

APPROVED
KENDALL COUNTY
ZONING BOARD OF APPEALS MEETING
111 WEST FOX STREET, COUNTY BOARD ROOM (ROOMS 209 and 210)
YORKVILLE, IL 60560
December 18, 2023 – 7:00 p.m.

CALL TO ORDER

Chairman Randy Mohr called the Zoning Board of Appeals meeting to order at 7:02 p.m.

ROLL CALL:

Members Present: Scott Cherry, Cliff Fox, Tom LeCuyer, Randy Mohr, Jillian Prodehl, Dick Thompson, and Dick Whitfield

Members Absent: None

Staff Present: Matthew Asselmeier, AICP, CFM, Director and Wanda Rolf, Administrative Assistant

Others Present: Dan Kramer, Andrew Schwartz, Robert Schwartz, and Steve Grebner

MINUTES:

Member LeCuyer made a motion, seconded by Member Whitfield, to approve the minutes of the October 30, 2023, hearing/meeting.

With a voice vote of seven (7) ayes, the motion carried.

PETITIONS

The Zoning Board of Appeals started their review of Petitions 23-32 and 23-33 at 7:03 p.m.

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)

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

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)

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

Mr. Asselmeier summarized the request.

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 and pictures of the property were provided.

The property is located at 8115 Route 47, Yorkville.

The property is vacant and improved commercial.

Two (2) of the parcels are zoned A-1 and three (3) of the parcels are zoned A-1 with special use permits.

The County's plan calls for the property to be Transportation Corridor.

Yorkville's plan calls for the property to be Agricultural.

Route 47 is a State maintained arterial road.

There are no trails planned in this area.

There are no floodplains or wetlands on the property.

The adjacent land uses are Improved Commercial, Agricultural, Farmstead, and Transportation/Community/Utility (IDOT Yard).

The adjacent properties are zoned A-1 and B-3 in the County and R-2 and R-3 in Yorkville.

The County's plan calls for the area to be Transportation Corridor, Commercial, and Rural Residential (Max 0.65 DU/Acre).

Yorkville's plan calls for the area to be Estate/Conservation Residential, and Agricultural.

Properties within one point five (1.5) miles were zoned A-1, A-1SU, R-1, R-3, and B-3 in the County and R-2, R-3, B-1, and B-3 inside Yorkville.

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

Petition information was sent to Kendall Township on November 17, 2023. At their meeting on November 21, 2023, the Kendall Township Planning Commission recommended approval of the requests. The Kendall Township Board was still reviewing the proposals.

Petition information was sent to the United City of Yorkville on November 17, 2023. Yorkville plans to review the proposals in January 2024.

Petition information was sent to the Bristol-Kendall Fire Protection District on November 17, 2023. No comments received.

ZPAC reviewed the proposal at their meeting on December 5, 2023. It was noted that the septic system was designed for a maximum fifteen (15) people. The Petitioner's Attorney indicated that fewer people will be on the property compared to the number of people onsite for previous uses. The Illinois Department of Transportation had not been in negotiations with the property owners related to land acquisition for right-of-way expansion. With two (2) access points, the property possessed good access onto Route 47. ZPAC recommended approval of both proposals by a vote of seven (7) in favor and zero (0) in opposition with three (3) members absent. The minutes of the meeting were provided.

The Kendall County Regional Planning Commission held a public hearing on this proposal on December 13, 2023. Other than the Petitioner's Attorney, nobody from the public testified at the public hearing. He explained the proposed land transaction and proposed uses at the property. He also believed the reclassification and rezoning more closely matches the uses in the area. Discussion occurred about reclassifying and rezoning other non-agricultural properties in the area. It was the Petitioner's Attorney's understanding that underground fuel tanks had been removed. Discussion occurred regarding obtaining an A-1 special use instead of a map amendment; Commissioners reviewed the list of allowable uses in the M-1. It was noted that most of the more objectionable uses in the M-1 have to occur entirely indoors. Discussion occurred about possible annexations to Yorkville; annexations were considered doubtful. Future buildings would be based on market demand. Site development, including stormwater development, would be reviewed when the site is altered. The existing fuel tanks will remain. The Kendall County Regional Planning Commission recommended approval of both proposals by a vote of seven (7) in favor and zero (0) in opposition with three (3) members absent. The minutes of the hearing were provided.

The 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 were provided.

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 was provided.

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 submit the same reclassification request in the future. The types of uses of those buildings and properties could also fit into the Mixed Use Business classification.

EcoCAT Report submitted and consultation was terminated.

The application for NRI was submitted on November 12, 2023. The LESA Score was 184 indicating a low level of protection. The NRI Report was provided.

Per the site plan, there are seven (7) buildings presently located on the property. Any new buildings, expansion of existing buildings, or remodeling of these buildings would require 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.

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

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

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.

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.

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.

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.

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

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.

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.

The proposed Findings of Fact were as follows:

Existing uses of property within the general area of the property in question. The surrounding properties are used for agricultural purposes, 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.

Staff recommended approval of the requested amendment to the Future Land Use Map.

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

Chairman Mohr opened the public hearing at 7:12 p.m.

Chairman Mohr swore in Dan Kramer, Andrew Schwartz, Robert Schwartz, and Steve Grebner.

Dan Kramer, Attorney for the Petitioners, stated that GrainCo is going to remain as a tenant for their LP and some of their gas businesses for home delivery. There are some empty buildings on the property; the new owners have the opportunity to rent these buildings. Mr. Kramer stated that the Petitioners are requesting that future land use be changed to Mixed Use Business. Currently the property is classified as Transportation Corridor and zoned A-1 Agricultural. The surrounding businesses might submit the same reclassification request in the future. No changes are being made at this time to the property or existing buildings.

Member Thompson asked if the proposed business was a field tile business. Mr. Kramer responded that yes, the proposed business is a field tile business. The current owner has been doing this for many years and has quite a bit of experience in this field.

Steve Grebner, Clerk for Kendall Township asked about the future land use map change. Mr. Asselmeier stated that, since the tiling is not allowed in the B-3 zoning district, the only option was to rezone to M-1 and the Petitioners couldn't rezone to M-1 and be consistent with the comprehensive plan unless they asked for the reclassification.

Mr. Grebner asked what does lawfully nonconforming mean. Mr. Asselmeier responded it's the legal way of saying something is grandfathered. A use that is presently on site is allowed to continue operations "as is" and unchanged. An owner cannot expand the existing use even though the property is going to be zoned something other than A-1. If something wasn't allowed to be in M-1, but they were doing it on the property now, they could continue to do it in the M-1. The Zoning Ordinance says that if a use is outdoors and is discontinued for a period of six (6) months they have to cease it permanently. If the use is indoors, the discontinuing period is one (1) year. The same rules apply if there is a natural disaster or a fire.

Mr. Grebner asked if the fuel usage is lawfully nonconforming with M-1 with the LP and propane. Mr. Asselmeier responded that they might need a Special Use Permit. They don't need to secure a special use permit unless they wanted to expand.

Mr. Grebner asked about the rental space and supervision oversight. Mr. Asselmeier stated they need a change of occupancy permit. The Code Official inspects the property and he checks to see if the use is a valid use under the Zoning Ordinance. If the party renting wants to make changes to the building, then they have to come to the County for site plan review; anything zoned M-1 has to have site plan approval from ZPAC.

Chairman Mohr adjourned public hearing at 7:25 p.m.

Member Thompson made a motion, seconded by Member Fox, to approve the findings of fact.

The votes were as follows:

Ayes (7): Thompson, Whitfield, Cherry, Fox, LeCuyer, Mohr, and Prodehl
Nays (0): None
Abstain (0): None
Absent (0): None

The motion passed.

Chairman Mohr asked for a motion to approve Petition 23-32 and Petition 23-33.

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

The votes were as follows:

Ayes (7): LeCuyer, Mohr, Prodehl, Thompson, Whitfield, Cherry, and Fox.
Nays (0): None
Abstain (0): None
Absent (0): None

The motion passed.

These proposals will go to the Planning, Building and Zoning Committee on February 13, 2024.

The Zoning Board of Appeals completed their review of Petitions 23-32 and 23-33 at 7:24 p.m.

NEW BUSINESS/OLD BUSINESS

None

REVIEW OF PETITIONS THAT WENT TO PLANNING BUILDING AND ZONING

Mr. Asselmeier reported that Petition 23-26, the special use permit at 1270 Beecher Road, was approved at the County Board. The host agreement was approved and the owner was given two (2) years to move the materials that were on the property to the east without paying the tipping fee.

PUBLIC COMMENTS

None

ADJOURNMENT OF THE ZONING BOARD OF APPEALS

Member LeCuyer made a motion, seconded by Member Fox, to adjourn.

With a voice vote of seven (7) ayes, the motion carried.

The Zoning Board of Appeals meeting adjourned at 7:27 p.m.

The next regularly scheduled meeting/hearing will be on January 29, 2024.

Respectfully submitted by,
Wanda A. Rolf
Administrative Assistant

Exhibits

1. Memo on Petition 23-32 Dated December 14, 2023
2. Memo on Petition 23-33 Dated December 14, 2023
3. Certificate of Publication and Certified Mail Receipts for Petition 23-33 (Not Included with Report but on file in Planning, Building and Zoning Office)



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 203

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

Petition 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. At their meeting on November 21, 2023, the Kendall Township Planning Commission recommended approval of the request. The Kendall Township Board was still reviewing the proposal.

UNITED CITY OF YORKVILLE

Petition information was sent to the United City of Yorkville on November 17, 2023. Yorkville plans to review the proposal in January 2024.

BRISTOL-KENDALL FIRE PROTECTION DISTRICT

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

ZPAC

ZPAC reviewed the proposal at their meeting on December 5, 2023. It was noted that the septic system was designed for a maximum fifteen (15) people. The Petitioner’s Attorney indicated that fewer people will be on the property compared to the number of people onsite for previous uses. The Illinois Department of Transportation had not been in negotiations with the property owners related to land acquisition for right-of-way expansion. With two (2) access points, the property possessed good access onto Route 47. ZPAC recommended approval of the proposal by a vote of seven (7) in favor and zero (0) in opposition with three (3) members absent. The minutes of the meeting were included as Attachment 13.

RPC

The Kendall County Regional Planning Commission held a public hearing on this proposal on December 13, 2023. Other than the Petitioner’s Attorney, nobody from the public testified at the public hearing. He explained the proposed land transaction and proposed uses at the property. He also believed the reclassification and rezoning more closely matches the uses in the area. Discussion occurred about reclassifying and rezoning other non-agricultural properties in the area. It was the Petitioner’s Attorney’s understanding that underground fuel tanks had been removed. Discussion occurred regarding obtaining an A-1 special use instead of a map amendment; Commissioners reviewed the list of allowable uses in the M-1. It was noted that most of the more objectionable uses in the M-1 have to occur entirely indoors. Discussion occurred about possible annexations to Yorkville; annexations were considered doubtful. The Kendall County Regional Planning Commission recommended approval of the proposal by a vote of seven (7) in favor and zero (0) in opposition with three (3) members absent. The minutes of the hearing were included as Attachment 14.

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 submit the same reclassification request in the future. The types of uses of those buildings 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
13. December 5, 2023, ZPAC Minutes (This Petition Only)
14. December 13, 2023, RPC Minutes (This Petition Only)

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



Attachment 7 Looking North



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,

Passed this 10th day of May, 1966.

