



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

AGENDA

December 5, 2023 - 9:00 a.m.

CALL TO ORDER

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

APPROVAL OF AGENDA (VV)

APPROVAL OF MINUTES (VV): Approval of October 3, 2023, ZPAC Meeting Minutes (Pages 3-5)

PETITIONS (ROLL CALL):

1. **Petition 23 – 31 – Jorge A. and Hilda G. Montes (Pages 6-19)**
Request: Approval of a Plat of Vacation of Two Five Foot Drainage and Utility Easements
PINs: 06-08-101-013 and 06-08-101-014
Location: 7216 and 7180 Roberts Court (Lots 27 and 28) in Grove Estates Subdivision, Oswego, in Na-Au-Say Township
Purpose: Petitioners Wishes to Vacate the Easements in Order to Construct One House Straddling the Common Lot Line of Lots 27 and 28 of Grove Estates Subdivision; Property is Zoned RPD-2

2. **Petition 23 – 32 – Alan Drake on Behalf of Grainco FS, Inc (Property Owner) and Andrew and Robert Schwartz on Behalf of A.B. Schwartz, LLC (Contractor Purchaser) (Pages 20-41)**
Request: Amendment to the Future Land Use Map in the Land Resource Management Plan Reclassifying the Subject Parcels from Transportation Corridor to Mixed Use Business
PINs: 05-09-300-006, 05-09-300-007, 05-16-100-003, 05-16-100-004, and 05-16-100-020
Location: 8115 Route 47, Yorkville, in Kendall Township
Purpose: Petitioners Wish to Rezone the Property to M-1 in Order to Operate a Tile Business, Offices, Warehouses, Fuel Storage, and Other Light Industrial Uses; Property is Zoned A-1 and A-1 with Special Use Permits

3. **Petition 23 – 33 – Alan Drake on Behalf of Grainco FS, Inc (Property Owner) and Andrew and Robert Schwartz on Behalf of A.B. Schwartz, LLC (Contractor Purchaser) (Pages 42-84)**
Request: Map Amendment Rezoning the Subject Parcels from A-1 Agricultural District and A-1 Agricultural with Special Use Permits to M-1 Limited Manufacturing District
PINs: 05-09-300-006, 05-09-300-007, 05-16-100-003, 05-16-100-004, and 05-16-100-020
Location: 8115 Route 47, Yorkville, in Kendall Township
Purpose: Petitioners Wish to Rezone the Property to M-1 in Order to Operate a Tile Business, Offices, Warehouses, Fuel Storage, and Other Light Industrial Uses; Property is Zoned A-1 and A-1 with Special Use Permits

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

1. Petition 23-26 Renewal of the Special Use Permit for a Composting Facility at 1270 E. Beecher Road
2. Petition 23-30 Vacation of Two Five Foot Drainage and Utility Easements at 6145 Whitetail Ridge Drive

OLD BUSINESS/ NEW BUSINESS

None

CORRESPONDENCE

PUBLIC COMMENT

ADJOURNMENT (VV)- Next meeting on January 2, 2024

If special accommodations or arrangements are needed to attend this County meeting, please contact the Administration Office at 630-553-4171, a minimum of 24-hours prior to the meeting time.

**ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)
October 3, 2023 – Unapproved Meeting Minutes**

PBZ Director Matt Asselmeier called the meeting to order at 9:05 a.m.

Present:

Matt Asselmeier – PBZ Department
Meagan Briganti – GIS Department
Brian Holdiman – PBZ Department
Fran Klaas – Highway Department
Alyse Olson – Soil and Water Conservation District
Aaron Rybski – Health Department

Absent:

Greg Chismark – WBK Engineering, LLC
David Guritz – Forest Preserve
Commander Jason Langston – Sheriff's Department
Seth Wormley – PBZ Committee Chair

Audience:

Dan Kramer

AGENDA

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

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

MINUTES

Mr. Klaas made a motion, seconded by Mr. Rybski, to approve the September 5, 2023, meeting minutes.

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

PETITIONS

Petition 23-30 Michael R. and Darla J. Cappellett

Mr. Asselmeier summarized the request.

A ten foot (10') drainage and utility easement presently exists between Lots 65 and 66 in Whitetail Ridge Subdivision. Michael and Darla Cappellett own the subject lots and would like to construct an addition to the home in the area of the existing easement.

The Petitioners previously combined the lots into one (1) parcel identification number.

The property address is 6145 Whitetail Ridge Drive, Yorkville.

The property is approximately one point five (1.5) acres in size.

The property is zoned RPD-2.

The current land use is One-Family Residential and Vacant.

The future land use is Rural Residential (Max 0.65 Du/Acre).

Whitetail Ridge Drive is a Township Road classified as a Local Road.

There are no trails planned in the area.

There are no floodplains or wetlands on the property.

The adjacent land uses are wooded and single-family residential.

ZPAC Meeting Minutes 10.03.23

The adjacent properties are zoned A-1 and RPD-2.

The future land use for the area is Rural Residential (Max 0.65 Du/Acre).

Kendall Township was emailed information on September 21, 2023.

The United City of Yorkville was emailed information on September 21, 2023. The Yorkville Economic Development Committee was reviewing the proposal on October 3, 2023.

The Bristol-Kendall Fire Protection District was emailed information on September 21, 2023.

The application materials, plat for this area of Whitetail Ridge, and plat of vacation were provided.

Petition information was sent to WBK on September 21, 2023.

On September 19, 2023, a representative from the Whitetail Ridge Homeowners' Association submitted an email stating the HOA was agreeable to the requested vacation. This email was provided.

As of the date of this meeting, the Petitioner has not contacted any of the utility companies directly. Emails from Comed, NICOR, Comcast, and AT&T were provided.

Staff would like to receive comments from the various utilities and WBK Engineering before issuing a recommendation.

Mr. Asselmeier noted that conditions would be placed on the approval stating only one (1) house could be built on the combined parcels and the parcels could not be separated.

Discussion occurred regarding the status of review by the various utility companies.

Mr. Klaas asked if the proposed addition to the site would have a flat roof. Dan Kramer, Attorney for the Petitioner, was unsure.

Mr. Rybski said that the property was large enough that, unless the addition was very large, the proposal would not negatively impact the septic system.

Mr. Rybski made a motion, seconded by Mr. Klaas, to recommend approval of the vacation.

The votes were follows:

Ayes (6): Asselmeier, Briganti, Klaas, Holdiman, Olson, and Rybski

Nays (0): None

Abstain (0): None

Absent (4): Chismark, Guritz, Langston, and Wormley

The motion passed.

The proposal goes to the Kendall County Planning, Building and Zoning Committee on October 10, 2023.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

Mr. Asselmeier reported that Petition 23-24 and Petition 23-28 were approved by the County Board.

OLD BUSINESS/NEW BUSINESS

Recommendation on Fiscal Year 2023-2024 Meeting Calendar

Ms. Briganti made a motion, seconded by Mr. Rybski, to recommend approval of the meeting calendar.

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

The motion passed.

CORRESPONDENCE

None

PUBLIC COMMENT

None

ADJOURNMENT

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

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

The ZPAC, at 9:14 a.m., adjourned.

Respectfully Submitted,
Matthew H. Asselmeier, AICP, CFM
Director



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 203

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

Petition 23-31

Jorge A. and Hilda G. Montes

**Plat of Vacation of a Public Utility and Drainage Easement in
Grove Estates Subdivision**

INTRODUCTION

A five foot (5') public utility and drainage easement exists on the north and south lot lines of Lots 27 and 28 in the Grove Estates Subdivision.

The Petitioners would like to merge the two (2) lots and construct a new house over the easements.

The application materials are included as Attachment 1. The plat of vacation is included as Attachment 2.

SITE INFORMATION

PETITIONERS Jorge A. and Hilda G. Montes

ADDRESSES 7216 and 7280 Roberts Court, Oswego

LOCATION Lots 27 and 28 in Grove Estates



TOWNSHIP Na-Au-Say

PARCEL #S 06-08-101-013, and -014

LOT SIZE 1.4 +/- Acres (Total Lot) 0.05 +/- Acres (Easements to Be Vacated)

EXITING LAND USE Wooded (Grove Estates Subdivision)

ZONING RPD-2 Residential Planned Development-Two

LRMP	Current Land Use	Wooded
	Future Land Use	Rural Residential (0.65 DU/Acre Max)
	Roads	Roberts Court is a Local Road Maintained by Na-Au-Say Township
	Trails	None
	Floodplain/Wetlands	None

REQUESTED ACTION Vacate the Public Utility and Drainage Easements Along the Common Lot Lines of Lots 27 and 28 in Grove Estates.

APPLICABLE REGULATIONS Section 7.06 (Subdivision Control Ordinance)

SURROUNDING LAND USE

Location	Adjacent Land Use	Adjacent Zoning	LRMP	Zoning within ½ Mile
North	Wooded	RPD-2	Rural Residential (0.65 DU/Acre Max)	RPD-2
South	Wooded	RPD-2	Rural Residential	A-1 and RPD-2
East	Wooded/Single-Family Residential	RPD-2	Rural Residential	A-1 and RPD-2
West	Wooded	RPD-2	Rural Residential	A-1 and RPD-2

The property immediately to the east of the subject also vacated drainage and utility easements for the same reason in 2020.

ACTION SUMMARY

NA-AU-SAY TOWNSHIP

Na-Au-Say Township was emailed information on November 17, 2023.

VILLAGE OF OSWEGO

The Village of Oswego was emailed information on November 17, 2023.

OSWEGO FIRE PROTECTION DISTRICT

The Oswego Fire Protection District was emailed information on November 17, 2023.

GENERAL

Staff requested that the Petitioners provide information stating that none of the utilities were in opposition to the request. One November 16, 2023, the Petitioners' Attorney submitted an email stating that all of the utilities had signed the plat except Comed. This email is included as Attachment 3.

The homeowners' association submitted an email on November 14, 2023, expressing no opposition to the request. This email is included as Attachment 4.

RECOMMENDATION

Staff recommends approval of the requested vacation with the following conditions:

1. Lots 27 and 28 of Grove Estates Subdivision shall not be sold as individual lots upon the successful recording of the plat of vacation (Attachment 2). Within ninety (90) days of the effective date of this ordinance, the Petitioners shall submit a parcel consolidation request to Kendall County.
2. This vacation shall become effective upon the successful recording of the plat of vacation in the timeframe outlined in Section 7.06.H of the Kendall County Subdivision Control Ordinance unless an extension is granted by the Kendall County Board.

ATTACHMENTS

1. Application Materials
2. Plat of Vacation
3. November 16, 2023, Utility Email from Dan Kramer
4. November 14, 2023, Email from Homeowners' Association



DEPARTMENT OF PLANNING, BUILDING & ZONING

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

APPLICATION

PROJECT NAME Montes Plat of Vacation FILE #: _____

NAME OF APPLICANT (Including First, Middle Initial, and Last Name) Jorges A. Montes and Hilda G. Montes		
CURRENT LANDOWNER/NAME(s) Jorges A. Montes and Hilda G. Montes		
SITE INFORMATION ACRES 60,250 sq.ft.	SITE ADDRESS OR LOCATION Lot 27 and Lot 28 Grove Estates Subdivision 7216 Roberts Court, Oswego, IL 60543	ASSESSOR'S ID NUMBER (PIN) 06-08-101-014 and 06-08-101-013
EXISTING LAND USE vacant residential lot	CURRENT ZONING PUD	LAND CLASSIFICATION ON LRMP Residential
REQUESTED ACTION (Check All That Apply):		
<input type="checkbox"/> SPECIAL USE	<input type="checkbox"/> MAP AMENDMENT (Rezone to _____)	<input type="checkbox"/> VARIANCE
<input type="checkbox"/> ADMINISTRATIVE VARIANCE	<input type="checkbox"/> A-1 CONDITIONAL USE for: _____	<input type="checkbox"/> SITE PLAN REVIEW
<input type="checkbox"/> TEXT AMENDMENT	<input type="checkbox"/> RPD (<input type="checkbox"/> Concept; <input type="checkbox"/> Preliminary; <input type="checkbox"/> Final)	<input type="checkbox"/> ADMINISTRATIVE APPEAL
<input type="checkbox"/> PRELIMINARY PLAT	<input type="checkbox"/> FINAL PLAT	<input checked="" type="checkbox"/> OTHER PLAT (Vacation, Dedication, etc.)
AMENDMENT TO A SPECIAL USE (<input type="checkbox"/> Major; <input type="checkbox"/> Minor)		
1 PRIMARY CONTACT Attorney Daniel J. Kramer	PRIMARY CONTACT MAILING ADDRESS [REDACTED]	PRIMARY CONTACT EMAIL [REDACTED]
PRIMARY CONTACT PHONE # [REDACTED]	PRIMARY CONTACT FAX # [REDACTED]	PRIMARY CONTACT OTHER # (Cell, etc.)
2 ENGINEER CONTACT N/A	ENGINEER MAILING ADDRESS	ENGINEER EMAIL
ENGINEER PHONE #	ENGINEER FAX #	ENGINEER OTHER # (Cell, etc.)
I UNDERSTAND THAT BY SIGNING THIS FORM, THAT THE PROPERTY IN QUESTION MAY BE VISITED BY COUNTY STAFF & BOARD/ COMMISSION MEMBERS THROUGHOUT THE PETITION PROCESS AND THAT THE PRIMARY CONTACT LISTED ABOVE WILL BE SUBJECT TO ALL CORRESPONDANCE ISSUED BY THE COUNTY.		
I CERTIFY THAT THE INFORMATION AND EXHIBITS SUBMITTED ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND THAT I AM TO FILE THIS APPLICATION AND ACT ON BEHALF OF THE ABOVE SIGNATURES. THE APPLICANT ATTESTS THAT THEY ARE FREE OF DEBT OR CURRENT ON ALL DEBTS OWED TO KENDALL COUNTY AS OF THE DATE OF THE APPLICATION.		
SIGNATURE OF APPLICANT [REDACTED]		DATE 10/27/2023

Vacate Plat to combine 2 parcels

FEE PAID:\$ _____
 CHECK #: _____

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

Date Stamp Here if Checklist Is Complete

770875
**WARRANTY DEED
ILLINOIS STATUTORY**

**Citywide Title Corporation
111 W. Washington St, Ste. 1301
Chicago IL 60602**

THE GRANTOR(S)

Vasili Tipa

of the City of Oswego, County of Cook, State of IL for and in consideration of \$10.00 (Ten and 00/100) dollar(s), and other good and valuable consideration in hand paid, CONVEY(S) and WARRANT(S) to

Jorge A Montes and Eilda G. Montes

of [REDACTED] all interest in the following described Real Estate situated in the County of Kendall in the State of Illinois, to wit:

See Exhibit "A" attached hereto and made a part hereof

Subject to covenants, conditions and restrictions of record and building lines and easements, if any, provided they do not interfere with the current use and enjoyment of the Real Estate; and general real estate taxes not due and payable at the time of Closing.

Hereby releasing and waiving all rights under and by virtue of the Homestead Exemption Laws of the State of Illinois.

Permanent Real Estate Index Number(s): 00-08-101-014

Address(es) of Real Estate: 7215 Roberts Court, Oswego, IL 60543

Dated this 8th day of April, 2023.

X [REDACTED]

Vasili Tipa

This property is not homestead as to the Grantor(s)

STATE OF ILLINOIS COUNTY OF COOK

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, CERTIFY THAT

YASILII TIPPA

personally known to me to be the same person(s) whose name(s) 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 official seal, this 8th day of May, 2023

[Redacted Signature]

(Notary Public)

Prepared by:

Dennis M. Walsh, PC

[Redacted]



Mail to:

Gregg E. Littlejohn

[Redacted]

Name and Address of Taxpayer:

Jorge A Montes

[Redacted]

Exhibit "A" – Legal Description

LOT 28 IN GROVE ESTATES, BEING A SUBDIVISION IN PART OF THE WEST HALF OF SECTION 8, TOWNSHIP 36 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT THEREOF RECORDED AS DOCUMENT NO. 2006-32893, IN KENDALL COUNTY, ILLINOIS.

Permanent Real Estate Index Number(s): 06-08-101-014
Common Address(es) of Real Estate: 7216 Roberts Ct.
Oswego, IL 60543

Unofficial



20CSAL020218AU
1461
TRUSTEE'S DEED
JOINT TENANCY

202000015156

DEBBIE GILLETTE
RECORDER - KENDALL COUNTY, IL
RECORDED: 8/13/2020 12:35 PM
REC FEE: 57.00 RHSPS: 10.00
STATE TAX: 40.00
COUNTY TAX: 20.00
PAGES: 2

This indenture made this 28th day of June, 2019, between CHICAGO TITLE LAND TRUST COMPANY, a corporation of Illinois, as Trustee under the provisions of a deed or deeds in trust, duly recorded and delivered to said company in pursuance of a trust agreement dated the 12th day of November, 2010 and known as Trust Number 8002356103 party of the first part, and Jorge A. Montes and Hilda G. Montes, husband and wife, whose address is:

[Redacted address]

, parties of the second part.

Reserved For Recorder's Office

WITNESSETH, That said party of the first part in consideration of the sum of TEN and no/100 DOLLARS (\$10.00) AND OTHER GOOD AND VALUABLE considerations in hand paid, does hereby CONVEY AND QUITCLAIM unto said parties of the second part, not as tenants in common, but as joint tenants, the following described real estate, situated in Kendall County, Illinois, to wit:

LOT 27 IN GROVE ESTATES BEING A SUBDIVISION IN PART OF THE WEST ¼ OF SECTION 8, TOWNSHIP 36 NORTH, RANGE 8, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 12, 2006 AS DOCUMENT NO. 200632893 IN KENDALL COUNTY, ILLINOIS.

Property Address: Vacant Lot 27, Oswego, Illinois

Permanent Tax Number: 06-08-101-013

together with the tenements and appurtenances thereto belonging.

TO HAVE AND TO HOLD the same unto said party of the second part forever, not in tenancy in common, but in joint tenancy.

This Deed is executed pursuant to and in the exercise of the power and authority granted to and vested in said trustee by the terms of said deed or deeds in trust delivered to said trustee in pursuance of the trust agreement above mentioned. This deed is made subject to the lien of every trust deed or mortgage (if any there be) of record in said county to secure the payment of money, and remaining unreleased at the date of the delivery hereof.

IN WITNESS WHEREOF, said party of the first part has caused its corporate seal to be affixed, and has caused its name to be signed to these presents by its Assistant Vice President, the day and year first above written.

