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

**AGENDA**

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August 6, 2024 - 9:00 a.m.

CALL TO ORDER

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

APPROVAL OF AGENDA VV

APPROVAL OF MINUTES VV: Approval of July 2, 2024, ZPAC Meeting Minutes (Pages 3-9)

PETITIONS (Roll Call Votes):

1. **Petition 24 – 21 – Scott L. and Cheryl A. Hill on Behalf of the Hill Living Trust (Pages 10-33)**  
Request: Map Amendment Rezoning the Property from A-1 Agricultural District to R-1 One Family Residential District and a Variance to Section 8:02.D.1 of the Kendall County Zoning Reducing the Required Minimum Width of a Lot at the Building Line from 200 Feet to 40 Feet  
PIN: 01-09-401-013  
Location: Between 15715 and 15609 Miller Road, Plano in Little Rock Township  
Purpose: Petitioner Wants to Rezone the Property in Order to Build 2 Houses
  
2. **Petition 24 – 22 – Leo M. Phillipp (Pages 34-46)**  
Request: Map Amendment Rezoning the Property from A-1 Agricultural District to R-1 One Family Residential District  
PIN: 05-08-301-002  
Location: 10835 Legion Road, Yorkville in Kendall Township  
Purpose: Petitioner Wants to Rezone the Property in Order to Build 3 Houses
  
3. **Petition 24 – 23 – Seth Wormley on Behalf of the Richard Budd Wormley Revocable Living Trust (Owner) and Matthew D. Toftoy on Behalf of Finer Finish Grounds Care, LLC (Tenant) (Pages 47-83)**  
Request: Special Use Permit for a Landscaping Business  
PINs: 04-04-400-015 (Part) and 04-04-400-016 (Part)  
Location: 6891 Fox River Drive, Yorkville in the Village of Millbrook  
Purpose: Petitioner Wants to Lease and Operate a Landscaping Business at the Property; Property is Zoned A-1

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

1. Petition 24-10 Special Use Permit for Landscaping Business at 2142 Wooley Road
2. Petition 24-11 Map Amendment for Filotto Roofing on Route 52

OLD BUSINESS/ NEW BUSINESS

1. None

CORRESPONDENCE

PUBLIC COMMENT

ADJOURNMENT (VV)- Next meeting on September 3, 2024

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

**ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)  
July 2, 2024 – Unapproved Meeting Minutes**

PBZ Chairman Seth Wormley called the meeting to order at 9:01 a.m.

Present:

Matt Asselmeier – PBZ Department  
Meagan Briganti – GIS Department  
David Guritz – Forest Preserve  
Brian Holdiman – PBZ Department  
Fran Klaas – Highway Department  
Commander Jason Langston – Sheriff’s Department  
Alyse Olson – Soil and Water Conservation District  
Aaron Rybski – Health Department  
Seth Wormley – PBZ Committee Chair

Absent:

Greg Chismark – WBK Engineering, LLC

Audience:

Dan Kramer

**AGENDA**

Mr. Guritz made a motion, seconded by Commander Langston, to approve the agenda as presented.

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

**MINUTES**

Mr. Guritz made a motion, seconded by Mr. Rybski, to approve the May 7, 2024, meeting minutes.

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

**PETITIONS**

**Petition 24-07 Jerry Styrzcula on Behalf of A&D Properties, LLC**

Mr. Asselmeier summarized the request.

A&D Properties, LLC would like site plan approval in order to operate a trucking business for the sale and storage of semi-trailers, small trailers, semi-tractors, and similar uses at 7789 Route 47.

The County Board approved the rezoning of this property to M-1 in June 2024.

The application materials, proposed site plan, and proposed landscaping plan were provided.

The property is addressed as 7789 Route 47, Yorkville.

The property is approximately sixteen (16) acres in size.

The current land use is Vacant and Improved Commercial.

The County’s Future Land Use Map calls for this property to be Mixed Use Business. Yorkville Future Land Use Map calls for the property to be Estate/Conservation Residential.

Route 47 is a State maintained Arterial Road.

There are no trails planned in this area.

There are no floodplains or wetlands on the property.

The adjacent land uses are Improved Commercial, Single-Family Residential, Agricultural, and Vacant Manufacturing.

The adjacent properties are zoned A-1 and M-1 in the unincorporated area and R-2 and R-3 inside Yorkville.

The County’s Future Land Use Map calls for the area to be Rural Residential and Mixed Use Business. Yorkville’s Future Land Use Map calls for the area to be Agricultural, Suburban Neighborhoods, and Estate/Conservation Residential.

The properties within one point five (1.5) miles are zoned A-1, A-1 SU, R-1, R-4, B-3, and M-1 in the County and R-2, R-3, B-1, and B-3 in Yorkville.

The A-1 special use permit to the north is for a landscaping business.

EcoCAT Report submitted and consultation was terminated.

Petition information was sent to Kendall Township on June 26, 2024. No comments received.

Petition information was sent to the United City of Yorkville on June 26, 2024. No comments received.

Petition information was sent to the Bristol-Kendall Fire Protection District on June 26, 2024. No comments received.

Pursuant to Section 13:10.D of the Kendall County Zoning Ordinance, the following shall be taken into account when reviewing Site Plans:

Responsive to Site Conditions-Site plans should be based on an analysis of the site. Such site analysis shall examine characteristics such as site context; geology and soils; topography; climate and ecology; existing vegetation, structures and road network; visual features; and current use of the site. In addition to the standards listed below, petitioners must also follow the regulations outlined in this Zoning Ordinance. To the fullest extent possible, improvements shall be located to preserve the natural features of the site, to avoid areas of environmental sensitivity, and to minimize negative effects and alteration of natural features. Fragile areas such as wetlands and flood plains should be preserved as open space. Slopes in excess of 20 percent as measured over a 10-foot interval also should remain as open space, unless appropriate engineering measures concerning slope stability, erosion and safety are taken. The property has been zoned B-3 since 1975 and the main building has been on the property since approximately 1977. The property was rezoned to M-1 in 2024. The property was previously used for an agricultural implement sales business. The construction of the new building is an area that is already paved. There are no floodplains or wetlands on the property. There are no excessive slopes on the property.

Traffic and Parking Layout-Site plans should minimize dangerous traffic movements and congestion, while achieving efficient traffic flow. An appropriate number of parking spaces shall be provided while maintaining County design standards. The number of curb cuts should be minimized and normally be located as far as possible from intersections. Connections shall be provided between parking areas to allow vehicles to travel among adjacent commercial or office uses. Cross-access easements or other recordable mechanisms must be employed. The site plan shows one (1) access from Route 47 and one (1) access from Conservation Drive. There will be a maximum of four (4) employees at the property. Based on the approximately fifteen thousand (15,000) square feet of buildings presently onsite and the requirement in Section 11:04 of one (1) parking space per six hundred (600) square feet of floor area plus one (1) parking space per employees, the property meets the parking requirements contained in the Zoning Ordinance without the construction of the new building. The site plan shows five (5) customer parking spaces, including two (2) handicapped accessible parking space, twenty-four (24) employee parking spaces, and fifty-eight (58) parking spaces for trailers.

Conflicts between pedestrians and vehicular movements should be minimized. When truck traffic will be present upon the site, the road size and configuration shall be adequate to provide for off-street parking and loading facilities for large vehicles. Barrier curb should be employed for all perimeters of and islands in paved parking lots, as well as for all service drives, loading dock areas, and the equivalent. Parking lots in industrial or commercial areas shall be paved with hot-mix asphalt or concrete surfacing. No conflicts are foreseen.

Site Layout-Improvements shall be laid out to avoid adversely affecting ground water and aquifer recharge; minimize cut and fill; avoid unnecessary impervious cover; prevent flooding and pollution; provide adequate access to lots and sites; and mitigate adverse effects of shadow, noise, odor, traffic, drainage and utilities on neighboring properties. The proposal should not impact, shadow, noise, odor, traffic, or utilities on neighboring properties. Drainage concerns can be addressed in the stormwater management permit. The proposed septic field is located south of the access drive and southern most future parking area.

Consistent with the Land Resource Management Plan-The proposed use and the design of the site should be consistent with the Land Resource Management Plan. This is true.

Building Materials-The proposed site plan design shall provide a desirable environment for its occupants and visitors as well as its neighbors through aesthetic use of materials, textures and colors that will remain appealing and will retain a reasonably adequate level of maintenance. Buildings shall be in scale with the ultimate development planned for the area.

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Monotony of design shall be avoided. Variations in detail, form, and setting shall be used to provide visual interest. Variation shall be balanced by coherence of design elements. No rendering was provided.

Relationship to Surrounding Development-A site shall be developed in harmony with neighboring street pattern, setbacks and other design elements. This is not an issue.

Open Space and Pedestrian Circulation-Improvements shall be designed to facilitate convenient and safe pedestrian and bicycle movement within and to the property. This is not an issue.

Buffering-Measures shall be taken to protect adjacent properties from any undue disturbance caused by excessive noise, smoke, vapors, fumes, dusts, odors, glare or stormwater runoff. Incompatible, unsightly activities are to be screened and buffered from public view. The Petitioner proposes a seven foot (7') tall iron looking fence across the front (east) side of the property and an eight foot (8') tall solid fence along sides and rear of the property. The Petitioner also proposes a slide gate at the main entrance off of Route 47 and a gate off of Conservation Drive. The landscaping plan proposes four (4) Autumn Blaze Maples, four (4) Thornless Honeylocusts, eighteen (18) Neon Flash Spirea, eighteen (18) Chicagoland Green Boxwoods, Kentucky Bluegrass, and Wet Mesic Prairie Mix. The Petitioner also proposes to keep the existing trees within ten feet (10') of the southern and western property lines, except for dead trees brush. The area around the sign would also be landscaped. Section 11:02.F.8 of the Zoning Ordinance discussing the planting of hedges, installation of berms, and the planting of natural vegetation. This Section also gives the Regional Planning Commission the ability to reduce buffering requirements. The Petitioner would like to ask the Regional Planning Commission for a reduction in the buffering requirement.

Emergency Vehicle Access-Every structure shall have sufficient access for emergency vehicles. The Petitioner proposes to provide the Bristol-Kendall Fire Protection District and Sheriff's Department with the combination to the gate. Beyond that information, Staff would like comments from the Fire Protection District and Sheriff's Department on this matter.