[Redacted]

Chairman County Board of Supervisors
Kendall County

ATTEST:

[Redacted]

County Clerk

[Handwritten signature]

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]

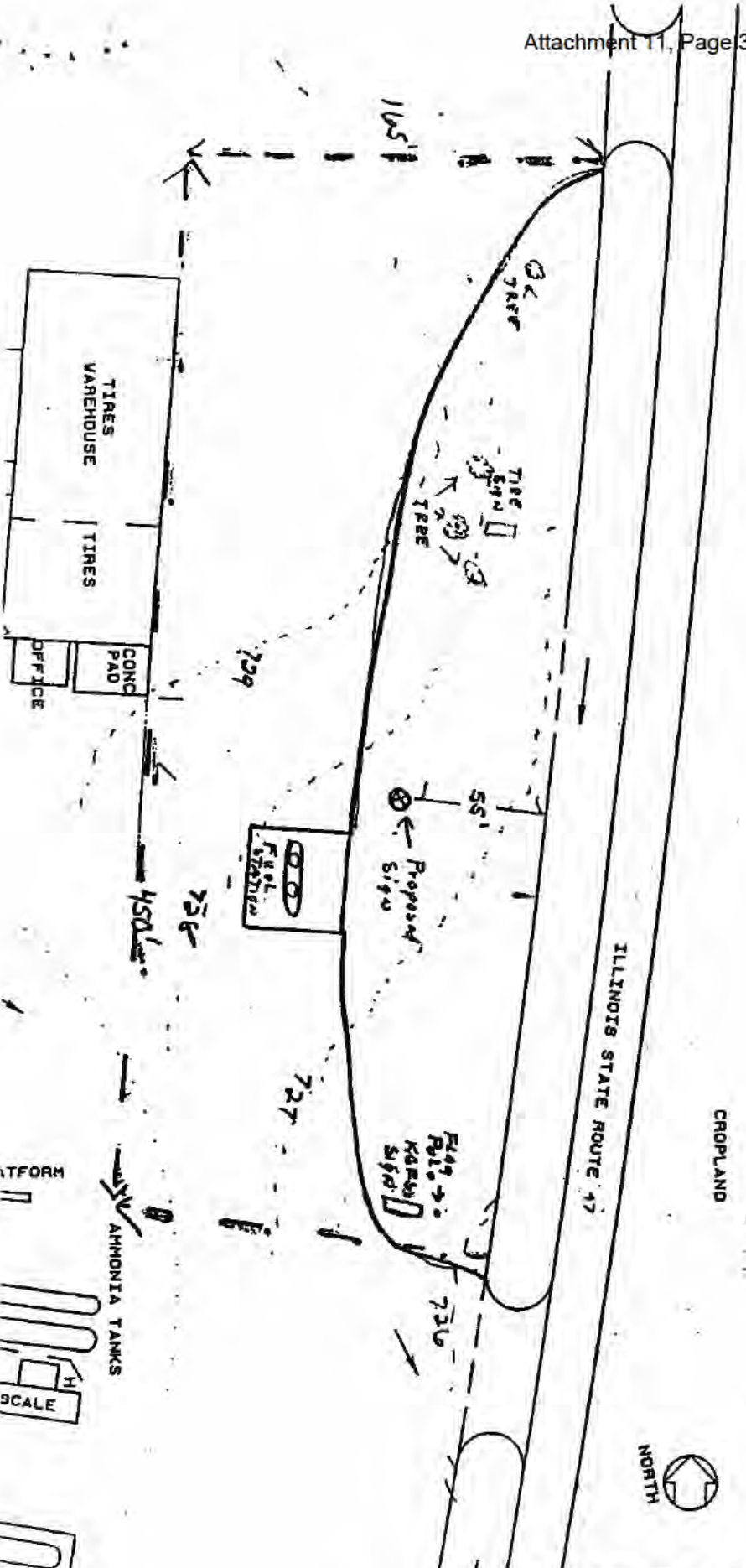
John A. Church
Kendall County Board Chairman

[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.



: ROWMARK INC. Engineering Services 781 Towanda Avenue Bloomington, Illinois 61701		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 1" = 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

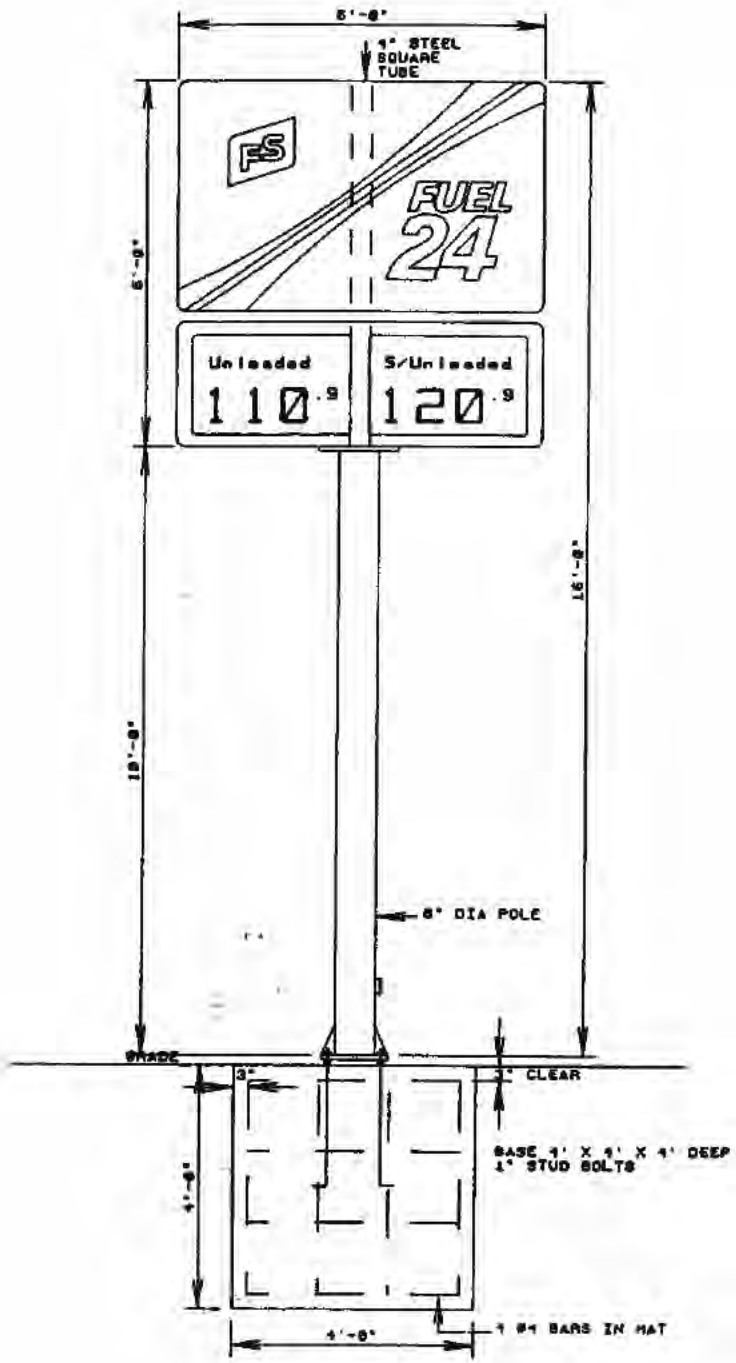


EXHIBIT C: SIGN DIMENSIONS
#9808 · Kendall-Grundy F.S. · Sign · Special Use

**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

**ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)
December 5, 2023 – Unapproved Meeting Minutes**

PBZ Chairman Seth Wormley called the meeting to order at 9:00 a.m.

Present:

Matt Asselmeier – PBZ Department
David Guritz – Forest Preserve
Brian Holdiman – PBZ Department
Fran Klaas – Highway Department
Commander Jason Langston – Sheriff's Department
Aaron Rybski – Health Department
Seth Wormley – PBZ Committee Chair

Absent:

Meagan Briganti – GIS Department
Greg Chismark – WBK Engineering, LLC
Alyse Olson – Soil and Water Conservation District

Audience:

Dan Kramer, Andrew Schwartz, and Robert Schwartz

PETITIONS

Petitions 23-32 and 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)

Mr. Asselmeier summarized the request.

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 and pictures of the property were provided.

The property is located at 8115 Route 47, Yorkville.

The property is vacant and improved commercial.

Two (2) of the parcels are zoned A-1 and three (3) of the parcels are zoned A-1 with special use permits.

The County's plan calls for the property to be Transportation Corridor.

Yorkville's plan calls for the property to be Agricultural.

Route 47 is a State maintained arterial road.

There are no trails planned in this area.

There are no floodplains or wetlands on the property.

The adjacent land uses are Improved Commercial, Agricultural, Farmstead, and Transportation/Community/Utility (IDOT Yard).

The adjacent properties are zoned A-1 and B-3 in the County and R-2 and R-3 in Yorkville.

The County's plan calls for the area to be Transportation Corridor, Commercial, and Rural Residential (Max 0.65 DU/Acre).

Yorkville's plan calls for the area to be Estate/Conservation Residential, and Agricultural.

Properties within one point five (1.5) miles were zoned A-1, A-1SU, R-1, R-3, and B-3 in the County and R-2, R-3, B-1, and B-3 inside Yorkville.

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

EcoCAT Report submitted and consultation was terminated.

The application for NRI was submitted on November 12, 2023.

Petition information was sent to Kendall Township on November 17, 2023. At their meeting on November 21, 2023, the Kendall Township Planning Commission recommended approval of the request. The Kendall Township Board was still reviewing the proposal.

Petition information was sent to the United City of Yorkville on November 17, 2023. Yorkville plans to review the proposal in January 2024.

Petition information was sent to the Bristol-Kendall Fire Protection District on November 17, 2023. No comments received.

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 were provided.

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 was provided.

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.

Per the site plan, there are seven (7) buildings presently located on the property. Any new buildings, expansion of existing buildings, or remodeling of these buildings would require 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.

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

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

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.

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.

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.

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.

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

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.

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.

The proposed Findings of Fact were as follows:

Existing uses of property within the general area of the property in question. The surrounding properties are used for agricultural purposes, 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.

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 recommended approval of the proposed map amendment.

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 submit the same reclassification request in the future. The types of uses of those buildings and properties could also fit into the Mixed Use Business classification.

Staff recommended approval of the requested amendment and, if the requested amendment to the Future Land Use Map in the Land Resource Management Plan reclassifying this property as Mixed Use Business was approved, Staff recommended approval of the proposed map amendment.

Mr. Rybski said that the septic system was installed in 2008 and designed for fifteen (15) employees. Dan Kramer, Attorney for the Petitioner, said that the proposed uses would have less people onsite.

Mr. Kramer said that the conservation designation in Yorkville's plan was a placeholder.

Mr. Klaas asked if the Illinois Department of Transportation had acquired additional right-of-way at this property. Mr. Kramer responded no as it related to the subject property.

No additional access was planned for the property.

Chairman Wormley expressed his support for the project.

Mr. Klaas made a motion, seconded by Mr. Rybski, to recommend approval of the reclassification and map amendment.

The votes were follows:

Ayes (7): Asselmeier, Guritz, Klaas, Holdiman, Langston, Rybski, and Wormley

Nays (0): None

Abstain (0): None

Absent (3): Briganti, Chismark, and Olson

The motion passed.

The proposals go to the Kendall County Regional Planning Commission on December 13, 2023.

PUBLIC COMMENT

None

ADJOURNMENT

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

With a voice vote of seven (7) ayes, the motion carried.

The ZPAC, at 9:16 a.m., adjourned.

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

Enc.

Attachment 14, Page 1
KENDALL COUNTY
REGIONAL PLANNING COMMISSION

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

Unapproved - Meeting Minutes of December 13, 2023 - 7:00 p.m.

Chairman Bill Ashton called the meeting to order at 7:05 p.m.

ROLL CALL

Members Present: Bill Ashton, Eric Bernacki, Dave Hamman, Larry Nelson, Ruben Rodriguez, Claire Wilson, and Seth Wormley (Arrived at 7:07 p.m.)

Members Absent: Tom Casey, Karin McCarthy-Lange, and Bob Stewart

Staff Present: Matthew H. Asselmeier, Director, and Wanda A. Rolf, Administrative Assistant

Others Present: Dan Kramer, Andrew Schwartz, Robert Schwartz, and Carrie Barns

PUBLIC HEARING

The Kendall County Regional Planning Commission started their review of Petition 23-32 at 7:06 p.m.

