

MINUTES – UNOFFICIAL UNTIL APPROVED
KENDALL COUNTY
ZONING BOARD OF APPEALS MEETING
111 WEST FOX STREET, COUNTY BOARD ROOM (ROOMS 209 and 210)
YORKVILLE, IL 60560
May 28, 2024 – 7:00 p.m.

CALL TO ORDER

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

ROLL CALL:

Members Present: Scott Cherry (Arrived at 7:02 p.m.) Cliff Fox, Tom LeCuyer, Randy Mohr, Jillian Prodehl, and Dick Thompson, and Dick Whitfield

Members Absent: None

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

Others Present: Tim O’Brien, Joan Soltwisch, Ron Miller, Pete Fleming, Bruce Miller, Rao Addepalli, and Gloria Foxman

MINUTES:

Member LeCuyer made a motion, seconded by Member Fox, to approve the minutes of the April 29, 2024, hearing/meeting.

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

Mr. Asselmeier reported that the Brighter Daze Banquet Facility on Crimmin Road has been annexed into Millington.

Scott Cherry arrived at 7:02 p.m.

Chairman Mohr swore in Tim O’Brien, Joan Soltwisch, Ron Miller, Pete Fleming, Bruce Miller, Rao Addepalli, and Gloria Foxman.

The Zoning Board of Appeals started their review of Petition 24-09 at 7:05 p.m.

Petition **24 – 09 – Tim O’Brien on Behalf of Seward Township**
Request: Major Amendment to the Special Use Permit for a Governmental Building and Facility
 Granted by Ordinance 2009-31 by Changing the Site Plan
PIN: 09-17-400-005
Location: 14719 O’Brien Road, Minooka in Seward Township
Purpose: Petitioner Wants to Construct a Building Addition and Related Infrastructure; Property is
 Zoned A-1 with a Special Use Permit

Mr. Asselmeier summarized the request.

On August 18, 2009, the County Board approved Ordinance 2009-31, granting a special use permit for a governmental building and facility at 14719 O'Brien Road.

The Petitioner is proposing to amend the site plan approved in Ordinance 2009-31 by a constructing an approximately eight thousand four hundred (8,400) square foot pole-type maintenance/storage building to the west of the existing Seward Township building and installing an asphalt driveway connecting the existing parking lot to the new building. For reference, the existing building is approximately nine thousand six hundred (9,600) square feet in size and is used for maintenance, storage, and offices.

Though not shown on the site plan approved in 2009, Seward Township received a permit and installed a sign on the property in 2010. The sign is shown on the proposed site plan.

No other changes to the site were proposed.

The application materials, proposed site plan, and Ordinance 2009-31 were provided.

The property was approximately five (5) acres in size.

The existing land use was Public/Institutional.

The future land use was Commercial.

O'Brien Road was a Township Road classified as a Local Road.

There were no trails planned in the area.

There are no floodplains or wetlands on the property.

The adjacent properties were used as Agricultural.

The adjacent properties were zoned A-1.

The Land Resource Management Plan calls for the area to be Commercial, Rural Estate Residential, and Rural Residential.

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

There is one (1) home located within one half (1/2) mile of the subject property.

The special use to the west is for a banquet facility and related uses.

EcoCat submitted on April 23, 2024, and consultation was terminated.

A NRI application was submitted on April 30, 2024. The LESA Score was 191 indicating a low level of protection.

Seward Township was emailed information on April 30, 2024.

The Lisbon-Seward Fire Protection District was emailed information on April 30, 2024. No comments received. No comments were received.

ZPAC reviewed the proposal at their meeting on May 7, 2024. ZPAC recommended approval of the proposal by a vote of nine (9) in favor and zero (0) in opposition with one (1) member absent. The minutes of the meeting were provided.

The Kendall County Regional Planning Commission reviewed this proposal at their meeting on May 22, 2024. It was noted that the Petitioner was working on incorporating stormwater detention into the site plan. Member Wilson felt that Seward Township was not transparent in how they obtained approval from the Township electors for this project; she still supported the major amendment. Discussion also occurred regarding salt storage at the property; salt was already stored indoors. The Kendall County Regional Planning Commission recommended approval of the requested major amendment with conditions proposed by Staff and the addition to stormwater detention infrastructure on the site plan by a vote of eight (8) in favor and zero (0) in opposition with two (2) members absent. The minutes of the meeting were provided.

The proposed building will have to obtain applicable building permits.

As required in the special use permit from 2009, the subject property has fifteen (15) parking spaces, including one (1) handicapped parking space. Given that the proposed amendment will not increase public visitation at the property, the number of parking spaces should be adequate.

The Petitioner submitted an application for a stormwater permit.

In 2009, the Petitioner was granted a variance to the stormwater runoff storage facilities by Ordinance 2009-26, which was provided. An amendment to this variance, the installation of stormwater storage facilities, submittal of a fee-in-lieu payment, or some combination thereof will be required. A letter from WBK Engineering was provided. The Petitioner was considering a variance to the Stormwater Management Ordinance, but they were looking to add a stormwater detention, which was not shown on the site plan.

In 2009, the Petitioner was granted a variance to the stormwater runoff storage facilities by Ordinance 2009-26, which was provided. An amendment to this variance, the installation of stormwater storage facilities, submittal of a fee-in-lieu payment, or some combination thereof will be required. A letter from WBK Engineering was provided. The Petitioner was considering a variance to the Stormwater

Management Ordinance. However, they were working on an alteration to the site plan to include stormwater detention.

The proposed Findings of Fact were as follows:

That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. The expansion will improve the public health, safety, comfort, and general welfare because the new building will allow the township to do its work inside a new facility.

That the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The Zoning classification of property within the general area of the property in question shall be considered in determining consistency with this standard. The proposed use shall make adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open space and other improvements necessary to insure that the proposed use does not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a whole. The existing use has been in place since 2009. The adjacent land uses are agricultural and the construction of a maintenance building will not injury the use and enjoyment of neighboring land owners.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. This is true except for drainage. Drainage concerns can be addressed through a stormwater permit.

That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Zoning Board of Appeals. This is true.

That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. Seward Township has used the subject property for public/institutional purposes since 2009. Accordingly, allowing the Township expand its facilities is consistent with a goal found on Page 9-20 of the Kendall County Land Resource Management Plan which calls for “mutually supportive, non-adversarial team of municipal, township, . . . county, and other governments working toward the benefit of everyone in Kendall County.”

Staff recommended approval of the requested amendments to the existing special use permit for a governmental building and facility, pending resolution of Kendall County Stormwater Ordinance issues subject to the following conditions and restrictions:

1. The site plan attached as Group Exhibit A of Ordinance 2009-31 is hereby amended to include the submitted site plan. **Stormwater detention related information may be added to the site**

plan without the need to obtain an amendment to the site plan. (Added at RPC).

2. None of the buildings or structures allowed by this major amendment to an existing special use permit shall be considered agricultural structures and must secure applicable permits.
3. The remaining conditions and restrictions contained in Ordinance 2009-31 shall remain valid and effective.
4. The use allowed by this major amendment to an existing special use permit shall follow all applicable federal, state, and local laws.
5. Failure to comply with one or more of the above conditions or restrictions could result in the amendment or revocation of the special use permit.
6. If one or more of the above conditions or restrictions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid. These major amendments to an existing special use permit shall be treated as covenants running with the land and are binding on the successors, heirs, and assigns as to the same special uses conducted on the property

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

No one testified regarding the Petition.

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

Member LeCuyer made a motion, seconded by Member Cherry, to approve the Findings of Fact.

The votes were as follows:

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

The motion carried.

Member Whitfield made a motion, seconded by Member Fox, to recommend approval of the major amendment to an existing special use with the conditions proposed by Staff with the revised site plan submitted by Seward Township on May 28, 2024.

The votes were as follows:

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

The motion carried.

The proposal goes to the Kendall County Planning, Building and Zoning Committee on June 10, 2024.

The Zoning Board of Appeals completed their review of Petition 24-09 at 7:14 p.m.

PUBLIC COMMENTS

Gloria Foxman, on behalf of Petition 24-13 James C. Marshall on Behalf of TurningPointEnergy, LLC Through TPE IL KE240 (Tenant) and Frank J. Santoro (Owner), asked if they could continue the hearing one (1) additional month to July 29, 2024, instead of July 1, 2024. Member LeCuyer made a motion, seconded by Member Whitfield, to rescind the previous motion to continue Petition 24-13 to July 1, 2024. With a voice vote of seven (7) ayes, the motion carried. Member LeCuyer made a motion, seconded by Member Whitfield, to continue the hearing on Petition 24-13 to July 29, 2024. With a voice vote of seven (7) ayes, the motion carried.

ADJOURNMENT OF THE ZONING BOARD OF APPEALS

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

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

The Zoning Board of Appeals meeting adjourned at 7:55 p.m.

The next regularly scheduled meeting/hearing will be on July 1, 2024.

Respectfully submitted by,
Wanda A. Rolf
Administrative Assistant

Exhibits

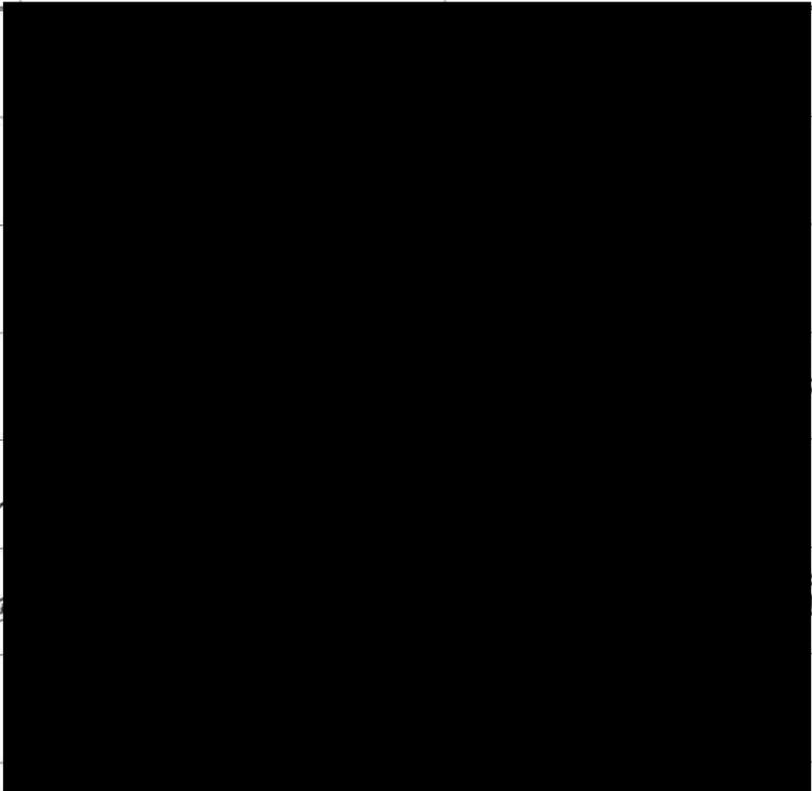
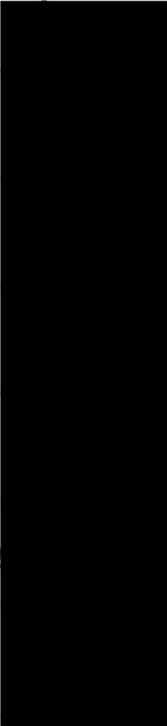
1. Memo on Petition 24-09 Dated May 23, 2024
2. Certificate of Publication and Certified Mail Receipts for Petition 24-06 (Not Included with Report but on file in Planning, Building and Zoning Office)
3. Amended Site Plan for Petition 24-09

①

**KENDALL COUNTY
ZONING BOARD OF APPEALS**

MAY 28, 2024

In order to be allowed to present any testimony, make any comment, engage in cross-examination, or ask any question during this public hearing, you must enter your name, address, and signature on this form prior to the commencement of the public hearing. By signing this registration sheet, you agree that you understand that anything you say will be considered sworn testimony, and that you will tell the truth, the whole truth and nothing but the truth.

NAME	ADDRESS	SIGNATURE
<i>Jim O'Brien</i>		
RAO ADDEPALLI		
Ron Miller		
Pete Fleming		
FRUE MILLER		
<i>Joan Seltman</i>		
Gloria Foxman		



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 203

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

Petition 24-09

**Tim O'Brien on Behalf of Seward Township
Major Amendment to A-1 Special Use – For Governmental
Building and Facility by Changing the Site Plan**

INTRODUCTION

On August 18, 2009, the County Board approved Ordinance 2009-31, granting a special use permit for a governmental building and facility at 14719 O'Brien Road.