CHICAGO TITLE LAND TRUST COMPANY,
as Trustee as Aforesaid

By: [Redacted]
Assistant Vice President



State of Illinois
County of DuPage

SS.

I, the undersigned, a Notary Public in and for the County and State aforesaid, do hereby certify that the above named Assistant Vice President of CHICAGO TITLE LAND TRUST COMPANY, personally known to me to be the same person whose name is subscribed to the foregoing instrument as such Assistant Vice President appeared before me this day in person and acknowledged that she signed and delivered the said instrument as her own free and voluntary act and as the free and voluntary act of the Company; and the said Assistant Vice President then and there caused the corporate seal of said Company to be affixed to said instrument as her own free and voluntary act and as the free and voluntary act of the Company.

Given under my hand and Notarial Seal this 28th day of June, 2019



[Redacted]
NOTARY PUBLIC

This instrument was prepared by:
MAUREEN PAIGE
CHICAGO TITLE LAND TRUST COMPANY
2441 Warrenville Road, Suite 100
Lisle, IL 60532

AFTER RECORDING, PLEASE MAIL TO:

NAME Attorney Gregg Littlejohn

ADDRESS [Redacted]

OR BOX NO. _____

CITY, STATE [Redacted]

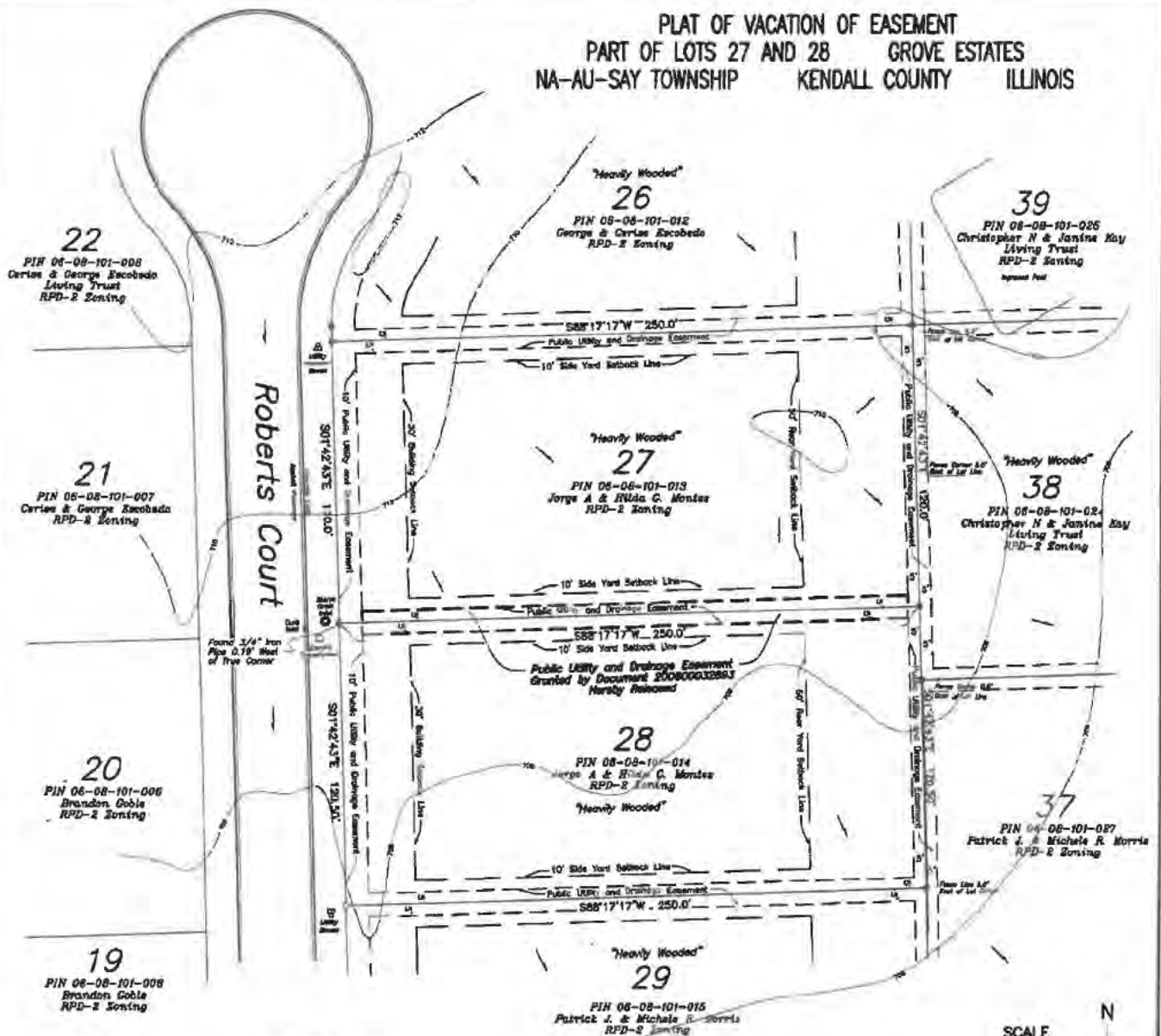
SEND TAX BILLS TO:

NAME Jorge A. Montes + Hilda G. Montes

ADDRESS [Redacted]

CITY, STATE [Redacted]

PLAT OF VACATION OF EASEMENT
PART OF LOTS 27 AND 28 GROVE ESTATES
NA-AU-SAY TOWNSHIP KENDALL COUNTY ILLINOIS



DEVELOPER:
Jorge A & Hilda G. Montes

PROPERTY LOCATION:
PIN 08-08-101-013
08-08-101-014
7180/7215 Roberts Court
Oswego, Illinois 60543

PRESENT ZONING:
RPD-2

LEGAL DESCRIPTION OF EASEMENT TO BE VACATED:

The Southerly 5.0 feet of Lot 27 (except the Easterly 5.0 feet and the Westerly 10.0 feet thereof) and the Northerly 5.0 feet of Lot 28 (except the Easterly 5.0 feet and the Westerly 10.0 feet thereof) all in Grove Estates, being a Subdivision in Part of the West Half of Section 8, Township 36 North, Range 8 East of the Third Principal Meridian, according to the Plat thereof recorded October 12, 2006 as Document No. 200600032893 in Kendall County, Illinois.

State of Illinois }
County of Kendall }

I, Andrew R. Young, an Illinois Professional Land Surveyor and an officer of Phillip D. Young and Associates, Inc., state that I have surveyed and located the visible improvements upon the above described tract as shown by the plat hereon drawn which is a representation of said survey. Field work was completed October 19, 2023. This professional service conforms to the current Illinois minimum standard for a boundary survey.

Dated October 26, 2023 at Yorkville, Illinois

Andrew R. Young
Illinois Professional Land Surveyor No. [Redacted] (Expires 11/30/24)

FLOODPLAIN STATEMENT:

The Subject property is located in Zone X (area of minimal flood hazard determined to be outside the 0.2% annual chance floodplain) as shown on FEMA Flood Insurance Rate Map Panel No. 17093C0130H with an effective date of January 8, 2014.

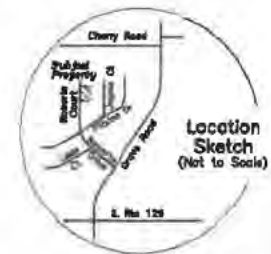
WETLANDS STATEMENT:

The National Wetlands Inventory Map does not depict any wetlands on the Subject Property.

SCALE
1"=30'

- Indicates Iron Stake Found
- Indicates Iron Stake Set
- X Indicates Cross in Concrete
- 761.4 Indicates Existing Spot Elevation
- 77- Indicates Existing Contour Elevation
- Indicates Existing Direction of Drainage

NOTE: Contour Elevations from 2018 Contour File of Kendall County I. GIS.



October 26, 2023

JOB NO.	23137
JOB NAME	MONTEZ
DWG FILE	23137

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

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

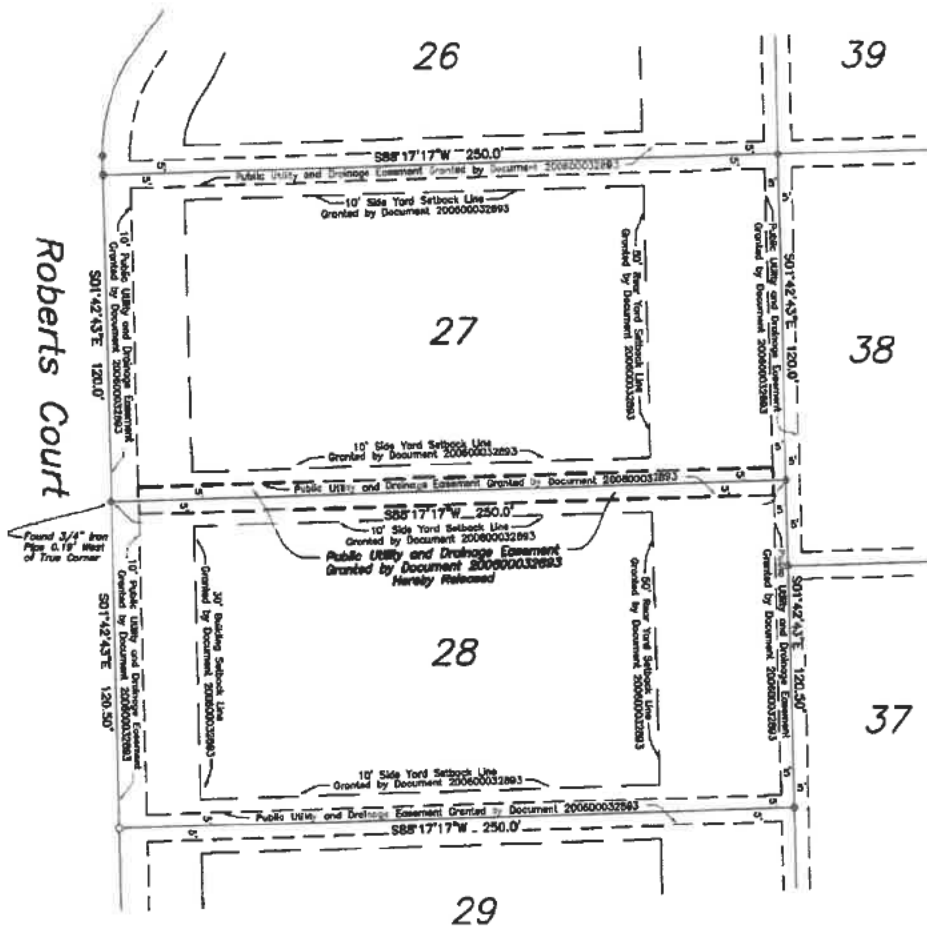
PLAT OF EASEMENT RELEASE
PART OF LOTS 27 AND 28 GROVE ESTATES
NA-AU-SAY TOWNSHIP KENDALL COUNTY ILLINOIS

SCALE
1"=30'

- Indicates Iron Stake Found
- Indicates Iron Stake Set
- X Indicates Cross In Concrete

PROPERTY LOCATION:

PN 08-08-101-013
08-08-101-014
7180/7216 Roberts Court
Orwego, Illinois 60543



Commonwealth Edison Company

The Release of the Easements shown hereon are approved and accepted,

this ___ day of _____ A.D. 20___

By: _____
Signature

By: _____
Print Name

Title: _____

Ameritech

The Release of the Easements shown hereon are approved and accepted,

this ___ day of _____ A.D. 20___

By: _____
Signature

By: _____
Print Name

Title: _____

Comcast

The Release of the Easements shown hereon are approved and accepted,

this ___ day of _____ A.D. 20___

By: _____
Signature

By: _____
Print Name

Title: _____

Nicor

The Release of the Easements shown hereon are approved and accepted,

this ___ day of _____ A.D. 20___

By: _____
Signature

By: _____
Print Name

Title: _____

LEGAL DESCRIPTION OF EASEMENT TO BE RELEASED:

The Southerly 5.0 feet of Lot 27 (except the Easterly 5.0 feet and the Westerly 10.0 feet thereof) and the Northerly 5.0 feet of Lot 28 (except the Easterly 5.0 feet and the Westerly 10.0 feet thereof) all in Grove Estates, being a Subdivision in Part of the West Half of Section 8, Township 38 North, Range 8 East of the Third Principal Meridian, according to the Plat thereof recorded October 12, 2006 as Document No. 200600032893 in Kendall County, Illinois.

OWNER'S CERTIFICATE

State of Illinois }
County of Kendall } SS

This is to certify that we, Jorge A. Montes and Hilda G. Montes, are the owners of the property described hereon, and do willingly accept and approve the easement release described hereon.

Dated at _____, Illinois
this ___ day of _____, A.D. 20___

Jorge A. Montes

Hilda G. Montes

COUNTY BOARD CERTIFICATE

State of Illinois }
County of Kendall } SS

Approved by the County Board of Kendall County, Illinois,
this ___ day of _____, A.D. 20___

Chairman of County Board

County Clerk

SURVEYOR'S CERTIFICATE

State of Illinois }
County of Kendall } SS

I, Phillip D. Young, an Illinois Professional Land Surveyor and an officer of Phillip D. Young and Associates, Inc., state that I have prepared this Plat of Easement Release for the property described hereon.

Dated October 26, 2023 at Yorkville, Illinois

Phillip D. Young
Illinois Professional Land Surveyor No. _____
(Expires 11/30/24)



NOTARY'S CERTIFICATE

State of Illinois }
County of Kendall } SS

I, _____, a Notary Public in and for the County and State aforesaid, do hereby certify that Jorge A. Montes and Hilda G. Montes, who are personally known to me to be the same persons whose names are subscribed to the foregoing Owner's Certificate, appeared before me this day, in person, and acknowledged the execution of the annexed Plat and accompanying instruments for the use and purposes therein set forth as their own free and voluntary act.

Given under my hand and notarial seal,
this ___ day of _____, A.D. 20___

Notary Public
My commission expires _____

COUNTY RECORDER CERTIFICATE

State of Illinois }
County of Kendall } SS

This instrument No. _____ was filed for record in the Recorder's Office of Kendall County, aforesaid, on the ___ day of _____, A.D. 20___ at _____ o'clock ___M.

Kendall County Recorder

JOB NO.	23137
JOB NAME	MONTES
DWG FILE	23137B

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

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

Matt Asselmeier

From: Daniel J Kramer <dkramer@dankramerlaw.com>
Sent: Thursday, November 16, 2023 3:13 PM
To: Matt Asselmeier; Seth Wormley
Cc: Real estate
Subject: RE: [External]Re: Montes Vacation Plat

All good. We should have Com Ed sign off by ZPAC. All other utilities have already signed the Plat.

Very Truly Yours,

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

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RE: Montes Lots 27 and 28 of Grove Estates Subdivision

[REDACTED]

Tue 11/14/2023 9:54 AM

To: Daniel J Kramer <dkramer@dankramerlaw.com>; Real estate <realestate@dankramerlaw.com>;

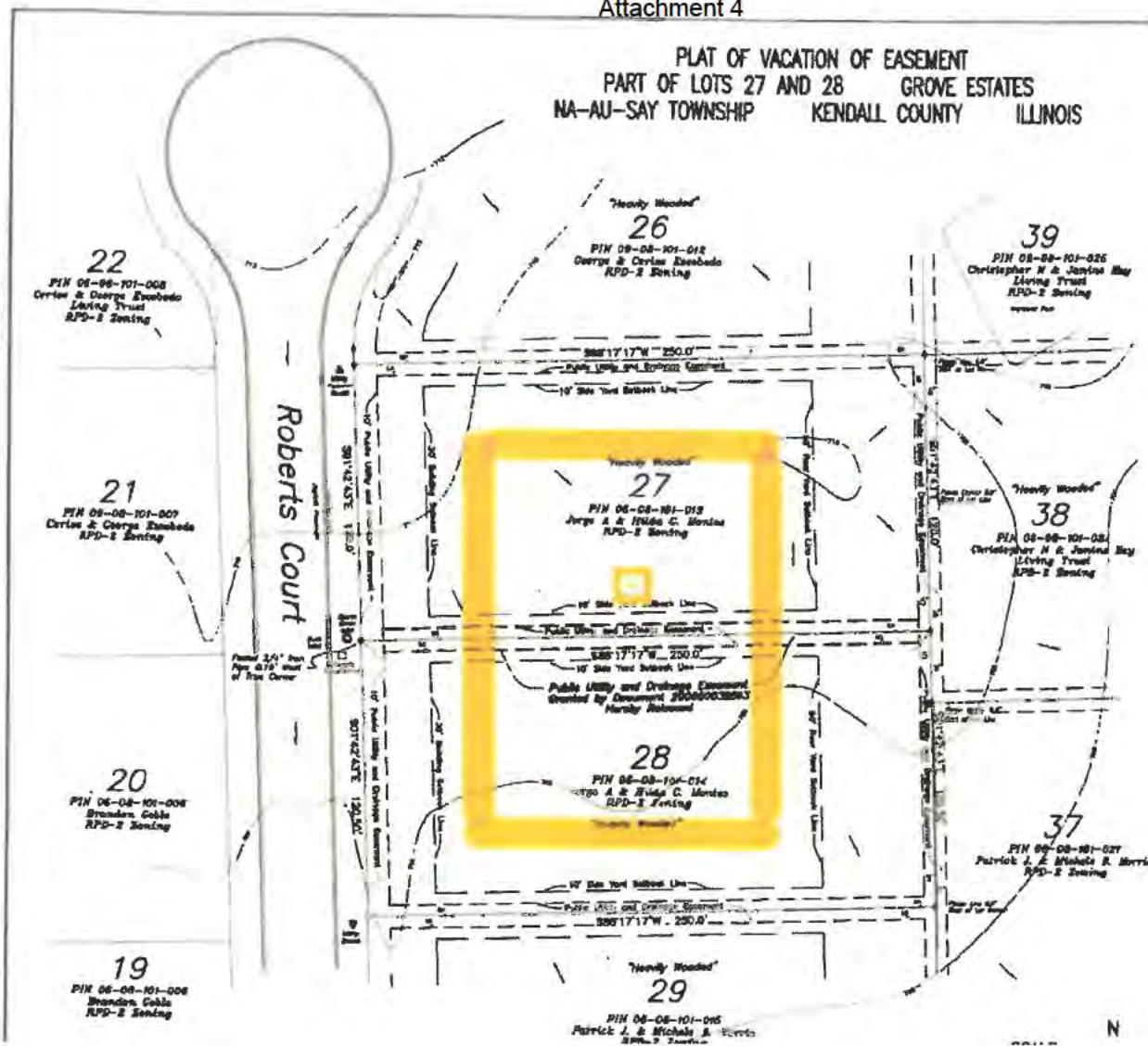
Cc: 'Michele Morris' <[REDACTED]>;

Dan

The HOA Board has no Objection to Easement Vacation between lots 27/28 as indicated below with the understanding that the HOA reserves all Covenant requirements and Architectural review including but not limited to:

1. Architect house plans, including site plan, have to be reviewed and approved by the HOA Architectural Review Committee prior to progressing with permitting / construction
2. Lot Owners will be responsible for yearly HOA assessments for BOTH lots 27 and 28 despite the lot merger.