Mechanical Equipment Screening-All heating, ventilation and air conditioning equipment shall be screened on sides where they abut residential districts. The HVAC system is along the northside of the building at ground level. The proposed fences should screen adjoining properties from the mechanical systems.

Lighting-The height and shielding of lighting fixtures shall provide proper lighting without hazard to motorists on adjacent roadways or nuisance to adjacent residents by extending onto adjacent property. Cut-off lighting should be used in most locations, with fixtures designed so that the bulb/light source is not visible from general side view. The Petitioner does not propose any additional exterior lighting other than the battery packs on the building for security purposes. The parking area for inventory would not be illuminated and the sign would not be illuminated. There would be an illuminated sign on the building.

Refuse Disposal and Recycling Storage Areas-All refuse disposal and recycling storage areas should be located in areas designed to provide adequate accessibility for service vehicles. Locations should be in areas where minimal exposure to public streets or residential districts will exist. Screening shall be required in areas which are adjacent to residential districts or are within public view. Such enclosures should not be located in landscape buffers. Refuse containers and compactor systems shall be placed on smooth surfaces of non-absorbent material such as concrete or machine-laid asphalt. A concrete pad shall be used for storing grease containers. Refuse disposal and recycling storage areas serving food establishments shall be located as far as possible from the building's doors and windows. The use of chain link fences with slats is prohibited. One (1) twelve foot by twenty-five foot (12X25') concrete dumpster area is shown west of the eastern most building. This area would be inside a wooden fence. The refuse area would be moved, if the new building was constructed.

Pending review by ZPAC and the Kendall County Regional Planning Commission, Staff recommended approval of the site plan subject to the following conditions:

1. The site shall be developed substantially in accordance with the submitted site plan and landscaping plan.
2. An eight foot (8') tall solid fence shall be added along the north, west, and south property lines in addition to the seven foot (7') tall iron looking fence depicted on the site plan.
3. One (1) gate made of the same material and size of the eight foot (8') tall fence shall be placed along the entrance of the property at Conservation Drive.
4. The Kendall County Sheriff's Department and the Bristol-Kendall Fire Protection District shall be provided a

passcode to at least one (1) of the gates.

5. The fencing and landscaping shall be installed by December 31, 2024. The Planning, Building and Zoning Department may grant an extension to this deadline.
6. Dead trees and scrub growth located within ten feet (10') of the southern and western property lines may be removed.
7. If additional lighting is proposed in the future, an amendment to the site plan will be required.
8. If the building addition shown on the site plan is constructed, an amendment to the site plan will be required.
9. The site shall be developed in accordance with all applicable federal, state, and local laws related to site development.

Mr. Klaas asked about the fencing on the west side of the property, given that the property to the west is agricultural. Dan Kramer, Attorney for the Petitioner, responded that the Petitioner was agreeable to the fencing requirement in the County Ordinance.

Mr. Klaas asked about the location of the gate blocking access from Conservation Drive. Mr. Asselmeier responded that the gate was not shown on the site plan. Mr. Kramer said the gate will be located along the driveway from Conservation Drive. The gate will be on the Petitioner's property. A written agreement has been between the Petitioner and Kendall Township regarding the use of Conservation Drive; Mr. Kramer will forward that agreement to the Planning, Building and Zoning Department. Mr. Klaas wanted the agreement incorporated into the conditions.

Mr. Kramer said the Petitioner does not plan to build the additional building for about five (5) years. The Petitioner's excavator is ready to start work on the parking lot. The Petitioner was told to make the necessary arrangements with the Department of Revenue to ensure that sales at the subject property go to Kendall County. The Petitioner wanted potential customers driving along Route 47 to see the trailers; that is the reason for the waiver in the landscaping requirement. The Petitioner hopes to increase the number of employees, but four (4) is the maximum number of employees at this time.

Ms. Olson asked about the status of the stormwater management permit. Mr. Asselmeier responded that the Petitioner has applied for a stormwater management permit.

Mr. Rybski discussed the septic system, particularly expansion of the system, if the number of employees increases. He also discussed well requirements, if the number of people at the site increases.

Mr. Guritz made a motion, seconded by Mr Holdiman, to approve forwarding the proposal with an amendment adding the agreement with Kendall County Township regarding Conservation Drive to the list of conditions

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 July 24, 2024.

**Petition 24-17 Kendall County Planning, Building and Zoning Committee**

Chairman Wormley explained the reason for the proposal. He explained the proposed pipeline projects in Kendall County and making the top of pipe topsoil level at least five feet (5'). He wanted the pipelines below the freeze line. He also discussed federal guidelines.

In 2001, through Ordinance 2001-33, Kendall County established pipeline regulations in the Zoning Ordinance.

In May 2024, TC Energy's ANR Pipeline announced a pipeline project in Kendall County. Concerns were raised regarding the proposed depth of the pipelines.

At their meeting on June 10, 2024, the Kendall County Planning, Building and Zoning Committee voted to initiate an amendment to the pipeline depth requirements contained in Section 6:07 of the Kendall County Zoning Ordinance. The proposed changes are as follows:

A. Pipeline Depth

1. Except for above ground piping facilities, such as mainline block valves, tap valves, meter stations, etc., the pipeline will be buried with:
  - a. A minimum of five (5) feet of top cover where it crosses cropland.
  - b. A minimum of five (5) feet of top cover where it crosses pastureland or other agricultural land comprised of soils that are classified by the USDA as being prime soils.
  - c. A minimum of ~~three (3)~~ **five (5)** feet of top cover where it crosses pastureland and other agricultural land not comprised of prime soils.
  - d. A minimum of ~~three (3)~~ **five (5)** feet of top cover where it crosses wooded/brushy land or other sensitive areas.
  - e. Substantially the same top cover as an existing parallel pipeline, but not less than ~~three (3)~~ **five (5)** feet, where the route parallels an existing pipeline within a 100-foot perpendicular offset.
  
2. Notwithstanding the foregoing, in those areas where rock is in its natural formation and/or a continuous stratum of gravel exceeding 200 feet in length are encountered, the minimum cover will be ~~30~~ **sixty (60)** inches.

Petition information was sent to the townships and fire protection districts on June 25, 2024. No comments received.

Mr. Klaas asked about a national standard for pipeline depth. Chairman Wormley discussed the Federal Energy Regulatory Commission’s rules which might be a lower standard than the proposal.

Mr. Klaas asked if any other counties adopted similar pipeline depth regulations. Mr. Asselmeier was not aware of counties having similar depth requirements as proposed by this Petition. It was noted that many other counties do not have the number of pipelines that were located in Kendall County.

Discussion occurred regarding pipelines flexing, which was a reason for the proposal.

Mr. Guritz made a motion, seconded by Mr. Klaas, to forward the proposal for approval.

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 July 24, 2024.

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

Mr. Asselmeier reported that Petition 24-04, 24-05, 24-06, and 24-09 were approved by the County Board.

**OLD BUSINESS/NEW BUSINESS**

None

**CORRESPONDENCE**

None

**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 9:23 a.m., adjourned.

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

Enc.

**KENDALL COUNTY  
ZONING & PLATTING ADVISORY COMMITTEE  
JULY 2, 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>Don Krom</i>		



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**DEPARTMENT OF PLANNING, BUILDING & ZONING**

111 West Fox Street • Room 203

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

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**Petition 24-21**

**Scott L. Hill and Cheryl A. Hill on Behalf of the Hill Living Trust  
Map Amendment Rezoning from A-1 to R-1  
Variance for Minimum Lot Width at the Building Line**

**INTRODUCTION**

The Petitioners would like a map amendment rezoning approximately thirteen point nine more or less (13.9 +/-) acres located on north side of Miller Road between 15715 and 15609 Miller Road from A-1 Agricultural District to R-1 One Family Residential District in order to build two (2) houses at the property.

In addition to the map amendment, the Petitioners to Section 8:02.D.1 which requires properties zoned R-1 to be a minimum two hundred feet (200') in width at the building line. The Petitioners were not involved in the division of the property from the larger farm or the annexation of a portion of the larger farm to the City of Plano, which caused the flag lot. The parcel is approximately forty feet (40') wide at the building line.

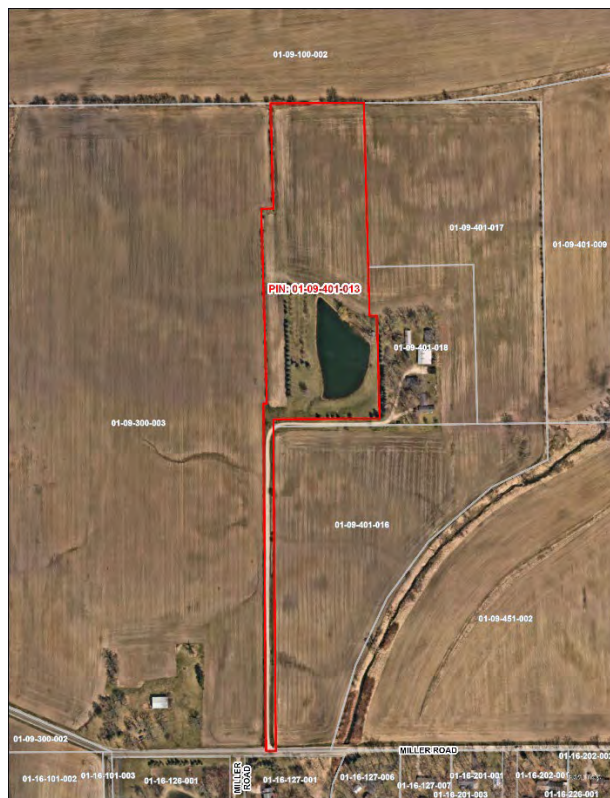
The application materials are included as Attachment 1. The zoning plat is included as Attachment 2.

**SITE INFORMATION**

PETITIONERS: Scott L. Hill and Cheryl A. Hill on Behalf of the Hill Living Trust

ADDRESS: Between 15715 and 15609 Miller Road

LOCATION: North Side of Miller Road Approximately 0.67 Miles West of Little Rock Road



TOWNSHIP: Little Rock

PARCEL #s: 01-09-401-013

LOT SIZE: 13.9 +/- Acres

EXISTING LAND USE: Agricultural

ZONING: A-1 Agricultural District

LRMP:	Future Land Use	Countryside Residential (County) Estate Residential (Plano)
	Roads	Miller Road is Township maintained Minor Collector.
	Trails	Plano has a trail planned along Miller Road.
	Floodplain/ Wetlands	There is a wetland (freshwater pond) on the property.