The Petitioner is proposing to amend the site plan approved in Ordinance 2009-31 by a constructing an approximately eight thousand four hundred (8,400) square foot pole-type maintenance/storage building to the west of the existing Seward Township building and installing an asphalt driveway connecting the existing parking lot to the new building. For reference, the existing building is approximately nine thousand six hundred (9,600) square feet in size and is used for maintenance, storage, and offices.

Though not shown on the site plan approved in 2009, Seward Township received a permit and installed a sign on the property in 2010. The sign is shown on the proposed site plan.

The application materials are included as Attachment 1. The proposed site plan is included as Attachment 2. Ordinance 2009-31 is included as Attachment 3.

SITE INFORMATION

PETITIONER Tim O'Brien on Behalf of Seward Township

ADDRESS 14719 O'Brien Road, Minooka

LOCATION Approximately 1000 Feet South of Route 52 on the West Side of O'Brien Road



TOWNSHIP Seward

PARCEL # 09-17-400-005

LOT SIZE 5.00 Acres

EXISTING LAND USE Public/Institutional (Seward Township Building)

ZONING A-1 Agricultural District with a Special Use Permit

LRMP	Current Land Use	Public/Institutional
	Future Land Use	Commercial (County)
	Roads	O'Brien Road is a Township Road classified as a Local Road.
	Trails	None
	Floodplain/Wetlands	None

REQUESTED ACTION Major Amendment to an A-1 Special Use for Governmental Building and Facility

APPLICABLE REGULATIONS Section 7:01.D.24 – A-1 Special Uses – Permits Governmental Buildings and Facilities in the A-1 District as a Special Use

Section 13:08 – Special Use Procedures

SURROUNDING LAND USE

Location	Adjacent Land Use	Adjacent Zoning	Land Resource Management Plan	Zoning within 1/2 Mile
North	Agricultural	A-1	Commercial	A-1
South	Agricultural	A-1	Rural Estate Residential (Max 0.45 DU/Acre) and Rural Residential (Max 0.65 DU/Acre)	A-1
East	Agricultural	A-1	Commercial	A-1
West	Agricultural	A-1	Commercial	A-1 and A-1 SU

There is one (1) home located within one half (1/2) mile of the subject property.

The special use to the west is for a banquet facility and related uses.

PHYSICAL DATA

ENDANGERED SPECIES REPORT

EcoCat submitted on April 23, 2024, and consultation was terminated (see Attachment 1, Pages 5-7).

NATURAL RESOURCES INVENTORY

A NRI application was submitted on April 30, 2024 (see Attachment 1, Page 4). The LESA Score was 191 indicating a low level of protection. The NRI Report is included as Attachment 7.

ACTION SUMMARY

SEWARD TOWNSHIP

Seward Township was emailed information on April 30, 2024.

LISBON-SEWARD FIRE PROTECTION DISTRICT

The Lisbon-Seward Fire Protection District was emailed information on April 30, 2024.

ZPAC

ZPAC reviewed the proposal at their meeting on May 7, 2024. ZPAC recommended approval of the proposal by a vote of nine (9) in favor and zero (0) in opposition with one (1) member absent. The minutes are included as Attachment 6.

RPC

The Kendall County Regional Planning Commission reviewed this proposal at their meeting on May 22, 2024. It was noted that the Petitioner was working on incorporating stormwater detention into the site plan. Member Wilson felt that Seward Township was not transparent in how they obtained approval from the Township electors for this project; she still supported the major amendment. Discussion also occurred regarding salt storage at the property; salt was already stored indoors. The Kendall County Regional Planning Commission recommended approval of the requested major amendment with conditions proposed by Staff and the addition to stormwater detention infrastructure on the site plan by a vote of eight (8) in favor and zero (0) in opposition with two (2) members absent. The minutes of the meeting are included as Attachment 8.

BUILDING CODES

The proposed building will have to obtain applicable building permits.

PARKING

As required in the special use permit from 2009, the subject property has fifteen (15) parking spaces, including one (1) handicapped parking space. Given that the proposed amendment will not increase public visitation at the property, the number of parking spaces should be adequate.

STORMWATER

The Petitioner submitted an application for a stormwater permit.

In 2009, the Petitioner was granted a variance to the stormwater runoff storage facilities by Ordinance 2009-26, included as Attachment 4. An amendment to this variance, the installation of stormwater storage facilities, submittal of a fee-in-lieu payment, or some combination thereof will be required. A letter from WBK Engineering is included as Attachment 5. The Petitioner was considering a variance to the Stormwater Management Ordinance. However, they were working on an alteration to the site plan to include stormwater detention.

FINDINGS OF FACT-SPECIAL USE PERMIT AMENDMENT

§ 13.08.J of the Zoning Ordinance outlines findings that the Zoning Board of Appeals must make in order to recommend in favor of the applicant on special use permit applications. They are listed below in *italics*. Staff has provided findings in **bold** below based on the recommendation:

*That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. **The expansion will improve the public health, safety, comfort, and general welfare because the new building will allow the township to do its work inside a new facility.***

That the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The Zoning classification of property within the general area of the property in question shall be considered in determining consistency with this standard. The proposed use shall make adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open space and other improvements necessary to insure that the proposed use does not adversely impact adjacent uses and

is compatible with the surrounding area and/or the County as a whole. The existing use has been in place since 2009. The adjacent land uses are agricultural and the construction of a maintenance building will not injury the use and enjoyment of neighboring land owners.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. This is true except for drainage. Drainage concerns can be addressed through a stormwater permit.

That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Zoning Board of Appeals. This is true.

That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. Seward Township has used the subject property for public/institutional purposes since 2009. Accordingly, allowing the Township expand its facilities is consistent with a goal found on Page 9-20 of the Kendall County Land Resource Management Plan which calls for “mutually supportive, non-adversarial team of municipal, township, . . . county, and other governments working toward the benefit of everyone in Kendall County.”

RECOMMENDATION

Staff recommends approval of the requested amendments to the existing special use permit for a governmental building and facility, pending resolution of Kendall County Stormwater Ordinance issues subject to the following conditions and restrictions:

1. The site plan attached as Group Exhibit A of Ordinance 2009-31 is hereby amended to include the site plan attached hereto (Attachment 2). **Stormwater detention related information may be added to the site plan without the need to obtain an amendment to the site plan. (Added at RPC).**
2. None of buildings or structures allowed by this major amendment to an existing special use permit shall be considered agricultural structures and must secure applicable permits.
3. The remaining conditions and restrictions contained in Ordinance 2009-31 shall remain valid and effective.
4. The use allowed by this major amendment to an existing special use permit shall follow all applicable federal, state, and local laws.
5. Failure to comply with one or more of the above conditions or restrictions could result in the amendment or revocation of the special use permit.
6. If one or more of the above conditions or restrictions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
7. These major amendments to an existing special use permit shall be treated as covenants running with the land and are binding on the successors, heirs, and assigns as to the same special uses conducted on the property.

ATTACHMENTS

1. Application Materials
2. Proposed Site Plan
3. Ordinance 2009-31
4. Ordinance 2009-26
5. April 26, 2024, WBK Letter
6. May 7, 2024, ZPAC Meeting Minutes (This Petition Only)
7. NRI Report
8. May 22, 2024, Kendall County Regional Planning Commission Minutes (This Petition Only).



DEPARTMENT OF PLANNING, BUILDING & ZONING

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

APPLICATION

PROJECT NAME _____ FILE #: _____

NAME OF APPLICANT (Including First, Middle Initial, and Last Name)		
SEWARD TOWNSHIP		
CURRENT LANDOWNER/NAME(s)		
SEWARD TOWNSHIP		
SITE INFORMATION ACRES	SITE ADDRESS OR LOCATION	ASSESSOR'S ID NUMBER (PIN)
5 1/2	14719 N. O'BRIEN RD.	
EXISTING LAND USE	CURRENT ZONING	LAND CLASSIFICATION ON LRMP
	A1	
REQUESTED ACTION (Check All That Apply):		
<input checked="" type="checkbox"/> SPECIAL USE	<input type="checkbox"/> MAP AMENDMENT (Rezone to _____)	<input type="checkbox"/> VARIANCE
<input type="checkbox"/> ADMINISTRATIVE VARIANCE	<input type="checkbox"/> A-1 CONDITIONAL USE for: _____	<input type="checkbox"/> SITE PLAN REVIEW
<input type="checkbox"/> TEXT AMENDMENT	<input type="checkbox"/> RPD (<input type="checkbox"/> Concept; <input type="checkbox"/> Preliminary; <input type="checkbox"/> Final)	<input type="checkbox"/> ADMINISTRATIVE APPEAL
<input type="checkbox"/> PRELIMINARY PLAT	<input type="checkbox"/> FINAL PLAT	<input type="checkbox"/> OTHER PLAT (Vacation, Dedication, etc.)
AMENDMENT TO A SPECIAL USE (<input type="checkbox"/> Major; <input type="checkbox"/> Minor)		
1 PRIMARY CONTACT	PRIMARY CONTACT MAILING ADDRESS	PRIMARY CONTACT EMAIL
TIM O'BRIEN		
PRIMARY CONTACT PHONE #	PRIMARY CONTACT FAX #	PRIMARY CONTACT OTHER # (Cell, etc.)
2 ENGINEER CONTACT	ENGINEER MAILING ADDRESS	ENGINEER EMAIL
BRUCE MILLER		
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 4-22-24

FEE PAID: \$ 1155
 CHECK #: 1357

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

Date Stamp Here If Checklist Is Complete

Memorandum

To: Kendall County Administration
CC: File 24-500
From: Bruce Miller, B.P. Miller Consultants, Ltd.
Date: 4/22/2024
Re: Seward Township: Special Use Permit

Gentlemen:

The proposed project relates to the construction of an auxiliary maintenance/storage building for vehicles and miscellaneous Township equipment. The existing site is shown on the attached drawing with the current building location, driveways, parking, and salt storage shed.

The proposed building will be 140'x60' (8,400 SF). Additional asphalt paving and driveway area will be provided for access to the new building. There will be no plumbing other than a hose bibb for the wash bay. The building will be a standard pole type structure and will be provided by the responsible low bidder at a later date.



TRUSTEE'S DEED

200900013010

DEBBIE
GILLETTE
KENDALL COUNTY, IL

RECORDED: 6/11/2009 2:34 PM
TRSD: 262.75 RHPSPS FEE: 10.00
PAGES: 4

THIS INDENTURE, made this 20th day of May, 2009, between Douglas Horton and Sun Trust Bank, As Successor Co-Trustee of the Earl W. Horton Declaration of Trust Number 101, dated May 7, 1990, as amended, ("GRANTOR") presently of [REDACTED] and Seward Township, an Illinois governmental unit (Grantee), presently of 2851 WILDYRD Minooka Illinois. 60447

WITNESSETH, that Grantors, in consideration of TEN AND NO/100TH (\$10.00) DOLLARS, and other and good valuable considerations in hand paid, does hereby CONVEYS and QUITCLAIMS unto Grantee, all interest in the following described real estate, situated in Kendall County, Illinois, to-wit:

THE SOUTH 360 FEET OF THE EAST 605 FEET OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 17, IN TOWNSHIP 35 NORTH, AND IN RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN KENDALL COUNTY, ILLINOIS.

COMMONLY KNOWN AS: 5 Acres on O'Brien Road South of Route 52 in Kendall County, Minooka, Illinois
P.I.N. NO.: Part of 09517-400-001

Together with the tenement and appurtenances hereto belonging.

This Trustee's Deed is executed pursuant to and in the exercise of the power and authority granted and vested in said Trustee by terms of the Earl W. Horton Declaration of Trust Number 101, dated May 7, 1990.

IN WITNESS WHEREOF, Grantors have caused their names to be affixed the day and year first above written.

COUNTY OF KENDALL
REAL ESTATE TRANSFER TAX
\$ 71.25 W

SunTrust Bank and Douglas Horton
As Successor Co-Trustees for the Earl V.
Horton Declaration of Trust No. 101 dated
May 7, 1990

By: [REDACTED]
Douglas Horton, Co-Trustee

SunTrust Bank, as Co-Trustee
By: [REDACTED]
Jean C. Mathis, Vice President

STATE TAX
STATE OF ILLINOIS

JUN. 11. 09
KENDALL COUNTY

0000012632
REAL ESTATE TRANSFER TAX
0014250
FP 103035

W



Kendall County Soil & Water Conservation District

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

www.kendallswcd.org

NATURAL RESOURCE INFORMATION (NRI) REPORT APPLICATION

Petitioner: SEWARD TOWNSHIP Contact Person: TIM O'BRIEN
 Address: 1419 N O'BRIEN ROAD
 City, State, Zip: MURDOCK, IL 60447
 Phone Number: [REDACTED]
 Email: S [REDACTED]

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

Site Location & Proposed Use

Township Name SEWARD Township 35 N, Range 8 E, Section(s) 17
 Parcel Index Number(s) _____
 Project or Subdivision Name SEWARD TOWNSHIP Number of Acres 54-
 Current Use of Site OFFICE MAINTENANCE Proposed Use NEW STORAGE BUILDING
 Proposed Number of Lots 1 (EXISTING) Proposed Number of Structures 1
 Proposed Water Supply EXISTING WELL Proposed type of Wastewater Treatment EXISTING SEPTIC
 Proposed type of Storm Water Management VARIANCE

Type of Request

Change in Zoning from _____ to _____
 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

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>
_____ Additional Acres at \$18.00 each	\$ _____
Total NRI Fee	\$ _____

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

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

 Petitioner or Authorized Agent

 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 _____



Eco CAT Ecological Compliance Assessment Tool

1 of 3

Find | Next



Applicant: Seward Township
Contact: Ms. Jean Homering
Address: [REDACTED]

IDNR Project Number: 2413574
Date: 04/23/2024

Project: Proposed Auxiliary Maintenance/Storage Building
Address: 14719 O'Brien Road, Minooka

Description: The proposed building will be 140'x60' (8,400 SF), the existing Site has an office and storage building, a salt storage shed, drive entrances and parking for Township vehicles and for meetings.