Regards
HOA Board



From: keltmiz([redacted])
Sent: Tuesday, November 7, 2023 8:31 AM
To: 'Daniel J Kramer' <dtkramer@dankramerlaw.com>; 'Real estate' <realestate@dankramerlaw.com>
Cc: 'Michele Morris' [redacted]
Subject: RE: Montes Lots 27 and 28 of Grove Estates Subdivision

Great – Thanks again

From: Daniel J Kramer <dtkramer@dankramerlaw.com>
Sent: Tuesday, November 7, 2023 7:55 AM
To: keltmiz([redacted]); Real estate <realestate@dankramerlaw.com>
Cc: 'Michele Morris' <[redacted]>
Subject: RE: Montes Lots 27 and 28 of Grove Estates Subdivision

Sending over today. Client shipped in today.

Very Truly Yours,

Daniel J. Kramer
Attorney at Law



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 203

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

Petition 23-32

**Alan Drake on Behalf of Grainco FS, Inc. (Current Owner) and
Andrew and Robert Schwartz on Behalf of A.B. Schwartz, LLC
(Contract Purchaser)**

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

Transportation Corridor to Mixed Use Business

INTRODUCTION

A.B. Schwartz, LLC would like an amendment to the Future Land Use Map contained in the Land Resource Management Plan for approximately nineteen point eight more or less (19.8 +/-) acres located on the west side of Route 47 addressed as 8115 Route 47. If the change to the Future Land Use Map is approved, the Petitioner would like to rezone the property to M-1 in order to operate a tile business, offices, warehouses, fuel storage, and other light industrial uses.

The application letter is included as Attachment 1. Pictures of the property are included as Attachments 2-8.

The map amendment request is a separate petition (Petition 23-33).

SITE INFORMATION

PETITIONERS: Alan Drake on Behalf of Grainco FS, Inc. and Andrew and Robert Schwartz on Behalf of A.B. Schwartz, LLC

ADDRESS: 8115 Route 47, Yorkville

LOCATION: West Side of Route 47 Approximately 0.33 Miles North of Ament Road



TOWNSHIP: Kendall

PARCEL #s: 05-09-300-006
 05-09-300-007
 05-16-100-003
 05-16-100-004
 05-16-100-020

LOT SIZE: 19.8 +/- Acres

EXISTING LAND USE: Vacant and Improved Commercial

ZONING: 05-09-300-006 A-1 Agricultural
 05-09-300-007 A-1 Agricultural with Special Use Permits
 05-16-100-003 A-1 Agricultural
 05-16-100-004 A-1 Agricultural with Special Use Permits
 05-16-100-020 A-1 Agricultural with Special Use Permits

LRMP: Future Land Use	Transportation Corridor (Petitioner is requesting a change to Mixed Use Business) Yorkville's Plan calls for the property to be Agricultural.
Roads	Route 47 is a State maintained arterial road.
Trails	There are no trails planned in this area.
Floodplain/Wetlands	There are no floodplains or wetlands on the property.

REQUESTED ACTIONS: Amendment to Future Land Use Map from Transportation Corridor to Mixed Use Business
 Map Amendment Rezoning Property from A-1 Agricultural and A-1 Agricultural with Special Use Permits to M-1 Limited Manufacturing District

APPLICABLE REGULATIONS: Section 13:07 – Map Amendment Procedures

SURROUNDING LAND USE

Location	Adjacent Land Use	Adjacent Zoning	Land Resource Management Plan	Zoning within ½ Mile
North	Improved Commercial and Agricultural	B-3	Transportation Corridor (County) Estate/Conservation Residential (Yorkville)	A-1, R-1, B-3 (County) R-2, R-3, B-1, and B-3 (Yorkville)
South	Transportation/Community/Utility (IDOT Yard) and Agricultural	A-1	Transportation Corridor and Commercial (County) Agricultural (Yorkville)	A-1, A-1 SU, R-3, and B-3

East	Agricultural/Farmstead	A-1 (County) R-2 and R-3 (Yorkville)	Transportation Corridor and Commercial (County) Agricultural (Yorkville)	A-1 (County) R-2 and R-3 (Yorkville)
West	Agricultural	A-1	Rural Residential (Max 0.65 DU/Acre (County) Agricultural (Yorkville)	A-1

The A-1 special use permits to the south are for a church, an illuminated sign, and a cemetery.

ACTION SUMMARY

KENDALL TOWNSHIP

Petition information was sent to Kendall Township on November 17, 2023.

UNITED CITY OF YORKVILLE

Petition information was sent to the United City of Yorkville on November 17, 2023.

BRISTOL-KENDALL FIRE PROTECTION DISTRICT

Petition information was sent to the Bristol-Kendall Fire Protection District on November 17, 2023.

ANALYSIS

The portions of the property identified by parcel identification numbers 05-09-300-007, 05-16-100-004, and 05-16-100-020 were originally rezoned to M-1 in 1966 by Ordinance 1966-08. These properties were rezoned back to A-1 and granted a special use permit during the County-wide rezoning in 1974. A special use permit was granted at these properties to expand the gas facilities in 1979 by Ordinance 1979-20. A special use permit for an illuminated sign was granted at the property in 1998 by Ordinance 1998-09. Ordinances 1966-08, 1979-20, and 1998-09 are included as Attachments 9-11.

In addition to the various zoning actions previously mentioned, the portion of the property identified by parcel identification number 05-16-100-020 was granted variances in 1997 for a reduction of the front yard setback by twenty feet (20') for a canopy and fuel pumps and a ten foot (10') front yard setback reduction for post placement. The information for this variance is included as Attachment 12.

Those portions of the property identified by parcel identification numbers 05-16-100-003 and 05-09-300-006 appear to have always been zoned A-1.

According to the definition of Transportation Corridor found on page 7-36 of the Land Resource Management Plan, this type of land use would be associated with the B-5 Business Planned Development District, B-6 Office and Research Park District, and limited B-3 Highway Business District.

The proposed tile business, offices, warehouses, fuel storage, and other light industrial uses would more applicably fit on properties zoned M-1, which more closely corresponds to the Mixed Use Business classification.

If the request is granted, the adjacent properties on the west side of Route 47 (the former Aux Sable Building and the Illinois Department of Transportation yard) could the submit the same reclassification request in the future. The types of uses of those building and properties could also fit into the Mixed Use Business classification.

RECOMMENDATION

Staff recommends approval of the requested amendment.

ATTACHMENTS

1. Application Letter
2. Picture of Main Building
3. Picture of Looking South by Main Building
4. Picture of South Side of Main Building and South Outbuildings
5. Picture South Outbuildings and Tanks
6. Picture Facing East
7. Picture Facing North
8. Picture of North Outbuilding
9. Ordinance 1966-08
10. Ordinance 1979-20
11. Ordinance 1998-09
12. Variance 1997-17

LAW OFFICES
OF

Daniel J. Kramer

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

DANIEL J. KRAMER

KELLY A. HELLAND
D.J. KRAMER

November 15, 2023

Matt Asselmeier, Senior Planner
Kendall County Building & Zoning

Seth Wormley
Chairman of PB & Z Committee

Via E-mail: Masselmeier@co.kendall.il.us

RE: Grainco FS Owner Contract Purchaser A.B. Schwartz, LLC M-1 Zoning

Dear Gentlemen:

Let this letter stand as our Application and Request that we modify the existing Kendall County Land Resource Management Plan for tax parcels 05-16-100-004, 05-09-300-006, 05-16-100-003, 05-09-300-007, and 05-16-100-020 address 8115 Route 47, Yorkville, Illinois to be reclassified on the Future Land Use Map contained in the Kendall County Land Resource Management Plan from Transportation Corridor to Mixed Use Business for the purposes of the rezoning the properties to M-1 to allow for the operation of offices, warehouses, fuel storage and light industrial type uses.

Very truly yours,

Daniel J. Kramer

Daniel J. Kramer
Attorney at Law

DJK:cth



11/15/2023 15:27



11/15/2023 15:27



11/15/2023 15:28



11/15/2023 15:28





11/15/2023 15:27

Attachment 8 North Outbuilding



11/15/2023 15:27

05-16-100-004

005

05-09-300-007

Rezone
A-1 SU after
74 Zoning change

ORDINANCE

66-8

now A-1-SU

79-20

AMENDING KENDALL COUNTY ZONING ORDINANCE AS AMENDED

WHEREAS, John T. Hoffman did petition the Zoning Board of Appeals of Kendall County for a public hearing in the manner required by law and the ordinances of Kendall County, Illinois for a proposed amendment to the Kendall County Zoning Ordinance adopted May 10, 1960, and

WHEREAS, said Zoning Board of Appeals did thereupon publish notice of a hearing on said proposed amendment to said Zoning Ordinance as provided by the Statutes of the State of Illinois, and did then hold a public hearing on said proposed amendment on the 6th day of May, A.D. 1966 on the site described in the petition and at the conclusion of said hearing said Zoning Board of Appeals voted in favor of recommending to the Board of Supervisors of Kendall County, Illinois that the petition be granted and the Zoning maps and ordinance be amended in the manner required by law

NOW THEREFORE, BE IT ORDAINED by the Board of Supervisors of Kendall County, Illinois that the following described property be and it is hereby rezoned from "A" Agriculture to "M1" Light Manufacturing and that the County Clerk be and is hereby ordered and directed to change the zoning map, to show the change in zoning classification;

Commencing at a point on the East line of the Northwest quarter of Section 16, Township 36 North, Range 7 East of the Third Principal Meridian at a point 869.22 feet South of the Northeast corner of said Northwest quarter of said section; thence West 39.6 feet to the West line of Highway Route 47, for a place of beginning; thence North 89°53' West, 575 feet; thence North 24°15' West, 769.2 feet; thence North 45°48' West, 886.9 feet to the West line of highway Route 47; thence Southerly along said Westerly line of highway Route 47, 1072.6 feet to the point of beginning, containing 15.25 acres, all in Kendall Township, Kendall County, Illinois,

47

Passed this 10th day of May, 1966.

[Redacted]

Chairman County Board of Supervisors
Kendall County

ATTEST:

[Redacted]

County Clerk

05-09-300-007
05-16-100-004
05-16-100-005

ORDINANCE 79-20
AMENDING KENDALL COUNTY ZONING ORDINANCE AS AMENDED

F923

WHEREAS, Kendall-Grundy F. S. did petition the Zoning Board of Appeals of Kendall County for a public hearing in the manner required by law and the ordinances of Kendall County, Illinois for a proposed amendment to the Kendall County Zoning Ordinance adopted January 16, 1940; and

WHEREAS, said Zoning Board of Appeals did thereupon publish notice of a hearing on said proposed amendment to said Zoning Ordinance as provided by the Statutes of the State of Illinois, and did then hold a public hearing on said proposed amendment on the 3rd day of August, 1979, A.D., on the site described in the petition and at the conclusion of said hearing said Zoning Board of Appeals voted in favor of recommending to the County Board of Kendall County, Illinois that the petition be granted and the zoning maps and ordinance be amended in the manner required by law; and

Still A-154

NOW THEREFORE, BE IT ORDAINED by the County Board of Kendall County, Illinois that the following described property be and it is hereby rezoned from A1, Agricultural District Special Use to expand facilities and that the County Clerk be and she is hereby ordered and directed to change the zoning map, to show the change in zoning classification:

That part of the West half of Section 9 and that part of the Northwest quarter of Section 16, Township 36 North, Range 7 East of the Third Principal Meridian, described as follows: Commencing at the Northeast corner of said Section 16; thence Westerly along the northerly line of said Section 2672.0 feet to the tangent center line of Illinois State Route No. 47, extended from the South, thence South 0°00'00" East along said tangent center line of said tangent center line extended 869.22 feet; thence South 89°34'04" West 615.0 feet; thence North 24°54'19" West 778.36 feet to the point of beginning; thence continuing North 24°54'19" West 237.56 feet; thence North 65°13'06" East 942.72 feet to the westerly right of way line of said State Route No. 47 being 40.0 feet normally distance Southwesterly from the center line of said Route; thence Southeasterly along said Westerly right of way line being on a curve to the right having a radius of 5344.41 feet; an arc distance of 243.46 feet to a line drawn North 65°13'06" East from the point of beginning; thence South 65°13'06" West along said line 889.01 feet to the point of beginning; containing 5.00 acres,


AND, That part of the West half of Section 9 and that part of the Northwest quarter of Section 16, Township 36 North, Range 7 East of the Third Principal Meridian, described as follows: Commencing at the Northeast corner of said Section 16; thence westerly along the Northerly line of said Section 2672.0 feet to the tangent center line of Illinois State Route No. 47, extended from the South, thence South 0°00'00" East along said tangent center line and said Tangent center line extended, 869.22 feet; thence south 89°34'04" West 615.0 feet for the point of beginning; thence North 24°54'19" West 778.36 feet; thence North 65°13'06" East 889.01 feet to the Westerly right of way line of said State Route No. 47 being 40.0 feet normally distant southwesterly from the center line of said Route; thence Southeasterly along said Westerly right of way line being

on a curve to the right having a radius of 5344.41 feet; an arc distance of 1012.51 feet; thence South 0°00'00" East along said Westerly right of way line being tangent to the last described curve at the last described point 67.82 feet to a line drawn North 89°34'04" East from the point of beginning; thence South 89°34'04" West 575.0 feet to the point of beginning; containing 15.4829 acres in the Township of Kendall, Kendall County, Illinois.

BE IT FURTHER ORDAINED that the above special use classification shall be expressly made subject to the following conditions:

1. The County Board to make determination of fencing requirement around berm.
2. Engineer shall make a study and recommendations to control water runoff and retain any chemical spills.
3. IDOT shall be contacted to make recommendations for improving ingress and egress to Rt. 47. F. S. to cooperate and install, within reason, recommended improvements.
4. Additional lighting shall be installed.

PASSED THIS 14th day of August, 1979.


 Chairman, County Board of Kendall
 County, Illinois

ATTEST:


 County Clerk

05-16-100-004
05-09-300-007
05-16-100-005
Zoning Petition
#9808

State of Illinois
County of Kendall

listed as 79-2

ORDINANCE NUMBER 98-09

**GRANTING SPECIAL USE ZONING PERMIT
KENDALL- GRUNDY F.S.
SIGN - 8115 IL ROUTE 47**

WHEREAS, Larry Mattison, the operations manager and duly authorized agent for the Kendall-Grundy F.S. property at 8115 IL Route 47 in Section 16 of Kendall Township, filed a petition for special use approval of a sign; and

WHEREAS, said property is currently zoned A-1 Agricultural District with a Special Use in accordance with Ordinance 79-20, with tax parcel identification number 05-16-100-005, and is further identified on the attached Exhibit A: Legal Description; and

WHEREAS, said property and project site is further detailed on the attached Exhibit B: Plot Plan; and

WHEREAS, said property conducts motor fuel retail sales; and

WHEREAS, said petition is for an illuminated sign that would be two-sided, with face no greater than 36 square feet in area, and conforming to all other regulations, including the advertising the sale of products on the property; and

WHEREAS, said sign is further illustrated on the attached Exhibit C: Sign Dimensions; and

WHEREAS, all procedures required by the Kendall County Zoning Ordinance were followed including notice for public hearing, findings of fact, and recommendation by the Zoning Board of Appeals; and

WHEREAS, the Kendall County Board finds that said petition, along with the conditions specified in this ordinance, is in conformance with the provisions of the Kendall County Zoning Ordinance;

NOW, THEREFORE, BE IT ORDAINED, that the Kendall County Board hereby grants approval of a special use zoning permit to construct an illuminated sign on the property at 8115 IL Route 47 at the site specified on Exhibit B, and in the size and manner specified in Exhibit C, in conformance to the Kendall County Zoning Ordinance.

Failure to comply with the terms of this ordinance may be cited as a basis for amending or revoking this special use permit.

IN WITNESS OF, this ordinance has been enacted on June 16, 1998.