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 (Contract Purchaser)

Mr. Asselmeier summarized the request.

Member Wormley arrived at this time (7:07 p.m.)

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 and pictures of the property were provided.

The property is located at 8115 Route 47, Yorkville.

The property is vacant and improved commercial.

Two (2) of the parcels are zoned A-1 and three (3) of the parcels are zoned A-1 with special use permits.

The County's plan calls for the property to be Transportation Corridor.

Yorkville's plan calls for the property to be Agricultural.

Route 47 is a State maintained arterial road.

There are no trails planned in this area.

There are no floodplains or wetlands on the property.

The adjacent land uses are Improved Commercial, Agricultural, Farmstead, and Transportation/Community/Utility (IDOT Yard).

The adjacent properties are zoned A-1 and B-3 in the County and R-2 and R-3 in Yorkville.

The County's plan calls for the area to be Transportation Corridor, Commercial, and Rural Residential (Max 0.65 DU/Acre).

Yorkville's plan calls for the area to be Estate/Conservation Residential, and Agricultural.

Properties within one point five (1.5) miles were zoned A-1, A-1SU, R-1, R-3, and B-3 in the County and R-2, R-3, B-1, and B-3 inside Yorkville.

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

Petition information was sent to Kendall Township on November 17, 2023. At their meeting on November 21, 2023, the Kendall Township Planning Commission recommended approval of the request. The Kendall Township Board was still reviewing the proposal.

Petition information was sent to the United City of Yorkville on November 17, 2023. Yorkville plans to review the proposal in January 2024.

Petition information was sent to the Bristol-Kendall Fire Protection District on November 17, 2023. No comments received.

ZPAC reviewed the proposal at their meeting on December 5, 2023. It was noted that the septic system was designed for a maximum fifteen (15) people. The Petitioner's Attorney indicated that fewer people will be on the property compared to the number of people onsite for previous uses. The Illinois Department of Transportation had not been in negotiations with the property owners related to land acquisition for right-of-way expansion. With two (2) access points, the property possessed good access onto Route 47. ZPAC recommended approval of the proposal by a vote of seven (7) in favor and zero (0) in opposition with three (3) members absent. The minutes of the meeting were provided.

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 were provided.

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 was provided.

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 submit the same reclassification request in the future. The types of uses of those buildings and properties could also fit into the Mixed Use Business classification.

Staff recommended approval of the requested amendment.

Chairman Ashton opened the public hearing at 7:11 p.m.

Dan Kramer, Attorney for the Petitioner, stated that changing the Kendall County Land Resource Management Plan made sense because the proposal conforms with the various uses at the property for the past forty (40) years. He noted Grainco FS' previous operations at the site. Grainco FS will continue to be a tenant and sell the LP and bulk gas. The tile business will focus on agricultural clients. Mr. Kramer believed that the United City of Yorkville's conservation classification was a placeholder.

Member Wilson asked if the underground fuel tanks have been removed. Mr. Kramer stated that all tanks are above ground.

Member Nelson asked why the request was for a map amendment instead of special use under A-1. Member Wormley commented that, if it was a special use permit, the owner would have to obtain a special use permit for every tenant, which creates much more work for the Planning, Building and Zoning Department.

Member Nelson asked about the allowable uses in M-1. Commissioners reviewed the list of permitted uses in the M-1.

Member Nelson felt the local fire department should play a role in reviewing the types of business allowed at the site.

Mr. Kramer noted that the Petitioners were requesting Mixed Use Business and they were not constructed any new buildings.

Member Wilson noted that the more objectionable uses allowed in the M-1, like the slaughtering of rabbits, has to occur indoors. Member Nelson concurred and noted that the Health Department would be heavily involved in the regulation of that use.

Member Wilson asked about the possibility of annexation into Yorkville. Mr. Kramer stated he doesn't believe it would be annexed because Yorkville was focused on retail development and Yorkville did not have any utilities in the vicinity.

Member Rodriguez and Member Wormley visited the site and stated the business has much potential.

Member Nelson asked about the process to change the Plan for all the businesses in the vicinity to M-1. Mr. Asselmeier recommended bringing a proposal to the January 2024 meeting identifying specific properties and

giving property owners the opportunity to be contacted to see if they were in favor of reclassification. The property owners could be invited the February 2024 Annual Meeting.

Member Rodriguez made a motion, seconded by Member Bernacki, to adjourn the public hearing. With a voice vote of seven (7) ayes, the motion carried.

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

Member Wormley made a motion, seconded by Member Hamman, to recommend approval of the reclassification.

The votes were as follows:

Ayes (7): Ashton, Bernacki, Hamman, Nelson, Rodriguez, Wilson, and Wormley

Nays (0): None

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

Abstain (0): None

The motion carried. The proposal will go to the Kendall County Zoning Board of Appeals on December 18, 2023.

The Kendall County Regional Planning Commission completed their review of Petition 23-32 at 7:34 p.m.

ADJOURNMENT

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

The Kendall County Regional Planning Commission meeting adjourned at 8:16 p.m.

Respectfully submitted by,
Wanda A. Rolf
Administrative Assistant

Enclosure and Exhibits

1. Memo on Petition 23-32 Dated December 5, 2023
2. Certificate of Publication and Certified Mail Receipts for Petition 23-32 (Not Included with Report but on file in Planning, Building and Zoning Office)



**KENDALL COUNTY
REGIONAL PLANNING COMMISSION
DECEMBER 13, 2023**

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

NAME	ADDRESS (OPTIONAL)	EMAIL ADDRESS (OPTIONAL)
Don Kramer	1127 A S. Danville St Yonkers Ill. 60560	#23-32 23 33
Andy Schwartz		
Bob Schwartz		
Carrie Barnes		



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). The LESA Score was 184 indicating a low level of protection. The NRI Report was included as Attachment 14

ACTION SUMMARY

KENDALL TOWNSHIP

Petition information was sent to Kendall Township on November 17, 2023. At their meeting on November 21, 2023, the Kendall Township Planning Commission recommended approval of the request. The Kendall Township Board was still reviewing the proposal.

UNITED CITY OF YORKVILLE

Petition information was sent to the United City of Yorkville on November 17, 2023. Yorkville plans to review the proposal in January 2024.

BRISTOL-KENDALL FIRE PROTECTION DISTRICT

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

ZPAC

ZPAC reviewed the proposal at their meeting on December 5, 2023. It was noted that the septic system was designed for a maximum fifteen (15) people. The Petitioner’s Attorney indicated that fewer people will be on the property compared to the number of people onsite for previous uses. The Illinois Department of Transportation had not been in negotiations with the property owners related to land acquisition for right-of-way expansion. With two (2) access points, the property possessed good access onto Route 47. ZPAC recommended approval of the proposal by a vote of seven (7) in favor and zero (0) in opposition with three (3) members absent. The minutes of the meeting were included as Attachment 13.

RPC

The Kendall County Regional Planning Commission reviewed this proposal at their meeting on December 13, 2023. Future buildings would be based on market demand. Site development, including stormwater development, would be reviewed when the site is altered. The existing fuel tanks will remain. The Kendall County Regional Planning Commission recommended approval of the proposal by a vote of seven (7) in favor and zero (0) in opposition with three (3) members absent. The minutes of the meeting were included as Attachment 15.

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 require 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
13. December 5, 2023, ZPAC Minutes (This Petition Only)
14. NRI Report
15. December 13, 2023, RPC Minutes (This Petition Only)


DEPARTMENT OF PLANNING, BUILDING & ZONING

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

APPLICATION

 PROJECT NAME 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 60560	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 60560	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



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)
ACRES <u>19.8708</u>	<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

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

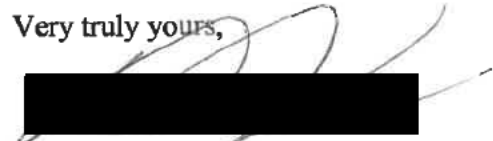
Re: A.B.Schwartz, LLC M-1 Zoning Application

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

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 60550



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

[Redacted signature area]

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...
in 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
[redacted] (SEAL) [redacted] (SEAL)
Robert Druse Carol Druse
[redacted] (SEAL) [redacted] (SEAL)
[redacted] (SEAL) [redacted] (SEAL)

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

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 [redacted] (SEAL)
Notary Public.

MAIL TAX \$25.00 Document No. 75-5963 Filed for record in Recorder's Office of Kendall County, Illinois, Kendall

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

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

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, _____, 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) _____
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

VERIFICATION
I, Daniel J. Kramer, 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 T. Hanson
Notary Public





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



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:
Justin & Janet Schwartz

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. 17080C0250 with an effective date of February 4, 2002.

SOILS (From Web Soil Survey)

- 306A Urban SR Loam, 05-25 slopes
- 306C Le Rose SR Loam, 05-12% slopes, arded
- 306D Le Rose City Loam, 05-12% slopes, severely arded
- 306A Pans City City Loam, 05-25 slopes
- 304B Cragmoor SR Loam, 25-55 slopes

PRESENT ZONING:
A1 and A1-SU (Ord # 79-09)

PROPOSED ZONING:
M-1

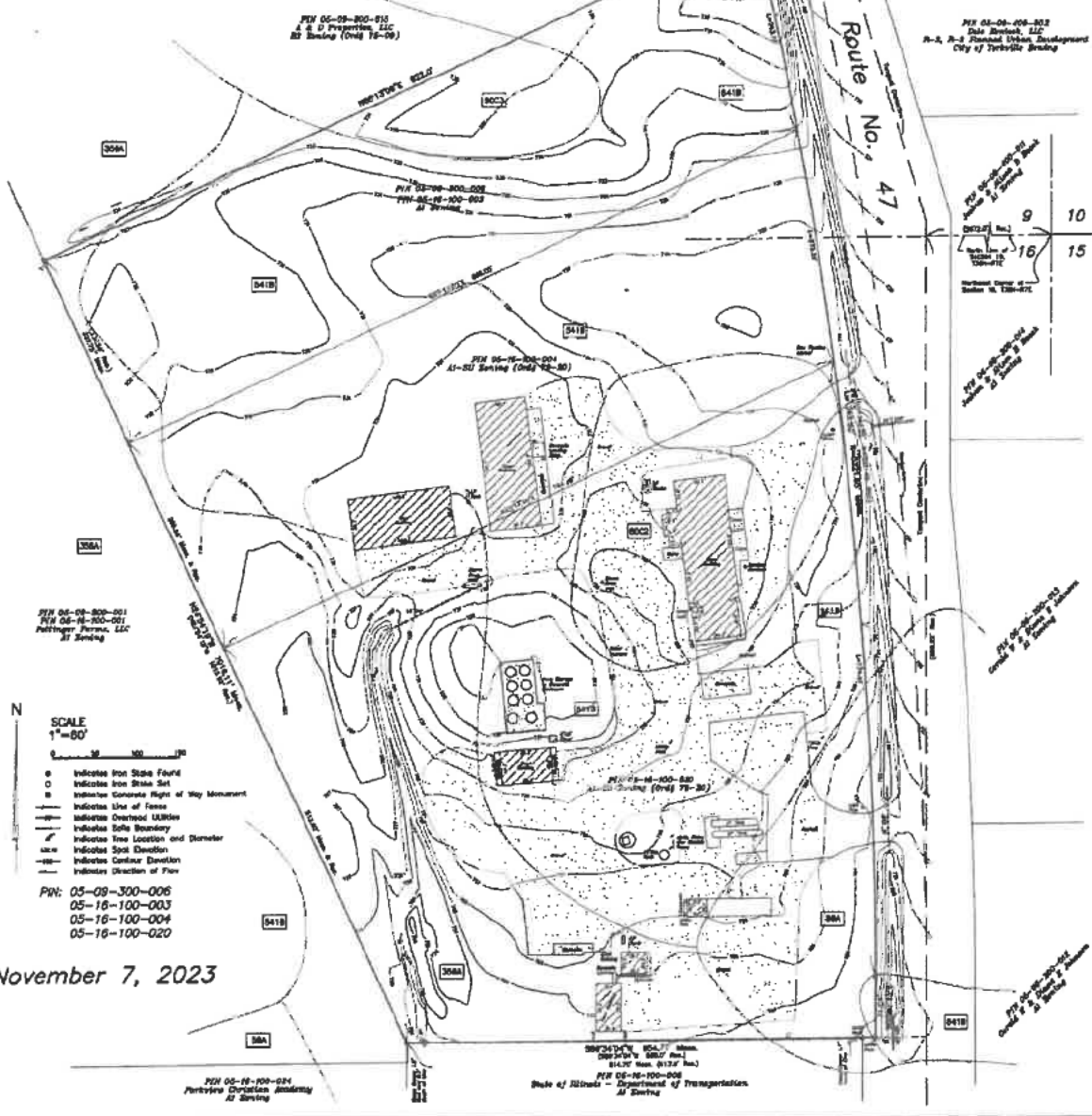
WETLANDS STATEMENT:

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 Northerly, along the North-Center Line of said Section, 2872.0 feet to the longest center line of Illinois State Route No. 47, ascended from the South; Thence South 00°00'00" East, along said longest center line and said longest center line extended, 865.23 feet; Thence South 80°24'00" West, 816.0 feet to the point of beginning; thence North 24°34'10" West, 1013.82 feet; thence North 80°13'00" East, 842.72 feet to the Westerly Right of Way Line of said State Route No. 47, being 40 feet narrower distant, commencing 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 2,544.1 feet, an arc distance of 1248.0 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, 672.23 feet to a line drawn North 80°24'00" East from the point of beginning; thence South 80°24'00" West, 872.0 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-Grandy P.S., Inc. by Record Deed dated July 20, 1920 and recorded July 3, 1940 in Deed Book 121, Page 238; AND BEING 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 returned December 2, 1974 in Instrument No. 74-0428.



- SCALE**
1" = 60'
- Indicates Iron Stake Found
 - Indicates Iron Stake Set
 - Indicates Concrete Right of Way Monument
 - Indicates Line of Fence
 - Indicates Overlaid 1880s
 - Indicates 1880s Boundary
 - Indicates Iron Location and Direction
 - Indicates Spot Elevation
 - Indicates Contour Direction
 - Indicates Direction of Flow
- PIN:**
05-09-300-005
05-16-100-003
05-16-100-004
05-16-100-020

November 7, 2023

JOB NO.	23133
JOB NAME	ATY, 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 60560
Telephone (630)553-1580



11/15/2023 15:27



11/15/2023 15:27



11/15/2023 15:28



11/15/2023 15:28



Attachment 7 Looking North



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,

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]

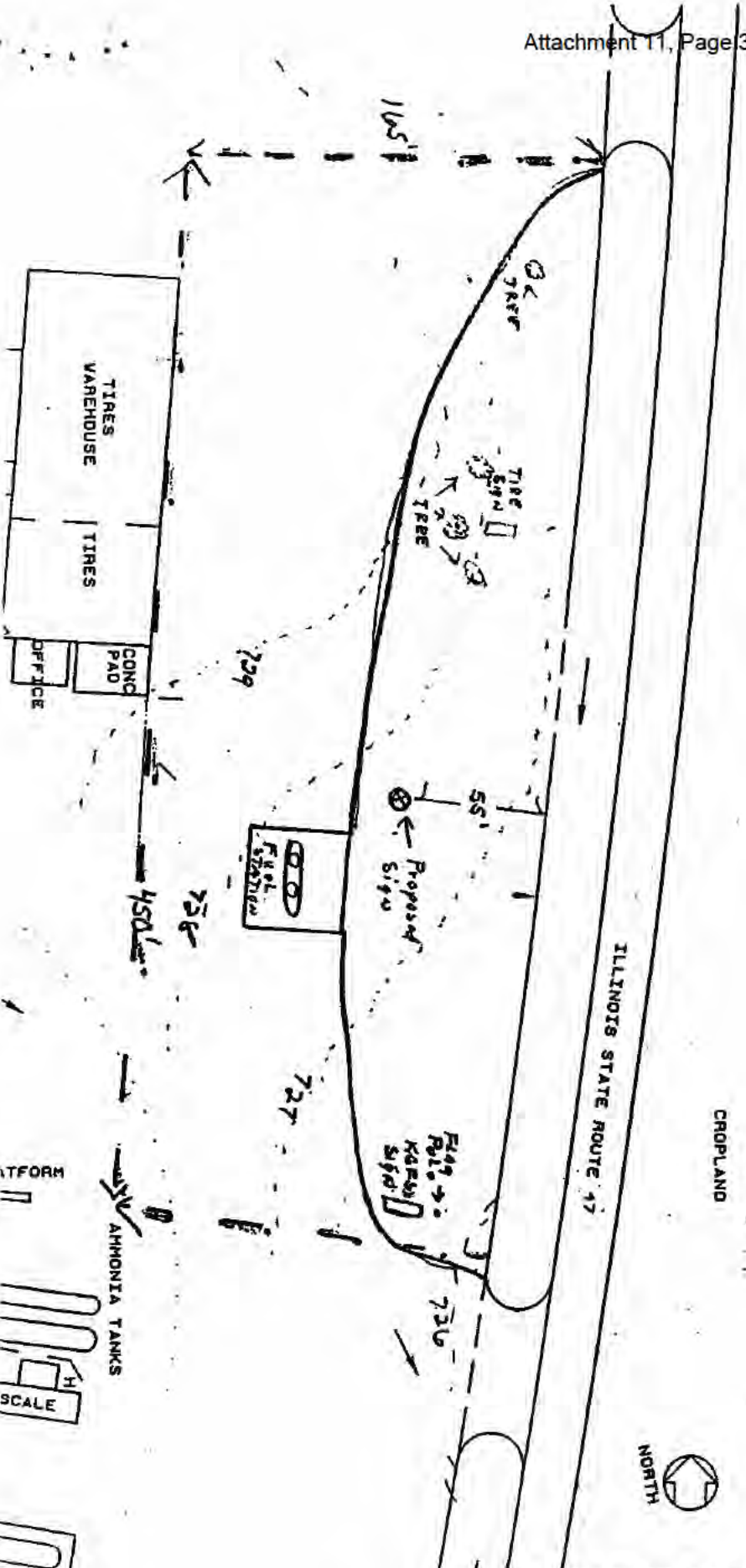
John A. Church
Kendall County Board Chairman

[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.



:ROWMARK INC. Engineering Services 781 Towanda Avenue Bloomington, Illinois 61701	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

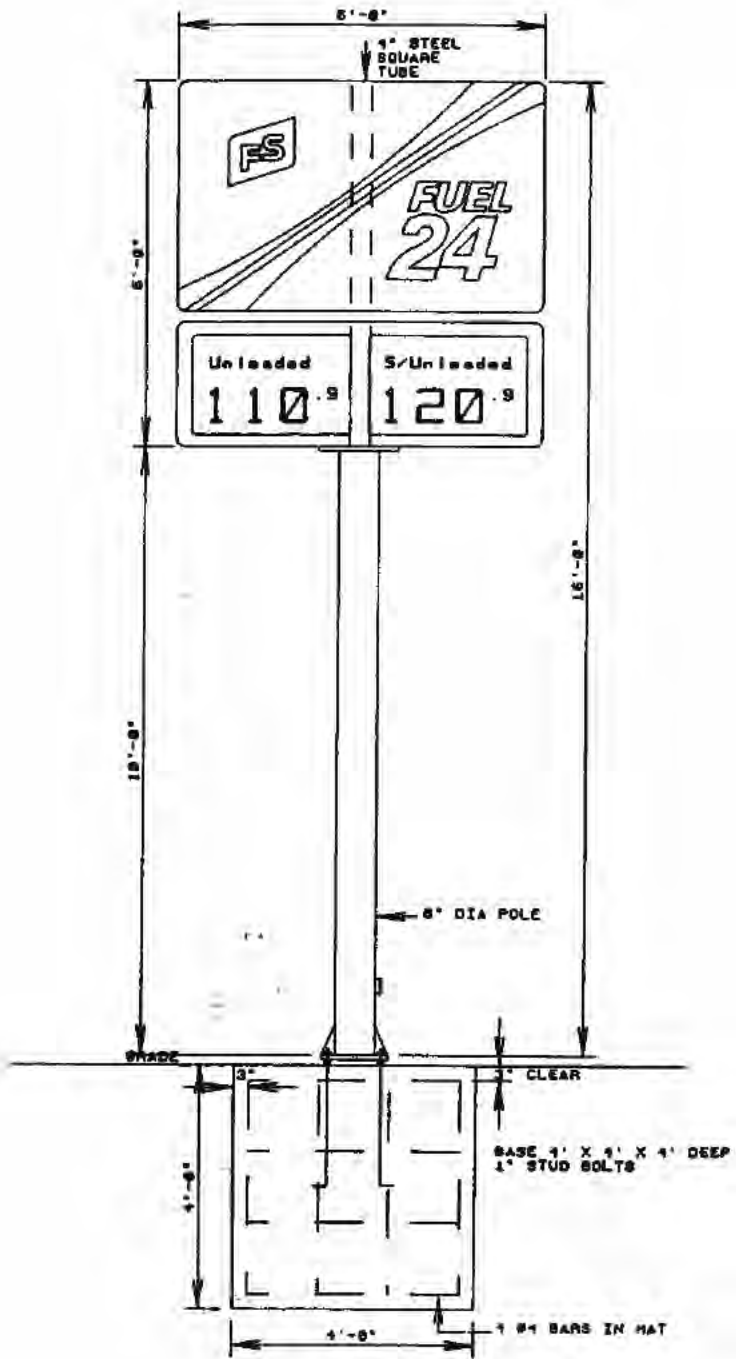


EXHIBIT C: SIGN DIMENSIONS
#9808 · Kendall-Grundy F.S. · Sign · Special Use

**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

**ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)
December 5, 2023 – Unapproved Meeting Minutes**

PBZ Chairman Seth Wormley called the meeting to order at 9:00 a.m.

Present:

Matt Asselmeier – PBZ Department
David Guritz – Forest Preserve
Brian Holdiman – PBZ Department
Fran Klaas – Highway Department
Commander Jason Langston – Sheriff's Department
Aaron Rybski – Health Department
Seth Wormley – PBZ Committee Chair

Absent:

Meagan Briganti – GIS Department
Greg Chismark – WBK Engineering, LLC
Alyse Olson – Soil and Water Conservation District

Audience:

Dan Kramer, Andrew Schwartz, and Robert Schwartz

PETITIONS

Petitions 23-32 and 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)

Mr. Asselmeier summarized the request.

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 and pictures of the property were provided.

The property is located at 8115 Route 47, Yorkville.

The property is vacant and improved commercial.

Two (2) of the parcels are zoned A-1 and three (3) of the parcels are zoned A-1 with special use permits.

The County's plan calls for the property to be Transportation Corridor.

Yorkville's plan calls for the property to be Agricultural.

Route 47 is a State maintained arterial road.

There are no trails planned in this area.

There are no floodplains or wetlands on the property.

The adjacent land uses are Improved Commercial, Agricultural, Farmstead, and Transportation/Community/Utility (IDOT Yard).

The adjacent properties are zoned A-1 and B-3 in the County and R-2 and R-3 in Yorkville.

The County's plan calls for the area to be Transportation Corridor, Commercial, and Rural Residential (Max 0.65 DU/Acre).

Yorkville's plan calls for the area to be Estate/Conservation Residential, and Agricultural.

Properties within one point five (1.5) miles were zoned A-1, A-1SU, R-1, R-3, and B-3 in the County and R-2, R-3, B-1, and B-3 inside Yorkville.

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

EcoCAT Report submitted and consultation was terminated.

The application for NRI was submitted on November 12, 2023.