Natural Resource Review Results

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

The Illinois Natural Heritage Database shows the following protected resources may be in the vicinity of the project location:



EcoCAT Ecological Compliance Assessment Tool

⏪ ⏩ 1 of 3 ⏴ ⏵ ↻

Find | Next



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

County: Kendall

Township, Range, Section:

35N, 8E, 16

35N, 8E, 17



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

Government Jurisdiction
Seward Township, Kendall County
Tim O'Brien
14719 O'Brien Road
Minooka, Illinois 60447

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.

Terms of Use

Payment Receipt

From: noreply@ncr.com (noreply@ncr.com)

To: [REDACTED]

Date: Tuesday, April 23, 2024 at 10:32 AM CDT

Illinois Dept of Natural Resources



Payment Receipt

Thank You for Your Payment

Please save this Confirmation Number for your personal records.

Customer Name

Bruce P Miller

Effective Date

4/23/2024 10:32 AM Central Standard Time

Confirmation Number

30055806

	Payment Method	Amount
	[REDACTED]	\$127.81
	Item	Payment
	EcoCat	\$125.00
	Transaction Fee:	\$2.81
	Total Amount Paid:	\$127.81

Credit Notes

EcoCAT Project Code: 2413574

Payment Details

EcoCat
Bruce P Miller - \$125.00

Attachment 1 Page 8
Please fill out the following findings to the best of your capabilities. §13:08.J of the Zoning Ordinance outlines findings that the Zoning Board of Appeals shall consider in rendering a decision, but is not required to make an affirmative finding on all items in order to grant a **special use**. They are as follows:

That the establishment, maintenance, and operation of the special use will not be detrimental to, or endanger, the public health, safety, morals, comfort, or general welfare.

STORAGE BUILDING, NO IMPACT TO PUBLIC

That the special use will not be substantially injurious to the use and enjoyment of other properties in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The Zoning classification of property within the general area of the property in question shall be considered in determining consistency with this standard. The proposed use shall make adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open space and other improvements necessary to insure that the proposed use does not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a whole.

SURROUNDING AREA IS FARMLAND, THE PROPOSED BUILDING IS FOR STORAGE & MAINTENANCE FOR SEWARD TWP VEHICLES, THERE WILL BE NO ADVERSE IMPACT OR DETRIMENT TO NEIGHBORING PROPERTIES

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided.

ALL THESE ITEMS ARE EXISTING & NO OTHER FACILITIES ARE PROPOSED, NEW BUILDING ONLY.

That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Zoning Board of Appeals

THIS BUILDING IS IN ACCORDANCE WITH ALL KENDALL COUNTY RESTRICTIONS.

That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies.

NEW BUILDING IS CONSISTENT WITH CURRENT USE

SITE PLAN
 PART OF THE SE CORNER OF SECTION 17, TOWNSHIP 35N, RANGE 8E, THIRD PRIME MERIDIAN
 SEWARD TOWNSHIP
 KENDALL COUNTY, ILLINOIS
 5.000± ACRES
 ZONED A-1

STATE OF ILLINOIS }
 COUNTY OF WILL } SS

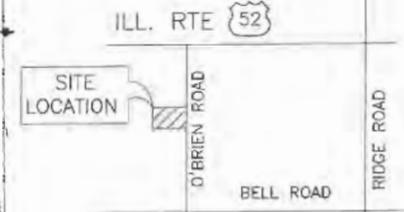
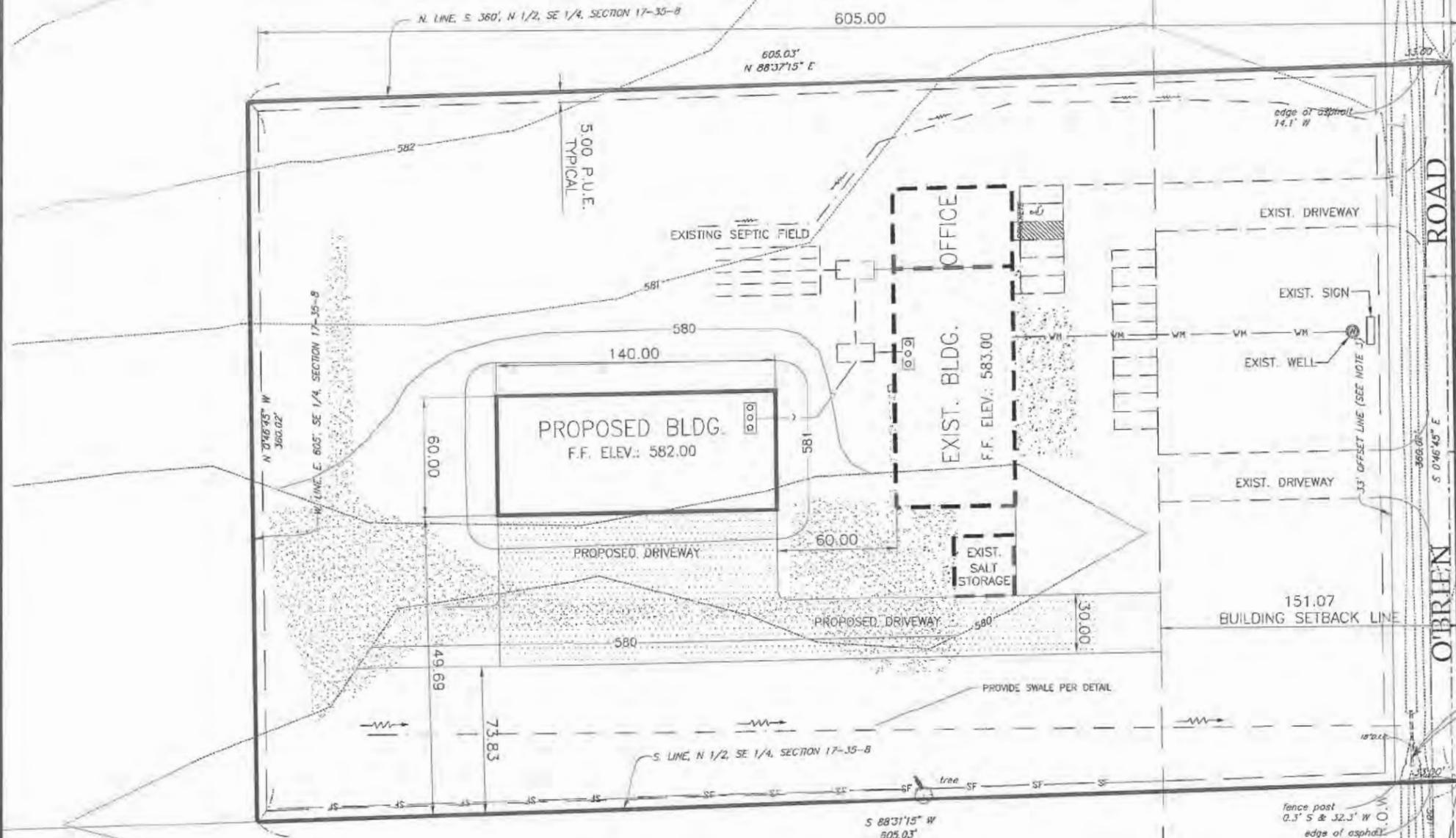
Twig, Inc., Illinois Professional Design Firm
 No. 184-001251, Hereby Certifies that it has surveyed the property
 described in the above caption and as shown on the annexed plot,
 which is a true and correct representation of said survey.
 SURVEY FIELD WORK COMPLETED APRIL 9, 2024
 GIVEN UNDER MY HAND AND SEAL THIS 23rd DAY OF April, 2024, A.D.



ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 3524

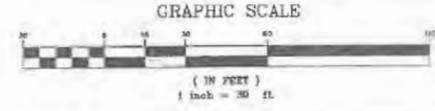
LEGAL DESCRIPTION:

THE SOUTH 360 FEET OF THE EAST 605 FEET OF THE NORTH HALF OF THE
 SOUTHEAST QUARTER OF SECTION 17, IN TOWNSHIP 35 NORTH, AND IN RANGE
 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN KENDALL COUNTY, ILLINOIS



SITE BENCHMARK

SITE PLAN
 SCALE: 1"=30'-0"
 GRAPHIC SCALE
 NORTH



BUILDING/LOT RATIO

PARKING/DRIVEWAY:	0.375 AC. (16,340 S.F.)
PROPOSED BUILDING:	0.198 AC. (8,400 S.F.)
TOTAL:	0.573± AC.(24,740 S.F.)

- LEGEND**
- PAVED AREA
 - EROSION CONTROL SILT FENCE
 - EXISTING SURVEYOR'S BOUNDARY
 - EXISTING WATER STRIKE
 - BUILDING SETBACK LINE
 - SETBACK LINE

Topographic and Boundary Survey Provided
 by Twig, Inc., 129 Capata Dr., Shorewood, IL 60404
 Dated April, 2024
BENCHMARK: CUT CROSS IN TOP OF DUCTILE IRON PIPE
 (SOUTH END) AS SHOWN HEREON,
 ELEVATION=590.73 (NGVD 29)

B. P. MILLER CONSULTANTS, LTD. STRUCTURAL & CIVIL ENGINEERING 105 W. HONDAMIN ST. MICHIGAN, IL 60447 815/467-9744 ILLINOIS PROFESSIONAL DESIGN FIRM LICENSE NO.: 184-002284 EXP. 4/30/25	
DATE: APRIL, 2024 SCALE: AS SHOWN	
SITE PLAN SEWARD TOWNSHIP STORAGE BUILDING	
PROPOSED STORAGE BUILDING O'BRIEN ROAD KENDALL COUNTY, ILLINOIS	
SHEET C-1	
FILE NO. 24-500	

State of Illinois
County of Kendall

Zoning Petition
09-24

ORDINANCE NUMBER 2009 - 31

GRANTING A SPECIAL USE for
GOVERNMENTAL BUILDINGS AND FACILITIES to
SEWARD TOWNSHIP

WHEREAS, The Township of Seward has filed a petition for a Special Use within the A-1 Agricultural Zoning District for a five (5) acre property located on the west side of O'Brien Road, approximately 970' south of Route 52 (PIN #09-17-400-005), in Seward Township; and

WHEREAS, said petition is to allow the operation governmental buildings and facilities pursuant to Section 7.01.D.14 of the Kendall County Zoning Ordinance; and

WHEREAS, said property is legally described as:

THE SOUTH 360 FEET OF THE EAST 605 FEET OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 17, IN TOWNSHIP 35 NORTH, AND IN RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN KENDALL COUNTY, ILLINOIS.

WHEREAS, the Kendall County Regional Plan Commission has recommended approval for the following on June 24, 2009:

- A. Omission of lighting for the parking area as required in Section 11.02.F.12 of the Zoning Ordinance
- B. Parking area to be improved with a gravel surface instead of a hard surface however, all handicapped accessible stalls shall be improved with a hard surface as required in Section 11.02.F.2
- C. Amount of proposed parking stalls, 15, for the site to accommodate the proposed operation; and

WHEREAS, all procedures required by the Kendall County Zoning Ordinance were followed including notice for public hearing, preparation of the findings of fact, and recommendation for approval by the Special Use Hearing Officer on July 28, 2009; and

WHEREAS, the Kendall County Board finds that said petition is in conformance with the provisions and intent of the Kendall County Zoning Ordinance; and

WHEREAS, any change or modification to the Special Use that does not modify the original intent, purpose, or need for the Special Use, shall be submitted to and reviewed by the Planning, Building, & Zoning Department. Notice that a change or modification is sought shall be provided by the applicant in the manner provided in 55 ILCS 5/5-12009.5. Upon proper notice, the Planning, Building, & Zoning Department shall forward the request for change or modification to the Planning, Building & Zoning Committee. The Committee may return the matter to ZPAC and/or Plan

State of Illinois
County of Kendall

Zoning Petition
09-24

Commission for further consideration and findings or forward the matter to the full County Board to grant, deny, or return the requested change or modification to the Committee for further consideration and findings, and

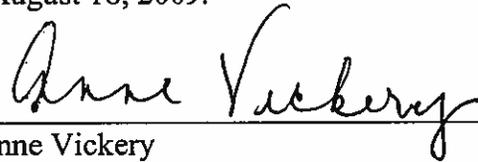
WHEREAS, this special use shall be treated as a covenant running with the land and is binding on the successors, heirs, and assigns as to the same special use conducted on the property; and

NOW, THEREFORE, BE IT ORDAINED, that the Kendall County Board hereby grants approval of a special use zoning permit per section § 7.01.D.14 (A-1 Special Uses-Governmental buildings and facilities) to permit the use indicated in the recitals section of this Ordinance and as indicated on the submitted Site Plan included as Group Exhibit "A" attached hereto and incorporated herein.

