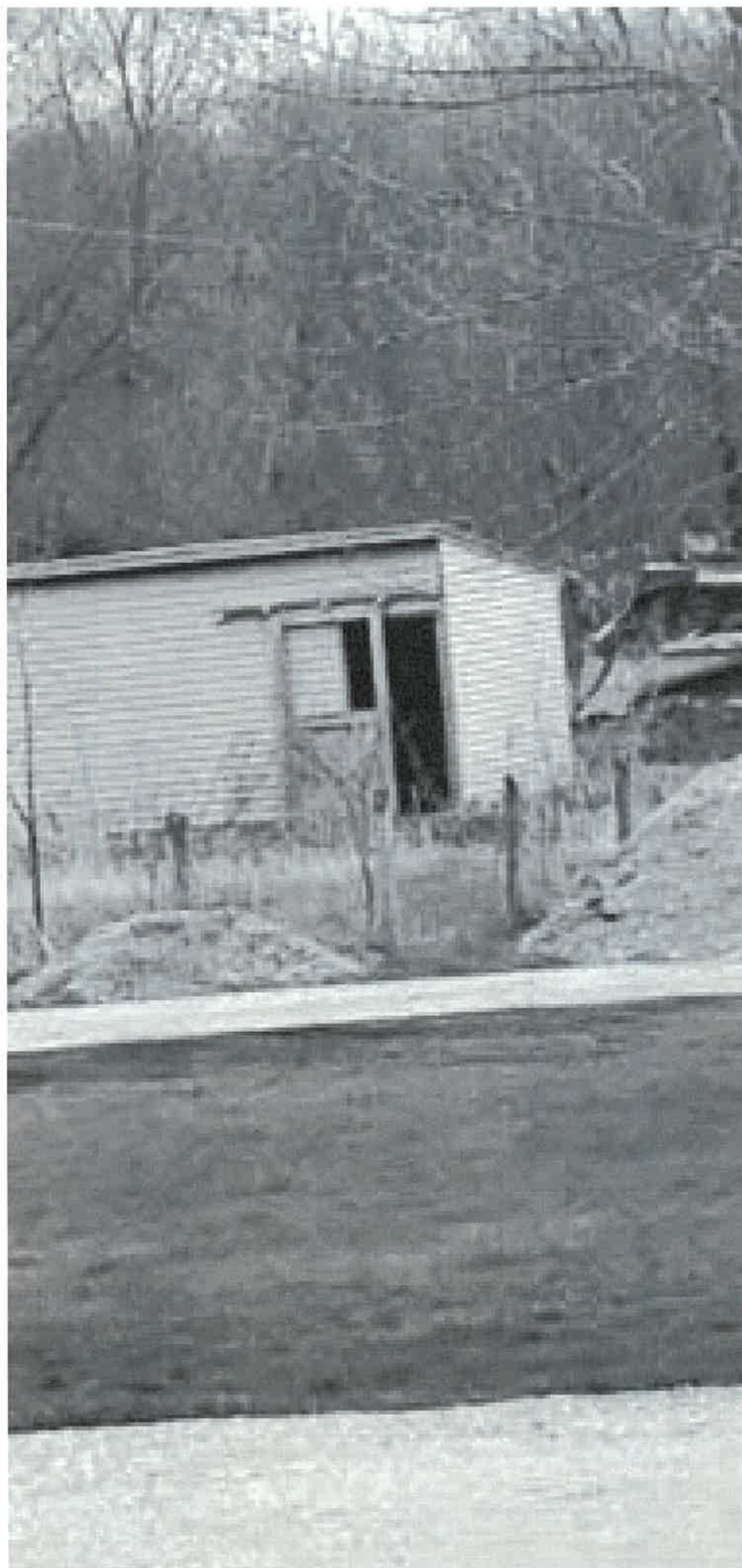
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3:04