[Redacted Signature]

John A. Church
Kendall County Board Chairman

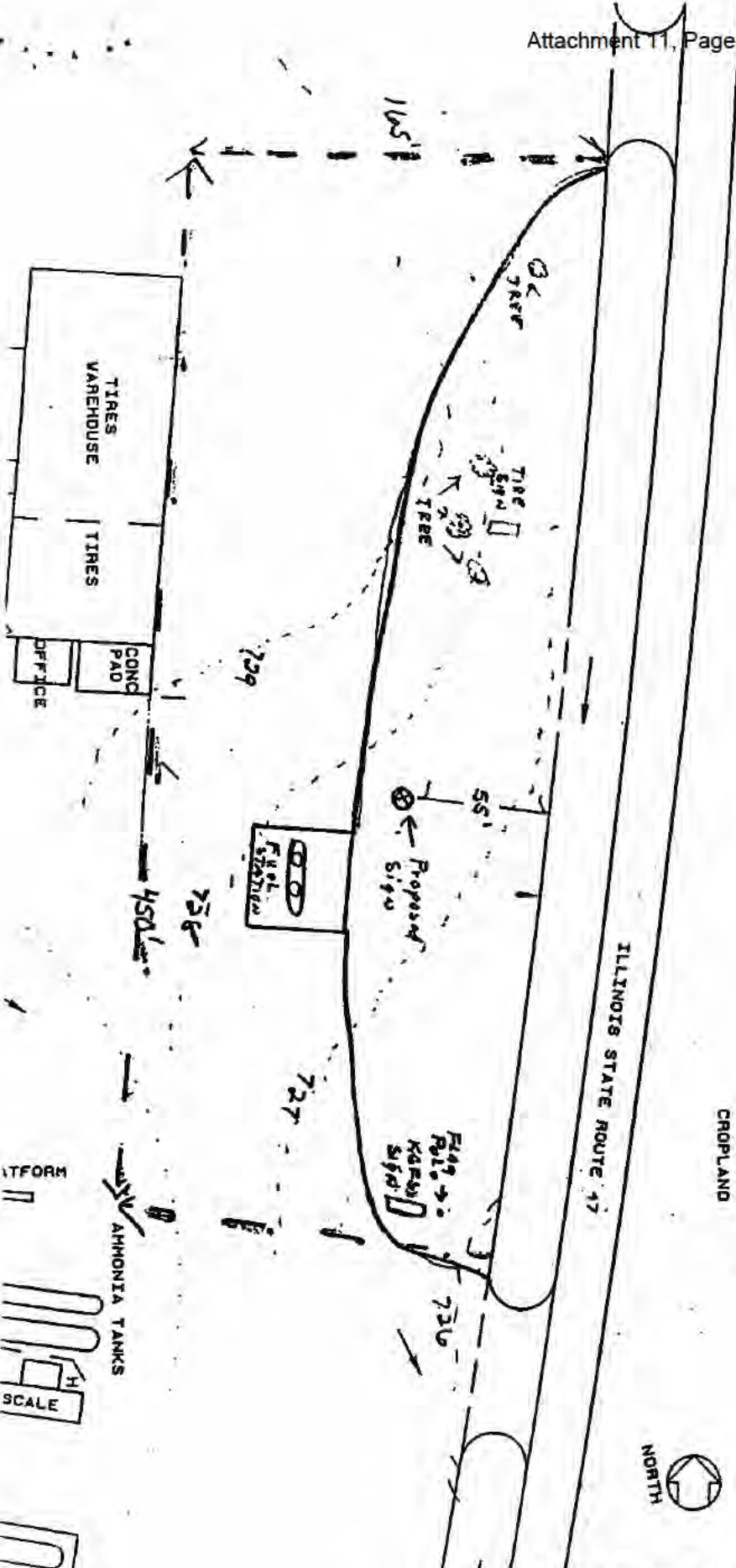
[Redacted Signature]

Paul Anderson
Kendall County Clerk

**LEGAL DESCRIPTION
FOR KENDALL GRUNDY FS, INC.**

THAT PART OF THE WEST HALF OF SECTION 9 AND THAT PART OF THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 36 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 16; THENCE WESTERLY ALONG THE NORTHERLY LINE OF SAID SECTION 2672.0 FEET TO THE TANGENT CENTER LINE OF ILLINOIS STATE ROUTE NO. 47, EXTENDED FROM THE SOUTH; THENCE SOUTH 0°00'00" EAST ALONG SAID TANGENT CENTER LINE AND SAID TANGENT CENTER LINE EXTENDED, 869.22 FEET; THENCE SOUTH 89°34'04" WEST 615.0 FEET FOR THE POINT OF BEGINNING; THENCE NORTH 24°54'19" WEST 778.36 FEET; THENCE NORTH 65°13'06" EAST 889.01 FEET TO THE WESTERLY RIGHT OF WAY LINE OF SAID STATE ROUTE NO. 47, BEING 40.0 FEET NORMALLY DISTANT SOUTHWESTERLY FROM THE CENTER LINE OF SAID ROUTE; THENCE SOUTHEASTERLY ALONG SAID WESTERLY RIGHT OF WAY LINE BEING ON A CURVE TO THE RIGHT HAVING A RADIUS OF 5344.41 FEET, AN ARC DISTANCE OF 1012.51 FEET; THENCE SOUTH 0°00'00" EAST ALONG SAID WESTERLY RIGHT OF WAY LINE BEING TANGENT TO THE LAST DESCRIBED CURVE AT THE LAST DESCRIBED POINT 67.82 FEET TO A LINE DRAWN NORTH 89°34'04" EAST FROM THE POINT OF BEGINNING; THENCE SOUTH 89°34'04" WEST 575.0 FEET TO THE POINT OF BEGINNING; CONTAINING 15.4829 ACRES IN THE TOWNSHIP OF KENDALL, KENDALL COUNTY, ILLINOIS.

**EXHIBIT A: LEGAL DESCRIPTION
#9808 · Kendall-Grundy F.S. · Sign · Special Use**



:ROWMARK INC. Engineering Services 781 Towanda Avenue Bloomington, Illinois 61791		Revisions PETRO TANKS 7/29/79 GENERAL 7/18/79 BULK NSERVE 11/29/81 GEN 4/25/84 CHANGE WHSE 8/31/84 NEW WHSE 11/24/84 RELOCATE 11/19/84 30,000 NH/3 3/25/88 ASCHEN UPDATE PERMIT 12/92 3/93. 2/95 EQUIP/TRUCK BLDGS 1/29/97 FUEL 24 3/14/97 LS 6/30/97 LS 8/4/97 LS		Date 7/23/78 Scale = 50' 0" Designed by SANDS Drawn by MYERS		1 of 2 Dir 039 File 52-PP		WCKENDALL GRUNDY FS INC YORKVILLE, ILLINOIS One PLOT PLAN	
--	--	---	--	---	--	---------------------------------	--	---	--

EXHIBIT B: PLOT PLAN

#9808 · Kendall-Grundy F.S. · Sign · Special Use

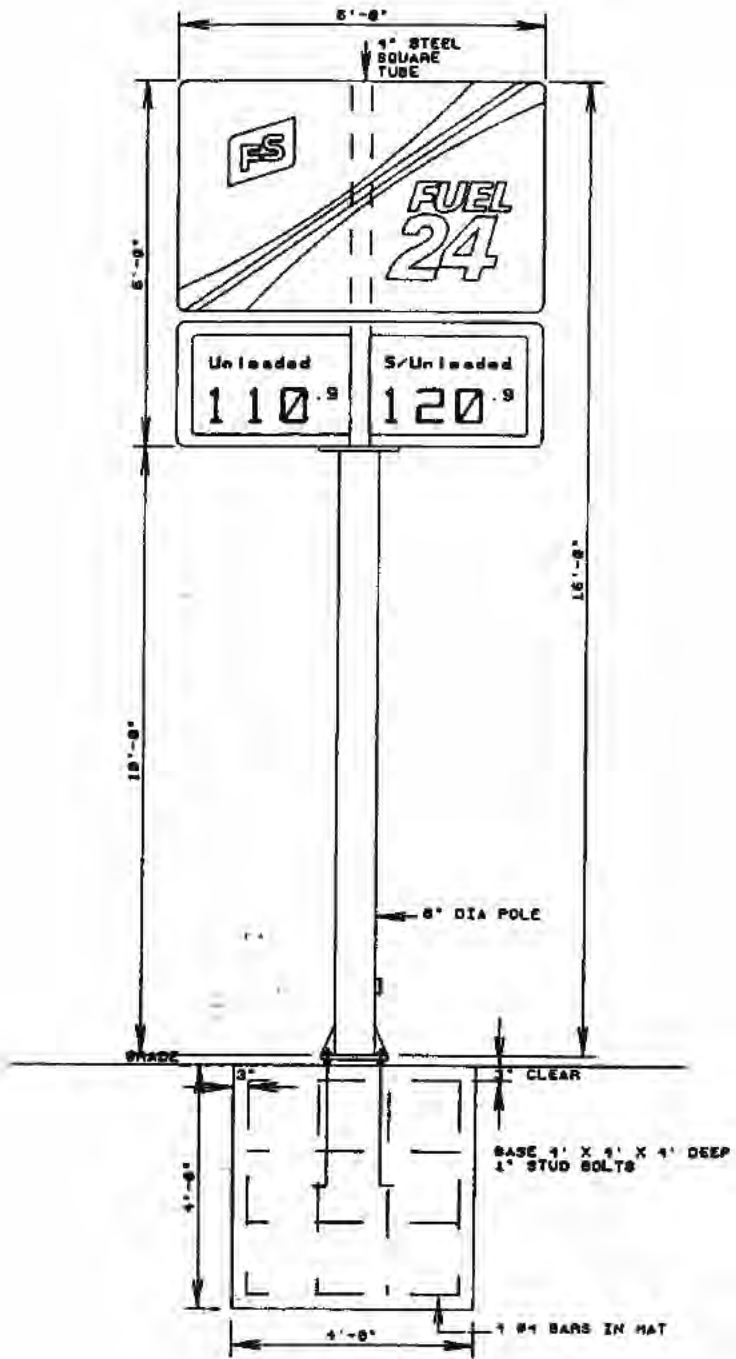


EXHIBIT C: SIGN DIMENSIONS
#9808 · Kendall-Grundy F.S. · Sign · Special Use

**ZONING BOARD OF APPEALS
COUNTY OF KENDALL
111 West Fox Street
Yorkville, Illinois 60560**

Roll Call:

		Hearing:	#740
Richard Bark	present		
Floyd Dierzen	present	File:	#9717
William Ford	present		
James Friedrich	present	Date:	July 29, 1997
Paul Scholtes	present		
Mary Ann Stees	present	Time:	7:00 p.m.

RE: Kendall - Grundy FS - Variation

An application for a variance from Section 7.0.D.1.A of the Kendall County Zoning Ordinance pursuant to Section 13.04.B.2 was submitted to the Kendall County Zoning Officer.

The applicant is requesting a variance of the front yard setback in the agricultural district.

After due notice as required by law, the Zoning Board of Appeals held a public hearing on Tuesday, July 29, 1997 at 7:00 p.m. in the Kendall County Board Room at 111 West Fox Street in Yorkville, Illinois.

At the hearing Mr. Manning explained a petition was received from the owner of the Kendall - Grundy Farm Service property for their facility located at 8115 So. Rt. 47, Kendall Township. The property currently has an A-1 Special Use. It was determined when that Special Use was established, that a petroleum service station and sales use of the property would be a permitted use. The petitioners would now like to establish and construct that on this property. They have submitted a site plan showing a pump island set back 90' from the right-of-way on Rt. 47 with an overhead canopy set back 80' from the right-of-way.

Mr. Manning stated he had received a letter from Andrew Sviria, an engineer for District 3 of IDOT. The letter contained IDOT's long range plan to shift the right-of-way for Rt. 47 and showed their drawing. The plan will shift the west right-of-way line another 20' west. When that occurs, it would put the canopy setback at 60'.

Dan Kramer, attorney, and Larry Matteson, FS manager, were sworn in by Chairman Ford. Mr. Kramer explained the current right-of-way is 120' (60' west and 60' east). He talked to Mr. Sviria and explained that the canopy would not be an enclosed building. Jason Poppen from IDOT called him and said the head engineer reviewed this and did not see a problem. Mr. Kramer asked for this to be put in writing as soon as possible. He said that when asking for a recommendation tonight, that the vote be contingent upon Mr. Manning receiving that letter withdrawing their objection.

Mr. Kramer entered petitioners exhibit #1 showing an aerial view of the property and pointed out the IDOT building is as close as the variance FS is asking for. (80' off the right-of-way line). FS plans on putting a two pump island in on this specific spot so there will be a wide enough swing area for the trucks.

This location is right next to the existing building which houses the computers and the cash register. There will be no additional buildings constructed. Mr. Kramer entered a color picture of the proposed canopy as exhibit #2. The canopy top will be 80' and will cover the two pumps north and south to the road. He is asking for a variance of 20' for the canopy and a 10' variance for the posts.

Mr. Manning questioned if there could not be other locations. Mr. Matteson explained why this location is the best in his opinion due to congestion and the loading docks. He said they will sell to the public both deisel and gas with the two pumps.

After testimony the Zoning Board made the following findings of fact: (13.04.A.2)

1. Are there particular physical surroundings, shape or topographical condition of the property involved that would result in a hardship upon the owner as distinguished from a mere inconvenience or loss of revenue? NO
2. The conditions upon the requested variation is based applicable to other property within the same zoning classification. UNIQUE
3. Does the alleged difficulty or hardship been created by any person having interest in the property? NO
4. At the granting of the variation detrimentally effect the public welfare or injurious to other property or improvements in the neighborhood. NO
5. Will the proposed variation impair adequate supply of light or air to adjacent property or increase congestion in the public street or increase danger of fire or endanger of public safety or substantially diminish or impair property values? NO, modest increase in traffic.
6. Does the proposed variance comply with the spirit and intent of the ordinance? YES

Member Dierzen motioned and Member Friedrich seconded to grant the variance request with the following stipulations: pending approval from the State of Illinois IDOT in writing.

VOTE:	Bark	YES	Dierzen	YES
	Friedrich	YES	Scholtes	YES
	Stees	YES	Ford	YES

MOTION CARRIED.

[Redacted Signature]

Recording Secretary

[Redacted Signature]

Chairman, Zoning Board of Appeals



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 203

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

Petition 23-33

**Alan Drake on Behalf of Grainco FS, Inc. (Current Owner) and
Andrew and Robert Schwartz on Behalf of A.B. Schwartz, LLC
(Contract Purchaser) Map Amendment Rezoning from A-1 and
A-1 SU to M-1**

INTRODUCTION

A.B. Schwartz, LLC would like a map amendment rezoning approximately nineteen point eight more or less (19.8 +/-) acres located on the west side of Route 47 addressed as 8115 Route 47 from A-1 Agricultural District and A-1 SU to M-1 Limited Manufacturing District in order to operate a tile business, offices, warehouses, fuel storage, and other light industrial uses.

The application materials are included as Attachment 1. Pictures of the property are included as Attachments 2-8.

The amendment to the Future Land Use Map is a separate petition (Petition 23-32).

SITE INFORMATION

PETITIONERS: Alan Drake on Behalf of Grainco FS, Inc. and Andrew and Robert Schwartz on Behalf of A.B. Schwartz, LLC

ADDRESS: 8115 Route 47, Yorkville

LOCATION: West Side of Route 47 Approximately 0.33 Miles North of Ament Road



TOWNSHIP: Kendall

PARCEL #s: 05-09-300-006
 05-09-300-007
 05-16-100-003
 05-16-100-004
 05-16-100-020

LOT SIZE: 19.8 +/- Acres

EXISTING LAND USE: Vacant and Improved Commercial

ZONING: 05-09-300-006 A-1 Agricultural
 05-09-300-007 A-1 Agricultural with Special Use Permits
 05-16-100-003 A-1 Agricultural
 05-16-100-004 A-1 Agricultural with Special Use Permits
 05-16-100-020 A-1 Agricultural with Special Use Permits

LRMP: Future Land Use	Transportation Corridor (Petitioner is requesting a change to Mixed Use Business) Yorkville's Plan calls for the property to be Agricultural.
Roads	Route 47 is a State maintained arterial road.
Trails	There are no trails planned in this area.
Floodplain/Wetlands	There are no floodplains or wetlands on the property.

REQUESTED ACTIONS: Amendment to Future Land Use Map from Transportation Corridor to Mixed Use Business

Map Amendment Rezoning Property from A-1 Agricultural and A-1 Agricultural with Special Use Permits to M-1 Limited Manufacturing District

APPLICABLE REGULATIONS: Section 13:07 – Map Amendment Procedures

SURROUNDING LAND USE

Location	Adjacent Land Use	Adjacent Zoning	Land Resource Management Plan	Zoning within ½ Mile
North	Improved Commercial and Agricultural	B-3	Transportation Corridor (County) Estate/Conservation Residential (Yorkville)	A-1, R-1, B-3 (County) R-2, R-3, B-1, and B-3 (Yorkville)
South	Transportation/Community/Utility (IDOT Yard) and Agricultural	A-1	Transportation Corridor and Commercial (County) Agricultural (Yorkville)	A-1, A-1 SU, R-3, and B-3

East	Agricultural/Farmstead	A-1 (County) R-2 and R-3 (Yorkville)	Transportation Corridor and Commercial (County) Agricultural (Yorkville)	A-1 (County) R-2 and R-3 (Yorkville)
West	Agricultural	A-1	Rural Residential (Max 0.65 DU/Acre (County) Agricultural (Yorkville)	A-1

The A-1 special use permits to the south are for a church, an illuminated sign, and a cemetery.

PHYSICAL DATA

ENDANGERED SPECIES REPORT

EcoCAT Report submitted and consultation was terminated (see Attachment 1, Pages 18-20).

NATURAL RESOURCES INVENTORY

The application for NRI was submitted on November 12, 2023 (see Attachment 1, Page 17).

ACTION SUMMARY

KENDALL TOWNSHIP

Petition information was sent to Kendall Township on November 17, 2023.

UNITED CITY OF YORKVILLE

Petition information was sent to the United City of Yorkville on November 17, 2023.

BRISTOL-KENDALL FIRE PROTECTION DISTRICT

Petition information was sent to the Bristol-Kendall Fire Protection District on November 17, 2023.

GENERAL INFORMATION

The portions of the property identified by parcel identification numbers 05-09-300-007, 05-16-100-004, and 05-16-100-020 were originally rezoned to M-1 in 1966 by Ordinance 1966-08. These properties were rezoned back to A-1 and granted a special use permit during the County-wide rezoning in 1974. A special use permit was granted at these properties to expand the gas facilities in 1979 by Ordinance 1979-20. A special use permit for an illuminated sign was granted at the property in 1998 by Ordinance 1998-09. Ordinances 1966-08, 1979-20, and 1998-09 are included as Attachments 9-11.

In addition to the various zoning actions previously mentioned, the portion of the property identified by parcel identification number 05-16-100-020 was granted variances in 1997 for a reduction of the front yard setback by twenty feet (20') for a canopy and fuel pumps and a ten foot (10') front yard setback reduction for post placement. The information for this variance is included as Attachment 12.

Those portions of the property identified by parcel identification numbers 05-16-100-003 and 05-09-300-006 appear to have always been zoned A-1.

BUILDING CODES

Per the site plan (Attachment 1, Page 21), there are seven (7) buildings presently located on the property. Any new buildings, expansion of existing buildings, or remodeling of these buildings would required applicable building permits and the work would be required to meet applicable building codes. The Petitioners indicate that no new buildings are planned at this time. Any structures or uses that encroach into required setbacks would be considered lawfully non-conforming. Any changes to site, such as new buildings or expanded parking areas, would trigger site plan review and approval under the Zoning Ordinance.

UTILITIES

The site is serviced by a well and septic. There is electricity onsite. There are several LP tanks onsite.

ACCESS

The property fronts Route 47 and has two (2) access points off of Route 47. Deceleration lanes exist at both entrances on Route 47.