REQUESTED ACTION: Map Amendment Rezoning Property from A-1 Agricultural District to R-1 One Family Residential District

APPLICABLE REGULATIONS: Section 13:04 – Variance Procedures  
Section 13:07 – Map Amendment Procedures

**SURROUNDING LAND USE**

Location	Adjacent Land Use	Adjacent Zoning	Land Resource Management Plan	Zoning within 1/2 Mile
North	Agricultural	AG-1 (Plano)	Low Density Residential (Max 2.25 DU/Acre) (Plano)	A-1 (County) AG-1 (Plano)
South	Agricultural and Single-Family Residential	A-1 and R-3 (County) AG-1 (Plano)	Countryside Residential (Max 0.33 DU/Acre) (County)  Estate Residential (Max 0.8 DU/Acre) and Low Density Residential (Plano)	A-1, R-1, R-2, and R-3 (County) AG-1 (Plano)
East	Agricultural and Single-Family Residential	A-1 (County)	Countryside Residential (County) Estate Residential (Plano)	A-1, A-1 SU, and R-3 (County) AG-1 (Plano)

West	Agricultural	A-1 (County)	Countryside Residential (County)  Estate Residential (Plano)	A-1 (County)
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The A-1 special use permits to the east is for a campground (Boy Scout camp).

**PHYSICAL DATA**

**ENDANGERED SPECIES REPORT**

EcoCAT Report submitted and consultation was terminated; there were protected resources in the area, but adverse impacts were unlikely (see Attachment 1, Page 18).

**NATURAL RESOURCES INVENTORY**

The application for NRI was submitted on July 22, 2024 (see Attachment 1, Page 17).

**ACTION SUMMARY**

**LITTLE ROCK TOWNSHIP**

Petition information was sent to Little Rock Township on July 30, 2024.

**CITY OF PLANO**

Petition information was sent to the City of Plano on July 30, 2024.

**LITTLE ROCK-FOX FIRE PROTECTION DISTRICT**

Petition information was sent to the Little Rock-Fox Fire Protection District on July 30, 2024.

**GENERAL INFORMATION**

The Petitioners would like to rezone the property in order to build a maximum of two (2) houses on the property. Since an access easement already exists on the west side of the property, a Plat Act Exemption may be used instead of doing a subdivision.

**BUILDING CODES**

The site is currently farmed. Any future buildings would have to meet applicable building codes.

**UTILITIES**

There is electricity on the southeast corner of the property. No information was provided regarding wells or septic systems on the property

**ACCESS**

The property fronts Miller Road. Little Rock Township has permitting authority over access at the property.

**PARKING AND INTERNAL TRAFFIC CIRCULATION**

A gravel driveway connects the property to Miller Road and serves the adjoining two (2) parcels.

**ODORS**

Based on the proposed uses, no new odors are foreseen.

**LIGHTING**

Lighting would be for residential purposes and would have to follow applicable ordinances.

**LANDSCAPING AND SCREENING**

Landscaping would be for residential uses.

**SIGNAGE**

No non-residential signage is planned.

**NOISE CONTROL**

The owners of the property would have to follow applicable noise control regulations based on residential uses.



## STORMWATER

Stormwater control would be evaluated as part of the building permit.

## FINDINGS OF FACT-MAP AMENDMENT

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

*Existing uses of property within the general area of the property in question. **The surrounding properties are used for agricultural purposes and single-family residential purposes.***

*The Zoning classification of property within the general area of the property in question. **The surrounding properties are zoned agricultural in the unincorporated area and in the City of Plano. There are also R-1, R-2, and R-3 zoned properties in the vicinity.***

*The suitability of the property in question for the uses permitted under the existing zoning classification. **The property consists of marginal farmland and, due to its size, it is not eligible for residential uses without a map amendment.***

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

*Consistency with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. **The subject property is classified as Countryside Residential on the Future Land Use Map and the R-1 Zoning District is consistent with this land classification.***

## FINDINGS OF FACT-VARIANCE

§ 13.04.A.3 of the Zoning Ordinance outlines findings that the Zoning Board of Appeals must make in order to grant variations. They are listed below in *italics*. Staff has provided findings in **bold** below based on the recommendation:

*The particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out. **The subject property was part of a larger farm, which has been divided and a portion of this farm was annexed to the City of Plano, causing the flag shape of the lot.***

*The conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. **Other R-1 zoned properties that were parts of larger farms, whereby part of the larger farm was annexed to a municipality by a previous owner, could request a similar variance.***

*The alleged difficulty or hardship has not been created by any person presently having an interest in the property. **The difficulty was created by previous owner when they divided the larger farm and annexed a portion of the larger farm to Plano.***

*The granting of the variation will not materially be detrimental to the public welfare or substantially injurious to other property or improvements in the neighborhood in which the property is located. **Granting the variance would not be detrimental to the public or substantially injurious to other properties.***

*That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or increase the danger of fire, or endanger the public*

*safety or substantially diminish or impair property values within the neighborhood. The proposed variance would not impair light or air on adjacent property, cause congestion, increase the danger of fire, or negatively impact property values.*

**RECOMMENDATION**

Staff recommends approval of the proposed map amendment and variance.

**ATTACHMENTS**

1. Application Materials
2. Zoning Plat



**DEPARTMENT OF PLANNING, BUILDING & ZONING**

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(630) 553-4141

Fax (630) 553-4179

**APPLICATION**

PROJECT NAME \_\_\_\_\_

FILE #: \_\_\_\_\_

**NAME OF APPLICANT (Including First, Middle Initial, and Last Name)**

Hill Living Trust

**CURRENT LANDOWNER/NAME(s)**

Hill Living Trust

**SITE INFORMATION**

ACRES

13.9728

SITE ADDRESS OR LOCATION

Miller Road, Plano, IL 60545

ASSESSOR'S ID NUMBER (PIN)

01-09-401-013

EXISTING LAND USE

vacant land

CURRENT ZONING

A-1 Agricultural

LAND CLASSIFICATION ON LRMP

A-1 Agricultural

**REQUESTED ACTION (Check All That Apply):**

SPECIAL USE

MAP AMENDMENT (Rezone to R-1)

VARIANCE

ADMINISTRATIVE VARIANCE

A-1 CONDITIONAL USE for: \_\_\_\_\_

SITE PLAN REVIEW

TEXT AMENDMENT

RPD ( Concept;  Preliminary;  Final)

ADMINISTRATIVE APPEAL

PRELIMINARY PLAT

FINAL PLAT

OTHER PLAT (Vacation, Dedication, etc.)

AMENDMENT TO A SPECIAL USE ( Major;  Minor)

<sup>1</sup>PRIMARY CONTACT

Daniel J. Kramer

PRIMARY CONTACT MAILING ADDRESS

[REDACTED]

PRIMARY CONTACT EMAIL

[REDACTED]

PRIMARY CONTACT PHONE #

[REDACTED]

PRIMARY CONTACT FAX #

[REDACTED]

PRIMARY CONTACT OTHER #(Cell, etc.)

<sup>2</sup>ENGINEER CONTACT

ENGINEER MAILING ADDRESS

ENGINEER EMAIL

ENGINEER PHONE #

ENGINEER FAX #

ENGINEER OTHER #(Cell, etc.)

I UNDERSTAND THAT BY SIGNING THIS FORM, THAT THE PROPERTY IN QUESTION MAY BE VISITED BY COUNTY STAFF & BOARD/ COMMISSION MEMBERS THROUGHOUT THE PETITION PROCESS AND THAT THE PRIMARY CONTACT LISTED ABOVE WILL BE SUBJECT TO ALL CORRESPONDANCE ISSUED BY THE COUNTY.

I CERTIFY THAT THE INFORMATION AND EXHIBITS SUBMITTED ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND THAT I AM TO FILE THIS APPLICATION AND ACT ON BEHALF OF THE ABOVE SIGNATURES. THE APPLICANT ATTESTS THAT THEY ARE FREE OF DEBT OR CURRENT ON ALL DEBTS OWED TO KENDALL COUNTY AS OF THE DATE OF THE APPLICATION.

SIGNATURE OF APPLICANT

X [REDACTED]

DATE

7-24-24

FEE PAID: \$ \_\_\_\_\_

CHECK #: \_\_\_\_\_

<sup>1</sup>Primary Contact will receive all correspondence from County

<sup>2</sup>Engineering Contact will receive all correspondence from the County's Engineering Consultants



**DEPARTMENT OF PLANNING, BUILDING & ZONING**  
 111 West Fox Street • Yorkville, IL • 60560  
 (630) 553-4141 Fax (630) 553-4179

**APPLICATION**

**PROJECT NAME** Hill Living Trust **FILE #:** \_\_\_\_\_

<b>NAME OF APPLICANT (Including First, Middle Initial, and Last Name)</b> Hill Living Trust		
<b>CURRENT LANDOWNER/NAME(s)</b> Hill Living Trust		
<b>SITE INFORMATION</b> ACRES 13.9728	<b>SITE ADDRESS OR LOCATION</b> Vacant Land Miller Road, Plano, IL 60545	<b>ASSESSOR'S ID NUMBER (PIN)</b> 01-09-401-013
<b>EXISTING LAND USE</b> vacant land	<b>CURRENT ZONING</b> A-1 Agricultural	<b>LAND CLASSIFICATION ON LRMP</b> A-1 Agricultural
<b>REQUESTED ACTION (Check All That Apply):</b>		
<input type="checkbox"/> SPECIAL USE	<input type="checkbox"/> MAP AMENDMENT (Rezone to _____)	<input checked="" 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.)
<input type="checkbox"/> AMENDMENT TO A SPECIAL USE ( <input type="checkbox"/> Major; <input type="checkbox"/> Minor)		
<b>PRIMARY CONTACT</b> Daniel J. Kramer	<b>PRIMARY CONTACT MAILING ADDRESS</b> [REDACTED]	<b>PRIMARY CONTACT EMAIL</b> [REDACTED]
<b>PRIMARY CONTACT PHONE #</b> [REDACTED]	<b>PRIMARY CONTACT FAX #</b> [REDACTED]	<b>PRIMARY CONTACT OTHER #(Cell, etc.)</b>
<b>ENGINEER CONTACT</b> None	<b>ENGINEER MAILING ADDRESS</b>	<b>ENGINEER EMAIL</b>
<b>ENGINEER PHONE #</b>	<b>ENGINEER FAX #</b>	<b>ENGINEER OTHER # (Cell, etc.)</b>
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. <b>THE APPLICANT ATTESTS THAT THEY ARE FREE OF DEBT OR CURRENT ON ALL DEBTS OWED TO KENDALL COUNTY AS OF THE APPLICATION DATE.</b>		
<b>SIGNATURE OF APPLICANT</b>		<b>DATE</b>