Petition information was sent to Kendall Township on November 17, 2023. At their meeting on November 21, 2023, the Kendall Township Planning Commission recommended approval of the request. The Kendall Township Board was still reviewing the proposal.

Petition information was sent to the United City of Yorkville on November 17, 2023. Yorkville plans to review the proposal in January 2024.

Petition information was sent to the Bristol-Kendall Fire Protection District on November 17, 2023. No comments received.

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 were provided.

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 was provided.

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.

Per the site plan, there are seven (7) buildings presently located on the property. Any new buildings, expansion of existing buildings, or remodeling of these buildings would require 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.

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

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

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.

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.

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.

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.

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

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.

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.

The proposed Findings of Fact were as follows:

Existing uses of property within the general area of the property in question. The surrounding properties are used for agricultural purposes, 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.

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 recommended approval of the proposed map amendment.

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 submit the same reclassification request in the future. The types of uses of those buildings and properties could also fit into the Mixed Use Business classification.

Staff recommended approval of the requested amendment and, if the requested amendment to the Future Land Use Map in the Land Resource Management Plan reclassifying this property as Mixed Use Business was approved, Staff recommended approval of the proposed map amendment.

Mr. Rybski said that the septic system was installed in 2008 and designed for fifteen (15) employees. Dan Kramer, Attorney for the Petitioner, said that the proposed uses would have less people onsite.

Mr. Kramer said that the conservation designation in Yorkville's plan was a placeholder.

Mr. Klaas asked if the Illinois Department of Transportation had acquired additional right-of-way at this property. Mr. Kramer responded no as it related to the subject property.

No additional access was planned for the property.

Chairman Wormley expressed his support for the project.

Mr. Klaas made a motion, seconded by Mr. Rybski, to recommend approval of the reclassification and map amendment.

The votes were follows:

Ayes (7): Asselmeier, Guritz, Klaas, Holdiman, Langston, Rybski, and Wormley

Nays (0): None

Abstain (0): None

Absent (3): Briganti, Chismark, and Olson

The motion passed.

The proposals go to the Kendall County Regional Planning Commission on December 13, 2023.

PUBLIC COMMENT

None

ADJOURNMENT

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

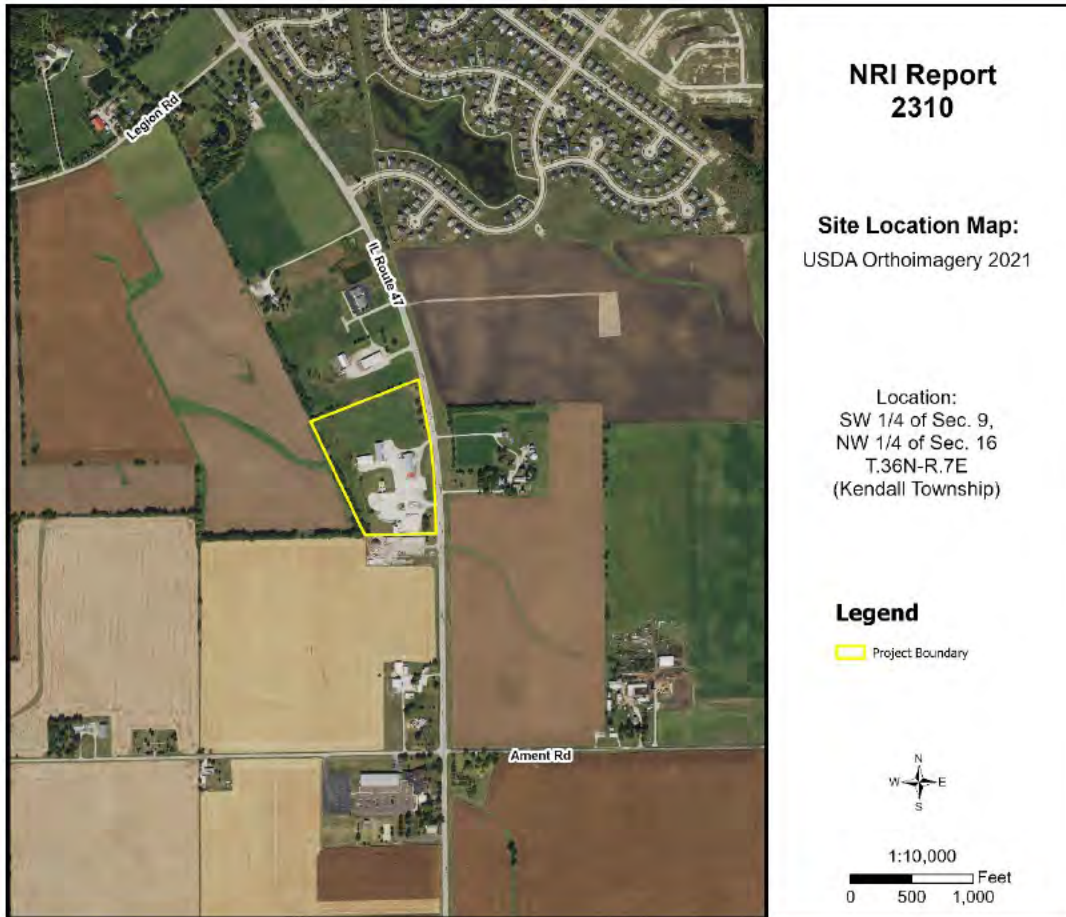
With a voice vote of seven (7) ayes, the motion carried.

The ZPAC, at 9:16 a.m., adjourned.

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

Enc.

NATURAL RESOURCE INFORMATION (NRI) EXECUTIVE SUMMARY REPORT: #2310



Dec.
2023

Petitioner: A.B. Schwartz, LLC
Contact: Attorney Daniel J. Kramer

Prepared By:



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

TABLE OF CONTENTS

EXECUTIVE SUMMARY	3
NATURAL RESOURCE CONSIDERATIONS	2
SOIL INFORMATION	2
SOIL LIMITATIONS.....	5
KENDALL COUNTY LAND EVALUATION AND SITE ASSESSMENT (LESA)	10
WETLANDS.....	12
FLOODPLAIN	13
TOPOGRAPHY	14
SEDIMENT AND EROSION CONTROL	14
STORMWATER POLLUTION	14
LAND USE FINDINGS	15

LIST OF FIGURES

FIGURE 1: Soil Map	2
FIGURE 2: Soil Limitations	5
FIGURE 3A-3C: Maps of Building Limitations	7-9
FIGURE 4: Wetland Map	12
FIGURE 5: Flood Map	13
FIGURE 6: Topographic Map	14

LIST OF TABLES

TABLE 1: Soils Information	2
TABLE 2: Water Features	4
TABLE 3: Building Limitations	6
TABLE 4A: Land Evaluation Computation	10
TABLE 4B: Site Assessment Computation	11
TABLE 5: LESA Score Summary	11

EXECUTIVE SUMMARY

Natural Resource Information Report Number	#2310
Petitioner	A.B. Schwartz, LLC
Contact Person	Attorney Daniel J. Kramer
County or Municipality the Petition is Filed With	Kendall County
Location of Parcel	SW ¼ of Section 9, NW ¼ of Section 16, Township 36 North, Range 7 East (Kendall Township) of the 3 rd Principal Meridian
Project or Subdivision Name	A.B. Schwartz, LLC Re-Zoning
Existing Zoning & Land Use	A-1 Agricultural & A-1 SU Agricultural Special Use; Vacant, Agriculture & Improved Commercial (Ag retail, fuel storage, equipment storage, truck & tractor repair, etc.)
Proposed Zoning & Land Use	M-1 Limited Manufacturing; Tile business operation, building rentals for construction businesses, fuel storage, etc.
Proposed Water Source	Existing well
Proposed Type of Sewage Disposal System	Existing septic
Proposed Type of Storm Water Management	N/A
Size of Site	(+/-) 19.8 acres
Land Evaluation Site Assessment Score	184 (Land Evaluation: 94; Site Assessment: 90)

NATURAL RESOURCE CONSIDERATIONS

SOIL INFORMATION

Based on information from the United States Department of Agriculture-Natural Resources Conservation Service (USDA-NRCS) 2008 Kendall County Soil Survey, this project area contains the soil types shown in Figure 1 and Table 1. Please note this does not replace the need for or results of onsite soil testing. If completed, please refer to onsite soil test results for planning/engineering purposes.

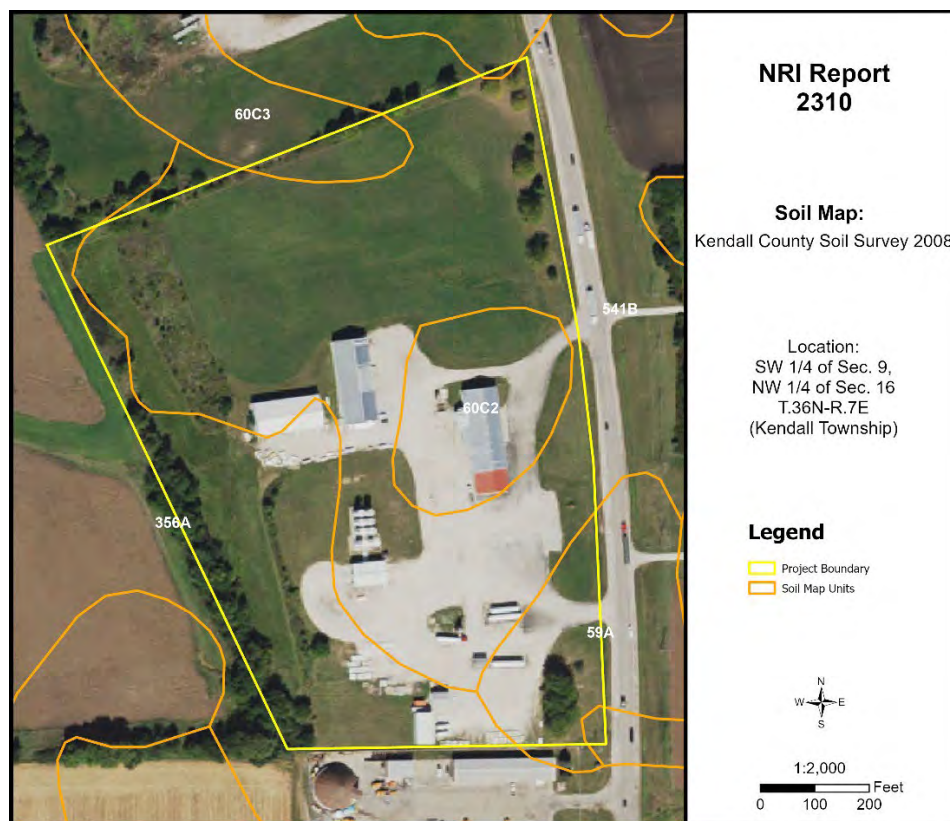


Figure 1: Soil Map

Table 1: Soils Information

Soil Type	Soil Name	Drainage Class	Hydrologic Group	Hydric Designation	Farmland Designation	Acres	% Area
59A	Lisbon silt loam, 0-2% slopes	Somewhat Poorly Drained	C/D	Non-Hydric	Prime Farmland	1.4	6.9%
60C2	La Rose silt loam, 5-10% slopes, eroded	Moderately Well Drained	C	Non-Hydric	Farmland of Statewide Importance	2.2	11.1%
60C3	La Rose clay loam, 5-10% slopes, severely eroded	Moderately Well Drained	C	Non-Hydric	Farmland of Statewide Importance	0.5	2.3%
356A	Elpaso silty clay loam, 0-2% slopes	Poorly Drained	B/D	Hydric	Prime Farmland if Drained	4.5	22.5%
541B	Graymont silt loam, 2-5% slopes	Moderately Well Drained	C	Non-Hydric with Hydric Inclusions	Prime Farmland	11.3	57.1%

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

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

Hydric Soils – A hydric soil is one that formed under conditions of saturation, flooding, or ponding long enough during the growing season to develop anaerobic conditions in the upper part of the soil profile that supports the growth or regeneration of hydrophytic vegetation. Soils with hydric inclusions have map units dominantly made up of non-hydric soils that may have inclusions of hydric soils in the lower positions on the landscape. Of the soils found onsite, one is classified as hydric soil (356A Elpaso silty clay loam), three are classified as non-hydric soil (59A Lisbon silt loam, 60C2 La Rose silt loam, and 60C3 La Rose clay loam), and one is classified as non-hydric soil with hydric inclusions likely (541B Graymont silt loam).