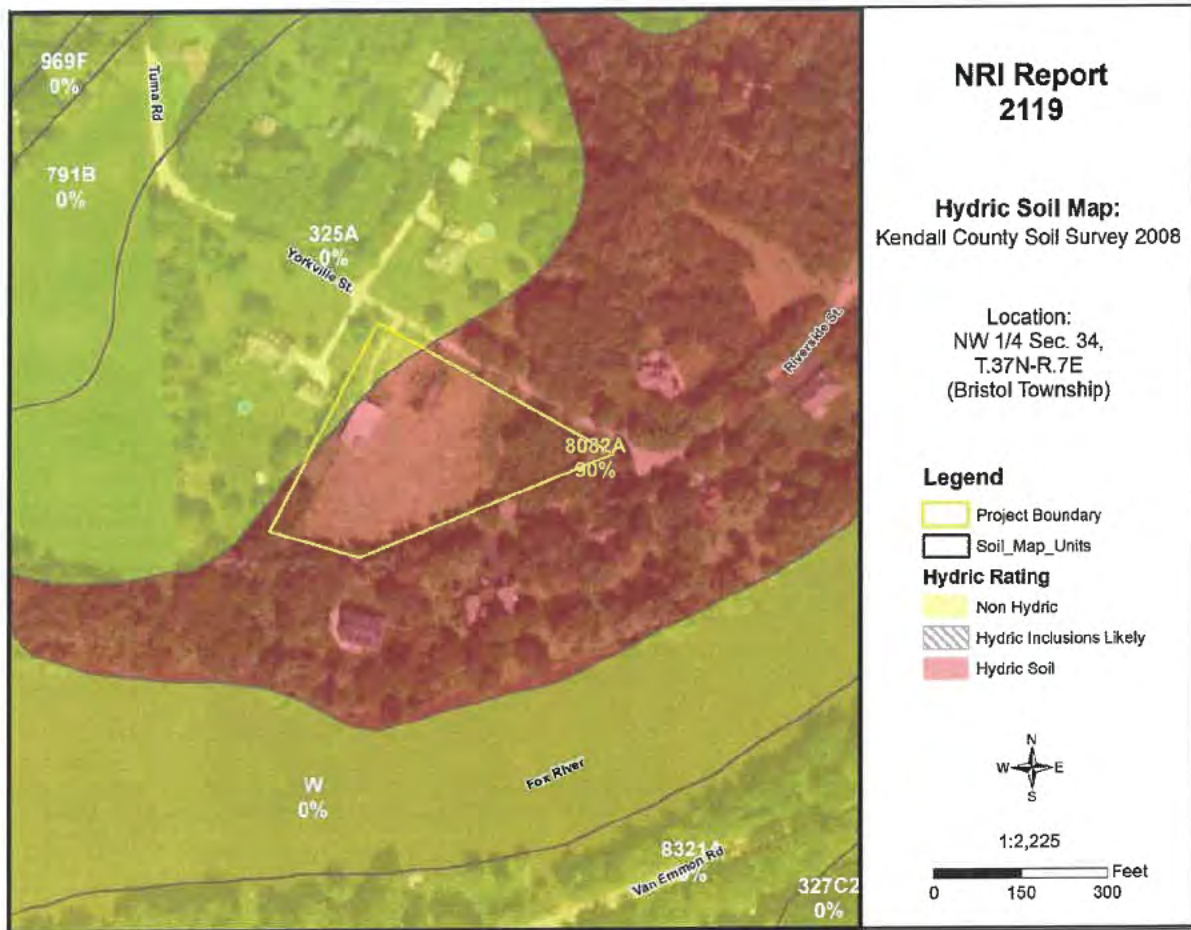


Figure 11: Hydric Soil Map





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





**CONTEXT AERIAL**



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**HINSHAW ETAL**

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100 Park Avenue  
Rockford, Illinois 61101  
815.490.4800

DATE PLOTTED	06/06/2011
TIME PLOTTED	11:15:00
SCALE	1" = 100'
PROJECT	
DRAWING	
DATE	
BY	
CHECKED	
APPROVED	



**Kendall County Zoning**

- Municipal
- Incorporated Areas
- A1
- R1
- R3
- Yorkville
- \* Objectors



**KENDALL CO. ZONING**

SHEET NUMBER  
**2**

SCALE 1" = 15'