FEE PAID:\$ \_\_\_\_\_  
 CHECK #: \_\_\_\_\_

<sup>1</sup>Primary Contact will receive all correspondence from County

<sup>2</sup>Engineering Contact will receive all correspondence from the County's Engineering Consultants

Last Revised:  
 10.17.22

Date Stamp Here If  
 Checklist Is Complete

## LEGAL DESCRIPTION OF TRACT TO BE REZONED:

That Part of the Southwest Quarter of Section 9, Township 37 North, Range 6 East of the Third Principal Meridian being described by commencing at the Southeast Corner of the Southwest Quarter of said Section 9; thence North 88°40'04" West along the South Line of said Section, a distance of 675.48 feet for the Point of Beginning; thence continuing Westerly along said South Line, a distance of 40.0 feet; thence North 01°36'42" East, a distance of 1355.98 feet; thence North 00°01'29" West, 60.02 feet; thence South 88°31'25" East, a distance of 13.98 feet; thence North 00°01'29" West, a distance of 794.0 feet; thence North 89°58'31" East, a distance of 50.0 feet; thence North 00°01'29" West, a distance of 442.80 feet to a point on the North Line of said Southwest Quarter of Section 9; thence South 88°50'05" East along said North Line, a distance of 387.82 feet to a point on the North Line of said Southwest Quarter being located 236.36 feet West of the Northeast Corner of said Southwest Quarter Section; thence South 00°18'25" West, a distance of 875.0 feet; thence South 89°41'35" East at right angles to the last described course, a distance of 30.0 feet; thence South 00°18'25" West, a distance of 423.05 feet; thence North 88°45'03" West, a distance of 434.30 feet; thence South 01°36'42" West, a distance of 1356.79 feet to the Point of Beginning, being situated in the Township of Little Rock, Kendall County, Illinois.

Subject to a 40-foot wide Permanent Easement for Ingress and Egress over and across that Part of the Southwest Quarter of Section 9, Township 37 North, Range 6 East of the Third Principal Meridian being described by commencing at the Southeast Corner of the Southwest Quarter of said Section 9; thence North 88°40'04" West along the South Line of said Section, a distance of 675.48 feet for the Point of Beginning; thence continuing Westerly along said South Line, a distance of 40.0 feet; thence North 01°36'42" East, a distance of 1355.98 feet; thence South 88°45'03" East, a distance of 40.0 feet; thence South 01°36'42" West, a distance of 1356.79 feet to the Point of Beginning, situated in the Township of Little Rock, Kendall County, Illinois.

## LEGAL DESCRIPTION OF TRACT A:

That Part of the Southwest Quarter of Section 9, Township 37 North, Range 6 East of the Third Principal Meridian described as follows: Commencing at the Southeast Corner of the Southwest Quarter of said Section 9; thence North 88°40'04" West along the South Line of said Section, 715.48 feet; thence North 01°36'42" East, 1355.98 feet; thence North 00°01'29" West, 60.02 feet; thence South 88°31'25" East, 13.98 feet; thence North 00°01'29" West, 683.13 feet for the Point of Beginning; thence continuing North 00°01'29" West, 110.87 feet; thence North 89°58'31" East, 50.0 feet; thence North 00°01'29" West, 442.80 feet to a point on the North Line of said Southwest Quarter of Section 9; thence South 88°50'05" East along said North Line, 387.82 feet to a point on the North Line of said Southwest Quarter being located 236.36 feet West of the Northeast Corner of said Southwest Quarter Section; thence South 00°18'25" West, 545.62 feet to a line drawn North 89°58'31" East from the point of beginning; thence South 89°58'31" West, 434.58 feet to the Point of Beginning, in Little Rock Township, Kendall County, Illinois.

## LEGAL DESCRIPTION OF TRACT B:

That Part of the Southwest Quarter of Section 9, Township 37 North, Range 6 East of the Third Principal Meridian described as follows: Commencing at the Southeast Corner of the Southwest Quarter of said Section 9; thence North  $88^{\circ}40'04''$  West along the South Line of said Section, 675.48 feet for the Point of Beginning; thence continuing North  $88^{\circ}40'04''$  West along said South Line, 40.0 feet; thence North  $01^{\circ}36'42''$  East, 1355.98 feet; thence North  $00^{\circ}01'29''$  West, 60.02 feet; thence South  $88^{\circ}31'25''$  East, 13.98 feet; thence North  $00^{\circ}01'29''$  West, 794.0 feet; thence North  $89^{\circ}58'31''$  East, 50.0 feet; thence North  $00^{\circ}01'29''$  West, 442.80 feet to a point on the North Line of said Southwest Quarter of Section 9; thence South  $88^{\circ}50'05''$  East along said North Line, 387.82 feet to a point on the North Line of said Southwest Quarter being located 236.36 feet West of the Northeast Corner of said Southwest Quarter Section; thence South  $00^{\circ}18'25''$  West, 875.0 feet; thence South  $89^{\circ}41'35''$  East at right angles to the last described course, 30.0 feet; thence South  $00^{\circ}18'25''$  West, 423.05 feet; thence North  $88^{\circ}45'03''$  West, 434.30 feet; thence South  $01^{\circ}36'42''$  West, 1356.79 feet to the Point of Beginning; EXCEPTING THEREFROM that Part described as follows: Commencing at the Southeast Corner of the Southwest Quarter of said Section 9; thence North  $88^{\circ}40'04''$  West along the South Line of said Section, 715.48 feet; thence North  $01^{\circ}36'42''$  East, 1355.98 feet; thence North  $00^{\circ}01'29''$  West, 60.02 feet; thence South  $88^{\circ}31'25''$  East, 13.98 feet; thence North  $00^{\circ}01'29''$  West, 683.13 feet for the point of beginning; thence continuing North  $00^{\circ}01'29''$  West, 110.87 feet; thence North  $89^{\circ}58'31''$  East, 50.0 feet; thence North  $00^{\circ}01'29''$  West, 442.80 feet to a point on the North Line of said Southwest Quarter of Section 9; thence South  $88^{\circ}50'05''$  East along said North Line, 387.82 feet to a point on the North Line of said Southwest Quarter being located 236.36 feet West of the Northeast Corner of said Southwest Quarter Section; thence South  $00^{\circ}18'25''$  West, 545.62 feet to a line drawn North  $89^{\circ}58'31''$  East from the point of beginning; thence South  $89^{\circ}58'31''$  West, 434.58 feet to the point of beginning, in Little Rock Township, Kendall County, Illinois.

Hill Trust Map Amendment Findings of Fact

1. Contiguous and nearby properties are used for low density Single-Family Residences and a mixture of Agricultural uses, as well as Forested land which remains in its natural state.
2. There is a combination of R-1 Single Family and A-1 Zoning Districts.
3. The property primarily consists of marginal farmland and a pond, which would be altered somewhat for a low-density large parcel residential building. The current property is not suitable for high productive Agricultural use.
4. The trend of development has been slow growth R-1/A-1 Allocation Single Family Residences on three to five acre parcels.
5. The proposed use is consistent with the Kendall County Comprehensive Plan providing for low density Single Family Residential uses when there is a low Agricultural productivity and Low Site rating under the Kendall County LESA Rating Systems; as well as the City of Plano Comprehensive Plan which shows low density Single-Family Residences being developed on non-collector Roads on the outside of the City Limits.

1. The Subject Real Property is a bit of an unusually shaped parcel. The Grandfather of the Family, Floyd Dutch Hill owned the existing house and small outbuildings, and had a long driveway serving the home starting at Miller Road and going North to the presently existing structures. There is a fairly substantial drainage swale that angles in front of the property.

Years ago while Floyd Hill was still alive he traded British Overseas Property real property so they gave him all of the land owned they owned that was generally speaking west of the drainage swale and squared up their property by acquiring lesser acreage from Floyd Hill east of the drainage swale.

After Floyd Hill passed away, the real property was inherited by a group of grandchildren. The majority of the grandchildren did not have any interest in keeping any portion of the real estate and sold off the majority of the farm acreage to a third party buyer. One of the grandchildren, being Scott Hill and his Wife bought out the others for the parcel upon which we are now seeking the residential zoning. Their ultimate goal is to build one house for themselves. They have a Son who is an adult but is just starting out in the work arena who may want to build a second house next to them. That is why we are requesting to rezone the entire parcel to R-1 Single Family District.

Although it would be preferred not to have a long driveway given the ownership and the fact the driveway is already in existence we feel granting a variance to permit the lengthy private driveway is in order given the unique topography and current existing conditions.

2. There are other situations in the County that for decades there are long farm driveway access issues with the same question. Likewise they would be subject to being granted a Variance if they were the exact situation although they are certainly not the majority of farm yards in the County.
3. Neither of the current Owners, Scott and Cheryl Hill created the long driveway that is currently in existence and used by the existing home. The driveway goes back decades in use.
4. No adjoining owners will be harmed by the continued use of the existing driveway.
5. The continued use of the driveway will not impair the supply light, air, nor increase the congestion in the public streets or area.

It does increase any risk of fire in that there is already a home and structures located adjacent to the subject property which would be protected by pumper truck in the event of any emergencies. The pond that is currently located on the subject property could be a source of pumping for a fire truck in the event of a fire at the site.