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 August 18, 2009.

Attest:



Anne Vickery
Kendall County Board Chairman



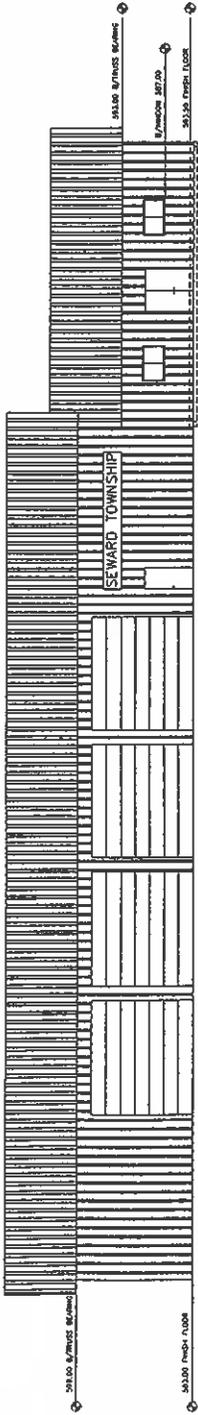
Debbie Gillette
Kendall County Clerk

EXHIBIT

GL00 A (Pg 3 of 3)

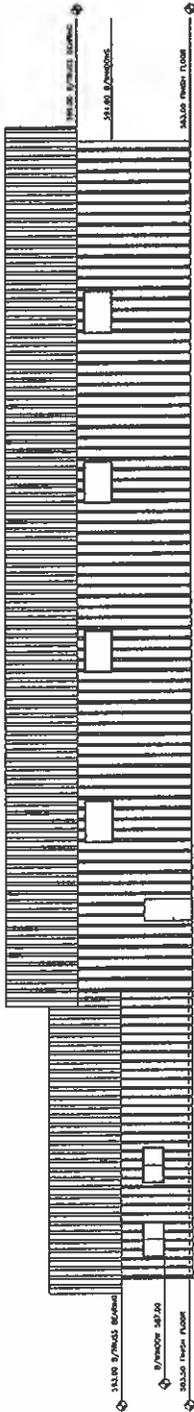
DATE: _____

SCALE: AS SHOWN	DATE: JUNE 15, 2009	ELEVATIONS SEWARD TOWNSHIP ORIGINAL	Attachment 3, Page 5 SEWARD TOWNSHIP KENDALL COUNTY, ILLINOIS	Seward Township PROPOSED TOWNSHIP BUILDING 0 BRIEN ROAD KENDALL COUNTY, ILLINOIS	SHEET A-2	FILE NO. 09-500
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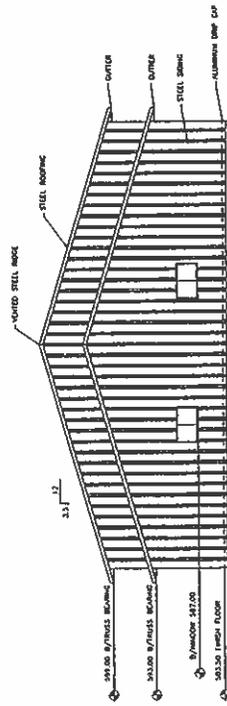
EAST ELEVATION

SCALE: 1/8"=1'-0"



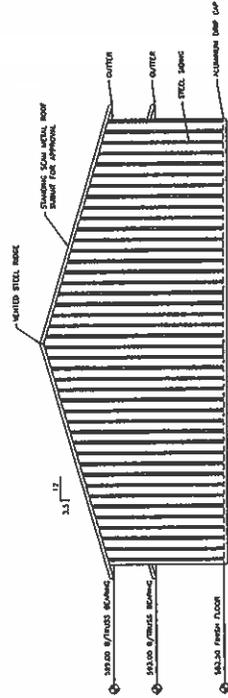
WEST ELEVATION

SCALE: 1/8"=1'-0"



NORTH ELEVATION

SCALE: 1/8"=1'-0"



SOUTH ELEVATION

SCALE: 1/8"=1'-0"

State of Illinois
County of Kendall

Zoning Petition 09-32
Site Development 09-10
(Seward Township)

ORDINANCE 2009 - 26
Stormwater Management Variance
SEWARD TOWNSHIP

WHEREAS, the Township of Seward has submitted final engineering plans prepared by B.P. Miller Consultants to allow for the construction of a structure and parking area for the Township located on the west side of O'Brien Road, approximately 970' south of Route 52 (PIN #09-17-400-005), legally described in Exhibit "A" attached hereto and made a part hereof; and

WHEREAS, Seward Township, through their engineers at B.P. Miller Consultants, has petitioned the Planning, Building and Zoning Committee for approval of a variance to Section 301.0.2 of the Kendall County Stormwater Management Ordinance dated September 19, 2002; and

WHEREAS, Section 301.0.2 requires stormwater runoff storage facilities for a property which is being developed, which is not a single-family detached residential development and is a non-residential land use, which totals three acres or more in size and results in 45,000 square feet or more of total development; and

WHEREAS, although the total amount of impervious surface proposed will be less than 32,000 square feet, the total amount of development, including grading, will exceed 45,000 square feet; and

WHEREAS, the topography of the site and the adjacent area is very flat and the relatively small area would be very difficult to provide detention that has a positive outlet and would provide freeboard to the proposed building at the same time; and

WHEREAS, the petitioner is therefore providing stormwater management with a flat swale planted with native plants to provide water quality benefits and to provide some water quantity benefits through increased infiltration of the soil; and

WHEREAS, the Planning, Building and Zoning Committee reviewed the requests at a special PBZ meeting on August 4, 2009; and

WHEREAS, the Committee, after reviewing the request recommended approval subject to final engineering review and approval; and

WHEREAS, the County's Consulting engineer, Wills Burke Kelsey, LTD. has reviewed and recommended approval of the stormwater management variance request for the project; and

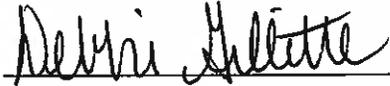
WHEREAS, the Zoning Administrator has evaluated the request against the standards for granting a variance to the Kendall County Stormwater Management Ordinance, and has recommended approval of the variation request; and

WHEREAS, a drainage ditch lies west and nearby to the property and the discharge to a formal drainage system allows flows to be managed and expected by downstream land owners and said variation should not have a negative effect on adjacent properties; and

NOW, THEREFORE, BE IT ORDAINED, the Kendall County Board hereby approves a variation to Section 301.0.2 of the Kendall County Stormwater Ordinance to be developed in accordance with the site plan depicted as "Exhibit B" attached hereto and made a part hereof. Any additional improvements made to the site that will exceed the amount of impervious surface and development as depicted in "Exhibit B" will require the review by PBZ Staff.

IN WITNESS OF, this ordinance has been enacted on August 4, 2009.

Attest:



Debbie Gillette
Kendall County Clerk



Anne Vickery
Kendall County Board Chairman

EXHIBIT "A"

Legal Description

THE SOUTH 360 FEET OF THE EAST 605 FEET OF THE NORTH HALF OF THE
SOUTHEAST QUARTER OF SECTION 17, IN TOWNSHIP 35 NORTH, AND IN RANGE 8
EAST OF THE THIRD PRINCIPAL MERIDIAN, IN KENDALL COUNTY, ILLINOIS



April 26, 2024

Mr. Matt Asselmeier
Kendall County Planning, Building, & Zoning
111 West Fox Street
Yorkville, IL 60560-1498

Subject: Seward Township Maintenance Building- WBK Project 19-102.BV

Dear Mr. Asselmeier:

We have received and reviewed the following information for the subject project:

- Special Use Application prepared by Bruce Miller dated April 22, 2024 and received April 24, 2024.
- Special Use Ordinance No 2009-31.
- Site Plan for Seward township Storage Building prepared by Bruce Miller dated April 2024 and received April 24, 2024.
- Subsurface investigation Report prepared by Midwest Testing Services, Inc. dated August 25, 2009 and received April 24, 2024.

The following comments require resolution prior to plan approval and our recommendation for issuance of a stormwater permit.

Stormwater Permit

1. Submit a stormwater application with all applicable and necessary supporting documentation.
2. Provide a project narrative describing existing and proposed conditions, peak flow rates, project outfalls, etc.
3. A prior variance was granted based on the square footage of impervious surface being under the ordinance threshold requiring stormwater storage. This project will create cumulative impervious surface exceeding ordinance thresholds. Provide stormwater storage in compliance with the ordinance. Alternatives include potential for fee-in-lieu and an ordinance variance assuming all standards can be met.
4. Provide a clear accounting of cumulative impervious areas added (including gravel) and all area disturbed from the adoption of the stormwater ordinance (2012).

Site Plan

1. Provide an erosion control plan for the project.
2. Provide the swale detail noted on the plans.

3. Clarify grading between the proposed and existing buildings.
4. Provide grading and utility plans for the project.

The applicant's design professionals are responsible for performing and checking all design computations, dimensions, details, and specifications in accordance with all applicable codes and regulations, and obtaining all permits necessary to complete this work. In no way does this review relieve applicant's design professionals of their duties to comply with the law and any applicable codes and regulations, nor does it relieve the Contractors in any way from their sole responsibility for the quality and workmanship of the work and for strict compliance with the permitted plans and specifications. If you have any questions or comments, please contact us at (630) 443-7755.

S
[Redacted Signature]
G

WBK Engineering, LLC

**ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)
May 7, 2024 – Unapproved Meeting Minutes**

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

Present:

Matt Asselmeier – PBZ Department
Meagan Briganti – GIS Department
David Guritz – Forest Preserve (Arrived at 9:02 a.m.)
Brian Holdiman – PBZ Department
Fran Klaas – Highway Department
Commander Jason Langston – Sheriff's Department
Alyse Olson – Soil and Water Conservation District (Arrived at 9:02 a.m.)
Aaron Rybski – Health Department
Seth Wormley – PBZ Committee Chair

Absent:

Greg Chismark – WBK Engineering, LLC

Audience:

Tim O'Brien, Pete Fleming, Michael Korst, Jim Filotto, Ryan Solum, Bruce Miller, Alex Schuster, and Gloria Foxman

PETITIONS

Petition 24-09 Tim O'Brien on Behalf of Seward Township

Mr. Asselmeier summarized the request.

On August 18, 2009, the County Board approved Ordinance 2009-31, granting a special use permit for a governmental building and facility at 14719 O'Brien Road.

The Petitioner is proposing to amend the site plan approved in Ordinance 2009-31 by a constructing an approximately eight thousand four hundred (8,400) square foot pole-type maintenance/storage building to the west of the existing Seward Township building and installing an asphalt driveway connecting the existing parking lot to the new building. For reference, the existing building is approximately nine thousand six hundred (9,600) square feet in size and is used for maintenance, storage, and offices.

Though not shown on the site plan approved in 2009, Seward Township received a permit and installed a sign on the property in 2010. The sign is shown on the proposed site plan.

No other changes to the site were proposed.

The application materials, proposed site plan, and Ordinance 2009-31 were provided.

The property was approximately five (5) acres in size.

The existing land use was Public/Institutional.

The future land use was Commercial.
O'Brien Road was a Township Road classified as a Local Road.

There were no trails planned in the area.

There are no floodplains or wetlands on the property.

The adjacent properties were used as Agricultural.

The adjacent properties were zoned A-1.

The Land Resource Management Plan calls for the area to be Commercial, Rural Estate Residential, and Rural Residential.

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

There is one (1) home located within one half (1/2) mile of the subject property.

The special use to the west is for a banquet facility and related uses.

EcoCat submitted on April 23, 2024.

A NRI application was submitted on April 30, 2024.

Seward Township was emailed information on April 30, 2024.