PARKING AND INTERNAL TRAFFIC CIRCULATION

The site plan shows several gravel and asphalt areas. No dedicated parking spaces appear onsite. Any new parking lots would have to meet applicable regulations.

ODORS

Based on the proposed uses, no new odors are foreseen. The owners of the property would have to follow applicable odor control regulations based on potential other future M-1 allowable uses.

LIGHTING

The site plan shows one (1) light pole and there are some existing lights on several of the buildings.

The amount of lighting could expand on the property if they install a larger parking lot or if different uses move onto the property.

LANDSCAPING AND SCREENING

No changes to the landscaping or property screening are proposed.

If improvements are made to the site in the future, landscaping and screening would be required as part of site plan review.

SIGNAGE

Any signage would have to meet applicable regulations and secure permits.

NOISE CONTROL

Based on the proposed uses, no new noise issues are foreseen. The owners of the property would have to follow applicable noise control regulations based on potential other future M-1 allowable uses.

STORMWATER

The site plan shows two (2) stormwater inlets.

Since no new buildings or impervious surfaces were proposed, a stormwater permit was not required. However, if additional buildings or impervious surfaces are added to the site in the future, stormwater permits could be required at that time.

FINDINGS OF FACT

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

*Existing uses of property within the general area of the property in question. **The surrounding properties are used for agricultural purposes, larger lot single-family residential uses, Illinois Department of Transportation storage yard, and vacant commercial space that might seek rezoning to industrial in the future.***

*The Zoning classification of property within the general area of the property in question. **The surrounding properties are zoned A-1 and B-3 in the unincorporated area and R-2 and R-3 inside the United City of Yorkville.***

*The suitability of the property in question for the uses permitted under the existing zoning classification. **The Petitioners propose to use the property for more light industrial type uses that are not allowed in the***

A-1 Agricultural Zoning District.

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

*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 Transportation Corridor. The United City of Yorkville's Plan calls for the property to be Agricultural. The Petitioners are also pursuing a change to the County's Future Land Use Map to Mixed Use Business. If this change is approved, then the requested map amendment would be consistent with the County's Land Resource Management Plan.***

RECOMMENDATION

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

ATTACHMENTS

1. Application Materials
2. Picture of Main Building
3. Picture of Looking South by Main Building
4. Picture of South Side of Main Building and South Outbuildings
5. Picture South Outbuildings and Tanks
6. Picture Facing East
7. Picture Facing North
8. Picture of North Outbuilding
9. Ordinance 1966-08
10. Ordinance 1979-20
11. Ordinance 1998-09
12. Variance 1997-17



DEPARTMENT OF PLANNING, BUILDING & ZONING

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

APPLICATION

PROJECT NAME A.B. SCHWARTZ, LLC FILE #: _____

NAME OF APPLICANT (Including First, Middle Initial, and Last Name)		
A. B. SCHWARTZ, LLC		
CURRENT LANDOWNER/NAME(s)		
Grainco F.S.		
SITE INFORMATION ACRES	SITE ADDRESS OR LOCATION	ASSESSOR'S ID NUMBER (PIN)
19.8708	8115 Route 47, Yorkville, IL 80560	05-16-100-004, 05-09-300-006, 05-16-100-003
EXISTING LAND USE	CURRENT ZONING	LAND CLASSIFICATION ON LRMP
fuel storage, truck repair, contractor storage	A-1 Sepcial Use	A-1
REQUESTED ACTION (Check All That Apply):		
<input type="checkbox"/> SPECIAL USE	<input checked="" type="checkbox"/> MAP AMENDMENT (Rezone to <u>M-1</u>)	<input type="checkbox"/> VARIANCE
<input type="checkbox"/> ADMINISTRATIVE VARIANCE	<input type="checkbox"/> A-1 CONDITIONAL USE for: _____	<input type="checkbox"/> SITE PLAN REVIEW
<input type="checkbox"/> TEXT AMENDMENT	<input type="checkbox"/> RPD (<input type="checkbox"/> Concept; <input type="checkbox"/> Preliminary; <input type="checkbox"/> Final)	<input type="checkbox"/> ADMINISTRATIVE APPEAL
<input type="checkbox"/> PRELIMINARY PLAT	<input type="checkbox"/> FINAL PLAT	<input type="checkbox"/> OTHER PLAT (Vacation, Dedication, etc.)
AMENDMENT TO A SPECIAL USE (<input type="checkbox"/> Major; <input type="checkbox"/> Minor)		
PRIMARY CONTACT	PRIMARY CONTACT MAILING ADDRESS	PRIMARY CONTACT EMAIL
Daniel J. Kramer	1107A S. Bridge Street, Yorkville, IL 80560	dkramer@dankramerlaw.com
PRIMARY CONTACT PHONE #	PRIMARY CONTACT FAX #	PRIMARY CONTACT OTHER # (Cell, etc.)
630-553-9500	630-553-5764	
ENGINEER CONTACT	ENGINEER MAILING ADDRESS	ENGINEER EMAIL
NONE		
ENGINEER PHONE #	ENGINEER FAX #	ENGINEER OTHER # (Cell, etc.)
I UNDERSTAND THAT BY SIGNING THIS FORM, THAT THE PROPERTY IN QUESTION MAY BE VISITED BY COUNTY STAFF & BOARD/ COMMISSION MEMBERS THROUGHOUT THE PETITION PROCESS AND THAT THE PRIMARY CONTACT LISTED ABOVE WILL BE SUBJECT TO ALL CORRESPONDANCE ISSUED BY THE COUNTY.		
I CERTIFY THAT THE INFORMATION AND EXHIBITS SUBMITTED ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND THAT I AM TO FILE THIS APPLICATION AND ACT ON BEHALF OF THE ABOVE SIGNATURES. THE APPLICANT ATTESTS THAT THEY ARE FREE OF DEBT OR CURRENT ON ALL DEBTS OWED TO KENDALL COUNTY AS OF THE DATE OF THE APPLICATION.		
SIGNATURE OF APPLICANT		DATE
		11/8/2023

FEE PAID:\$ _____
 CHECK #: _____

¹Primary Contact will receive all correspondence from County

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

Last Revised:
 10.17.22

Date Stamp Here if
 Checklist is Complete



DEPARTMENT OF PLANNING, BUILDING & ZONING

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

APPLICATION

PROJECT NAME A.B.SCHWARTZ, LLC FILE #: _____

NAME OF APPLICANT (Including First, Middle Initial, and Last Name)		
1 <u>A.B.SCHWARTZ, LLC</u>		
CURRENT LANDOWNER/NAME(s)		
<u>Grainco F.S.</u>		
SITE INFORMATION	SITE ADDRESS OR LOCATION	ASSESSOR'S ID NUMBER (PIN)
<u>ACRES</u> 19.8708	<u>8115 Route 47, Yorkville, IL 60560</u>	<u>05-01-300-007</u> <u>05-16-100-020</u> 05-16-100-004, 05-09-300-006, 05-16-100-003
EXISTING LAND USE	CURRENT ZONING	LAND CLASSIFICATION ON LRMP
<u>fuel storage, truck repair, contractor storage</u>	<u>A-1 Sepcial Use</u>	<u>A-1</u>
REQUESTED ACTION (Check All That Apply):		
<input type="checkbox"/> SPECIAL USE	<input checked="" type="checkbox"/> MAP AMENDMENT (Rezone to <u>M-1</u>)	<input type="checkbox"/> VARIANCE
<input type="checkbox"/> ADMINISTRATIVE VARIANCE	<input type="checkbox"/> A-1 CONDITIONAL USE for: _____	<input type="checkbox"/> SITE PLAN REVIEW
<input type="checkbox"/> TEXT AMENDMENT	<input type="checkbox"/> RPD (<input type="checkbox"/> Concept; <input type="checkbox"/> Preliminary; <input type="checkbox"/> Final)	<input type="checkbox"/> ADMINISTRATIVE APPEAL
<input type="checkbox"/> PRELIMINARY PLAT	<input type="checkbox"/> FINAL PLAT	<input type="checkbox"/> OTHER PLAT (Vacation, Dedication, etc.)
AMENDMENT TO A SPECIAL USE (<input type="checkbox"/> Major; <input type="checkbox"/> Minor)		
1PRIMARY CONTACT	PRIMARY CONTACT MAILING ADDRESS	PRIMARY CONTACT EMAIL
<u>Daniel J. Kramer</u>	<u>1107A S. Bridge Street, Yorkville, IL 60560</u>	<u>dkramer@dankramerlaw.com</u>
PRIMARY CONTACT PHONE #	PRIMARY CONTACT FAX #	PRIMARY CONTACT OTHER #(Cell, etc.)
<u>630-553-9500</u>	<u>630-553-5764</u>	
2ENGINEER CONTACT	ENGINEER MAILING ADDRESS	ENGINEER EMAIL
<u>NONE</u>		
ENGINEER PHONE #	ENGINEER FAX #	ENGINEER OTHER # (Cell, etc.)
I UNDERSTAND THAT BY SIGNING THIS FORM, THAT THE PROPERTY IN QUESTION MAY BE VISITED BY COUNTY STAFF & BOARD/ COMMISSION MEMBERS THROUGHOUT THE PETITION PROCESS AND THAT THE PRIMARY CONTACT LISTED ABOVE WILL BE SUBJECT TO ALL CORRESPONDANCE ISSUED BY THE COUNTY.		
I CERTIFY THAT THE INFORMATION AND EXHIBITS SUBMITTED ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND THAT I AM TO FILE THIS APPLICATION AND ACT ON BEHALF OF THE ABOVE SIGNATURES. THE APPLICANT ATTESTS THAT THEY ARE FREE OF DEBT OR CURRENT ON ALL DEBTS OWED TO KENDALL COUNTY AS OF THE DATE OF THE APPLICATION.		
SIGNATURE OF APPLICANT		DATE
<u>[Redacted Signature]</u>		<u>11-12-23</u>

FEE PAID: _____
 CHECK #: _____

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

Last Revised:
 10.17.22

Date Stamp Here If
 Checklist Is Complete

1. The surrounding and neighboring uses of the subject real property are consistent with the propose use of the Zoning Applicant/Contract Purchaser. Grainco F.S. and its predecessor in title used the subject site for years for fuel and ammonia storage, for retail and wholesale agricultural feed and agricultural supply sales, car/truck repair shop for farm equipment, semi tractors and trailers and automobiles. Usage of applicant is going to be primarily for a tile business but they do anticipate leasing out some of the buildings on-site for various construction businesses that could use the same type of building and usage previously undertaken by Grainco F.S. and its predecessors in title.
2. The uses in the area are similar and include A-1 Agricultural, B3 Highway, A-1 Special Use, the current IDOT Facility that I do not believe has any special zoning but is certainly an M-1 type of use with salt storage, storage of heavy machinery and construction equipment.
3. The property is suitable for the existing and requested uses of the Applicants. The difference is that currently the property has as an A-1 Special Use Zoning that is totally in relation Agricultural uses including the facility having been used for fuel storage, ammonia storage, farm vehicles, outdoor equipment storage, and truck and tractor repair inside the main building. It further served as a retail and wholesale outlet for agricultural input products, animal feed, and pet feed related products.

Applicants anticipate renting some of the existing buildings for inside storage of construction equipment and construction offices which require an M-1 Zoning.

4. The trend of development in the area is towards business, commercial, and transportation uses and has not generated any type of retail use currently.
5. The project is consistent with the Kendall County Land Resource Management Plan which encourages commercial and manufacturing uses on all weather highways with good transportation access which squarely is on point with Illinois Route 47. The proposed and existing uses conform to the other uses in the area. The applicants fully intends to comply with all Kendall County Zoning Ordinances and Regulations.

Petitioners are seeking a change in zoning from A1 Special Use to M-1 for the operation of a tile business, constructions business, storage of existing LP tanks and related uses under M-1 Zoning

LEGAL DESCRIPTION:

That Part of the West Half of Section 9 and that Part of the Northwest Quarter of Section 16, Township 36 North, Range 7 East of the Third Principal Meridian described as follows: Commencing at the Northeast Corner of said Section 16; thence Westerly, along the Northerly Line of said Section, 2672.0 feet to the tangent center line of Illinois State Route No. 47, extended from the South; thence South 00°00'00" East, along said tangent center line and said tangent center line extended, 869.22 feet; thence South 89°34'04" West, 615.0 feet for the point of beginning; thence North 24°54'19" West, 1015.92 feet; thence North 65°13'06" East, 942.72 feet to the Westerly Right of Way Line of said State Route No. 47, being 40 feet normally distant, Southwesterly from the center line of said Route; thence Southeasterly, along said Westerly Right of Way Line, being a curve to the right having a radius of 5344.41 feet, an arc distance of 1246.0 feet; thence South 00°00'00" East, along said Westerly Right of Way Line, being tangent to the last described curve at the last described point, 67.82 feet to a line drawn North 89°34'04" East from the point of beginning; thence South 89°34'04" West, 575.0 feet to the point of beginning;

LESS AND EXCEPT that portion of property conveyed to People of the State of Illinois, Department of Transportation from Kendall-Grundy F.S., Inc. by Warranty Deed dated May 29, 1990 and recorded July 9, 1990 in Deed Book 291, Page 269;

AND BEING a portion of the same property conveyed to Grainco FS, Inc. successor by virtue of merger with Kendall-Grundy FS, Inc., formerly Kendall Farmers Oil Company who acquired title from Robert A. Dhuse and Carol V. Dhuse by Deed dated December 2, 1974 and recorded December 2, 1974 in Instrument No. 74-5432.

LAW OFFICES
OF

Daniel J. Kramer

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

DANIEL J. KRAMER

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

November 15, 2023

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

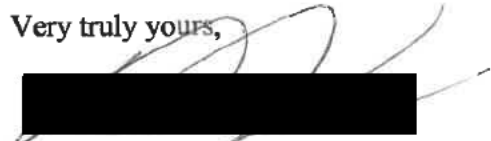
Re: A.B.Schwartz, LLC M-1 Zoning Application

Dear Matt:

Enclosed please find the deeds showing proof of ownership and if you look at the deeds you will see the Owner's Corporate names has changed but it has still remained the same owner.

Should you have any questions please feel free to call my office.

Very truly yours,



Daniel J. Kramer
Attorney at Law

DJK/cth
Encl.

201762

THE GRANTORS, ROBERT A. DHUSE and CAROL V. DHUSE, each in their own right and as husband and wife,

of the Township of Kendall County of Kendall State of Illinois

for and in consideration of the sum of Ten Dollars and other valuable consideration in hand paid Convey... and Warrant... to KENDALL-GRUNDY F.S., INC., formerly Kendall Farmers Oil Company

of the City of Yorkville County of Kendall State of Illinois

the following described Real Estate, to-wit:

That part of the West half of Section 9 and that part of the Northwest quarter of Section 16, Township 36 North, Range 7 East of the Third Principal Meridian, described as follows: Commencing at the Northeast corner of said Section 16; thence Westerly along the Northerly line of said section, 2672 feet to the tangent center line of Illinois State Route No. 47, extended from the South; thence South 0° 00' East along said tangent center line and said tangent center line extended, 869.22 feet; thence South 89° 34' 04" West 615 feet for the point of beginning; thence North 24° 54' 19" West 778.36 feet; thence North 65° 13' 06" East 889.01 feet to the Westerly right of way line of said State Route No. 47, being 40 feet normally distant Southwesterly from the center line of said Route; thence Southeasterly along said Westerly right of way line being on a curve to the right having a radius of 5344.41 feet, an arc distance of 1002.54 feet; thence South 0° 00' 00" East along said Westerly right of way line being tangent to the last described curve at the last described point 87.82 feet to a line drawn North 89° 34' 04" East from the point of beginning; thence South 89° 34' 04" West 575 feet to the point of beginning (except that part described as follows: Commencing at the Northeast corner of said Northwest quarter; thence South along the East line of said quarter section 869.22 feet; thence West 39.60 feet to the Westerly line of State Route No. 47 for the point of beginning; thence North 89° 53' West 575 feet; thence North 24° 15' West 512.80 feet; thence North 65° 48' East 816.70 feet to the Westerly

(Continued on Reverse Side)

situated in the Township of Kendall County of Kendall in the State of Illinois,

hereby releasing and waiving rights under and by virtue of the Homestead Exemption Laws of the State of Illinois.

Instrument Prepared By: Dallas C. Ingemansson, Ingemansson & Bassak, Attorneys at Law, 108 W. Van Buren Street, Yorkville, Illinois 60560

Done this 2nd day of December, A.D. 1974

[SEAL] Robert A. Dhuse [SEAL] Carol V. Dhuse [SEAL]

I, the undersigned, a Notary Public in and for said County and State aforesaid, DO HEREBY CERTIFY that

Robert A. Dhuse and Carol V. Dhuse, each in their own right and as husband and wife, personally known to me to be the same persons

whose names 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 2nd day of December, A.D. 1974

Notary Public, Kendall County, Illinois

MAP TAX BEL TO:

NAME, Kendall-Grundy F.S., Inc.

Document No. 74-5432

Filed for record in Recorder's Office of Kendall County, Illinois.

at 3:13 p.m.

74-5432 DEC 6 - 1974



201762

WARRANTY
DEED

City: Morris, Illinois 60450
Address: 116 E. Washington Street
Name: Kendall-Grundy F. S., Inc.

RETURN TO: *Improment & Bank*
Chicago Title Insurance Company
Kendall County Office
220 Bridge Street
Yorkville, Illinois 60560



Legal Description Continued:

line of said State Route No. 47; thence Southerly along said Westerly line 806.20 feet to the point of beginning); in the Township of Kendall, Kendall County, Illinois.

Subject to general real estate taxes for the year 1974 and subsequent years.

DEC 6 - 1974

AFFIDAVIT

(FILE WITH JEAN P. BRADY, RECORDER OF DEEDS OF KENDALL COUNTY)

STATE OF ILLINOIS }
COUNTY OF KENDALL } SS.