KENDALL COUNTY  
DISCLOSURE OF BENEFICIARIES FORM

1 Applicant Hill Living Trust  
Address 4479 Mitchell Court  
City Plano State IL Zip 60545

2. Nature of Benefit Sought Land Ownership

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

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

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

NAME	ADDRESS	INTEREST
Scott Hill	[REDACTED]	50%
Cheryl Hill	[REDACTED]	50%

6. Name, address, and capacity of person making this disclosure on behalf of the applicant:  
Scott Hill and Cheryl Hill, Trustees X [REDACTED]

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

Subscribed and sworn to before me this 22nd day of July, A.D. 2024

(seal)



[REDACTED] Notary Public

## HILL LIVING TRUST INFORMATION PAGE

NAME OF THE TRUST: The Hill Living Trust  
DATE ESTABLISHED: October 11, 2023  
NAME OF TRUSTEES: Scott L. Hill and Cheryl A. Hill

---

FOR TRUST BUSINESS, ALWAYS SIGN NAME:

Scott L. Hill and Cheryl A. Hill, Trustees of the Hill  
Living Trust

TITLE TO ALL ASSETS IN THIS TRUST IS VESTED IN THE NAME OF:

Scott L. Hill and Cheryl A. Hill, Trustees of the Hill  
Living Trust dated October 11, 2023, and any  
amendments thereto

---

**ASSETS MAY BE TRANSFERRED TO OR REMOVED FROM THIS  
TRUST AT ANY TIME**

**ALL INCOME OR LOSS FROM TRUST ASSETS SHOULD BE  
REPORTED ON GRANTORS' INDIVIDUAL FEDERAL AND STATE  
INCOME TAX RETURNS**

---

**DO NOT WRITE ON YOUR TRUST INSTRUMENT,  
CHANGE IT, OR REVOKE IT WITHOUT  
ADVICE FROM YOUR ATTORNEY**

---

LAW OFFICES  
GASPERO & GASPERO, ATTYS AT LAW, PC  
2001 BUTTERFIELD ROAD, SUITE 1022  
DOWNERS GROVE, ILLINOIS 60515

## **Certification of Trust for the Hill Living Trust dated October 11, 2023**

This Certification of Trust is signed by all the currently acting Trustees of the Hill Living Trust dated October 11, 2023, who declare:

1. The Grantors are Scott L. Hill and Cheryl A. Hill. The trust is revocable by the Grantors, acting jointly and not separately.
2. The Trustees of the trust are Scott L. Hill and Cheryl A. Hill.

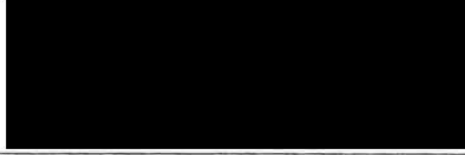
The signature of one Trustee is sufficient to exercise the powers of the Trustee.

3. The tax identification number of the trust is the Social Security number of either Scott L. Hill or Cheryl A. Hill.
4. Title to assets held in the trust will be titled as:

Scott L. Hill and Cheryl A. Hill, Trustees of the Hill Living Trust dated October 11, 2023, and any amendments thereto.

5. An alternative description will be effective to title assets in the name of the trust or to designate the trust as a beneficiary if the description includes the name of at least one initial or successor Trustee, any reference indicating that property is being held in a fiduciary capacity, and the date of the trust.
6. Excerpts from the trust document that establish the trust, designate the Trustee, and set forth the powers of the Trustee will be provided upon request. The powers of the Trustees include the power to acquire, sell, assign, convey, pledge, encumber, lease, borrow, manage, and deal with real and personal property interests.
7. The terms of the trust provide that a third party may rely upon this Certification of Trust as evidence of the existence of the trust and is specifically relieved of any obligation to inquire into the terms of this trust or the authority of my Trustee, or to see to the application that my Trustee makes of funds or other property received by my Trustee.
8. The trust has not been revoked, modified, or amended in any way that would cause the representations in this Certification of Trust to be incorrect.

October 11, 2023



Scott L. Hill, Trustee

October 11, 2023



Cheryl A. Hill, Trustee

STATE OF ILLINOIS

)

COUNTY OF DUPAGE *Will*

) ss.

)

This instrument was acknowledged before me on October 11, 2023, by Scott L. Hill and Cheryl A. Hill, as Trustees.

[Seal]



*L. M. Gaspero*  
2001 Butterfield Rd., Suite 1022  
Downers Grove, Illinois 60515

My commission expires: ~~July 13, 2024~~

*11-20-24*

OFFICIAL SEAL  
KIMBERLY S WORDEN OLIVARES  
NOTARY PUBLIC - STATE OF ILLINOIS  
MY COMMISSION EXPIRES 11/20/24

DEBBIE GILLETTE  
RECORDER - KENDALL COUNTY, IL  
RECORDED: 10/16/2023 10:46 AM  
REC FEE: 57.00 RHSPS: 19.00  
PAGES: 6

**DEED IN TRUST**

(ILLINOIS)

THE GRANTORS, SCOTT L.  
HILL, of [REDACTED]

[REDACTED]  
[REDACTED]  
for and in consideration of Ten  
and No Dollars, and other good  
and valuable considerations in  
hand paid, Convey and Warrant  
unto:

“Scott L. Hill and Cheryl A. Hill,  
Trustees of the Hill Living Trust  
dated October 11, 2023, and any amendments thereto,” whose address is [REDACTED]  
[REDACTED] the following described real estate in the County of Kendall and State of Illinois, to-  
wit:

SEE LEGAL DESCRIPTION, ATTACHED AS EXHIBIT A

Permanent Real Estate Index Number(s): 01-09-401-013

Address of Real Estate: 15609 Miller Road, Plano, IL 60545

TO HAVE AND TO HOLD the said premises with the appurtenances upon the trusts and for the  
uses and purposes herein and in said trust agreement set forth.

Full power and authority are hereby granted to said trustee to improve, manage, protect  
and subdivide said premises or any part thereof: to dedicate parks, streets, highways or alleys; to  
vacate any subdivision or part thereof, and to resubdivide said property as often as desired; to  
contract to sell, to grant options to purchase; to sell on any terms; to convey either with or  
without consideration; to convey said premises or any part thereof to a successor or successors in  
trust and to grant to such successor or successors in trust all of the title, estate, powers and  
authorities vested in said trustee; to donate, to dedicate, to mortgage, pledge or otherwise  
encumber said property, or any part thereof; to lease said property, or any part thereof, from time  
to time, in possession or reversion, by leases to commence in praesenti or in futuro, and upon any  
terms and for any period or periods of time, not exceeding in the case of any single demise the  
term of 198 years, and to renew or extend leases upon any terms and for any period or periods of  
time and to amend, change or modify leases and the terms and provisions thereof at any time or  
times hereafter; to contract to make leases and to grant options to lease and options to renew  
leases and options to purchase the whole or any part of the reversion and to contract respecting  
the manner of fixing the amount of present or future rentals; to partition or to exchange said  
property, or any part thereof, for other real or personal property; to grant easements or charges of  
any kind; to release, convey or assign any right, title or interest in or about or easement


appurtenant to said premises or any part thereof; and to deal with said property and every part thereof in all other ways and for such other considerations as it would be lawful for any person owning the same to deal with the same, whether similar to or different from the ways above specified, at any time or times hereafter.

In no case shall any party dealing with said trustee in relation to said premises, or to whom said premises or any part thereof shall be conveyed, contracted to be sold, leased or mortgaged by said trustee, be obligated to see to the application of any purchase money, rent, or money borrowed or advanced on said premises, or be obligated to see that the terms of this trust have been complied with, or be obliged to inquire into the necessity or expediency of any act of said trustee, or be obliged or privileged to inquire into any of the terms of said trust agreement; and every deed, trust deed, mortgage, lease or other instrument executed by said trustee in relation to said real estate shall be conclusive evidence in favor of every person relying upon or claiming under any such conveyance, lease or other instrument, (a) that at the time of the delivery thereof the trust created by this Indenture and by said trust agreement was in full force and effect; (b) that such conveyance or other instrument was executed in accordance with the trusts, conditions and limitations contained in this Indenture and in said trust agreement or in some amendment thereof and binding upon all beneficiaries thereunder; (c) that said trustee was duly authorized and empowered to execute and deliver every such deed, lease, mortgage, or other instrument; and (d) if the conveyance is made to a successor or successors in trust, that such successor or successors in trust have been properly appointed and are fully vested with all the title, estate, rights, powers, authorities, duties and obligations of its, his, or their predecessor in trust.

The interest of each and every beneficiary hereunder and of all persons claiming under them or any of them shall be only in the earnings, avails and proceeds arising from the sale or other disposition of said real estate, and such interest is hereby declared to be personal property, and no beneficiary hereunder shall have any title or interest, legal or equitable, in or to said real estate as such, but only an interest in the earnings, avails and proceeds thereof as aforesaid.

If the title to any of the above lands is now or hereafter registered, the Registrar of Titles is hereby directed not to register or note in the certificate of title or duplicate thereof, or memorial, the words "in trust," or "upon condition," or "with limitations," or words of similar import, in accordance with the statute in such case made and provided.

And the said grantors hereby expressly waive and release any and all right or benefit under and by virtue of any and all statutes of the State of Illinois, providing for the exemption of homesteads from sale on execution or otherwise. In Witness Whereof, the grantors aforesaid have set their hand and seal on this 11<sup>th</sup> Day of October, 2023.

 (SEAL)  
SCOTT HILL

State of Illinois

County of DuPage Will

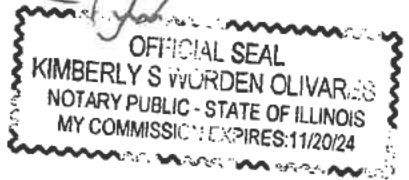
I, the undersigned, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that SCOTT HILL, personally known to me to be the same person(s) whose name(s) is (are) subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that he signed, sealed and delivered the said instruments as his free and voluntary act, for the uses and purposes therein set forth, including the release and waiver of the right of homestead.

Given under my hand and official seal on this Oct. 11, 2023

Commission expires: 11-20-24

[Redacted Signature]

NOTARY PUBLIC



COUNTY - ILLINOIS TRANSFER STAMPS

Exempt Under Provisions of Paragraph e, Section 4 of the Real Estate Transfer Act.

Date: 10/11/2023

Signature: [Redacted]

ACCEPTANCE BY TRUSTEE:

We, Scott L. Hill and Cheryl A. Hill, Trustees of the Hill Living Trust dated October 11, 2023, hereby accept this conveyance into the trust.

[Redacted Signature]

SCOTT L. HILL, TRUSTEE

[Redacted Signature]

CHERYL A. HILL, TRUSTEE

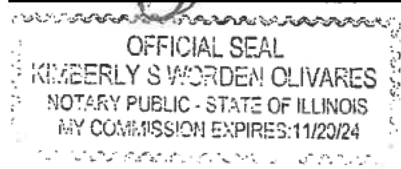
State of Illinois

County of ~~DUPAGE~~ Will

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that SCOTT L. HILL and CHERYL A. HILL, Trustees, personally known to me to be the same person whose names are subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that they signed, sealed and delivered the said instruments as their free and voluntary act, for the uses and purposes therein set forth, including the release and waiver of the right of homestead.