The Lisbon-Seward Fire Protection District was emailed information on April 30, 2024.

The proposed building will have to obtain applicable building permits.

As required in the special use permit from 2009, the subject property has fifteen (15) parking spaces, including one (1) handicapped parking space. Given that the proposed amendment will not increase public visitation at the property, the number of parking spaces should be adequate.

The Petitioner submitted an application for a stormwater permit.

In 2009, the Petitioner was granted a variance to the stormwater runoff storage facilities by Ordinance 2009-26, which was provided. An amendment to this variance, the installation of stormwater storage facilities, submittal of a fee-in-lieu payment, or some combination thereof will be required. A letter from WBK Engineering was provided.

The proposed Findings of Fact were as follows:

That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. The expansion will improve the public health, safety, comfort, and general welfare because the new building will allow the township to do its work inside a new facility.

That the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The Zoning classification of property within the general area of the property in question shall be considered in determining consistency with this standard. The proposed use shall make adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open space and other improvements necessary to insure that the proposed use does not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a whole. The existing use has been in place since 2009. The adjacent land uses are agricultural and the construction of a maintenance building will not injury the use and enjoyment of neighboring land owners.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. This is true except for drainage. Drainage concerns can be addressed through a stormwater permit.

That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Zoning Board of Appeals. This is true.

That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. Seward Township has used the subject property for public/institutional purposes since 2009. Accordingly, allowing the Township expand its facilities is consistent with a goal found on Page 9-20 of the Kendall County Land Resource Management Plan which calls for "mutually supportive, non-adversarial team of municipal, township, . . . county, and other governments working toward the benefit of everyone in Kendall County."

Staff recommended approval of the requested amendments to the existing special use permit for a governmental building and facility, pending resolution of Kendall County Stormwater Ordinance issues subject to the following conditions and restrictions:

1. The site plan attached as Group Exhibit A of Ordinance 2009-31 is hereby amended to include the submitted site plan.
2. None of buildings or structures allowed by this major amendment to an existing special use permit shall be considered agricultural structures and must secure applicable permits.
3. The remaining conditions and restrictions contained in Ordinance 2009-31 shall remain valid and effective.
4. The use allowed by this major amendment to an existing special use permit shall follow all applicable federal, state, and local laws.
5. Failure to comply with one or more of the above conditions or restrictions could result in the amendment or revocation of the special use permit.
6. If one or more of the above conditions or restrictions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
7. These major amendments to an existing special use permit shall be treated as covenants running with the land and are binding on the successors, heirs, and assigns as to the same special uses conducted on the property.

Mr. Holdiman made a motion, seconded by Mr. Guritz, to recommend approval of the proposal.

The votes were follows:

Ayes (9): Asselmeier, Briganti, Guritz, Holdiman, Klaas, Langston, Olson, Rybski, and Wormley
Nays (0): None
Abstain (0): None
Absent (1): Chismark

The motion passed.

The proposal goes to the Kendall County Regional Planning Commission on May 22, 2024.

PUBLIC COMMENT

None

ADJOURNMENT

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

With a voice vote of nine (9) ayes, the motion carried.

The ZPAC, at 9:54 a.m., adjourned.

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

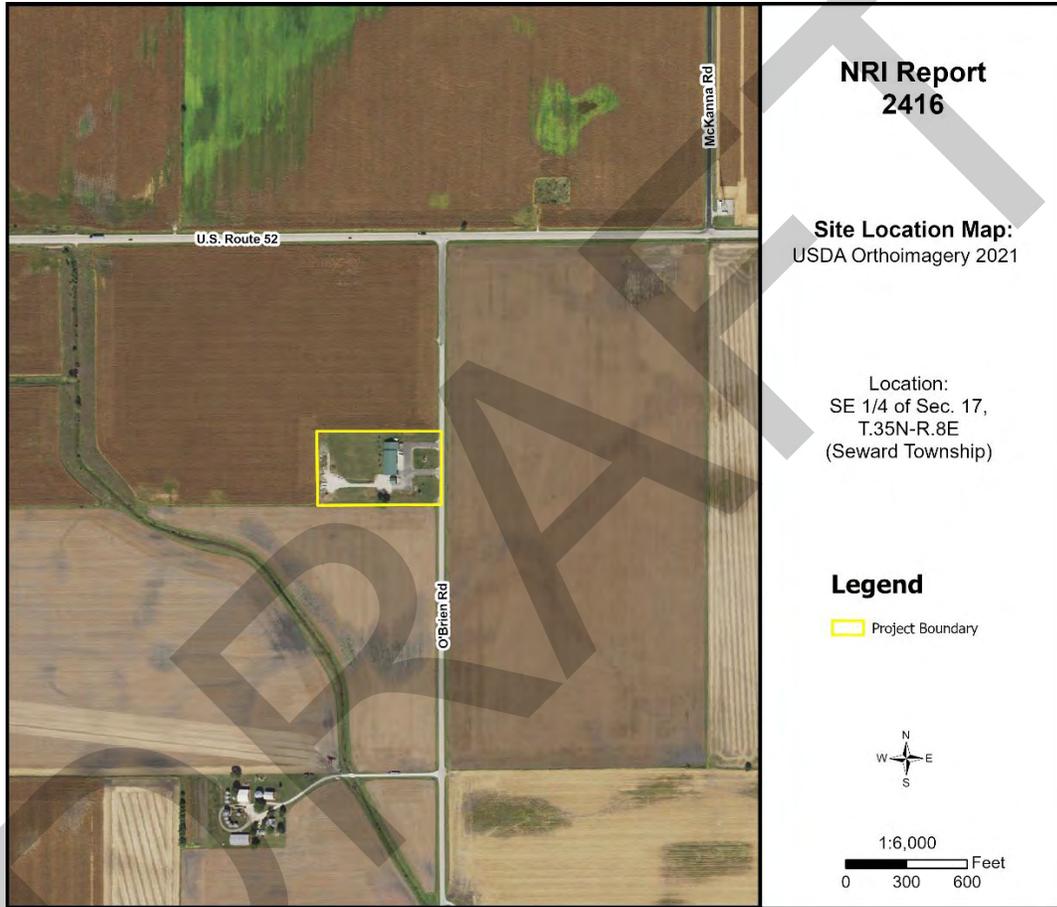
Enc.

**KENDALL COUNTY
ZONING & PLATTING ADVISORY COMMITTEE
MAY 7, 2024**

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)
<i>Jim O'Brien</i>		
<i>Pete Fleming</i>		
<i>Michael Korst</i>		
<i>Jim Filotto</i>		
<i>Ryan Solum</i>		
<i>BRUCE MILLER</i>		
<i>ALEX Schuster</i>		

NATURAL RESOURCES INFORMATION (NRI) EXECUTIVE SUMMARY REPORT: #2416



May
2024

Petitioner: Seward Township
Contact: Tim O'Brien

Prepared By:



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

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EXECUTIVE SUMMARY

Natural Resources Information Report Number	#2416
Petitioner	Seward Township
Contact Person	Tim O'Brien
County or Municipality the Petition is Filed With	Kendall County
Location of Parcel	Southeast ¼ of Section 17, Township 36 North, Range 8 East (Seward Township) of the 3 rd Principal Meridian
Project or Subdivision Name	Seward Township Highway Department Storage Building
Existing Zoning & Land Use	A-1 Agricultural District with a Special Use Permit; Seward Township Office/Maintenance Building
Proposed Zoning & Land Use	Major Amendment to the A-1 Special Use; Addition of a new storage building
Proposed Water Source	Existing well
Proposed Type of Sewage Disposal System	Existing septic
Proposed Type of Storm Water Management	Undetermined at this time – current options include an amendment to existing variance, installation of stormwater storage facilities, submittal of a fee-in-lieu payment, or combination of these will be required.
Size of Site	(+/-) 5.00 acres
Land Evaluation Site Assessment Score	191 (Land Evaluation: 86; Site Assessment: 105)

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.

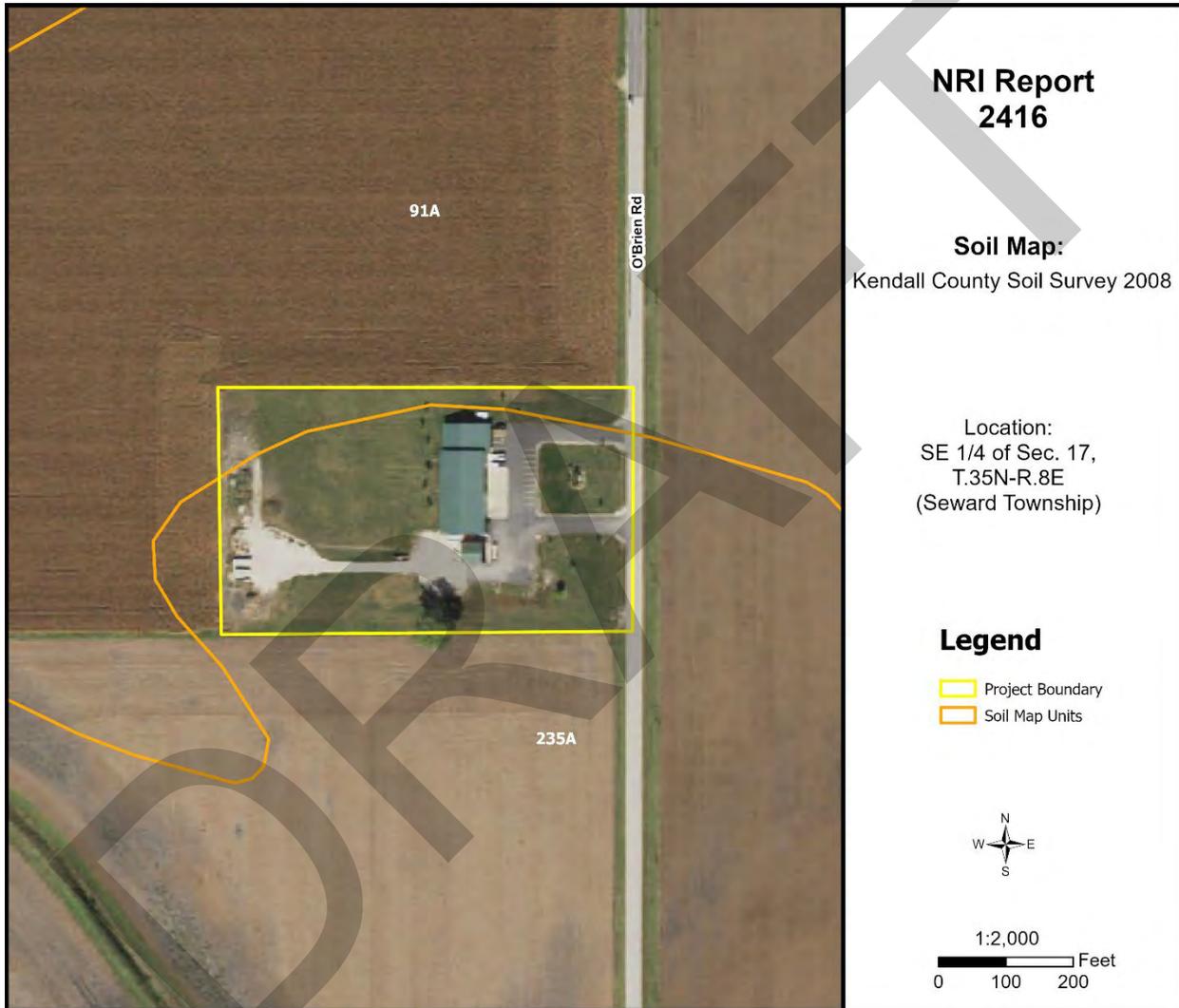


Figure 1: Soil Map

Table 1: Soils Information

Soil Type	Soil Name	Drainage Class	Hydrologic Group	Hydric Designation	Farmland Designation	Acres	% Area
91A	Swygert silty clay loam, 0-2% slopes	Somewhat Poorly Drained	C/D	Non-Hydric w/ Hydric Inclusions	Prime Farmland	0.7	14.3%
235A	Bryce silty clay, 0-2% slopes	Poorly Drained	C/D	Hydric	Prime Farmland if Drained	4.3	85.7%

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 (235A Bryce silty clay), and one is classified as non-hydric soil with hydric inclusions likely (91A Swygert silty clay 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, one is designated as prime farmland (91A Swygert silty clay loam), and one is designated as prime farmland if drained (235A Bryce silty clay).

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
91A	C/D	Medium	January - May Upper Limit: 1.0'-2.0' Lower Limit: 2.9'-4.8'	January – December Frequency: None	January – December Frequency: None
235A	C/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	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 in 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.