Document # 74-5432

Dallas C. Ingemanson, being duly sworn on oath,
states that he resides at Yorkville, Illinois

That the attached deed represents:

1. A distinct separate parcel on record prior to July 17, 1959.
2. A distinct separate parcel qualifying for a Kendall County building permit prior to August 10, 1971.
3. The division or subdivision of land into parcels or tracts of 5 acres or more in size which does not involve any new streets or easements of access.
4. The division of lots or blocks of less than 1 acre in any recorded subdivision which does not involve any new streets or easements of access.
5. The sale or exchange of parcels of land between owners of adjoining and contiguous land.
6. The conveyance of parcels of land or interest therein for use as right of way for railroads or other public utility facilities, which does not involve any new streets or easements of access.
7. The conveyance of land owned by a railroad or other public utility which does not involve any new streets or easements of access.
8. The conveyance of land for highway or other public purposes or grants or conveyances relating to the dedication of land for public use or instruments relating to the vacation of land impressed with a public use.
9. Conveyances made to correct descriptions in prior conveyances.
10. The sale or exchange of parcels or tracts of land existing on the date of the amendatory Act into no more than 2 parts and not involving any new streets or easements of access.
11. The sale of a single lot of less than 5 acres from a larger tract when a survey is made by a registered surveyor; provided, however, that this exemption shall not apply to the sale of any subsequent lots from the same larger tract of land.

CIRCLE NUMBER ABOVE WHICH IS APPLICABLE TO ATTACHED DEED.

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

SUBSCRIBED and SWORN to before me
this 6 day of December, 1974

This instrument prepared by [redacted]
108 W. Van Emmon St., Yorkville, Ill.

203032

THE GRANTEE, ROBERT DRUSE and CAROL DRUSE, husband and wife,

of the Township of Kendall County of Kendall State of Illinois
for and in consideration of the sum of Ten Dollars and other valuable consideration in hand paid Convey... and Warranty...
to KENDALL GRUNDFY FH, INC., an Illinois corporation

of the Township of Kendall County of Kendall State of Illinois

the following described Real Estate, to-wit: That part of the West half of Section 9 and that part of the Northwest Quarter of Section 16, Township 36 North, Range 7 East of the Third Principal Meridian, described as follows: Commencing at the Northeast corner of said Section 16; thence Westerly along the Northerly line of said Section 2672.0 feet to the tangent center line of Illinois State Route No. 47, extended from the South; thence South 0°00'00" East along said tangent center line of said tangent center line extended, 869.22 feet; thence South 89°34'04" West 615.0 feet; thence North 24°54'19" West 778.36 feet to the point of beginning; thence continuing North 24°54'19" West 237.56 feet; thence North 65°13'06" East 942.72 feet to the Westerly right of way line of said State Route No. 47 being 40.0 feet normally distant Southwesterly from the center line of said Route; thence Southeasterly along said Westerly right of way line being on a curve to the right having a radius of 5344.41 feet; an arc distance of 243.46 feet to a line drawn North 65°13'06" East from the point of beginning; thence South 65°13'06" West along said line 889.01 feet to the point of beginning, containing 5.00 acres,

situated in the Township of Kendall County of Kendall in the State of Illinois,
hereby releasing and waiving rights under and by virtue of the Homestead Exemption Laws of the State of Illinois.



Done this 10 day of December A.D. 1975
Robert Druze (SEAL) Carol Druze (SEAL)

I, the undersigned, a Notary Public in, and for said County and State aforesaid, DO HEREBY CERTIFY that

ROBERT DRUSE and CAROL DRUSE, husband and wife, personally known to me to be the same person,



whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that 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 10 day of December A.D. 1975

Document No. 75-5963 Filed for record in Recorder's Office of Kendall County, Illinois

NAME: Kendall Grundfy FH, INC. Address: 116 E. Washington Morris, Ill. 60450

DEC 11 1975 75-5963

DEC 11 1975

AFFIDAVIT

(FILE WITH JEAN P. BRADY, RECORDER OF DEEDS OF KENDALL COUNTY)

STATE OF ILLINOIS)
COUNTY OF KENDALL) SS.

Document # 75-5963

Dallas C. Ingerson, being duly sworn on oath,
states that he resides at Yorkville, Illinois

That the attached deed represents:

1. A distinct separate parcel on record prior to July 17, 1959.
2. A distinct separate parcel qualifying for a Kendall County building permit prior to August 10, 1971.
3. The division or subdivision of land into parcels or tracts of 5 acres or more in size which does not involve any new streets or easements of access.
4. The division of lots or blocks of less than 1 acre in any recorded subdivision which does not involve any new streets or easements of access.
5. The sale or exchange of parcels of land between owners of adjoining and contiguous land.
6. The conveyance of parcels of land or interest therein for use as right of way for railroads or other public utility facilities, which does not involve any new streets or easements of access.
7. The conveyance of land owned by a railroad or other public utility which does not involve any new streets or easements of access.
8. The conveyance of land for highway or other public purposes or grants or conveyances relating to the dedication of land for public use or instruments relating to the vacation of land impressed with a public use
9. Conveyances made to correct descriptions in prior conveyances.
10. The sale or exchange of parcels or tracts of land existing on the date of the amendatory Act into no more than 2 parts and not involving any new streets or easements of access.
11. The sale of a single lot of less than 5 acres from a larger tract when a survey is made by a registered surveyor; provided, however, that this exemption shall not apply to the sale of any subsequent lots from the same larger tract of land.

CIRCLE NUMBER ABOVE WHICH IS APPLICABLE TO ATTACHED DEED.

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

[Redacted Signature]

SUBSCRIBED and SWORN to before me
this 10th day of December, 19 75

[Redacted Notary Name]
Notary Public

THAT PART OF THE WEST HALF OF SECTION 9 AND THAT PART OF THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 36 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 9 AND WESTERLY ALONG THE WEST LINE OF SAID SECTION 9 A DISTANCE OF 47 FEET TO THE TANGENT CENTER LINE OF ILLINOIS STATE ROUTE NO. 47. EXTENDED WESTERLY ALONG SAID TANGENT CENTER LINE EAST ALONG SAID TANGENT CENTER LINE OF SAID TANGENT CENTER LINE EXTENDED, NORTH 24°52'19" WEST 278.36 FEET TO THE POINT OF BEGINNING. THENCE CONTINUING NORTH 24°54'19" WEST 237.56 FEET; THENCE NORTH 85°13'06" EAST 842.72 FEET TO THE WESTERLY RIGHT OF WAY LINE OF SAID STATE ROUTE NO. 47 BEING 40.8 FEET NOMINALLY DISTANT SOUTHWESTERLY FROM THE CENTER LINE OF SAID ROUTE; THENCE SOUTHEASTERLY ALONG SAID WESTERLY RIGHT OF WAY LINE BEING ON A CURVE TO THE RIGHT HAVING A RADIUS OF 544.1 FEET AN ARC DISTANCE OF 243.86 FEET TO THE POINT OF BEGINNING. EAST FROM THE POINT OF BEGINNING THENCE SOUTH 65°13'06" WEST ALONG SAID TANGENT CENTER LINE TO THE POINT OF BEGINNING; CONTAINING 5.00 ACRES. IN THE TOWNSHIP OF KENDALL, KENDALL COUNTY, ILLINOIS.

STATE OF ILLINOIS : 55
 COUNTY OF K A H E :
 THIS IS TO CERTIFY THAT WE HAVE SURVEYED THE PROPERTY HEREON DESCRIBED AND THAT THE PLAT HEREON IS A CORRECT REPRESENTATION OF SAID SURVEY.
 CHARLES DE GRAFF & ASSOCIATES
 209 WEBSTER STREET
 P O BOX 67
 MONTGOMERY, ILLINOIS 60538
 ILLINOIS REGISTERED SURVEYOR NO. [REDACTED]
 OCTOBER 17, 1975

CHARLES DEGRAFF & ASSOCIATES
 Surveyors, Engineers & Planners
 209 Webster Street
 Montgomery, Illinois 60538

SCALE: 1" = 100'

DATE: [REDACTED]

DATE: OCT 1975

PLAT OF SURVEY

BOOK: [REDACTED]

PAGE: [REDACTED]

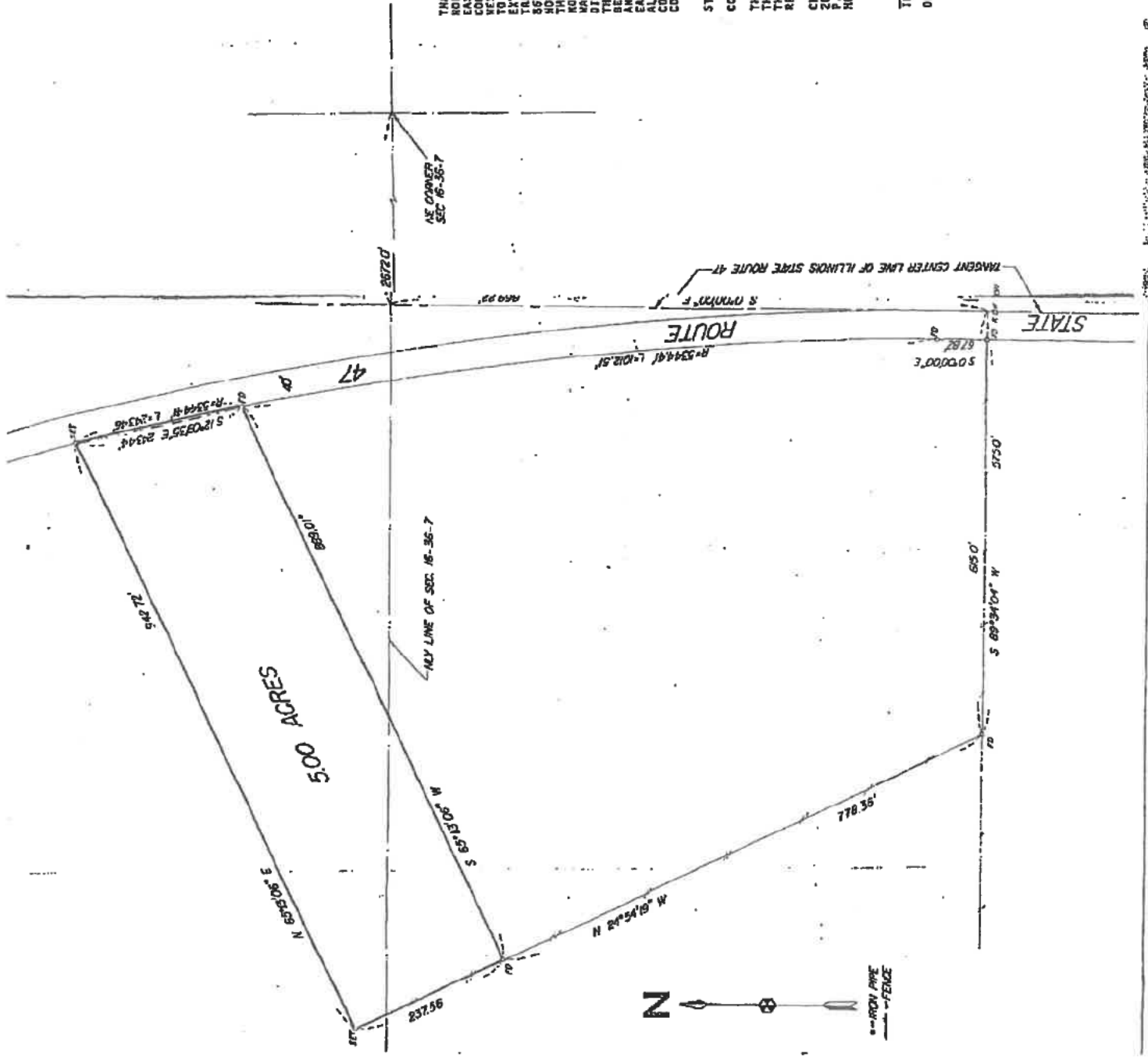


EXHIBIT A – REAL PROPERTY

Legal descriptions of real property in which the Mortgagor has a fee estate:

Kendall County, Illinois

The following described parcels of land are lying, being and situate in the County of Kendall, State of Illinois:

PARCEL 1:

The Easterly 165.0 feet of the Northerly 264.11 feet of that part of the Southwest quarter of Section 9, Township 35 North, Range 7 East of the Third Principal Meridian lying Westerly of a line drawn parallel with and 82.50 feet Westerly of the East line (measured at right angles to said East line) of said quarter, in the Township of Lisbon, Kendall County, Illinois.

AND BEING the same property conveyed to Farmers Cooperative Grain and Supply Company of Lisbon Center from James H. Clow by Deed dated July 01, 1974 and recorded July 01, 1974 in Instrument No. 74-3156.

Tax Parcel No. 08-09-300-002

PARCEL 2:

Tract 1:

That part of the West half of Section 9 and that part of the Northwest Quarter of Section 16, Township 36 North, Range 7 East of the Third Principal Meridian, described as follows: Commencing at the Northeast corner of said Section 16; thence Westerly along the Northerly line of said Section 2672.0 feet to the tangent center line of Illinois State Route No. 47, extended from the South; thence South 0°00'00" East along said tangent center line of said tangent center line extended, 869.22 feet; thence South 89°34'04" West 615.0 feet; thence North 24°54'19" West 778.36 feet to the point of beginning; thence continuing North 24°54'19" West 237.56 feet; thence North 65°13'06" East 942.72 feet to the Westerly right of way line of said State Route No. 47 being 40.0 feet normally distant Southwesterly from the center line of said Route; thence Southeasterly along said Westerly right of way line being on a curve to the right having a radius of 5344.41 feet; an arc distance of 243.46 feet to a line drawn North 65°13'06" East from the point of beginning; thence South 65°13'06" West along said line 889.01 feet to the point of beginning, containing 5.00 acres.

LESS AND EXCEPT that portion of property conveyed to People of the State of Illinois, Department of Transportation from Kendall-Grundy F.S., Inc. by Warranty Deed dated May 29, 1990 and recorded July 09, 1990 in Deed Book 291, Page 269.

AND BEING a portion of the same property conveyed to Grainco FS, Inc. successor by virtue of merger with Kendall-Grundy FS, Inc., an Illinois corporation who acquired title from Robert Dhuse and Carol Dhuse by Deed dated December 10, 1975 and recorded December 11, 1975 in Instrument No. 75-5963.

Tract 2:

That part of the West half of Section 9 and that part of the Northwest quarter of Section 16, Township 36 North, Range 7 East of the Third Principal Meridian, described as follows: Commencing at the Northeast corner of said Section 16; thence Westerly along the Northerly line of said Section, 2672 feet to the tangent center line of Illinois State Route No. 47, extended from the South; thence South 0° 00' East along said tangent center line and said tangent center line extended, 869.22 feet; thence South 89° 34' 04" West 615 feet for the point of beginning; thence North 24° 54' 19" West 778.36 feet; thence North 65° 13' 06" East 889.01 feet to the Westerly right of way line of said State Route No. 47, being 40 feet normally distant Southwesterly from the center line of said Route; thence Southeasterly along said Westerly right of way line being on a curve to the right having a radius of 5344.41 feet, an arc distance of 1002.54 feet; thence South 0° 00' 00" East along said Westerly right of way line being tangent to the last described curve at the last described point 67.82 feet to a line drawn North 89° 34' 04" East from the point of beginning; thence South 89° 34' 04" West 575 feet to the point of beginning (except that part described as follows: Commencing at the Northeast corner of said Northwest quarter; thence South along the East line of said quarter section 869.22 feet; thence West 39.60 feet to the Westerly line of State Route No. 47 for the point of beginning; thence North 89° 53' West 575 feet; thence North 24° 15' West 512.80 feet; thence North 65° 48' East 816.70 feet to the Westerly line of said State Route No. 47; thence Southerly along said Westerly line 806.20 feet to the point of beginning); in the Township of Kendall, Kendall County, Illinois.

LESS AND EXCEPT that portion of property conveyed to People of the State of Illinois, Department of Transportation from Kendall-Grundy F.S., Inc. by Warranty Deed dated May 29, 1990 and recorded July 09, 1990 in Deed Book 291, Page 269.

AND BEING a portion of the same property conveyed to Grainco FS, Inc. successor by virtue of merger with Kendall-Grundy FS, Inc., formerly Kendall Farmers Oil Company who acquired title from Robert A. Dhuse and Carol V. Dhuse by Deed dated December 02, 1974 and recorded December 02, 1974 in Instrument No. 74-5432.

Tax Parcel Nos. 05-09-300-006, 05-16-100-003, 05-16-100-004, 05-16-100-005

PARCEL 3:

Tract 1:

That part of the Southeast ¼ of Section 6, Township 35 North, Range 6 East of the Third Principal Meridian, described as follows:

Commencing at the Southwest corner of said Southeast ¼; thence East along the South line of said Southeast ¼ 1195.3 feet to the center line of a road, extended Southerly; thence Northerly along said extended center line and the center line of said road 989 feet for the point of beginning; thence Westerly along a line making an angle of 88 degrees 25 minutes measured from North to West with the last described line extended, 514.96 feet to the Southeasterly line of Illinois Route 71; thence Northeasterly along said Southeasterly right-of-way line 319 feet to an angle in said right-of-way line; thence Easterly along said right-of-way line 221.45 feet to the center line of said North and South Road; thence Southerly along the center line of said North and South Road 107.7 feet to the point of beginning, (excepting therefrom that part conveyed to the Village of Newark by Warranty Deed June 17, 1983 and recorded June 19, 1985 as Document 85-2687), in the Village of Newark, Kendall County, Illinois.

KENDALL COUNTY
DISCLOSURE OF BENEFICIARIES FORM

1. Applicant GRAINCO FS, Inc.
Address 3107 N. State Route 23
City OTTAWA State IL Zip 61350

2. Nature of Benefit Sought _____

3. Nature of Applicant: (Please check one)

- Natural Person
- Corporation
- Land Trust/Trustee
- Trust/Trustee
- Partnership
- Joint Venture

4. If applicant is an entity other than described in Section 3, briefly state the nature and characteristics of the applicant:

Cooperative

5. If your answer to Section 3 you have checked letter b, c, d, e, or f, identify by name and address each person or entity who is a 5% shareholder in case of a corporation, a beneficiary in the case of a trust or land trust, a joint venture in the case of a joint venture, or who otherwise has proprietary interest, interest in profits and losses or right to control such entity:

NAME	ADDRESS	INTEREST

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

Alan Drake, General Manager, GRAINCO FS, Inc. 3107 N. State Route 23, OTTAWA, IL 61350

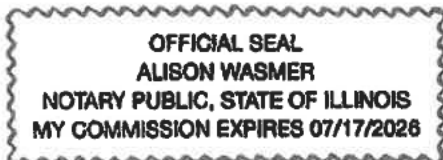
VERIFICATION

I, [Redacted], being first duly sworn under oath that I am the person making this disclosure on behalf of the applicant, that I am duly authorized to make the disclosure, that I have read the above and foregoing Disclosure of Beneficiaries, and that the statements contained therein are true in both substance and fact.