Given under my hand and official seal on this Oct. 11, 2023

Commission expires: 11-20-24



PREPARED BY/MAIL TO:

Lisa M. Gaspero  
Gaspero & Gaspero  
Attorneys at Law, P.C.  
2001 Butterfield Rd., Ste. 1022  
Downers Grove, IL 60515

SEND SUBSEQUENT TAX BILLS TO:

Scott L. Hill and Cheryl A. Hill

GRANTEES ADDRESS:

Scott L. Hill and Cheryl A. Hill



**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 37 NORTH, RANGE 6 EAST OF THE THIRD PRINCIPAL MERIDIAN BEING DESCRIBED BY COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 9; THENCE NORTH 88 DEGREES 40 MINUTES 04 SECONDS WEST ALONG THE SOUTH LINE OF SAID SECTION, A DISTANCE OF 675.48 FEET FOR THE POINT OF BEGINNING; THENCE CONTINUING WESTERLY ALONG SAID SOUTH LINE, A DISTANCE OF 40.0 FEET; THENCE NORTH 01 DEGREES 36 MINUTES 42 SECONDS EAST, A DISTANCE OF 1355.98 FEET; THENCE NORTH 00 DEGREES 01 MINUTES 29 SECONDS WEST, 60.02 FEET; THENCE SOUTH 88 DEGREES 31 MINUTES 25 SECONDS EAST, A DISTANCE OF 13.98 FEET; THENCE NORTH 00 DEGREES 01 MINUTES 29 SECONDS WEST, A DISTANCE OF 794.00 FEET; THENCE NORTH 89 DEGREES 58 MINUTES 31 SECONDS EAST, A DISTANCE OF 50.00 FEET; THENCE NORTH 00 DEGREES 01 MINUTES 29 SECONDS WEST, A DISTANCE OF 442.80 FEET TO A POINT ON THE NORTH LINE OF SAID SOUTHWEST QUARTER OF SECTION 9; THENCE SOUTH 88 DEGREES 50 MINUTES 05 SECONDS EAST ALONG SAID NORTH LINE, A DISTANCE OF 387.82 FEET TO A POINT ON THE NORTH LINE OF SAID SOUTHWEST QUARTER BEING LOCATED 236.36 FEET WEST OF THE NORTHEAST CORNER OF SAID SOUTHWEST QUARTER SECTION; THENCE SOUTH 00 DEGREES 18 MINUTES 25 SECONDS WEST, A DISTANCE OF 875.00 FEET; THENCE SOUTH 89 DEGREES 41 MINUTES 35 SECONDS EAST AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE, A DISTANCE OF 30.00 FEET; THENCE SOUTH 00 DEGREES 18 MINUTES 25 SECONDS WEST, A DISTANCE OF 423.05 FEET; THENCE NORTH 88 DEGREES 45 MINUTES 03 SECONDS WEST, A DISTANCE OF 434.30 FEET; THENCE SOUTH 01 DEGREES 36 MINUTES 42 SECONDS WEST, A DISTANCE OF 1356.79 FEET TO THE POINT OF BEGINNING BEING SITUATED IN THE TOWNSHIP OF LITTLE ROCK, KENDALL COUNTY, ILLINOIS.

SUBJECT TO A 40 FOOT WIDE PERMANENT EASEMENT FOR INGRESS AND EGRESS OVER AND ACROSS THAT PART OF THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 37 NORTH, RANGE 6 EAST OF THE THIRD PRINCIPAL MERIDIAN BEING DESCRIBED BY COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 9; THENCE NORTH 88 DEGREES 40 MINUTES 04 SECONDS WEST ALONG THE SOUTH LINE OF SAID SECTION, A DISTANCE OF 675.48 FEET FOR THE POINT OF BEGINNING; THENCE CONTINUING WESTERLY ALONG SAID SOUTH LINE, A DISTANCE OF 40.0 FEET; THENCE NORTH 01 DEGREES 36 MINUTES 42 SECONDS EAST, A DISTANCE OF 1355.98 FEET; THENCE SOUTH 88 DEGREES 45 MINUTES 03 SECONDS EAST, A DISTANCE OF 40.0 FEET; THENCE SOUTH 01 DEGREES 36 MINUTES 42 SECONDS WEST, A DISTANCE OF 1356.79 FEET TO THE POINT OF BEGINNING SITUATED IN THE TOWNSHIP OF LITTLE ROCK, KENDALL COUNTY, ILLINOIS.

**COMMONLY KNOWN AS: 14 ACRES MILLER ROAD, PLANO, IL 60545**

**PIN: 01-09-401-013**



Debbie Gillette  
Kendall County Clerk & Recorder

PLAT ACT AFFIDAVIT OF METES AND BOUNDS

STATE OF ILLINOIS )  
 )SS  
COUNTY OF KENDALL )

Lisa M. Gaspero, Gaspero & Gaspero, being duly sworn on oath, states that affiant resides at [redacted]. And further states that: (please check the appropriate box)

A.  That the attached deed is not in violation of 765 ILCS 205/1(a), in that the sale or exchange is of an entire tract of land not being part of a larger tract of land; or  
B.  That the attached deed is not in violation of 765 ILCS 205/1(b) for one of the following reasons: (please circle the appropriate number)

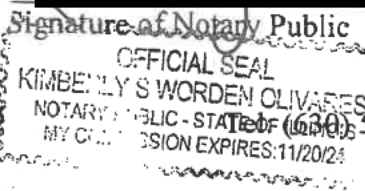
- 1. The division or subdivision of land into parcels or tracts of 5.0 acres or more in size which does not involve any new streets or easements of access;
- 2. The division of lots or blocks of less than one (1) acre in any recorded subdivision which does not involve any new streets or easements of access;
- 3. The sale or exchange of parcels of land between owners of adjoining and contiguous land;
- 4. The conveyance of parcels of land or interests therein for use as right of way for railroads or other public utility facilities and other pipe lines which does not involve any new streets or easements of access;
- 5. The conveyance of land owned by a railroad or other public utility which does not involve any new streets or easements of access;
- 6. The conveyance of land for highway or other public purposes or grants or conveyances relating to the dedication of land for public use or instruments relating to the vacation of land impressed with a public use;
- 7. Conveyances made to correct descriptions in prior conveyances;
- 8. The sale or exchange of parcels or tracts of land following the division into not more than two (2) parts of a particular parcel or tract of land existing on July 17, 1959, and not involving any new streets or easements of access;
- 9. The sale of a single lot of less than 5.0 acres from a larger tract when a survey is made by an Illinois Registered Land Surveyor; provided, that this exemption shall not apply to the sale of any subsequent lots from the same larger tract of land, as determined by the dimensions and configuration of the larger tract on October 1, 1973, and provided also that this exemption does not invalidate any local requirements applicable to the subdivision of land;
- 10. The conveyance is of land described in the same manner as title was taken by grantor(s).

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

SUBSCRIBED AND SWORN TO BEFORE ME

This 11th day of October, 2023

[redacted signature]



[redacted signature]

Signature of Affiant

111 West Fox Street, Yorkville IL 60560-1498  
• Fax: (630) 553-4104 • Email: Dgillette@co.kendall.il.us



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

[www.kendallswcd.org](http://www.kendallswcd.org)

**NATURAL RESOURCE INFORMATION (NRI) REPORT APPLICATION**

**Petitioner:** Hill Living Trust **Contact Person:** Daniel J. Kramer  
 Address: [Redacted] \_\_\_\_\_  
 City, State: [Redacted] 545 \_\_\_\_\_  
 Phone Number: [Redacted] \_\_\_\_\_  
 Email: [Redacted] \_\_\_\_\_

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

**Site Location & Proposed Use**

Township Name Little Rock Township 37 N, Range 6 E, Section(s) 9  
 Parcel Index Number(s) 01-09-401-013  
 Project or Subdivision Name Hill Living Trust Number of Acres 13.9728  
 Current Use of Site vacant land Proposed Use single family home  
 Proposed Number of Lots 2 Proposed Number of Structures \_\_\_\_\_  
 Proposed Water Supply well Proposed type of Wastewater Treatment septic  
 Proposed type of Storm Water Management none

**Type of Request**

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

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

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

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

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

Fee for first five acres and under	\$ 375.00
<u>9</u> Additional Acres at \$18.00 each	\$ 162.00
<b>Total NRI Fee</b>	<b>\$ 537.00</b>

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

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

X [Redacted Signature] 7-22-24  
 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 \_\_\_\_\_



# Illinois Department of Natural Resources

One Natural Resources Way Springfield, Illinois 62702-1271  
<http://dnr.state.il.us>

JB Pritzker, Governor

Natalie Phelps Finnie, Director

July 25, 2024

Daniel J. Kramer  
Daniel J. Kramer



**RE: Hill Living Trust**  
**Project Number(s): 2501161**  
**County: Kendall**

Dear Applicant:

This letter is in reference to the project you recently submitted for consultation. The natural resource review provided by EcoCAT identified protected resources that may be in the vicinity of the proposed action. The Department has evaluated this information and concluded that adverse effects are unlikely. Therefore, consultation under 17 Ill. Adm. Code Part 1075 is terminated.

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

The natural resource review reflects the information existing in the Illinois Natural Heritage Database at the time of the project submittal, 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, you must comply with the applicable statutes and regulations. Also, note that termination does not imply IDNR's authorization or endorsement of the proposed action.