Prime Farmland – Prime farmland is land that has the best combination of physical and chemical characteristics for agricultural production. Prime farmland soils are an important resource to Kendall County and some of the most productive soils in the United States occur locally. Of the soils found onsite, two are designated as prime farmland (59A Lisbon silt loam and 541B Graymont silt loam), one is designated as prime farmland if drained (356A Elpaso silty clay loam), and two are designated as farmland of statewide importance (60C2 La Rose silt loam and 60C3 La Rose clay loam). Farmland of statewide importance is land that does not meet the criteria for prime farmland but can economically produce high yields of crops when managed properly.

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

Table 2: Water Features

Map Unit	Hydrologic Group	Surface Runoff	Water Table	Ponding	Flooding
59A	C/D	Low	January - May Upper Limit: 1.0'-2.0' Lower Limit: 2.0'-4.0'	January – December Frequency: None	January – December Frequency: None
60C2	C	High	February - April Upper Limit: 2.0'-3.5' Lower Limit: 2.2'-4.0'	January – December Frequency: None	January – December Frequency: None
60C3	C	Medium	February - April Upper Limit: 2.0'-3.5' Lower Limit: 2.2'-4.0'	January – December Frequency: None	January – December Frequency: None
356A	B/D	Negligible	January - May Upper Limit: 0.0'-1.0' Lower Limit: 6.0'	January – May Surface Water Depth: 0.0'-0.5' Duration: Brief (2 to 7 days) Frequency: Frequent June – December Frequency: None	January – December Frequency: None
541B	C	Low	February - April Upper Limit: 2.0'-3.5' Lower Limit: 2.2'-4.3'	January – December Frequency: None	January – December Frequency: None

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

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

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

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

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

SOIL LIMITATIONS

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

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

Limitations are listed below for small commercial buildings, shallow excavations, lawns/landscaping, and local roads & streets. Please note this information is based on soils in an undisturbed state as compiled for the USDA-NRCS 2008 Soil Survey of Kendall County, IL. This does not replace the need for site specific soil testing or results of onsite soil testing.

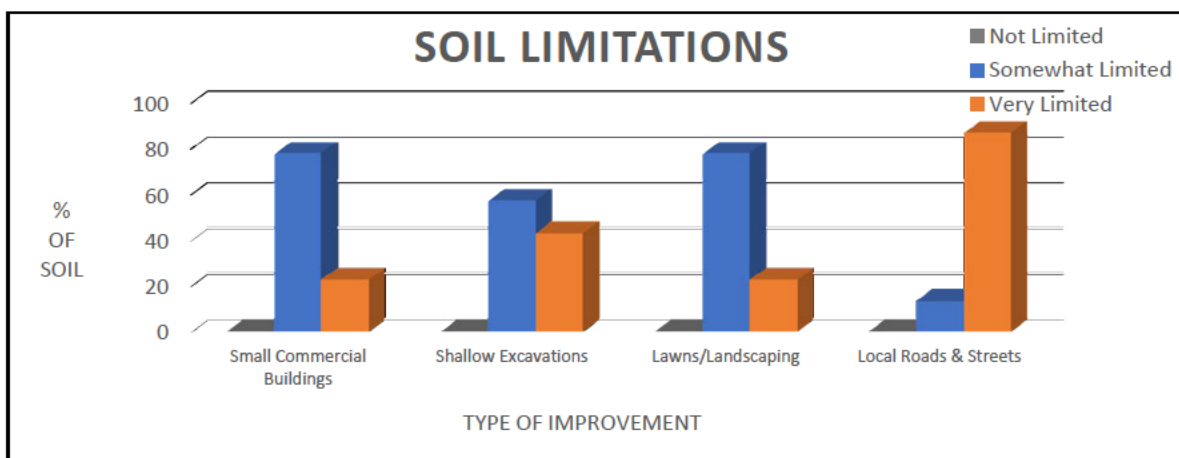


Figure 2: Soil Limitations

Table 3: Building Limitations

Soil Type	Small Commercial Buildings	Shallow Excavations	Lawns & Landscaping	Local Roads & Streets	Acres	%
59A	Somewhat Limited: Depth to saturated zone Shrink-swell	Very Limited: Depth to saturated zone Dense layer Dusty Unstable excavation walls Ponding	Somewhat Limited: Depth to saturated zone Dusty	Very Limited: Frost action Low strength Depth to saturated zone Shrink-swell Ponding	1.4	6.9%
60C2	Somewhat Limited: Slope Depth to saturated zone	Very Limited: Depth to saturated zone Dusty Unstable excavation walls	Somewhat Limited: Depth to saturated zone Dusty	Somewhat Limited: Frost action Low strength Depth to saturated zone	2.2	11.1%
60C3	Somewhat Limited: Slope Depth to saturated zone	Very Limited: Depth to saturated zone Dusty Unstable excavation walls	Somewhat Limited: Depth to saturated zone Dusty	Somewhat Limited: Frost action Low strength Depth to saturated zone	0.5	2.3%
356A	Very Limited: Ponding Depth to saturated zone Shrink-swell	Very Limited: Ponding Depth to saturated zone Dusty Unstable excavation walls Too clayey	Very Limited: Ponding Depth to saturated zone Dusty	Very Limited: Ponding Depth to saturated zone Frost action Low strength Shrink-swell	4.5	22.5%
541B	Somewhat Limited: Shrink-swell	Somewhat Limited: Depth to saturated zone Dusty Unstable excavation walls	Somewhat Limited: Dusty	Very Limited: Frost action Low strength Shrink-swell Ponding Depth to saturated zone	11.3	57.1%
% Very Limited	22.5%	42.9%	22.5%	86.6%		

Figure 3A: Map of Building Limitations - Small Commercial Buildings & Lawns/Landscaping

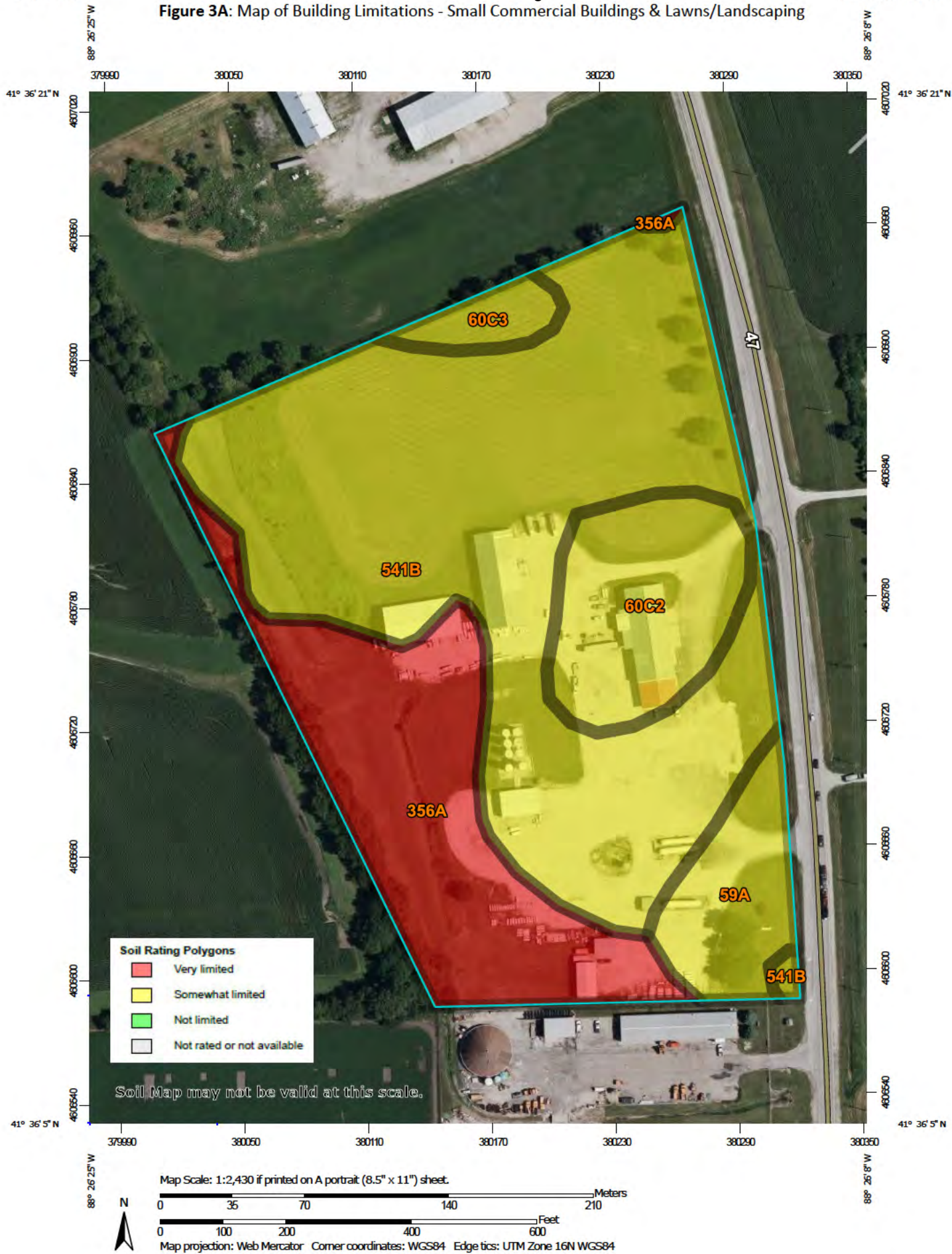
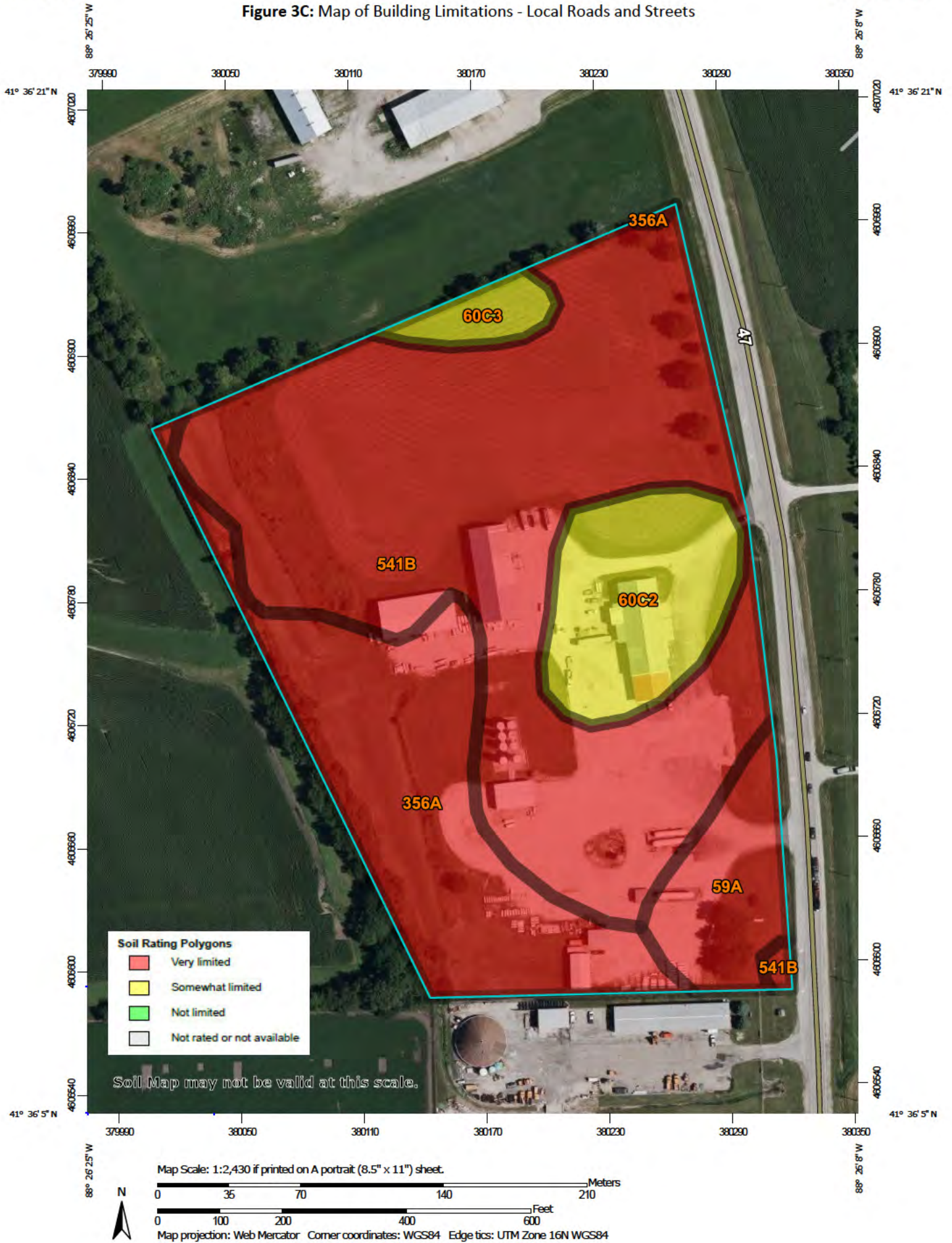


