

ORDINANCE NUMBER 2024 - 19

**GRANTING A VARIANCE TO THE KENDALL COUNTY
STORMWATER MANAGEMENT ORDINANCE FOR THE PROPERTY IDENTIFIED BY
PARCEL IDENTIFICATION NUMBERS 01-25-400-009, 01-36-200-022, AND 01-36-200-025,
LOCATED AT 4845 ELDAMAIN ROAD IN LITTLE ROCK TOWNSHIP AND OWNED BY
THE KENDALL COUNTY FOREST PRESERVE DISTRICT AND ALSO KNOWN AS THE
SUBAT FOREST PRESERVE**

WHEREAS, Section 900 of the Kendall County Stormwater Management Ordinance allows the County to grant variances from strict compliance with specific provisions of said Ordinance when such compliance is impossible or impracticable; and

WHEREAS, Section 906 of the Kendall County Stormwater Management Ordinance allows the County to impose conditions or limitations on the granting of a variance; and

WHEREAS, on or about May 17, 2024, the Kendall County Forest Preserve District submitted an application for a variance to Section 203 of the Kendall County Stormwater Management Ordinance regarding applicability of site runoff storage requirements; and

WHEREAS, the property impacted by the variance, hereinafter referred to as “the subject property” is identified by parcel identification numbers 01-25-400-009, 01-36-200-022, and 01-36-200-025 and is located at 4845 Eldamain Road in Little Rock Township, and is also known as the Subat Forest Preserve; the legal description of the property is attached hereto as Exhibit A; and

WHEREAS, the property is owned by the Kendall County Forest Preserve District and shall hereinafter be referred to as “the Petitioner”; and

WHEREAS, the Petitioner desires to create trail that will create new impervious surface totaling 19,930 square feet which they would like not included in the total development area of 36,850 square feet at the subject property; and

WHEREAS, the proposed development is for public use and the development of the forest preserve is planned, funded and facilitated as a public forest preserve by the Petitioner; and

WHEREAS, the Petitioner desires to protect avoid unnecessary disturbance of restored prairie habitats and native trees that reside within the subject property; and

WHEREAS, following due and proper notice by publication in the Kendall County Record on May 23, 2024, due and proper notification of the United City of Yorkville on May 20, 2024, due and proper notification to the City of Plano on May 20, 2024, due and proper notification to the Village of Sugar Grove on May 20, 2024, and due and proper notification to all of the property owners of record owning property within two hundred fifty feet of the subject property on May 20, 2024, the Kendall County Stormwater Management Oversight Committee conducted a public hearing on June 18, 2024, at 9:00 a.m., in the County Office Building at 111 W. Fox Street in Yorkville, at which the Petitioner’s representatives presented evidence, testimony, and exhibits in support of the requested variance and zero

member of the public testified in favor of the request and zero members of the public testified in opposition to the request; and

WHEREAS, based on the evidence, testimony, and exhibits, the Kendall County Stormwater Management Oversight Committee has made their Findings of Fact and recommended the proposal be forwarded to the County Board as set forth in the Findings of Fact and Recommendation of the Kendall County Stormwater Management Oversight Committee, dated June 18, 2024, a true and correct copy of which is attached hereto as Exhibit B; and

WHEREAS, this variance 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


WHEREAS, the Kendall County Board has considered the standards and finds that said petition is in conformance with the provisions and intent of the Kendall County Stormwater Management Ordinance.


NOW, THEREFORE, BE IT ORDAINED, BY THE COUNTY BOARD OF KENDALL COUNTY, ILLINOIS, as follows:

1. The Findings of Fact and Recommendation of the Kendall County Stormwater Management Oversight Committee attached hereto as Exhibit B is hereby accepted and the Findings of Fact set forth therein are hereby adopted as the Findings of Fact and Conclusions of this Kendall County Board.
2. The Kendall County Board hereby grants approval of the Petitioner's petition for a variance to Section 203 of the Kendall County Stormwater Management Ordinance regarding applicability of site runoff storage requirements subject to the following conditions:
 - A. The site shall be developed substantially in accordance with the site plan attached to the stormwater management permit.
 - B. The property owner shall follow all applicable Federal, State, and Local laws related to the development of this property as a forest preserve.
 - C. Failure to comply with one or more of the above conditions or restrictions could result in the amendment or revocation of this variance
 - D. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

IN WITNESS OF, this Ordinance has been enacted by majority vote of the Kendall County Board this 18th day of June, 2024.