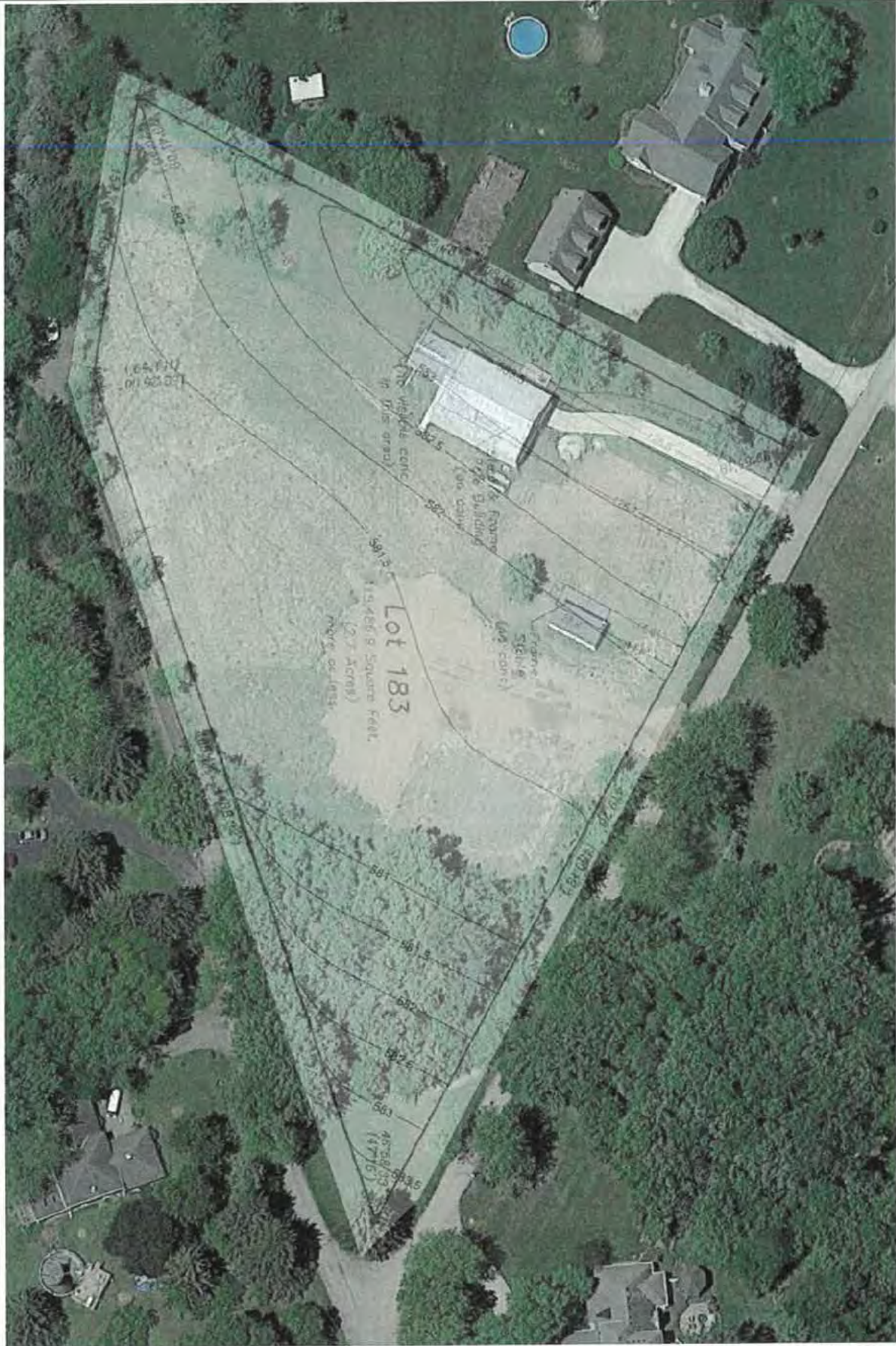
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 815.490.4900

DATE: 12-06-21  
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 CHECKED BY: [Blank]



**SIRE AERIAL**

3  
SHEET NUMBER

SCALE 1" = 80'