Figure 3B: Map of Building Limitations - Shallow Excavations



Figure 3C: Map of Building Limitations - Local Roads and Streets



KENDALL COUNTY LAND EVALUATION AND SITE ASSESSMENT (LESA)

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

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

Table 4A: Land Evaluation Computation

Soil Type	Value Group	Relative Value	Acres	Product (Relative Value x Acres)
59A	2	94	1.4	131.6
60C2	5	82	2.2	180.4
60C3	6	69	0.5	34.5
356A	1	100	4.5	450.0
541B	2	94	11.3	1,062.2
Totals			19.8	1,858.7
LE Calculation			(Product of relative value / Total Acres) 1,858.7 / 19.8 = 93.9	
LE Score			LE = 94	

*Acreage listed in this chart provides a generalized representation and may not precisely reflect exact acres of each soil type.

The Land Evaluation score for this site is 94, indicating that this site is currently designated as land that is well suited for agricultural uses considering the Land Evaluation score is above 80.

Table 4B: Site Assessment Computation

A.	Agricultural Land Uses	Points
	1. Percentage of area in agricultural uses within 1.5 miles of site. (20-10-5-0)	10
	2. Current land use adjacent to site. (30-20-15-10-0)	20
	3. Percentage of site in agricultural production in any of the last 5 years. (20-15-10-5-0)	5
	4. Size of site. (30-15-10-0)	10
B.	Compatibility / Impact on Uses	
	1. Distance from city or village limits. (20-10-0)	0
	2. Consistency of proposed use with County Land Resource Management Concept Plan and/or municipal comprehensive land use plan. (20-10-0)	20
	3. Compatibility of agricultural and non-agricultural uses. (15-7-0)	0
C.	Existence of Infrastructure	
	1. Availability of public sewage system. (10-8-6-0)	6
	2. Availability of public water system. (10-8-6-0)	6
	3. Transportation systems. (15-7-0)	7
	4. Distance from fire protection service. (10-8-6-2-0)	6
	Site Assessment Score:	90

The Site Assessment score for this site is 90. The Land Evaluation value (94) is added to the Site Assessment value (90) to obtain a LESA Score of 184. The table below shows the level of protection for the proposed project site based on the LESA Score.

Table 5: LESA Score Summary

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

Land Evaluation Value: 94 + Site Assessment Value: 90 = LESA Score: 184

The LESA Score for this site is 184, which indicates a low level of protection for the proposed project site. Selecting the project site with the lowest total points will generally protect the best farmland located in the most viable areas and maintain and promote the agricultural industry in Kendall County.

WETLANDS

The U.S. Fish & Wildlife Service’s National Wetland Inventory map indicates that mapped wetlands/waters are not present on the proposed project site. To determine if a wetland is present, a wetland delineation specialist, who is recognized by the U.S. Army Corps of Engineers, should determine the exact boundaries and value of the wetlands.

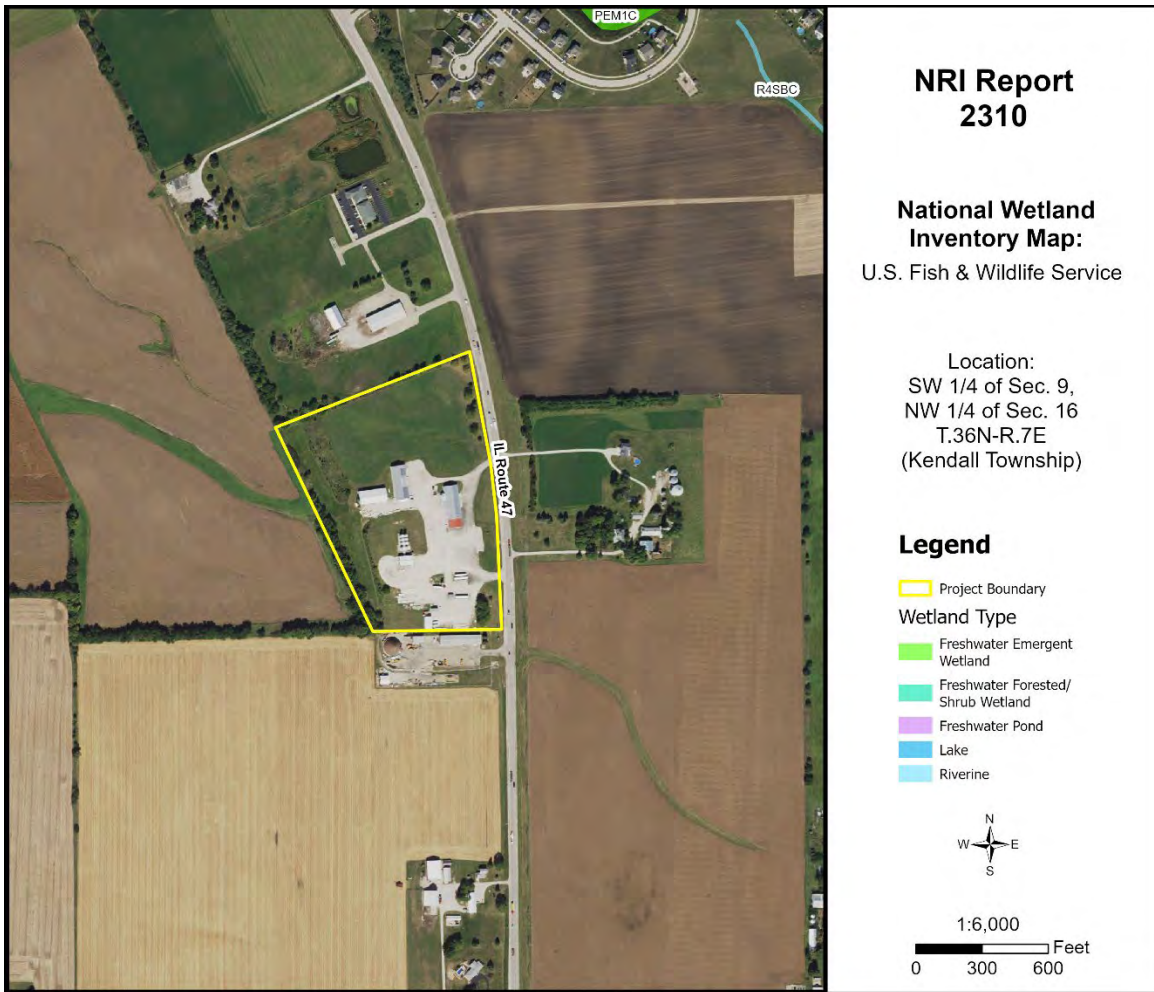


Figure 4: Wetland Map

FLOODPLAIN

The Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Map (FIRM) for Kendall County, Community Panel No. 17093C0125G (effective date February 4, 2009) was reviewed to determine the presence of floodplain and floodway areas within the project site. According to the map, the parcel is located outside of the flood hazard zones.

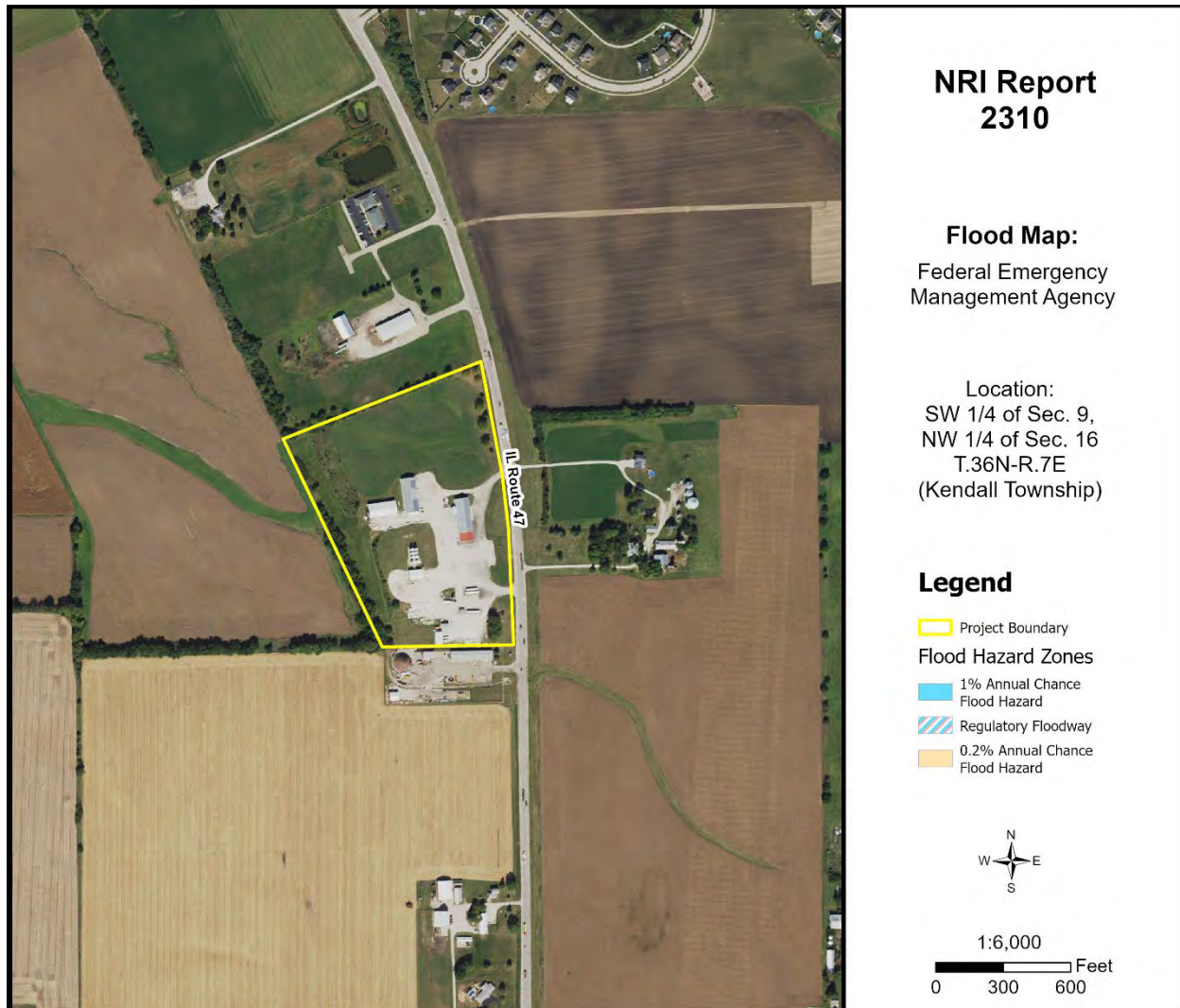


Figure 5: Flood Map

TOPOGRAPHY

The parcel is on minimal topography (slopes 0-10%) and at an elevation of approximately 722'-736' above sea level. The lowest point is at the southeast corner, and the highest point is at the northeast corner.