Subscribed and sworn to before me this 8th day of November, A.D. 2023

(seal)

[Redacted Signature]
Notary Public



KENDALL COUNTY
DISCLOSURE OF BENEFICIARIES FORM

1. Applicant A.B.SCHWARTZ, LLC
Address PO Box 325
City Newark State IL Zip 60541

2. Nature of Benefit Sought Co-Managers

3. Nature of Applicant: (Please check one)
 Natural Person
 ~~Corporation~~ Limited Liability Company
 Land Trust/Trustee
 Trust/Trustee
 Partnership
 Joint Venture

4. If applicant is an entity other than described in Section 3, briefly state the nature and characteristics of the applicant:

Co-Managers of an Illinois Limited Liability Company to operate Tile Business

5. If your answer to Section 3 you have checked letter b, c, d, e, or f, identify by name and address each person or entity who is a 5% shareholder in case of a corporation, a beneficiary in the case of a trust or land trust, a joint venture in the case of a joint venture, or who otherwise has proprietary interest, interest in profits and losses or right to control such entity:

NAME	ADDRESS	INTEREST
Andrew Schwartz	[REDACTED]	50%
Robert Schwartz	[REDACTED]	50%

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

Daniel J. Kramer, Attorney for the Applicants/Co-Managers

I, Daniel J. Kramer VERIFICATION, being first duly sworn under oath that I am the person making this disclosure on behalf of the applicant, that I am duly authorized to make the disclosure, that I have read the above and foregoing Disclosure of Beneficiaries and that the statements contained therein are true in both substance and fact.

Subscribed and sworn to before me this 15th day of November, A.D. 2023

(seal)



Colleen Hanson
Notary Public



7775A Route 47, Yorkville, Illinois 60560 • (630)553-5821 extension 3

www.kendallswcd.org

NATURAL RESOURCE INFORMATION (NRI) REPORT APPLICATION

Petitioner: A. B. SCHWARTZ, LLC **Contact Person:** Attorney Daniel J. Kramer
Address: [REDACTED] **1107A S. Bridge Street**
City, State, Zip: [REDACTED] **Yorkville, Illinois 60560**
Phone Number: [REDACTED] **(630) 553-9500**
Email: [REDACTED] **dkramer@dankramerlaw.com**

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

Site Location & Proposed Use

Township Name Kendall Township 36 N, Range 7 E, Section(s) 16
 Parcel Index Number(s) 05-16-100-004, 05-09-300-006, 05-16-100-003, 05-09-300-007, 05-16-100-020
 Project or Subdivision Name Schwartz Zoning Number of Acres 19.8708
 Current Use of Site fuel storage, truck repair, constrcutior Proposed Use fuel storage, operation of tile business and storage
 Proposed Number of Lots 1 Proposed Number of Structures All existng structures in plat attached
 Proposed Water Supply existing well Proposed type of Wastewater Treatment existing septic
 Proposed type of Storm Water Management Use of existing facillities

Type of Request

Change in Zoning from A-1 Special Use to M-1
 Variance (Please describe fully on separate page)
 Special Use Permit (Please describe fully on separate page)
 Name of County or Municipality the request is being filed with: Kendall County Planning, Building, and Zoning

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

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

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

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

Fee for first five acres and under	\$	<u>375.00</u>
<u>15</u> Additional Acres at \$18.00 each	\$	<u>270.00</u>
Total NRI Fee	\$	<u>645.00</u>

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

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

X [REDACTED]
 Petitioner or Authorized Agent

11-12-13
 Date

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

FOR OFFICE USE ONLY

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



Applicant: Andrew Schwartz and Robert Schwartz
Contact: ATTORNEY DANIEL J. KRAMER
Address: [REDACTED]

IDNR Project Number: 2406562
Date: 11/07/2023

Project: Schwartz
Address: 8115 Route 47, Yorkville

Description: Change Zoning from A-1 Special Use to M-1 to operate tilling business, storage of equipment, storage of existing LP Tanks. All using existing buildings

Natural Resource Review Results

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

The Illinois Natural Heritage Database contains no record of State-listed threatened or endangered species, Illinois Natural Area Inventory sites, dedicated Illinois Nature Preserves, or registered Land and Water Reserves in the vicinity of the project location.

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

Location

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

County: Kendall
Township, Range, Section:
36N, 7E, 9
36N, 7E, 16



IL Department of Natural Resources
Contact
Bradley Hayes
217-785-5500
Division of Ecosystems & Environment

Government Jurisdiction
Kendall Count Planning, Building, and Zoning
Matt Asselmeier
111 W. Fox Street
Yorkville, Illinois 60560

Disclaimer

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

IDNR Project Number: 2406562

Terms of Use

By using this website, you acknowledge that you have read and agree to these terms. These terms may be revised by IDNR as necessary. If you continue to use the EcoCAT application after we post changes to these terms, it will mean that you accept such changes. If at any time you do not accept the Terms of Use, you may not continue to use the website.

1. The IDNR EcoCAT website was developed so that units of local government, state agencies and the public could request information or begin natural resource consultations on-line for the Illinois Endangered Species Protection Act, Illinois Natural Areas Preservation Act, and Illinois Interagency Wetland Policy Act. EcoCAT uses databases, Geographic Information System mapping, and a set of programmed decision rules to determine if proposed actions are in the vicinity of protected natural resources. By indicating your agreement to the Terms of Use for this application, you warrant that you will not use this web site for any other purpose.

2. Unauthorized attempts to upload, download, or change information on this website are strictly prohibited and may be punishable under the Computer Fraud and Abuse Act of 1986 and/or the National Information Infrastructure Protection Act.

3. IDNR reserves the right to enhance, modify, alter, or suspend the website at any time without notice, or to terminate or restrict access.

Security

EcoCAT operates on a state of Illinois computer system. We may use software to monitor traffic and to identify unauthorized attempts to upload, download, or change information, to cause harm or otherwise to damage this site. Unauthorized attempts to upload, download, or change information on this server is strictly prohibited by law.

Unauthorized use, tampering with or modification of this system, including supporting hardware or software, may subject the violator to criminal and civil penalties. In the event of unauthorized intrusion, all relevant information regarding possible violation of law may be provided to law enforcement officials.

Privacy

EcoCAT generates a public record subject to disclosure under the Freedom of Information Act. Otherwise, IDNR uses the information submitted to EcoCAT solely for internal tracking purposes.

IDNR Project Number: 2406562



EcoCAT Receipt

Project Code 2406562

APPLICANT

DATE

Andrew Schwartz and Robert Schwartz
ATTORNEY DANIEL J. KRAMER
[REDACTED]

11/7/2023

DESCRIPTION	FEE	CONVENIENCE FEE	TOTAL PAID
EcoCAT Consultation	\$ 125.00	\$ 2.81	\$ 127.81

TOTAL PAID \$ 127.81

Illinois Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702
217-785-5500
dnr.ecocat@illinois.gov

ZONING PLAT OF PART OF THE WEST HALF OF SECTION 9, and PART OF THE NORTHWEST QUARTER OF SECTION 16, T36N-R7E, 3rd P.M. KENDALL TOWNSHIP KENDALL COUNTY ILLINOIS

DEVELOPER:
James & Robert Schwartz
[Redacted]

AREA TO BE REZONED:
18.8709 Acres

FLOODPLAIN STATEMENT:

The Subject Property is located in Zone II (Grade of adjacent flood hazard determined to be outside the 0.2% annual chance floodplain) as shown on FEMA Flood Insurance Rate Map Panel No. 17082C0250 with an effective date of February 4, 2002.

SOILS (From Web Soil Survey)

- 308A Urban SR Loam, 05-25 slopes
- 308C Le Pave SR Loam, 05-12% slopes, arded
- 308D Le Pave City Loam, 05-12% slopes, severely arded
- 308E Plain City City Loam, 05-25 slopes
- 308F Cragmoor SR Loam, 25-5% slopes

PROPERTY LOCATION:
8115 Route 47
Yorkville, Illinois 62450

PRESENT ZONING:
A1 and A1-RU (Ord # 78-08)

PROPOSED ZONING:
M-1

WETLANDS STATEMENT:

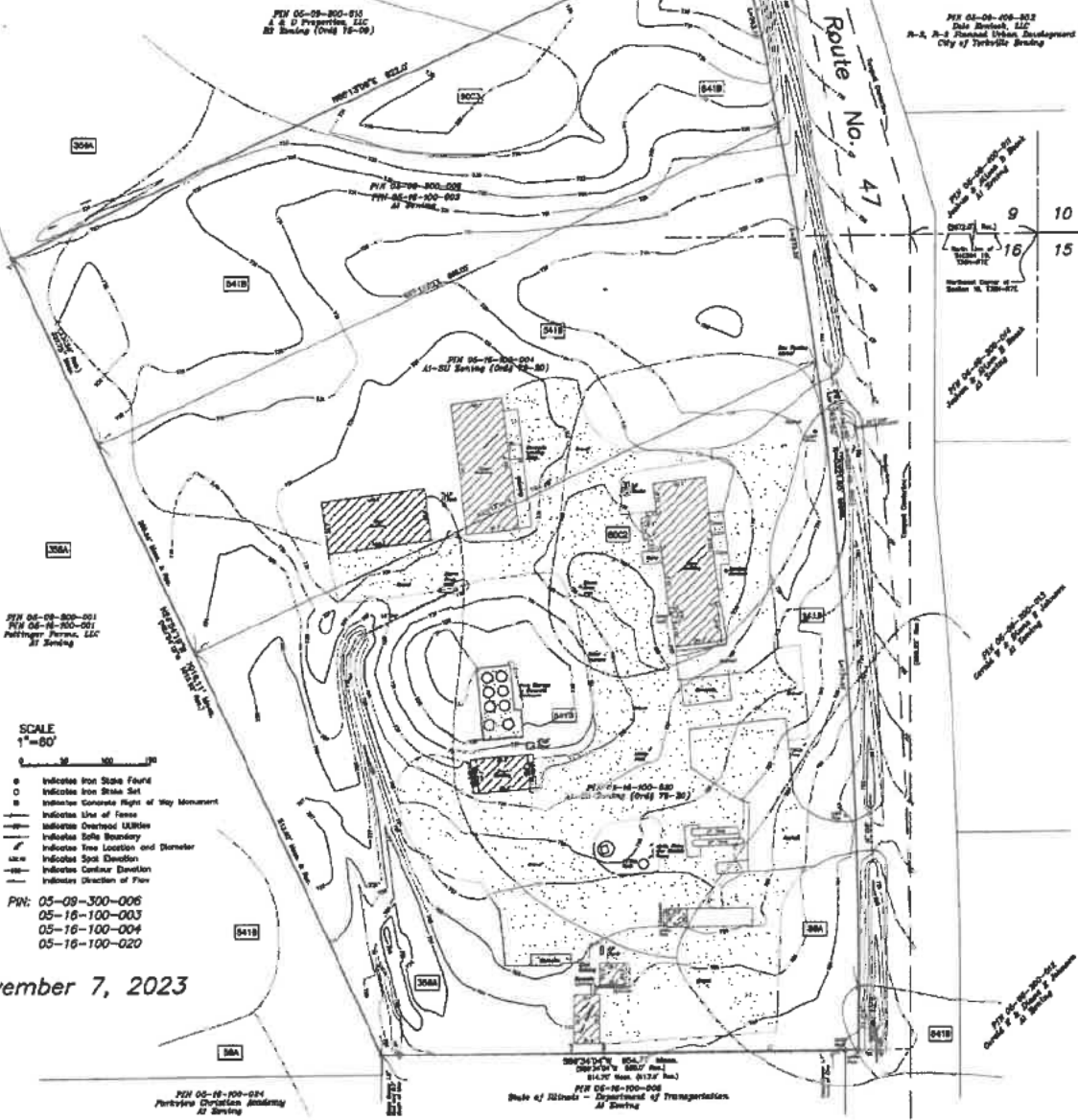
The National Wetlands Inventory Map does not depict any wetlands on the Subject Property.

LEGAL DESCRIPTION OF TRACT TO BE REZONED:

That Part of the West Half of Section 9 and that Part of the Northwest Quarter of Section 16, Township 36 North, Range 7 East of the Third Principal Meridian described as follows: Commencing at the Northeast Corner of said Section 16, thence Westerly, along the North-Cherry Line of said Section, 2872.0 feet to the tangent center line of Illinois State Route No. 47, ascended from the South; thence South 00°00'00" East, along said tangent center line and said tangent center line extended, 865.23 feet; thence South 89°24'00" West, 818.0 feet for the point of beginning; thence North 24°34'10" West, 1013.82 feet; thence North 89°13'00" East, 842.72 feet to the Westerly Right of Way Line of said State Route No. 47, being 40 feet narrower distant, Southwesterly from the center line of said Route; thence Southwesterly, along said Westerly Right of Way Line, being a curve to the right having a radius of 5344.1 feet, an arc distance of 1548.0 feet; thence South 00°00'00" East, along said Westerly Right of Way Line, being tangent to the last described curve at the last described point, 672.2 feet to a fire alarm North 89°24'00" East from the point of beginning; thence South 89°24'00" West, 872.0 feet to the point of beginning; 1233 AND EXCEPT that portion of property conveyed to Peoples of the State of Illinois, Department of Transportation from Kendall-Grandy P.S., Inc. by Homery Deed dated July 20, 1920 and recorded July 3, 1940 in Deed Book 121, Page 238; AND EXCEPT a portion of the same property conveyed to Grando P.S., Inc. successor by virtue of merger with Kendall-Grandy P.S., Inc. formerly Kendall-Terrace Oil Company who acquired title from Robert A. Druce and Carol V. Druce by Deed dated December 2, 1974 and recorded December 2, 1974 in Instrument No. 74-3432.



PIN 02-06-108-002
Date Booked, LLC
A-A, A-3 Planned Urban Development
City of Yorkville Bidding



- SCALE**
1" = 60'
- Indicates Iron Stake Found
 - Indicates Iron Stake Set
 - Indicates Concrete Right of Way Monument
 - Indicates Line of Fence
 - Indicates Overhead 12KV Line
 - Indicates Soil Boundary
 - Indicates Tree Location and Diameter
 - Indicates Spot Elevation
 - Indicates Contour Elevation
 - Indicates Direction of Flow
- PIN:
05-09-300-006
05-16-100-003
05-16-100-004
05-16-100-020

November 7, 2023

JOB NO.	23133
JOB NAME	ATTY. KRAMER
DWG FILE	23133
REVISION DATE	

Phillip D. Young and Associates, Inc.
LAND SURVEYING - TOPOGRAPHIC MAPPING - Lic.#184-002775
11078 South Bridge Street
Yorkville, Illinois 62450
Telephone (630)553-1580



11/15/2023 15:27



11/15/2023 15:27



11/15/2023 15:28



11/15/2023 15:28





11/15/2023 15:27

Attachment 8 North Outbuilding



11/15/2023 15:27

05-16-100-004

005

05-09-300-007

Rezoned
A-1 SU after
74 Zoning change

ORDINANCE

66-8

now A-1-SU

79-20

AMENDING KENDALL COUNTY ZONING ORDINANCE AS AMENDED

WHEREAS, John T. Hoffman did petition the Zoning Board of Appeals of Kendall County for a public hearing in the manner required by law and the ordinances of Kendall County, Illinois for a proposed amendment to the Kendall County Zoning Ordinance adopted May 10, 1960, and

WHEREAS, said Zoning Board of Appeals did thereupon publish notice of a hearing on said proposed amendment to said Zoning Ordinance as provided by the Statutes of the State of Illinois, and did then hold a public hearing on said proposed amendment on the 6th day of May, A.D. 1966 on the site described in the petition and at the conclusion of said hearing said Zoning Board of Appeals voted in favor of recommending to the Board of Supervisors of Kendall County, Illinois that the petition be granted and the Zoning maps and ordinance be amended in the manner required by law

NOW THEREFORE, BE IT ORDAINED by the Board of Supervisors of Kendall County, Illinois that the following described property be and it is hereby rezoned from "A" Agriculture to "M1" Light Manufacturing and that the County Clerk be and is hereby ordered and directed to change the zoning map, to show the change in zoning classification;

Commencing at a point on the East line of the Northwest quarter of Section 16, Township 36 North, Range 7 East of the Third Principal Meridian at a point 869.22 feet South of the Northeast corner of said Northwest quarter of said section; thence West 39.6 feet to the West line of Highway Route 47, for a place of beginning; thence North 89°53' West, 575 feet; thence North 24°15' West, 769.2 feet; thence North 45°48' West, 886.9 feet to the West line of highway Route 47; thence Southerly along said Westerly line of highway Route 47, 1072.6 feet to the point of beginning, containing 15.25 acres, all in Kendall Township, Kendall County, Illinois,

47

Passed this 10th day of May, 1966.