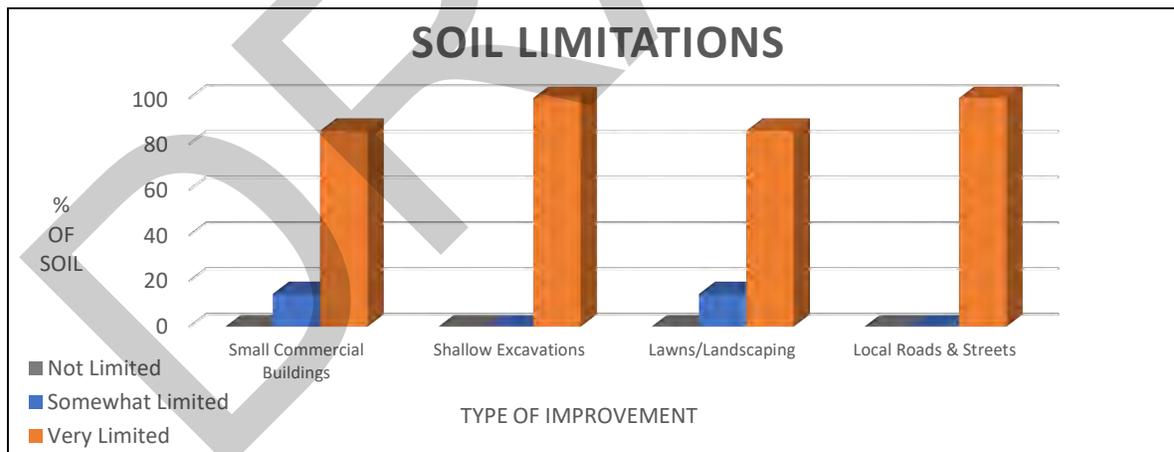


Figure 2: Soil Limitations

Table 3: Building Limitations

Soil Type	Small Commercial Buildings	Shallow Excavations	Lawns & Landscaping	Local Roads & Streets	Acres	%
91A	Somewhat Limited: Depth to saturated zone Shrink-swell	Very Limited: Depth to saturated zone Too clayey Dusty Unstable excavation walls Ponding	Somewhat Limited: Depth to saturated zone Dusty	Very Limited: Low strength Shrink-swell Depth to saturated zone Frost action Ponding	0.7	14.3%
235A	Very Limited: Ponding Depth to saturated zone Shrink-swell	Very Limited: Ponding Depth to saturated zone Too clayey Unstable excavation walls Dusty	Very Limited: Ponding Depth to saturated zone Too clayey Dusty Droughty	Very Limited: Ponding Depth to saturated zone Shrink-swell Frost action Low strength	4.3	85.7%
% Very Limited	85.7%	100%	85.7%	100%		

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

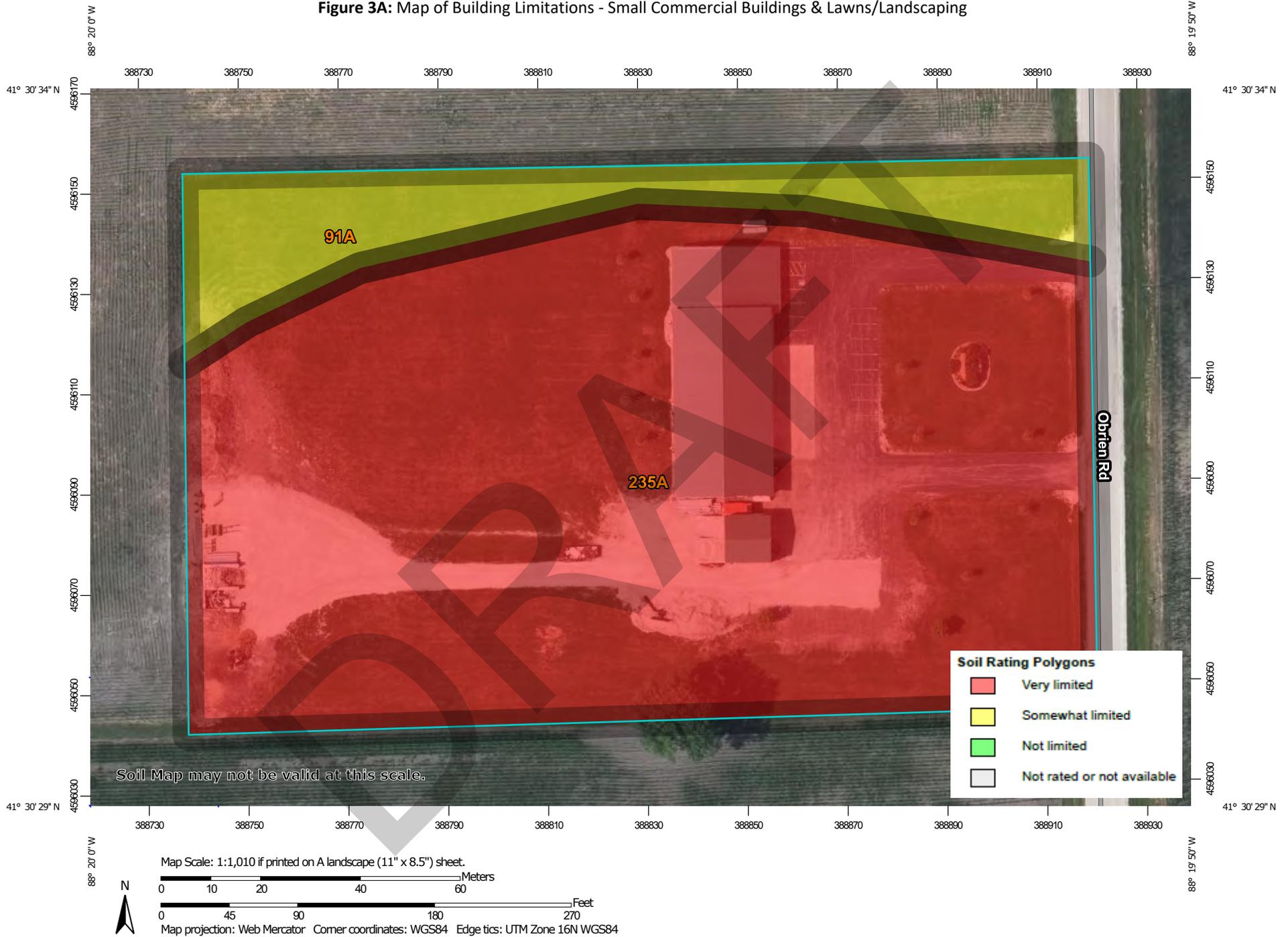
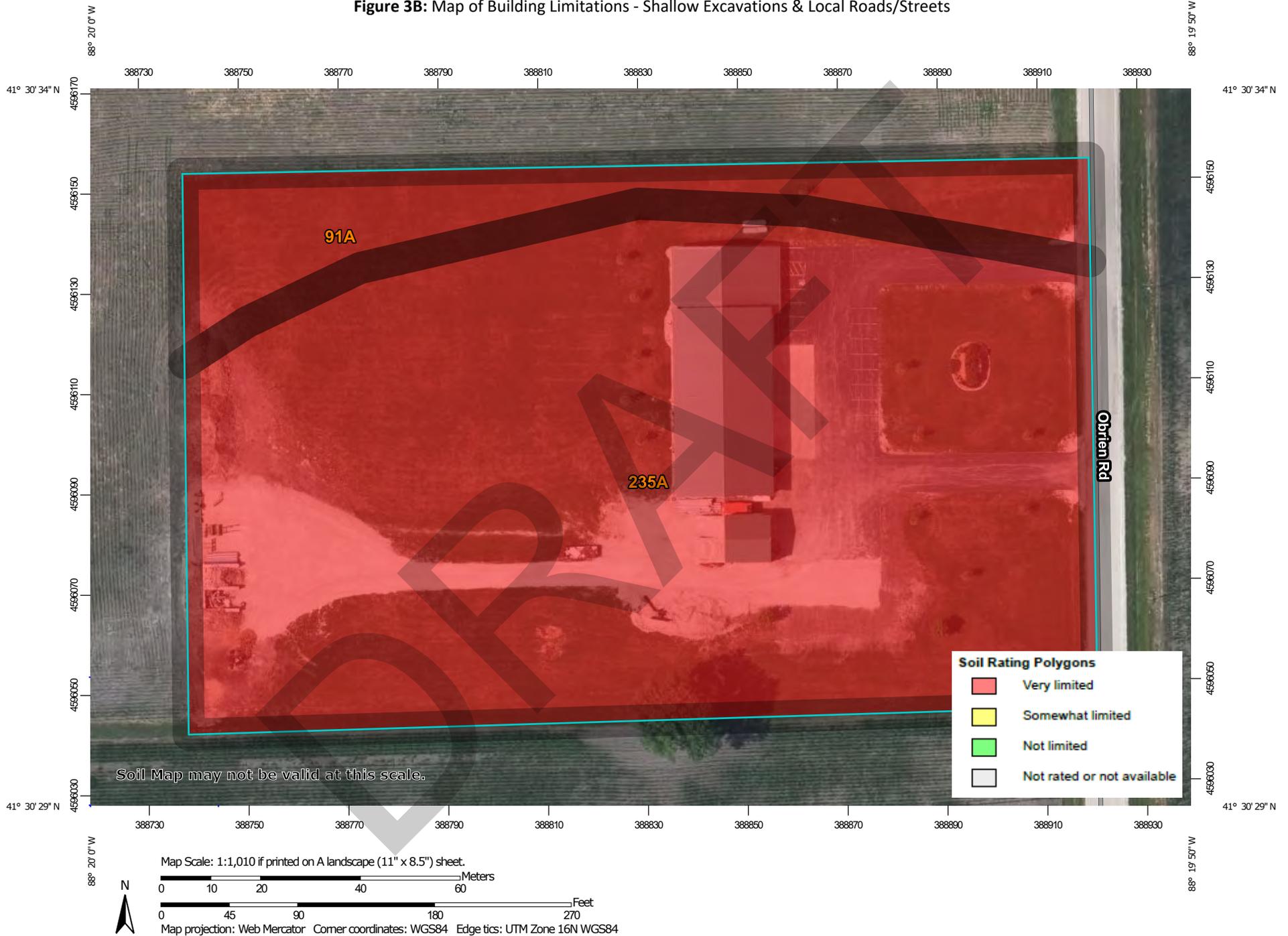


Figure 3B: Map of Building Limitations - Shallow Excavations & Local Roads/Streets



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)
91A	4	79	0.7	55.3
235A	3	87	4.3	374.1
Totals			5.0	429.4
LE Calculation			(Product of relative value / Total Acres)	
			429.4 / 5.0 = 85.9	
LE Score			LE = 86	

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

Table 4B: Site Assessment Computation

A.	Agricultural Land Uses	Points
	1. Percentage of area in agricultural uses within 1.5 miles of site. (20-10-5-0)	20
	2. Current land use adjacent to site. (30-20-15-10-0)	30
	3. Percentage of site in agricultural production in any of the last 5 years. (20-15-10-5-0)	0
	4. Size of site. (30-15-10-0)	0
B.	Compatibility / Impact on Uses	
	1. Distance from city or village limits. (20-10-0)	20
	2. Consistency of proposed use with County Land Resource Management Concept Plan and/or municipal comprehensive land use plan. (20-10-0)	0
	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)	10
	2. Availability of public water system. (10-8-6-0)	10
	3. Transportation systems. (15-7-0)	7
	4. Distance from fire protection service. (10-8-6-2-0)	8
	Site Assessment Score:	105

Land Evaluation Value: 86 + Site Assessment Value: 105 = LESA Score: 191

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

The LESA Score for this site is 191, 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.

This site was reviewed by the Kendall County SWCD in 2009 when the Seward Township office/maintenance building was proposed. At that time, the site had a LESA Score of 210, which indicated a medium level of protection. The current LESA score went down as result of the site not being in agricultural production in any of the last 5 years (Site Assessment factor A.3).

WATERSHEDS & SUBWATERSHEDS

A watershed is the area of land that drains into a specific point including a stream, lake, or other body of water. High points on the Earth's surface, such as hills and ridges define watersheds. When rain falls in the watershed, it flows across the ground towards a stream or lake. Rainwater carries pollutants such as oils, pesticides, and soil.

Everyone lives in a watershed. Their actions can impact natural resources and people living downstream. Residents can minimize this impact by being aware of their environment and the implications of their activities, implementing practices recommended in watershed plans, and educating others about their watershed.

The following are recommendations to developers for protection of this watershed: Preserve open space; maintain wetlands as part of development; use natural water management; prevent soil from leaving a construction site; protect subsurface drainage; use native vegetation; retain natural features; mix housing styles and types; decrease impervious surfaces; reduce area disturbed by mass grading; shrink lot size and create more open space; maintain historical and cultural resources; treat water where it falls; preserve views; and establish and link trails.