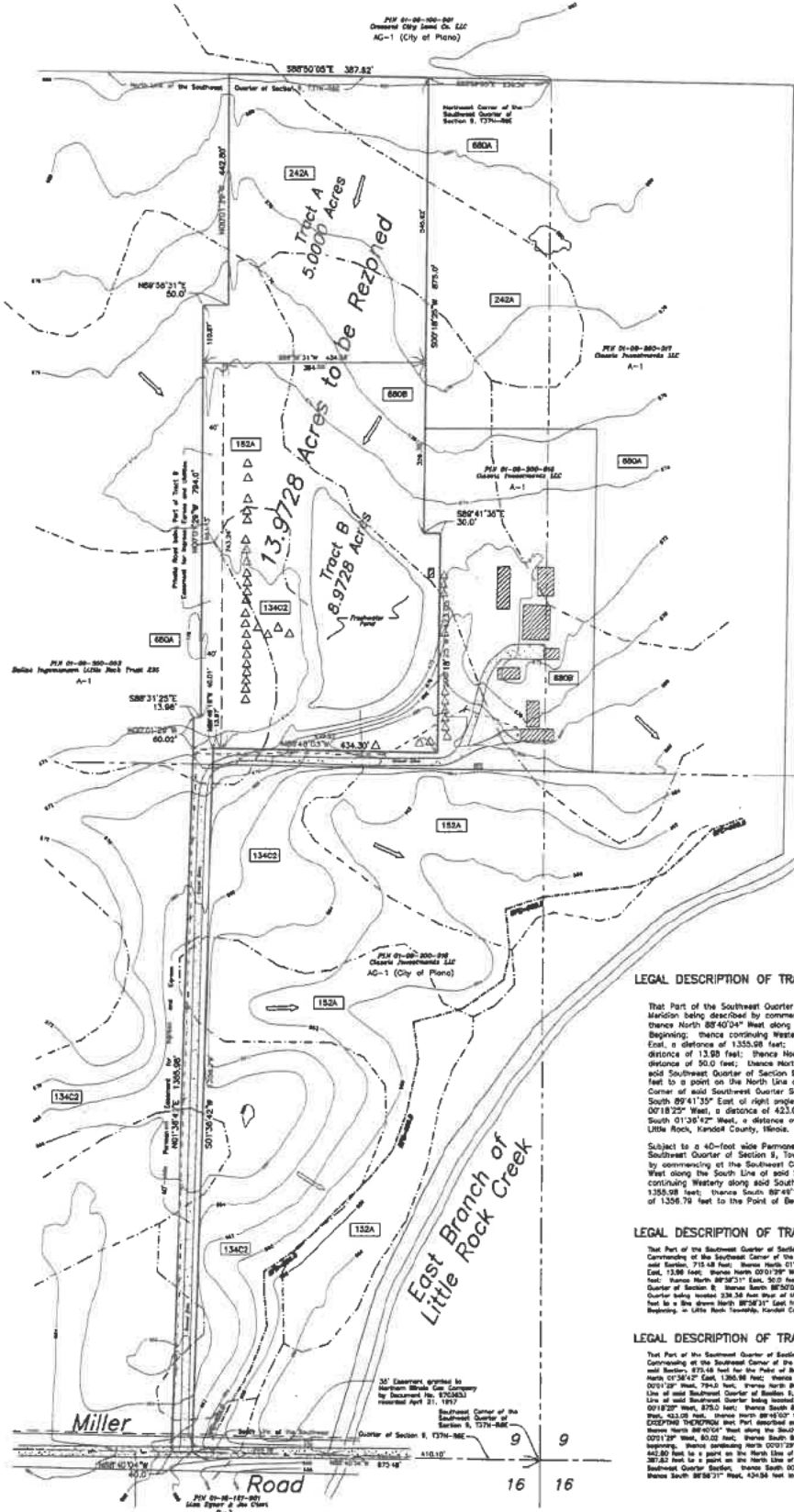
Please contact me if you have questions regarding this review.



Grant Gebhards  
Division of Ecosystems and Environment  
217-785-5500

# ZONING PLAT OF PART OF THE SOUTHWEST QUARTER OF SECTION 9, T37N-R6E, 3rd PM LITTLE ROCK TOWNSHIP KENDALL COUNTY ILLINOIS

SCALE  
1"=100'



- Indicates Iron Stake Found
- Indicates Iron Stake Set
- Indicates Line of Fence
- - - Indicates Contour Elevation
- - - Indicates Soil Boundary
- △ Indicates Tree
- △ Indicates Utility Pole
- - - Indicates Overhead Utilities
- - - Indicates Direction of Drainage
- - - Indicates Flood Plain Boundary
- w/ Base Flood Elevation (BFE)

**DEVELOPER:**  
Scott and Cheryl Hill  
Trustees of Hill Living Trust

**AREA OF TRACT:**  
13.9728 Acres  
(608,857 sq.ft.)

**PRESENT ZONING:**  
A1  
(Agricultural District)

**PROPOSED ZONING:**  
R1  
(One-Family Residence District)

**PROPERTY LOCATION:**  
PW: 01-00-401-013  
Miller Road  
Piano, Mile 80545

**FLOODPLAIN STATEMENT:**  
The Subject property is located in Zone X (Area of minimal flood hazard determined to be outside the 0.2% annual chance floodplain) as shown on FEMA Flood Insurance Rate Map Panel No. 17063C0100 with an effective date of February 4, 2009.

**WETLANDS STATEMENT:**  
Other than the freshwater pond, the National Wetlands Inventory map does not depict any other wetlands on the Subject Property.

- SOILS (From USCS Soils Map)**
- 134C2 Camden Slt Loom, 5 to 10% slopes, eroded
  - 152A Drummer Shale Clay Loom, 0 to 2% slopes
  - 242A Kendall Slt Loom, 0 to 2% slopes
  - 800A Compton Slt Loom, 0 to 2% slopes
  - 800B Compton Slt Loom, 2 to 5% slopes

NOTE: Contour Elevations from Kendall County GIS web site.



**LEGAL DESCRIPTION OF TRACT TO BE REZONED:**

That Part of the Southwest Quarter of Section 9, Township 37 North, Range 6 East of the Third Principal Meridian being described by commencing at the Southwest Corner of the Southwest Quarter of said Section 9; thence North 89°40'24" West along the South Line of said Section, a distance of 875.48 feet for the Point of Beginning; thence continuing Westerly along said South Line, a distance of 40.0 feet; thence North 01°36'42" East, a distance of 1355.98 feet; thence North 02°01'29" West, 80.02 feet; thence South 82°31'25" East, a distance of 13.08 feet; thence North 02°01'29" West, a distance of 784.0 feet; thence North 82°51'11" East, a distance of 50.0 feet; thence North 02°01'29" West, a distance of 442.80 feet to a point on the North Line of said Southwest Quarter of Section 9; thence South 82°50'05" East along said North Line, a distance of 387.82 feet to a point on the North Line of said Southwest Quarter being located 204.36 feet West of the Northeast Corner of said Southwest Quarter Section; thence South 00°18'25" West, a distance of 875.0 feet; thence South 89°41'35" East of right angles to the last described course, a distance of 30.0 feet; thence South 02°18'22" West, a distance of 423.03 feet; thence North 89°45'03" West, a distance of 454.50 feet; thence South 01°36'42" West, a distance of 1358.78 feet to the Point of Beginning, being situated in the Township of Little Rock, Kendall County, Illinois.

Subject to a 40-foot wide Easement for ingress and egress over and across that Part of the Southwest Quarter of Section 9, Township 37 North, Range 6 East of the Third Principal Meridian being described by commencing at the Southwest Corner of the Southwest Quarter of said Section 9; thence North 89°40'24" West along the South Line of said Section, a distance of 875.48 feet for the Point of Beginning; thence continuing Westerly along said South Line, a distance of 40.0 feet; thence North 01°36'42" East, a distance of 1355.98 feet; thence North 02°01'29" West, a distance of 80.02 feet; thence South 82°31'25" East, a distance of 13.08 feet; thence North 02°01'29" West, a distance of 784.0 feet; thence North 82°51'11" East, a distance of 50.0 feet; thence North 02°01'29" West, a distance of 442.80 feet to a point on the North Line of said Southwest Quarter of Section 9; thence South 82°50'05" East along said North Line, a distance of 387.82 feet to a point on the North Line of said Southwest Quarter being located 204.36 feet West of the Northeast Corner of said Southwest Quarter Section; thence South 00°18'25" West, a distance of 875.0 feet; thence South 89°41'35" East of right angles to the last described course, a distance of 30.0 feet; thence South 02°18'22" West, a distance of 423.03 feet; thence North 89°45'03" West, a distance of 454.50 feet; thence South 01°36'42" West, a distance of 1358.78 feet to the Point of Beginning, situated in the Township of Little Rock, Kendall County, Illinois.

**LEGAL DESCRIPTION OF TRACT A:**

That Part of the Southwest Quarter of Section 9, Township 37 North, Range 6 East of the Third Principal Meridian described as follows: Commencing at the Southwest Corner of said Section 9; thence North 89°40'24" West along the South Line of said Section, 715.48 feet for the Point of Beginning; thence continuing North 89°45'03" West along said South Line, 40.0 feet; thence North 02°01'29" West, 80.02 feet; thence South 82°31'25" East, 13.08 feet; thence North 02°01'29" West, 784.0 feet to a point on the North Line of said Southwest Quarter Section; thence South 82°50'05" East, 387.82 feet to a point on the North Line of said Southwest Quarter Section; thence South 00°18'25" West, 875.0 feet; thence South 89°41'35" East of right angles to the last described course, 30.0 feet; thence South 02°18'22" West, 423.03 feet; thence North 89°45'03" West, 454.50 feet; thence South 01°36'42" West, 1358.78 feet to the Point of Beginning, in Little Rock Township, Kendall County, Illinois.

**LEGAL DESCRIPTION OF TRACT B:**

That Part of the Southwest Quarter of Section 9, Township 37 North, Range 6 East of the Third Principal Meridian described as follows: Commencing at the Southwest Corner of the Southwest Quarter of said Section 9; thence North 89°40'24" West along the South Line of said Section, 875.48 feet for the Point of Beginning; thence continuing North 89°45'03" West along said South Line, 40.0 feet; thence North 02°01'29" West, 80.02 feet; thence South 82°31'25" East, 13.08 feet; thence North 02°01'29" West, 784.0 feet to a point on the North Line of said Southwest Quarter Section; thence South 82°50'05" East, 387.82 feet to a point on the North Line of said Southwest Quarter Section; thence South 00°18'25" West, 875.0 feet; thence South 89°41'35" East of right angles to the last described course, 30.0 feet; thence South 02°18'22" West, 423.03 feet; thence North 89°45'03" West, 454.50 feet; thence South 01°36'42" West, 1358.78 feet to the Point of Beginning, situated in the Township of Little Rock, Kendall County, Illinois.