Chairman County Board of Supervisors
Kendall County

ATTEST:



County Clerk

05-09-300-007
05-16-100-004
05-16-100-005

ORDINANCE 79-20
AMENDING KENDALL COUNTY ZONING ORDINANCE AS AMENDED

F923

WHEREAS, Kendall-Grundy F. S. did petition the Zoning Board of Appeals of Kendall County for a public hearing in the manner required by law and the ordinances of Kendall County, Illinois for a proposed amendment to the Kendall County Zoning Ordinance adopted January 16, 1940; and

WHEREAS, said Zoning Board of Appeals did thereupon publish notice of a hearing on said proposed amendment to said Zoning Ordinance as provided by the Statutes of the State of Illinois, and did then hold a public hearing on said proposed amendment on the 3rd day of August, 1979, A.D., on the site described in the petition and at the conclusion of said hearing said Zoning Board of Appeals voted in favor of recommending to the County Board of Kendall County, Illinois that the petition be granted and the zoning maps and ordinance be amended in the manner required by law; and

Still A-154

NOW THEREFORE, BE IT ORDAINED by the County Board of Kendall County, Illinois that the following described property be and it is hereby rezoned from A1, Agricultural District Special Use to expand facilities and that the County Clerk be and she is hereby ordered and directed to change the zoning map, to show the change in zoning classification:

That part of the West half of Section 9 and that part of the Northwest quarter of Section 16, Township 36 North, Range 7 East of the Third Principal Meridian, described as follows: Commencing at the Northeast corner of said Section 16; thence Westerly along the northerly line of said Section 2672.0 feet to the tangent center line of Illinois State Route No. 47, extended from the South, thence South 0°00'00" East along said tangent center line of said tangent center line extended 869.22 feet; thence South 89°34'04" West 615.0 feet; thence North 24°54'19" West 778.36 feet to the point of beginning; thence continuing North 24°54'19" West 237.56 feet; thence North 65°13'06" East 942.72 feet to the westerly right of way line of said State Route No. 47 being 40.0 feet normally distance Southwesterly from the center line of said Route; thence Southeasterly along said Westerly right of way line being on a curve to the right having a radius of 5344.41 feet; an arc distance of 243.46 feet to a line drawn North 65°13'06" East from the point of beginning; thence South 65°13'06" West along said line 889.01 feet to the point of beginning; containing 5.00 acres,


AND, That part of the West half of Section 9 and that part of the Northwest quarter of Section 16, Township 36 North, Range 7 East of the Third Principal Meridian, described as follows: Commencing at the Northeast corner of said Section 16; thence westerly along the Northerly line of said Section 2672.0 feet to the tangent center line of Illinois State Route No. 47, extended from the South, thence South 0°00'00" East along said tangent center line and said Tangent center line extended, 869.22 feet; thence south 89°34'04" West 615.0 feet for the point of beginning; thence North 24°54'19" West 778.36 feet; thence North 65°13'06" East 889.01 feet to the Westerly right of way line of said State Route No. 47 being 40.0 feet normally distant southwesterly from the center line of said Route; thence Southeasterly along said Westerly right of way line being

on a curve to the right having a radius of 5344.41 feet; an arc distance of 1012.51 feet; thence South 0°00'00" East along said Westerly right of way line being tangent to the last described curve at the last described point 67.82 feet to a line drawn North 89°34'04" East from the point of beginning; thence South 89°34'04" West 575.0 feet to the point of beginning; containing 15.4829 acres in the Township of Kendall, Kendall County, Illinois.

BE IT FURTHER ORDAINED that the above special use classification shall be expressly made subject to the following conditions:

1. The County Board to make determination of fencing requirement around berm.
2. Engineer shall make a study and recommendations to control water runoff and retain any chemical spills.
3. IDOT shall be contacted to make recommendations for improving ingress and egress to Rt. 47. F. S. to cooperate and install, within reason, recommended improvements.
4. Additional lighting shall be installed.

PASSED THIS 14th day of August, 1979.


Chairman, County Board of Kendall
County, Illinois

ATTEST: 
County Clerk

05-16-100-004
05-09-300-007
05-16-100-005
Zoning Petition
#9808

State of Illinois
County of Kendall

listed as 79-2

ORDINANCE NUMBER 98-09

**GRANTING SPECIAL USE ZONING PERMIT
KENDALL- GRUNDY F.S.
SIGN - 8115 IL ROUTE 47**

WHEREAS, Larry Mattison, the operations manager and duly authorized agent for the Kendall-Grundy F.S. property at 8115 IL Route 47 in Section 16 of Kendall Township, filed a petition for special use approval of a sign; and

WHEREAS, said property is currently zoned A-1 Agricultural District with a Special Use in accordance with Ordinance 79-20, with tax parcel identification number 05-16-100-005, and is further identified on the attached Exhibit A: Legal Description; and

WHEREAS, said property and project site is further detailed on the attached Exhibit B: Plot Plan; and

WHEREAS, said property conducts motor fuel retail sales; and

WHEREAS, said petition is for an illuminated sign that would be two-sided, with face no greater than 36 square feet in area, and conforming to all other regulations, including the advertising the sale of products on the property; and

WHEREAS, said sign is further illustrated on the attached Exhibit C: Sign Dimensions; and

WHEREAS, all procedures required by the Kendall County Zoning Ordinance were followed including notice for public hearing, findings of fact, and recommendation by the Zoning Board of Appeals; and

WHEREAS, the Kendall County Board finds that said petition, along with the conditions specified in this ordinance, is in conformance with the provisions of the Kendall County Zoning Ordinance;

NOW, THEREFORE, BE IT ORDAINED, that the Kendall County Board hereby grants approval of a special use zoning permit to construct an illuminated sign on the property at 8115 IL Route 47 at the site specified on Exhibit B, and in the size and manner specified in Exhibit C, in conformance to the Kendall County Zoning Ordinance.

Failure to comply with the terms of this ordinance may be cited as a basis for amending or revoking this special use permit.

IN WITNESS OF, this ordinance has been enacted on June 16, 1998.

[Redacted Signature]

John A. Church
Kendall County Board Chairman

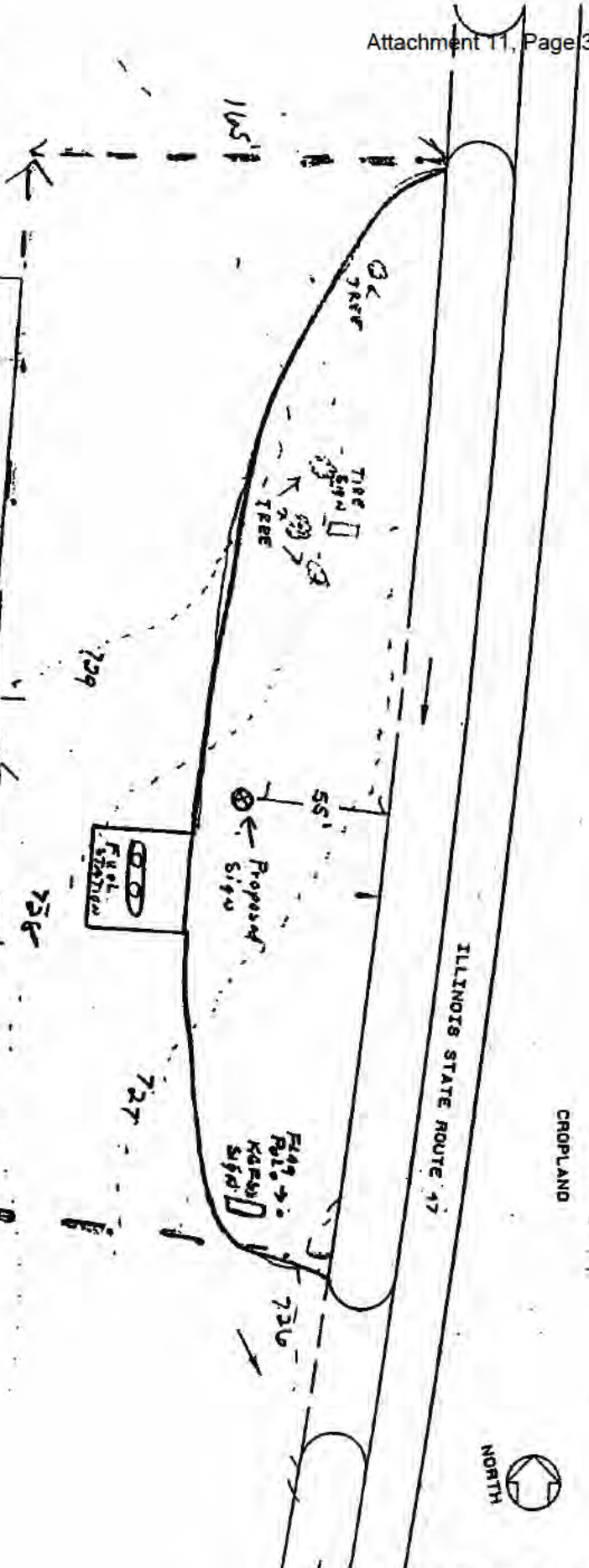
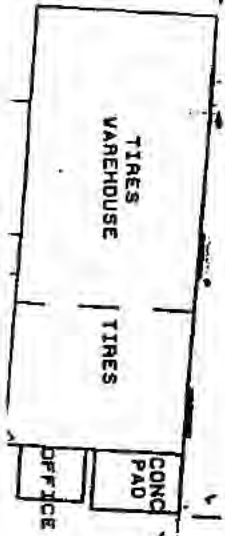
[Redacted Signature]

Paul Anderson
Kendall County Clerk

**LEGAL DESCRIPTION
FOR KENDALL GRUNDY FS, INC.**

THAT PART OF THE WEST HALF OF SECTION 9 AND THAT PART OF THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 36 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 16; THENCE WESTERLY ALONG THE NORTHERLY LINE OF SAID SECTION 2672.0 FEET TO THE TANGENT CENTER LINE OF ILLINOIS STATE ROUTE NO. 47, EXTENDED FROM THE SOUTH; THENCE SOUTH $0^{\circ}00'00''$ EAST ALONG SAID TANGENT CENTER LINE AND SAID TANGENT CENTER LINE EXTENDED, 869.22 FEET; THENCE SOUTH $89^{\circ}34'04''$ WEST 615.0 FEET FOR THE POINT OF BEGINNING; THENCE NORTH $24^{\circ}54'19''$ WEST 778.36 FEET; THENCE NORTH $65^{\circ}13'06''$ EAST 889.01 FEET TO THE WESTERLY RIGHT OF WAY LINE OF SAID STATE ROUTE NO. 47, BEING 40.0 FEET NORMALLY DISTANT SOUTHWESTERLY FROM THE CENTER LINE OF SAID ROUTE; THENCE SOUTHEASTERLY ALONG SAID WESTERLY RIGHT OF WAY LINE BEING ON A CURVE TO THE RIGHT HAVING A RADIUS OF 5344.41 FEET, AN ARC DISTANCE OF 1012.51 FEET; THENCE SOUTH $0^{\circ}00'00''$ EAST ALONG SAID WESTERLY RIGHT OF WAY LINE BEING TANGENT TO THE LAST DESCRIBED CURVE AT THE LAST DESCRIBED POINT 67.82 FEET TO A LINE DRAWN NORTH $89^{\circ}34'04''$ EAST FROM THE POINT OF BEGINNING; THENCE SOUTH $89^{\circ}34'04''$ WEST 575.0 FEET TO THE POINT OF BEGINNING; CONTAINING 15.4829 ACRES IN THE TOWNSHIP OF KENDALL, KENDALL COUNTY, ILLINOIS.

**EXHIBIT A: LEGAL DESCRIPTION
#9808 · Kendall-Grundy F.S. · Sign · Special Use**



:ROWMARK INC. Engineering Services 781 Towanda Avenue Bloomington, Illinois 61791	Revisions PETRO TANKS 7/29/79 GENERAL 7/18/79 BULK NSERVE 11/29/81 GEN 4/25/84 CHANGE WHSE 8/31/84 NEW WHSE 11/24/84 RELOCATE 11/19/84 30,000 NH/3 3/25/88 ASCHEN UPDATE PERMIT 12/92 3/93. 2/95 EQUIP/TRUCK BLDGS 1/29/97 FUEL 24 3/14/97 LS 6/30/97 LS 8/4/97 LS	Date 7/23/78 Scale = 50' 0" Designed by SANDS Drawn by MYERS	1 of 2	WCKENDALL GRUNDY FS INC YORKVILLE, ILLINOIS

EXHIBIT B: PLOT PLAN

#9808 · Kendall-Grundy F.S. · Sign · Special Use

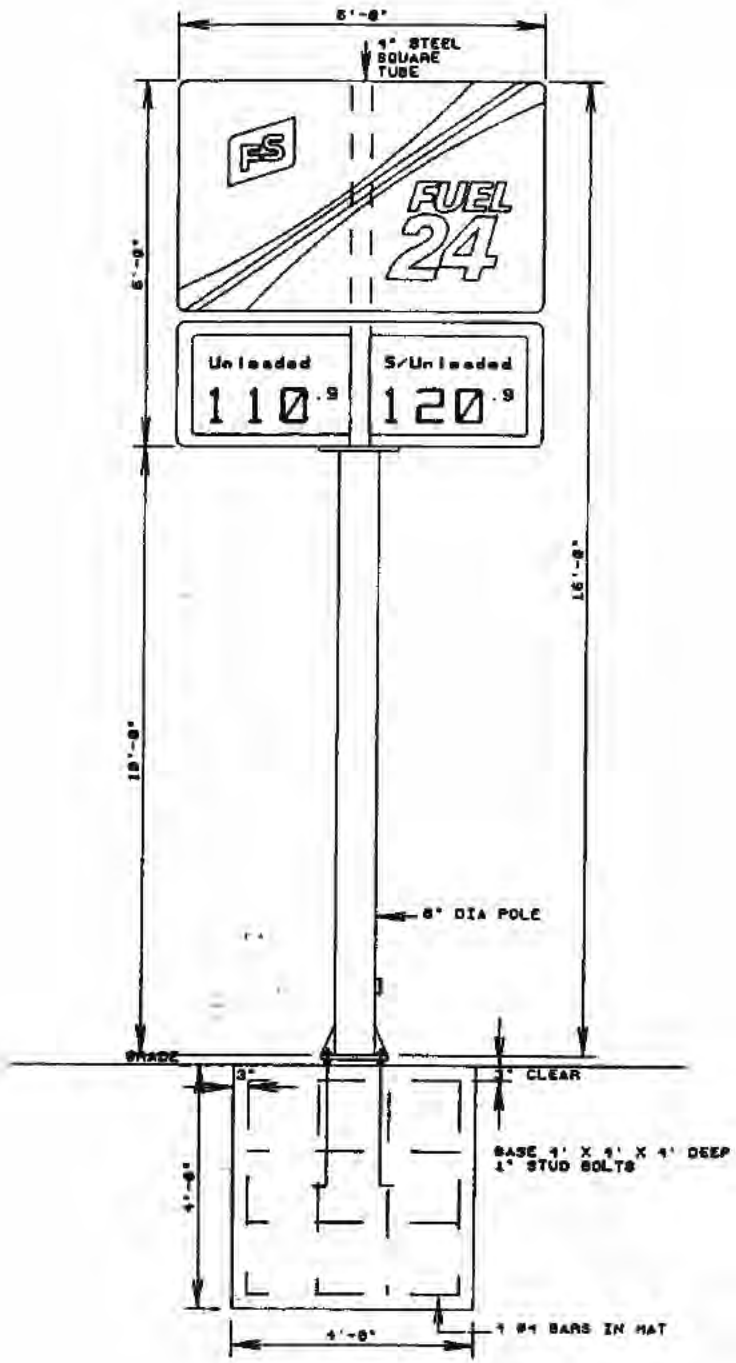


EXHIBIT C: SIGN DIMENSIONS
#9808 · Kendall-Grundy F.S. · Sign · Special Use

**ZONING BOARD OF APPEALS
COUNTY OF KENDALL
111 West Fox Street
Yorkville, Illinois 60560**

Roll Call:

		Hearing:	#740
Richard Bark	present		
Floyd Dierzen	present	File:	#9717
William Ford	present		
James Friedrich	present	Date:	July 29, 1997
Paul Scholtes	present		
Mary Ann Stees	present	Time:	7:00 p.m.

RE: Kendall - Grundy FS - Variation

An application for a variance from Section 7.0.D.1.A of the Kendall County Zoning Ordinance pursuant to Section 13.04.B.2 was submitted to the Kendall County Zoning Officer.

The applicant is requesting a variance of the front yard setback in the agricultural district.

After due notice as required by law, the Zoning Board of Appeals held a public hearing on Tuesday, July 29, 1997 at 7:00 p.m. in the Kendall County Board Room at 111 West Fox Street in Yorkville, Illinois.

At the hearing Mr. Manning explained a petition was received from the owner of the Kendall - Grundy Farm Service property for their facility located at 8115 So. Rt. 47, Kendall Township. The property currently has an A-1 Special Use. It was determined when that Special Use was established, that a petroleum service station and sales use of the property would be a permitted use. The petitioners would now like to establish and construct that on this property. They have submitted a site plan showing a pump island set back 90' from the right-of-way on Rt. 47 with an overhead canopy set back 80' from the right-of-way.

Mr. Manning stated he had received a letter from Andrew Sviria, an engineer for District 3 of IDOT. The letter contained IDOT's long range plan to shift the right-of-way for Rt. 47 and showed their drawing. The plan will shift the west right-of-way line another 20' west. When that occurs, it would put the canopy setback at 60'.

Dan Kramer, attorney, and Larry Matteson, FS manager, were sworn in by Chairman Ford. Mr. Kramer explained the current right-of-way is 120' (60' west and 60' east). He talked to Mr. Sviria and explained that the canopy would not be an enclosed building. Jason Poppen from IDOT called him and said the head engineer reviewed this and did not see a problem. Mr. Kramer asked for this to be put in writing as soon as possible. He said that when asking for a recommendation tonight, that the vote be contingent upon Mr. Manning receiving that letter withdrawing their objection.

Mr. Kramer entered petitioners exhibit #1 showing an aerial view of the property and pointed out the IDOT building is as close as the variance FS is asking for. (80' off the right-of-way line). FS plans on putting a two pump island in on this specific spot so there will be a wide enough swing area for the trucks.

This location is right next to the existing building which houses the computers and the cash register. There will be no additional buildings constructed. Mr. Kramer entered a color picture of the proposed canopy as exhibit #2. The canopy top will be 80' and will cover the two pumps north and south to the road. He is asking for a variance of 20' for the canopy and a 10' variance for the posts.

Mr. Manning questioned if there could not be other locations. Mr. Matteson explained why this location is the best in his opinion due to congestion and the loading docks. He said they will sell to the public both deisel and gas with the two pumps.

After testimony the Zoning Board made the following findings of fact: (13.04.A.2)

1. Are there particular physical surroundings, shape or topographical condition of the property involved that would result in a hardship upon the owner as distinguished from a mere inconvenience or loss of revenue? NO
2. The conditions upon the requested variation is based applicable to other property within the same zoning classification. UNIQUE
3. Does the alleged difficulty or hardship been created by any person having interest in the property? NO
4. At the granting of the variation detrimentally effect the public welfare or injurious to other property or improvements in the neighborhood. NO
5. Will the proposed variation impair adequate supply of light or air to adjacent property or increase congestion in the public street or increase danger of fire or endanger of public safety or substantially diminish or impair property values? NO, modest increase in traffic.
6. Does the proposed variance comply with the spirit and intent of the ordinance? YES

Member Dierzen motioned and Member Friedrich seconded to grant the variance request with the following stipulations: pending approval from the State of Illinois IDOT in writing.

VOTE:	Bark	YES	Dierzen	YES
	Friedrich	YES	Scholtes	YES
	Stees	YES	Ford	YES

MOTION CARRIED.

[Redacted Signature]

Recording Secretary

[Redacted Signature]

Chairman, Zoning Board of Appeals