Attest:


Debbie Gillette
Kendall County Clerk


Matt Kellogg
Kendall County Board Chairman



**EXHIBIT A:
SUBAT FOREST PRESERVE LEGAL DESCRIPTION
KENDALL COUNTY FOREST PRESERVE DISTRICT, KENDALL COUNTY, ILLINOIS**

SOUTHERLY PARCEL

THAT PART OF THE NORTHEAST QUARTER OF SECTION 36, TOWNSHIP 37 NORTH, RANGE 6 EAST OF THE THIRD PRINCIPAL MERIDIAN, BEING DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 36; THENCE SOUTH 00 DEGREES 00 MINUTES 19 SECONDS WEST ALONG THE EAST LINE OF SAID QUARTER SECTION, 699.00 FEET FOR THE POINT OF BEGINNING; THENCE NORTH 89 DEGREES 49 MINUTES 17 SECONDS WEST, 1279.78 FEET; THENCE SOUTH 00 DEGREES 37 MINUTES 43 SECONDS EAST, 610.73 FEET TO THE CENTERLINE OF RIVER ROAD; THENCE NORTH 75 DEGREES 28 MINUTES 49 SECONDS EAST ALONG SAID CENTERLINE, 1315.05 FEET TO SAID EAST LINE OF SECTION 36; THENCE NORTH 00 DEGREES 00 MINUTES 19 SECONDS EAST ALONG SAID EAST LINE, 277.00 FEET TO THE POINT OF BEGINNING ALL IN THE TOWNSHIP OF LITTLE ROCK, KENDALL COUNTY, ILLINOIS.

NORTHERLY PARCEL

THAT PART OF THE SOUTHEAST QUARTER OF SECTION 25 AND PART OF THE NORTHEAST QUARTER OF SECTION 36, TOWNSHIP 37 NORTH, RANGE 6 EAST OF THE THIRD PRINCIPAL MERIDIAN BY BEING DESCRIBED BY BEGINNING AT THE SOUTHEAST CORNER OF SAID SECTION 25; THENCE NORTH 00 DEGREES 00 MINUTES 39.5 SECONDS WEST ALONG THE EAST LINE OF SAID QUARTER SECTION, 1212.83 FEET TO THE CENTERLINE OF SCHAEFER ROAD; THENCE SOUTH 88 DEGREES 03 MINUTES 05 SECONDS WEST ALONG SAID CENTERLINE, 1285.48 FEET TO THE WEST LINE OF SUB LOT 13 OF SAID SECTION 25 AS SHOWN ON PAGE 36 OF PLAT BOOK 4; THENCE SOUTH 00 DEGREES 02 MINUTES 47 SECONDS WEST ALONG SAID WEST LINE, 1301.73 FEET MORE OR LESS TO A POINT LYING 136.62 FEET SOUTH OF THE NORTH LINE OF SAID SECTION 36, SAID POINT BEING THE SOUTHEAST CORNER OF SUB LOT 2 OF SAID SECTION 36 AS SHOWN ON PAGE 36 OF PLAT BOOK 4; THENCE SOUTH 00 DEGREES 37 MINUTES 43 SECONDS EAST PARALLEL WITH THE EAST LINE OF SAID SUB LOT 3 OF SAID SECTION 36, 562.50 FEET; THENCE SOUTH 89 DEGREES 49 MINUTES 17 SECONDS EAST, 1279.78 FEET TO A POINT ON THE EAST LINE OF SAID SECTION 36; THENCE NORTH 00 DEGREES 00 MINUTES 19 SECONDS EAST ALONG SAID EAST LINE, 699.00 FEET TO THE POINT OF BEGINNING IN THE TOWNSHIP OF LITTLE ROCK, KENDALL COUNTY, ILLINOIS.

Exhibit B

The Kendall Stormwater Management Planning Committee voted to forward the proposal to the County Board at their meeting on June 18, 2024, by a vote of ten (10) in favor and zero (0) in opposition.

FINDINGS OF FACT

The variance will not increase the probability of flood damage or create an additional threat to the public health, safety or welfare.

The variance requested is the minimum relief necessary to accomplish the objectives of the development without compromising the objectives of Section 102 of the Kendall Stormwater Management Ordinance.

The variance will not result in a reduction of water quality benefits as compared to compliance with ordinance requirements.

The variance is not requested solely for the purpose of reducing site runoff storage requirements.

The variance shall not cause conveyance of stormwater from the project to increase peak discharges beyond design capacity of existing offsite conveyance facilities for any storm event from the 2-year to the 100-year recurrence frequency.