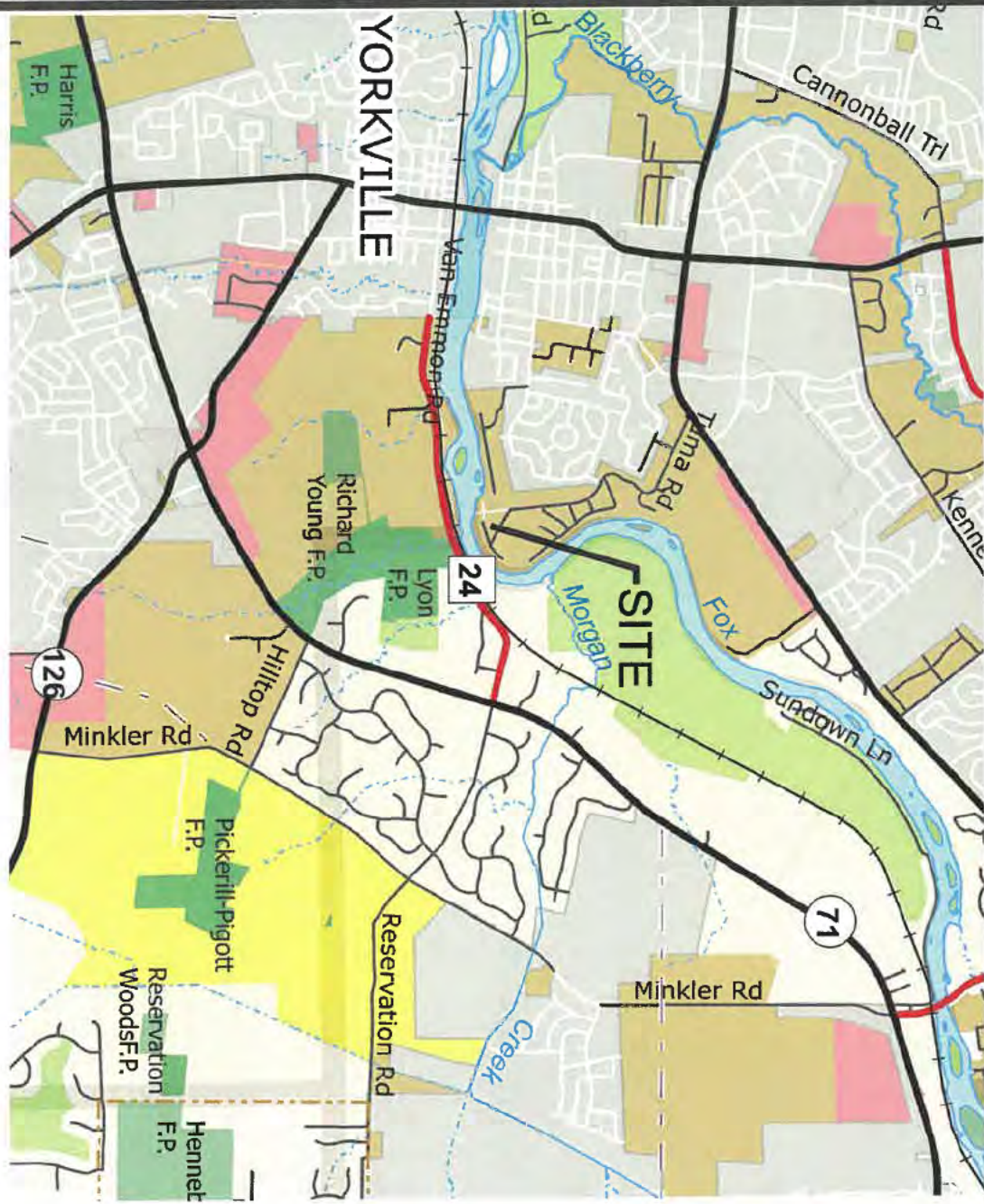
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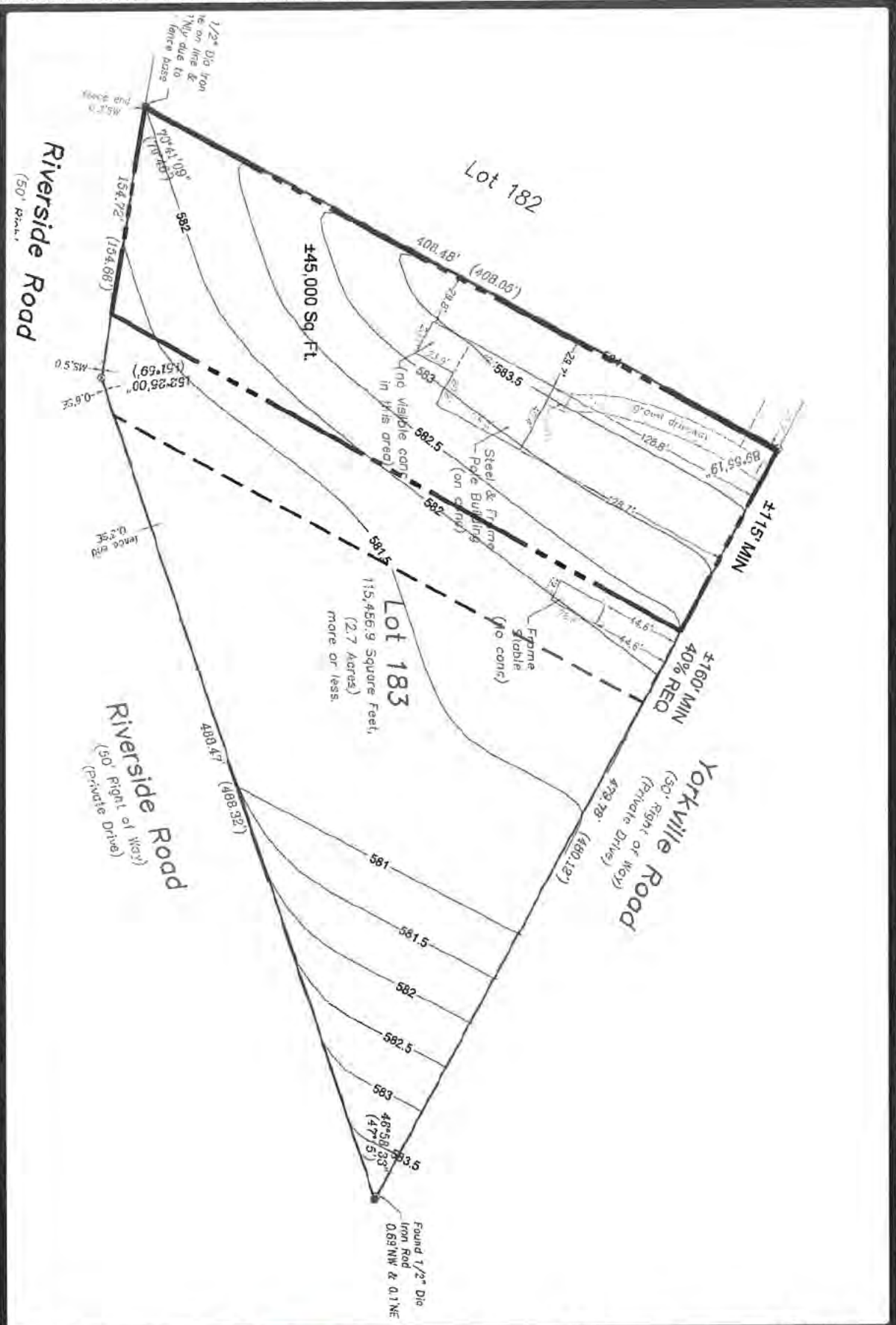
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DATE:	12/08/11
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- Future Land Use**
- Suburban Residential - Max Density 1.00 DU Acres
  - Rural Residential Max Density 0.65 DU Acres
  - Rural Estate Residential Max Density 0.45 DU Acre
  - Countryside 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

<p><b>KENDALL CO LRMP</b></p> <p>1/4 MI 1/2 MI 1/2 MI</p> <p>SCALE 1" = 1/2 MILE</p> <p>NORTH</p>	<p><b>Lannert Group</b></p> <p>Landscape Architecture • Planning • Community Consulting</p> <p>(815) 208-4048</p> <p>Fax (815) 208-4050</p> <p>http://www.lannert.com</p> <p>ly @ lannert.com</p> <p>215 Fulton Street</p> <p>Geneva, Illinois 60134</p>	<p>© 2010 The Lannert Group, Inc.</p> <p><b>HINSHAW ETAL</b></p> <p>HINSHAW &amp; CULBERTSON LLP</p> <p>100 Park Avenue</p> <p>Rockford, Illinois 61101</p> <p>615.460.4800</p>	<p>200 No. 2130</p> <p>Oct. 12, 2011</p> <p>Final</p>
			<p>4 OF 5</p>



**SURVEY/LOTING**

SCALE 1" = 50'

NORTH

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DATE	11/10
PROJECT	LOT 182
BY	12/28/11
REVISIONS	
DATE	
BY	
DESCRIPTION	