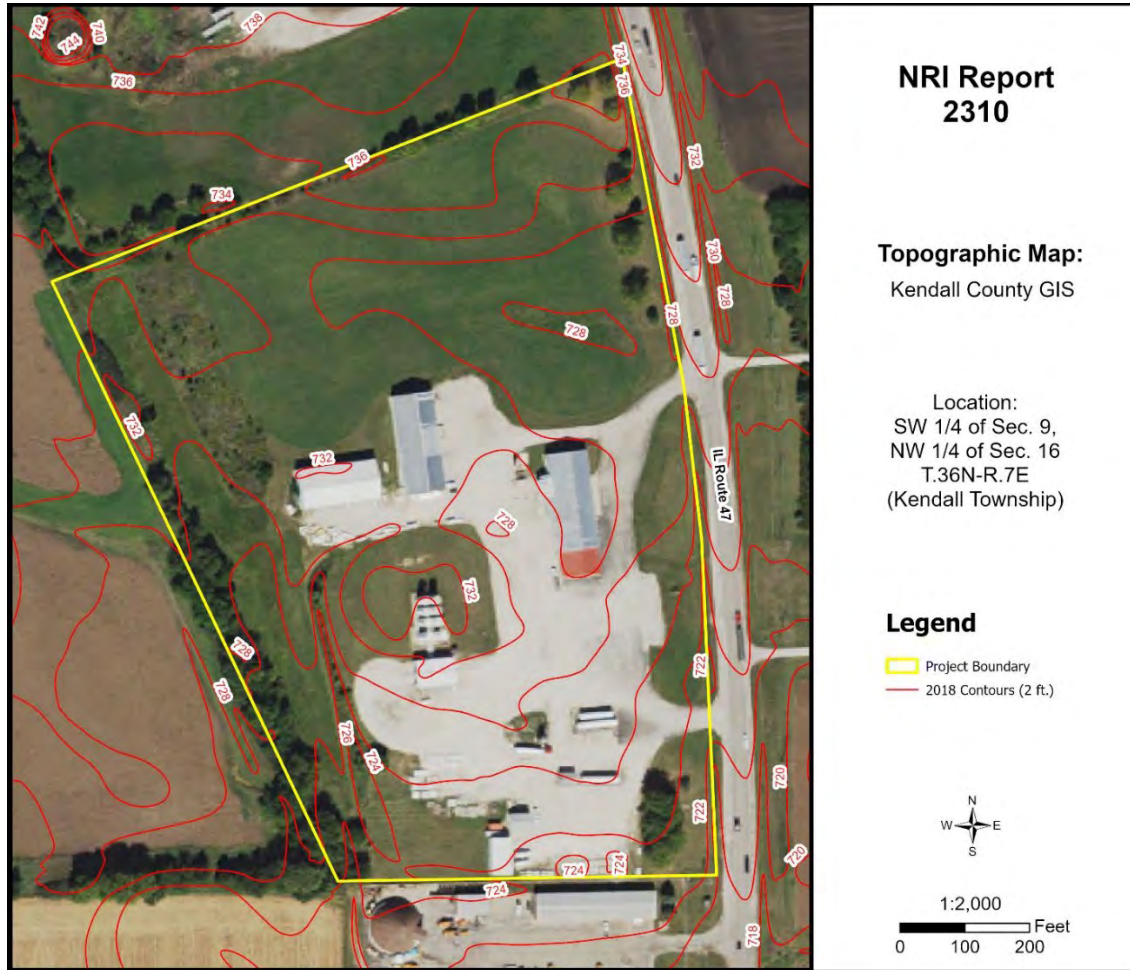


Figure 6: Topographic Map

SEDIMENT AND EROSION CONTROL

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

STORMWATER POLLUTION

A National Pollutant Discharge Elimination System (NPDES) permit (Permit No. ILR10) from the Illinois Environmental Protection Agency (IEPA) is required for stormwater discharges from construction sites that will disturb 1 or more acres of land. Conditions of the NPDES ILR10 permit require the development and implementation of a Stormwater Pollution Prevention Plan (SWPPP) to reduce stormwater pollutants on the construction site before they can cause environmental issues.

LAND USE FINDINGS

The Kendall County Soil and Water Conservation District (SWCD) Board has reviewed the proposed site plans for petitioner A.B. Schwartz, LLC. The petitioner is requesting a change in zoning from A-1 Agricultural Special Use to M-1 Limited Manufacturing on five parcels (Parcel Index Numbers 05-16-100-004, 05-09-300-006, 05-16-100-003, 05-09-300-007, 05-16-100-020) to operate a farm tile business, rent out existing buildings for construction companies, store fuel, etc. within Kendall Township of Kendall County located in Sections 9 and 16, Township 36 North, and Range 7 East of the 3rd Principal Meridian. Based on the information provided by the petitioner and a review of natural resource related data available to the Kendall County SWCD, the SWCD Board presents the following information.

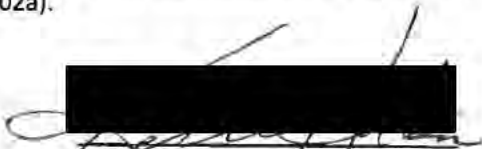
The Kendall County SWCD has always had the opinion that Prime Farmland should be preserved whenever feasible due to their highly productive qualities for growing agriculturally important grain and fiber crops in our community. Much of the site is already developed, however, the northern portion of the site that is not developed contains soils that are designated primarily as prime farmland. A land evaluation (LE), which is a part of the Land Evaluation and Site Assessment (LESA), was conducted on this parcel. The soils on this parcel scored a 94 out of a possible 100 points indicating that the soils are well suited for agricultural uses. The total LESA score for this site is 184 out of a possible 300, which indicates a low level of protection for the proposed project site. Selecting the project site with the lowest total points will generally protect the best farmland located in the most viable areas and maintain and promote the agricultural industry in Kendall County.

Soils found on the project site are rated for specific uses and can have potential limitations. Soil types with severe limitations do not preclude the ability to develop the site for the proposed use, but it is important to note the limitation that may require soil reclamation, special design/engineering, or maintenance to obtain suitable soil conditions to support development with significant limitations. There are not currently plans for development on the site, however, if development occurs in the future this report indicates that for soils located on the parcel, 86.6% are very limited for roads & streets (paved & unpaved), 42.9% are very limited for shallow excavations, and 22.5% are very limited for small commercial buildings and lawns/landscaping. The remaining soils are considered somewhat limited for these types of developments/uses. This information is based on the soil in an undisturbed state. If the scope of the project may include the use of onsite septic systems, please consult with the Kendall County Health Department.

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

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

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


SWCD Board Representative

12/11/23
Date

Attachment 15, Page 1
KENDALL COUNTY
REGIONAL PLANNING COMMISSION

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

Unapproved - Meeting Minutes of December 13, 2023 - 7:00 p.m.

Chairman Bill Ashton called the meeting to order at 7:05 p.m.

ROLL CALL

Members Present: Bill Ashton, Eric Bernacki, Dave Hamman, Larry Nelson, Ruben Rodriguez, Claire Wilson, and Seth Wormley (Arrived at 7:07 p.m.)

Members Absent: Tom Casey, Karin McCarthy-Lange, and Bob Stewart

Staff Present: Matthew H. Asselmeier, Director, and Wanda A. Rolf, Administrative Assistant

Others Present: Dan Kramer, Andrew Schwartz, Robert Schwartz, and Carrie Barns

PETITION

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 (Contract Purchaser)

Mr. Asselmeier summarized the request.

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 and pictures of the property were provided.

The property is located at 8115 Route 47, Yorkville.

The property is vacant and improved commercial.

Two (2) of the parcels are zoned A-1 and three (3) of the parcels are zoned A-1 with special use permits.

The County's plan calls for the property to be Transportation Corridor.

Yorkville's plan calls for the property to be Agricultural.

Route 47 is a State maintained arterial road.

There are no trails planned in this area.

There are no floodplains or wetlands on the property.

The adjacent land uses are Improved Commercial, Agricultural, Farmstead, and Transportation/Community/Utility (IDOT Yard).

The adjacent properties are zoned A-1 and B-3 in the County and R-2 and R-3 in Yorkville.

The County's plan calls for the area to be Transportation Corridor, Commercial, and Rural Residential (Max 0.65 DU/Acre).

Yorkville's plan calls for the area to be Estate/Conservation Residential, and Agricultural.

Properties within one point five (1.5) miles were zoned A-1, A-1SU, R-1, R-3, and B-3 in the County and R-2, R-3, B-1, and B-3 inside Yorkville.

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

EcoCAT Report submitted and consultation was terminated.

The application for NRI was submitted on November 12, 2023.

Petition information was sent to Kendall Township on November 17, 2023. At their meeting on November 21, 2023, the Kendall Township Planning Commission recommended approval of the request. The Kendall Township Board was still reviewing the proposal.

Petition information was sent to the United City of Yorkville on November 17, 2023. Yorkville plans to review the proposal in January 2024.

Petition information was sent to the Bristol-Kendall Fire Protection District on November 17, 2023. No comments received.

ZPAC reviewed the proposal at their meeting on December 5, 2023. It was noted that the septic system was designed for a maximum fifteen (15) people. The Petitioner's Attorney indicated that fewer people will be on the property compared to the number of people onsite for previous uses. The Illinois Department of Transportation had not been in negotiations with the property owners related to land acquisition for right-of-way expansion. With two (2) access points, the property possessed good access onto Route 47. ZPAC recommended approval of the proposal by a vote of seven (7) in favor and zero (0) in opposition with three (3) members absent. The minutes of the meeting were provided.

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 were provided.

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 was provided.

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.

Per the site plan, there are seven (7) buildings presently located on the property. Any new buildings, expansion of existing buildings, or remodeling of these buildings would require 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.

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

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

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.

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.

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.

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.

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

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.

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.

The proposed Findings of Fact were as follows:

Existing uses of property within the general area of the property in question. The surrounding properties are used for agricultural purposes, 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.

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 recommended approval of the proposed map amendment.

Member Bernacki asked if there were any buildings planned to be built in the near future. Dan Kramer, Attorney for the Petitioner responded that future buildings constructed depended on market interest. Also, any new buildings would need applicable stormwater and building permits. The existing fuel tanks would remain onsite.

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

The votes were as follows:

Ayes (7): Ashton, Bernacki, Hammen, Rodriguez, Nelson, Wilson, and Wormley

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

Abstain (0): None

The motion carried. The proposal will go to the Kendall County Zoning Board of Appeals on December 18, 2023.

ADJOURNMENT

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

The Kendall County Regional Planning Commission meeting adjourned at 8:16 p.m.

Respectfully submitted by,
Wanda A. Rolf
Administrative Assistant



**KENDALL COUNTY
REGIONAL PLANNING COMMISSION
DECEMBER 13, 2023**

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

NAME	ADDRESS (OPTIONAL)	EMAIL ADDRESS (OPTIONAL)
Don Kramer	1127 A S. Danville St Yonkers Ill. 60560	#23-32 23 33
Andy Schwartz		
Bob Schwartz		
Carrie Barnes		