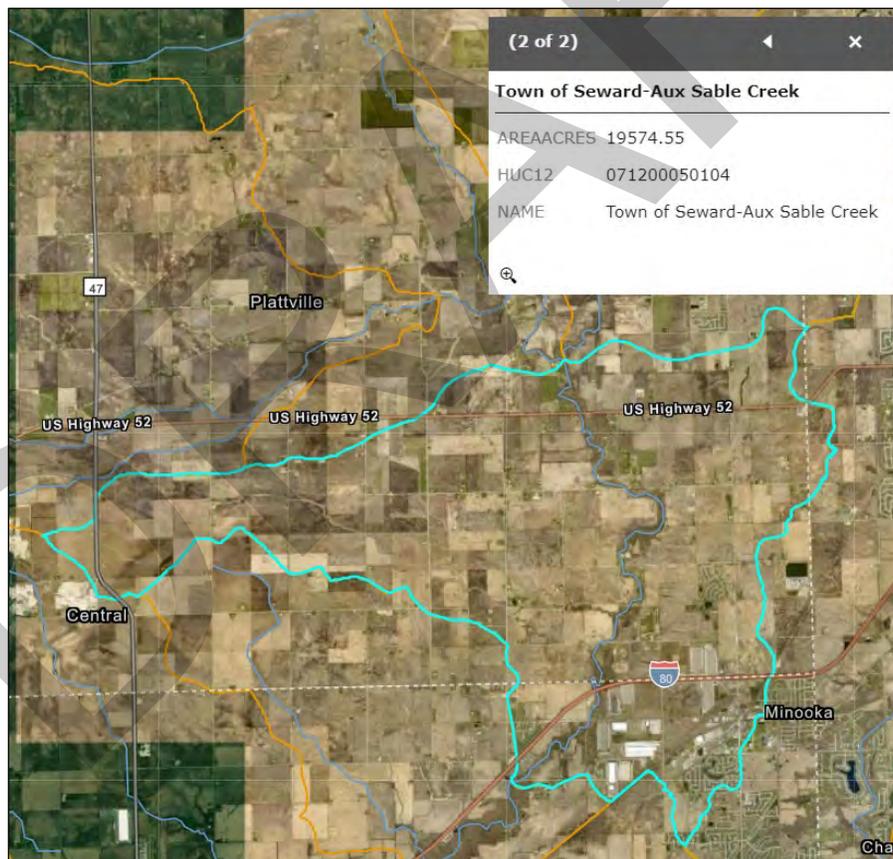


Figure 4: Sub Watershed Map

This site is located within the Upper Illinois River watershed and the Town of Seward – Aux Sable Creek sub watershed (HUC 12 – 071200050104). The Town of Seward – Aux Sable Creek sub watershed comprises 19,574.55 acres.

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. A riverine waterway is mapped to the southwest and a freshwater emergent wetland is mapped to the northeast of the 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.

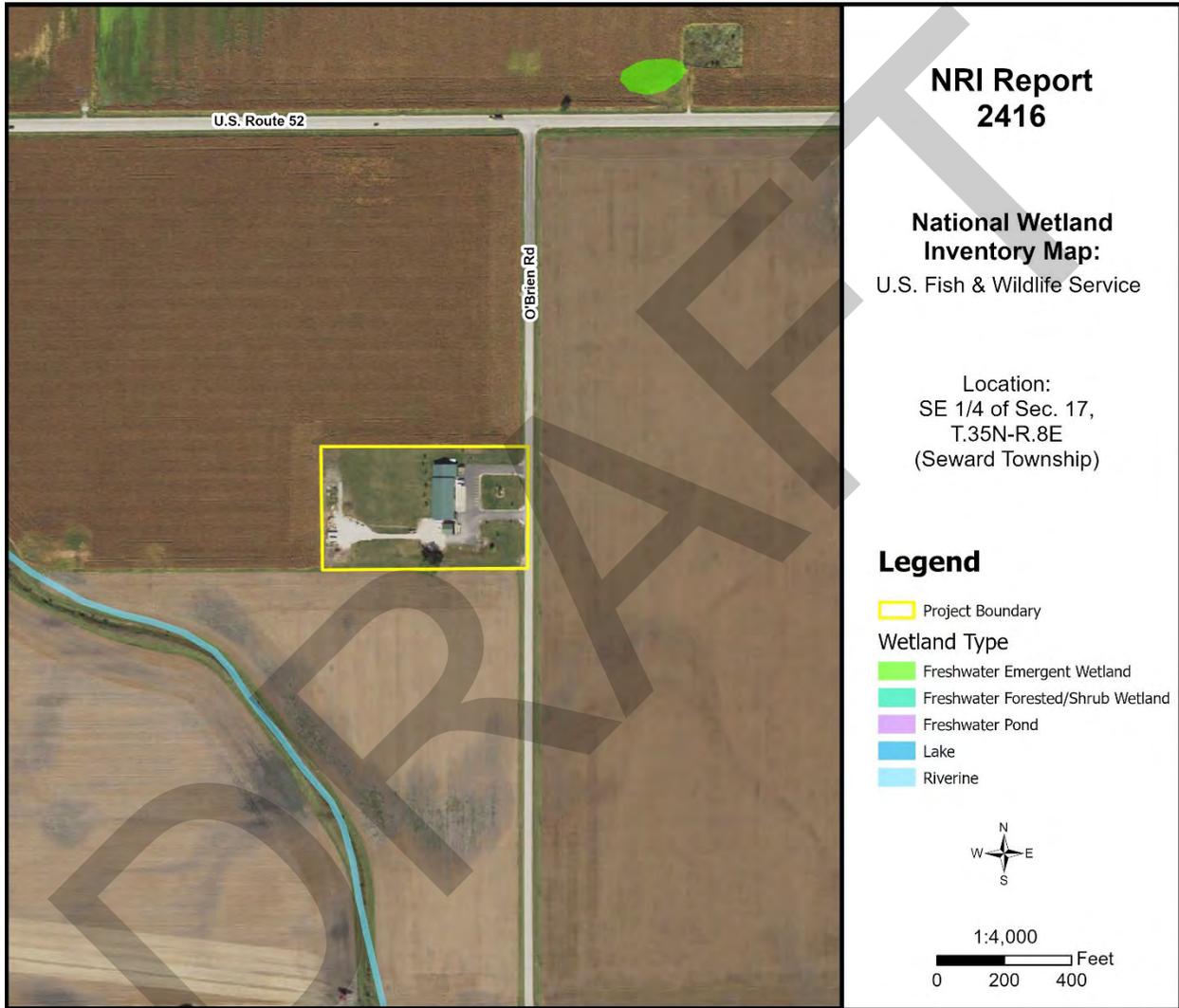


Figure 5: Wetland Map

FLOODPLAIN

The Federal Emergency Management Agency’s (FEMA) Flood Insurance Rate Map (FIRM) for Kendall County, Community Panel No. 17093C0140H (effective date 1/8/2014) was reviewed to determine the presence of floodplain and floodway areas within the project site. According to the map, the parcel does not contain areas of floodplain or floodway. It is mapped as Zone X, an area of minimal flood hazard determined to be outside of the 0.2% annual chance flood.

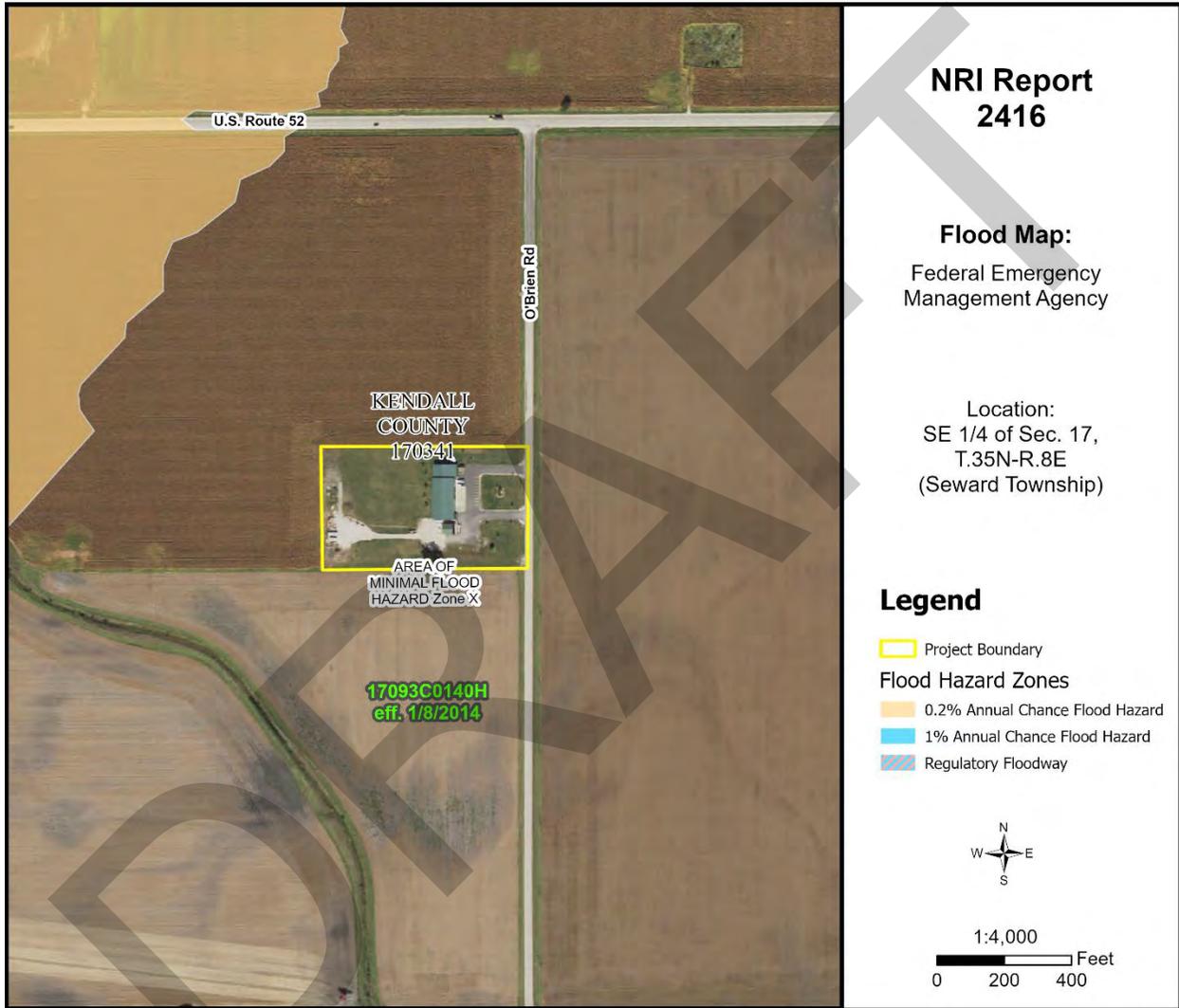


Figure 6: Flood Map

TOPOGRAPHY

The parcel contains soils with slopes of 0-2% and is at an elevation of approximately 580'-584' above sea level. The highest point is at the western end and the lowest points are at the southern and eastern ends of the parcel.

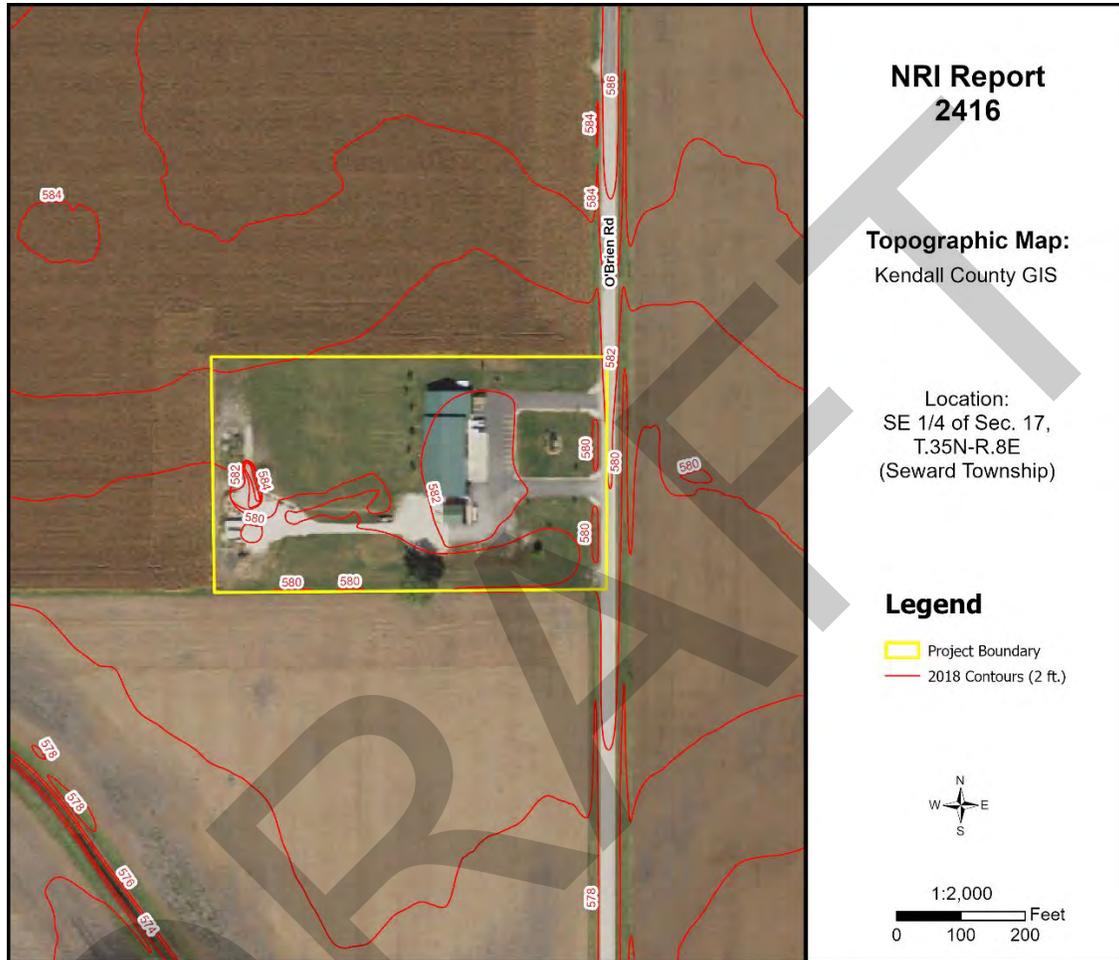


Figure 7: Topographic Map

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 Seward Township. The petitioner is requesting a major amendment to an A-1 Agricultural Special Use Permit from Kendall County for the addition of a storage building on the parcel (Parcel Index Number 09-17-400-005). The site is in Section 17 of Seward Township (T.35N – R.8E), Kendall County in the 3rd Principal Meridian. This site was previously reviewed by the Kendall County SWCD in 2009 when the Seward Township office/maintenance building was proposed (NRI Report 0908). 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 crops in our community. This site is a governmental facility building that hasn't been farmed in several years, however, the soils onsite are designated as prime farmland or prime farmland if drained. 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 an 86 out of a possible 100 points indicating that the soils are well suited for agricultural uses. The total LESA score for this site is 191 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. This report indicates that for soils located on the parcel, 100% are classified as very limited for supporting shallow excavations and local roads & streets and 85.7% are classified as very limited for supporting small commercial buildings and lawns/landscaping. The remaining soils are considered somewhat limited for these 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 Town of Seward – 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. It is critical to have vegetative cover during and after construction to protect the soil from erosion. 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

Date

Attachment 8, 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 May 22, 2024 - 7:00 p.m.

Chairman Bill Ashton called the meeting to order at 7:00 p.m.

ROLL CALL

Members Present: Bill Ashton, Eric Bernacki, Tom Casey, Dave Hamman (Arrived at 7:08 p.m.), Larry Nelson, Ruben Rodriguez, Claire Wilson, and Seth Wormley (Arrived at 7:40 p.m.)

Members Absent: Karin McCarthy-Lange and Bob Stewart

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

Others Present: Tim O'Brien, Dave Koehler, Joan Soltwisch, Marcia Rousonelo, Ray Jackinowski, Kyle Barry, Erin Bowen, Katherine Carlson, Tom Huddleston, Paul Yearsley, Joy Lieser, Greg Henderson, Carrie Kennedy, Andrew Daylor, Kristine Henderson, Michael Korst, Bruce Miller, and Gloria Foxman

PETITIONS

Petition 24-09 Tim O'Brien on Behalf of Seward Township

Mr. Asselmeier summarized the request.

On August 18, 2009, the County Board approved Ordinance 2009-31, granting a special use permit for a governmental building and facility at 14719 O'Brien Road.

The Petitioner is proposing to amend the site plan approved in Ordinance 2009-31 by a constructing an approximately eight thousand four hundred (8,400) square foot pole-type maintenance/storage building to the west of the existing Seward Township building and installing an asphalt driveway connecting the existing parking lot to the new building. For reference, the existing building is approximately nine thousand six hundred (9,600) square feet in size and is used for maintenance, storage, and offices.

Though not shown on the site plan approved in 2009, Seward Township received a permit and installed a sign on the property in 2010. The sign is shown on the proposed site plan.

No other changes to the site were proposed.

The application materials, proposed site plan, and Ordinance 2009-31 were provided.

The property was approximately five (5) acres in size.

The existing land use was Public/Institutional.

The future land use was Commercial.

O'Brien Road was a Township Road classified as a Local Road.

There were no trails planned in the area.

There are no floodplains or wetlands on the property.

The adjacent properties were used as Agricultural.

The adjacent properties were zoned A-1.

The Land Resource Management Plan calls for the area to be Commercial, Rural Estate Residential, and Rural Residential.

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

There is one (1) home located within one half (1/2) mile of the subject property.

The special use to the west is for a banquet facility and related uses.

EcoCat submitted on April 23, 2024, and consultation was terminated.

A NRI application was submitted on April 30, 2024. The LESA Score was 191 indicating a low level of protection.

Seward Township was emailed information on April 30, 2024.

The Lisbon-Seward Fire Protection District was emailed information on April 30, 2024. No comments received.

ZPAC reviewed the proposal at their meeting on May 7, 2024. ZPAC recommended approval of the proposal by a vote of nine (9) in favor and zero (0) in opposition with one (1) member absent. The minutes of the meeting were provided.

Member Wormley arrived at this time (7:40 p.m.).

The proposed building will have to obtain applicable building permits.

As required in the special use permit from 2009, the subject property has fifteen (15) parking spaces, including one (1) handicapped parking space. Given that the proposed amendment will not increase public visitation at the property, the number of parking spaces should be adequate.

The Petitioner submitted an application for a stormwater permit.

In 2009, the Petitioner was granted a variance to the stormwater runoff storage facilities by Ordinance 2009-26, which was provided. An amendment to this variance, the installation of stormwater storage facilities, submittal of a fee-in-lieu payment, or some combination thereof will be required. A letter from WBK Engineering was provided. The Petitioner was considering a variance to the Stormwater Management Ordinance, but they were looking to add a stormwater detention, which was not shown on the site plan.

The proposed Findings of Fact were as follows:

That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. The expansion will improve the public health, safety, comfort, and general welfare because the new building will allow the township to do its work inside a new facility.

That the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The Zoning classification of property within the general area of the property in question shall be considered in determining consistency with this standard. The proposed use shall make adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open space and other improvements necessary to insure that the proposed use does not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a whole. The existing use has been in place since 2009. The adjacent land uses are agricultural and the construction of a maintenance building will not injury the use and enjoyment of neighboring land owners.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. This is true except for drainage. Drainage concerns can be addressed through a stormwater permit.

That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Zoning Board of Appeals. This is true.

That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. Seward Township has used the subject property for public/institutional purposes since 2009. Accordingly, allowing the Township expand its facilities is consistent with a goal found on Page 9-20 of the Kendall County Land Resource Management Plan which calls for “mutually supportive, non-adversarial team of municipal, township, . . . county, and other governments working toward the benefit of everyone in Kendall County.”

Staff recommended approval of the requested amendments to the existing special use permit for a governmental building and facility, pending resolution of Kendall County Stormwater Ordinance issues subject to the following conditions and restrictions:

1. The site plan attached as Group Exhibit A of Ordinance 2009-31 is hereby amended to include the submitted site plan.
2. None of buildings or structures allowed by this major amendment to an existing special use permit shall be considered agricultural structures and must secure applicable permits.
3. The remaining conditions and restrictions contained in Ordinance 2009-31 shall remain valid and effective.
4. The use allowed by this major amendment to an existing special use permit shall follow all applicable federal, state, and local laws.
5. Failure to comply with one or more of the above conditions or restrictions could result in the amendment or revocation of the special use permit.
6. If one or more of the above conditions or restrictions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
7. These major amendments to an existing special use permit shall be treated as covenants running with the land and are binding on the successors, heirs, and assigns as to the same special uses conducted on the property.

Member Wilson requested that her earlier comments apply to this Petition (Member Wilson stated that, as a representative of Seward Township, she felt Seward Township proposed the change to the site plan in awful manner with unclear notice and little information provided prior to the meeting. She had no objection to expanding the building.)

Member Nelson asked if large quantities of salt would be stored inside the building. Bruce Miller, Engineer for Seward Township, said salt storage was already available at the property. Salt would not be stored in the building.

Member Nelson made a motion, seconded by Member Rodriguez, to recommend approval of the major amendment to an existing special use permit with an amendment to include a site detention area on the site plan.

The votes were as follows:

Ayes (8): Ashton, Bernacki, Casey, Hamman, Nelson, Rodriguez, Wilson, and Wormley

Nays (0): None

Absent (2): McCarthy-Lange and Stewart

Abstain (0): None

The proposal goes to the Kendall County Zoning Board of Appeals on May 28, 2024.

CITIZENS TO BE HEARD/PUBLIC COMMENT

None

OTHER BUSINESS/ANNOUNCEMENTS

Mr. Asselmeier reported that Petition 24-10 and 24-11 will be on the agenda for the June meeting.

ADJOURNMENT

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

The Kendall County Regional Planning Commission meeting adjourned at 9:59 p.m.

Respectfully submitted by,
Wanda A. Rolf, Administrative Assistant

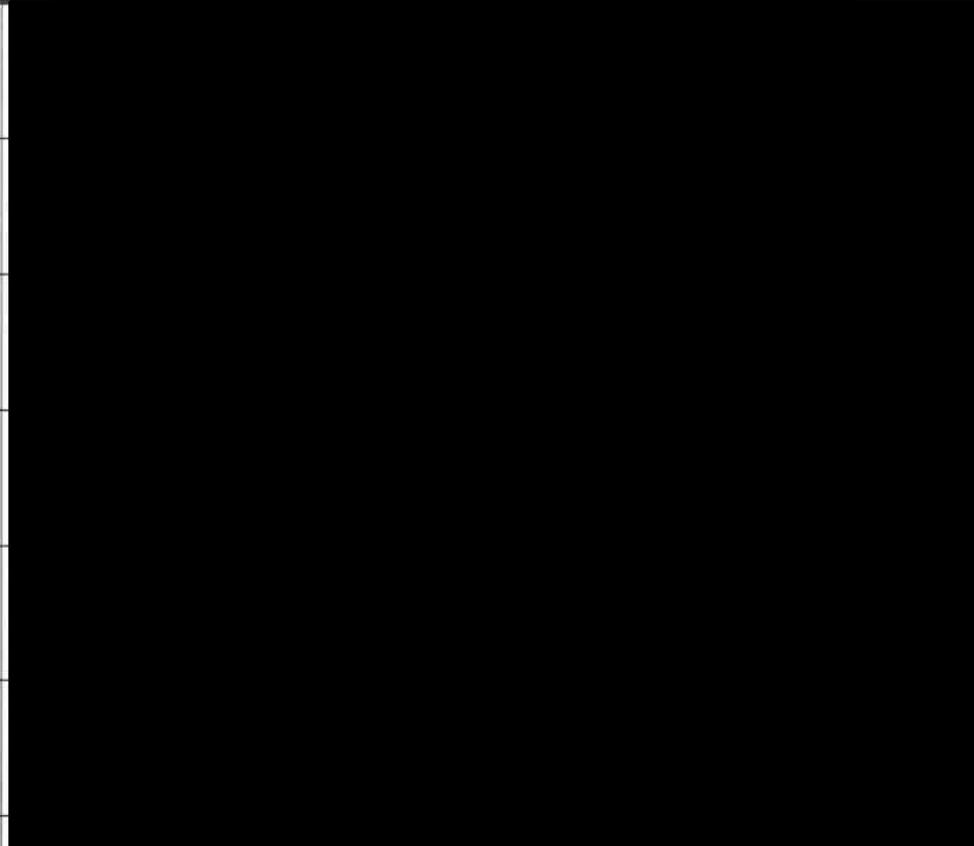
**KENDALL COUNTY
REGIONAL PLANNING COMMISSION
MAY 22, 2024**

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)
Tim O'Brien		
DAVE Koehler		
BELVE MILLER		
Joan Seltman		
marcia Rousonelo		
Ray [unclear] 514 RT 52		
Mike Barry		
Gloria Foxman		

**KENDALL COUNTY
REGIONAL PLANNING COMMISSION
MAY 22, 2024**

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)
Erin Bowen		
Katherine Carlson		
TOM HUDDLESTON		
Paul Yearley		
Dave Koehler		
Jay Lieser		