July 17, 2024

JOB NO.	24083
JOB NAME	HILL
DWG FILE	24083
REVISION DATE	

**Phillip D. Young and Associates, Inc.**  
LAND SURVEYING - TOPOGRAPHIC MAPPING - Lic.#184-002775  
1107B South Bridge Street  
Yorkville, Illinois 60560  
Telephone (630)553-1580





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**DEPARTMENT OF PLANNING, BUILDING & ZONING**

111 West Fox Street • Room 203

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

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**Petition 24-22**

**Leo M. Phillipp**

**Map Amendment Rezoning from A-1 to R-1**

**INTRODUCTION**

The Petitioners would like a map amendment rezoning approximately eleven point six more or less (11.6 +/-) acres of the approximately fifteen (15) acres located at the northeast corner of Legion and East Highpoint Roads in order to construct approximately three (3) houses.

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

**SITE INFORMATION**

PETITIONERS: Leo M. Phillipp

ADDRESS: 10835 Legion Road, Yorkville

LOCATION: Northeast Corner of Legion and East Highpoint Roads



In 1984, through Ordinance 84-06, the southwest corner of the property was rezoned to R-1 as outlined in the following aerial.





In 1987, through Ordinance 87-27, the southwest corner of the property was rezoned back to A-1 and approximately three point three more or less (3.3 +/-) acres where the current house is placed was rezoned to R-1. The following is current zoning configuration of the property:



TOWNSHIP: Kendall

PARCEL #s: 05-08-301-002

LOT SIZE: 15.0 +/- Acres (Total Parcel) 11.6 +/- (Area to be Rezoned)

EXISTING LAND USE: Wooded

ZONING: A-1 Agricultural District

LRMP: Future Land Use	Suburban Residential (County) Estate/Conservation Residential (Yorkville)
Roads	East High Point Road and Legion Road are Township maintained Minor Collectors.
Trails	Yorkville has a trail planned along East Highpoint Road.
Floodplain/Wetlands	There are no floodplains or wetlands on the property.

REQUESTED ACTION: Map Amendment Rezoning Property from A-1 Agricultural District to R-1 One Family Residential District

APPLICABLE REGULATIONS: Section 13:07 – Map Amendment Procedures

**SURROUNDING LAND USE**

Location	Adjacent Land Use	Adjacent Zoning	Land Resource Management Plan	Zoning within 1/2 Mile
North	Single-Family Residential	A-1	Suburban Residential (Max 1.0 DU/Acre) (County) Estate/Conservation Residential (Yorkville)	A-1 and B-4
South	Agricultural and Single-Family Residential	A-1	Rural Residential (Max 0.65 DU/Acre) (County) Estate/Conservation Residential (Yorkville)	A-1, R-3, and RPD-2
East	Single-Family Residential	A-1 and R-1	Suburban Residential (County) Estate/Conservation Residential (Yorkville)	A-1, A-1 SU, and R-1
West	Agricultural	A-1 and A-1 SU	Suburban Residential (County) Estate/Conservation Residential (Yorkville)	A-1, A-1 SU, R-2, R-3, and RPD-3



The A-1 special use permits to the east are for communication towers.

The A-1 special use permit to the west is for boarding horses.

**PHYSICAL DATA**

**ENDANGERED SPECIES REPORT**

EcoCAT Report submitted and consultation was terminated (see Attachment 1, Page 7).

**NATURAL RESOURCES INVENTORY**

The application for NRI was submitted on July 19, 2024 (see Attachment 1, Page 6).

**ACTION SUMMARY**

**KENDALL TOWNSHIP**

Petition information was sent to Kendall Township on July 30, 2024.

**UNITED CITY OF YORKVILLE**

Petition information was sent to the United City of Yorkville on July 30, 2024.

**BRISTOL-KENDALL FIRE PROTECTION DISTRICT**

Petition information was sent to the Bristol-Kendall Fire Protection District on July 30, 2024.

**GENERAL INFORMATION**

The Petitioners would like to rezone the property in order to build a maximum of three (3) houses on the rezoned portion of the property. Since the property already has frontage along East Highpoint and Legion Roads, a Plat Act Exemption may be used instead of doing a subdivision.

**BUILDING CODES**

The site is currently mostly wooded with one (1) single-family home. Any future buildings would have to meet applicable building codes.

**UTILITIES**

The wooded area is not presently served by utilities.

**ACCESS**

The property fronts East Highpoint and Legion Roads. Kendall Township has permitting authority over access at the property.

**PARKING AND INTERNAL TRAFFIC CIRCULATION**

No information was provided regarding parking.

**ODORS**

Based on the proposed uses, no new odors are foreseen.

**LIGHTING**

Lighting would be for residential purposes and would have to follow applicable ordinances.

**LANDSCAPING AND SCREENING**

Landscaping would be for residential uses.

**SIGNAGE**

No non-residential signage is planned.

**NOISE CONTROL**

The owners of the property would have to follow applicable noise control regulations based on residential uses.

**STORMWATER**

Stormwater control would be evaluated as part of the building permit.

## **FINDINGS OF FACT-MAP AMENDMENT**

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

*Existing uses of property within the general area of the property in question.* **The surrounding properties are used for agricultural purposes and single-family residential purposes.**

*The Zoning classification of property within the general area of the property in question.* **The surrounding properties are zoned agricultural and some form of single-family residential.**

*The suitability of the property in question for the uses permitted under the existing zoning classification.* **The property consists of a large wooded area and, due to its size, it is not eligible for residential uses without a map amendment.**

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

*Consistency with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies.* **The subject property is classified as Suburban Residential on the Future Land Use Map and the R-1 Zoning District is consistent with this land classification.**

## **RECOMMENDATION**

Staff recommends approval of the proposed map amendment.

## **ATTACHMENTS**

1. Application Materials
2. Zoning Plat



**DEPARTMENT OF PLANNING, BUILDING & ZONING**

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

**APPLICATION**

PROJECT NAME Phillipp FILE #: \_\_\_\_\_

<b>NAME OF APPLICANT (Including First, Middle Initial, and Last Name)</b>		
Leo M. Phillipp		
<b>CURRENT LANDOWNER/NAME(s)</b>		
Leo M. Phillipp		
<b>SITE INFORMATION</b>		
ACRES	SITE ADDRESS OR LOCATION	ASSESSOR'S ID NUMBER (PIN)
15.03 acres	10835 Legion Road, Yorkville, IL 60560	05-08-301-002
EXISTING LAND USE	CURRENT ZONING	LAND CLASSIFICATION ON LRMP
Single Family Home	A-1 and R-1	A-1 and R-1
<b>REQUESTED ACTION (Check All That Apply):</b>		
<input type="checkbox"/> SPECIAL USE	<input checked="" type="checkbox"/> MAP AMENDMENT (Rezone to <u>R-1</u> )	<input type="checkbox"/> VARIANCE
<input type="checkbox"/> ADMINISTRATIVE VARIANCE	<input type="checkbox"/> A-1 CONDITIONAL USE for: _____	<input type="checkbox"/> SITE PLAN REVIEW
<input type="checkbox"/> TEXT AMENDMENT	<input type="checkbox"/> RPD ( <input type="checkbox"/> Concept; <input type="checkbox"/> Preliminary; <input type="checkbox"/> Final)	<input type="checkbox"/> ADMINISTRATIVE APPEAL
<input type="checkbox"/> PRELIMINARY PLAT	<input type="checkbox"/> FINAL PLAT	<input type="checkbox"/> OTHER PLAT (Vacation, Dedication, etc.)
AMENDMENT TO A SPECIAL USE ( <input type="checkbox"/> Major; <input type="checkbox"/> Minor)		
<b><sup>1</sup>PRIMARY CONTACT</b>	<b>PRIMARY CONTACT MAILING ADDRESS</b>	<b>PRIMARY CONTACT EMAIL</b>
Attorney Daniel J. Kramer	[REDACTED]	[REDACTED]
<b>PRIMARY CONTACT PHONE #</b>	<b>PRIMARY CONTACT FAX #</b>	<b>PRIMARY CONTACT OTHER # (Cell, etc.)</b>
[REDACTED]	[REDACTED]	
<b><sup>2</sup>ENGINEER CONTACT</b>	<b>ENGINEER MAILING ADDRESS</b>	<b>ENGINEER EMAIL</b>
N/A		
<b>ENGINEER PHONE #</b>	<b>ENGINEER FAX #</b>	<b>ENGINEER OTHER # (Cell, etc.)</b>
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.		
<b>SIGNATURE OF APPLICANT</b>		<b>DATE</b>
X [REDACTED]		7/19/2024

FEE PAID: \$ \_\_\_\_\_  
 CHECK #: \_\_\_\_\_

<sup>1</sup>Primary Contact will receive all correspondence from County  
<sup>2</sup>Engineering Contact will receive all correspondence from the County's Engineering Consultants

Phillipp Map Amendment Findings of Fact

1. Contiguous and nearby properties are used for low density Single-Family Residences and a mixture of Agricultural uses, as well as Forested land which remains in its natural state.
2. There is a combination of R-1 Single Family and A-1 Zoning Districts.
3. The property primarily consists of secondary growth trees, which would be altered somewhat for a low-density large parcel residential building. The current property is not suitable for productive Agricultural use of any kind and lies fallow.
4. The trend of development has been slow growth R-1/A-1 Allocation Single Family Residences on three to five acre parcels.
5. The proposed use is consistent with the Kendall County Comprehensive Plan providing for low density Single Family Residential uses when there is a low Agricultural productivity and Low Site rating under the Kendall County LESA Rating Systems; as well as the United City of Yorkville Comprehensive Plan which shows low density Single-Family Residences being developed on non-collector Roads on the outside of the City Limits.

LEGAL DESCRIPTION OF TOTAL TRACT:

That Part of the West Half of Section 8, Township 36 North, Range 7 East of the Third Principal Meridian described as follows: Commencing at the Southwest Corner of Lot 1, Woodland Acres, as shown by the plat thereof recorded September 23, 1971 as Document No. 71-3652; thence Northerly along the Westerly Line of said Woodland Acres, 43.95 feet for the point of beginning; thence Westerly at right angles to said Westerly Line, 536.64 feet to the center line of Highpoint Road; thence Southerly along said centerline, to the center line of Legion Road; thence Easterly along said Legion Road center line, to said westerly line; thence Northerly along said Westerly Line, 964.53 feet to the point of beginning in Kendall Township, Kendall County, Illinois.

LEGAL DESCRIPTION OF TRACT TO BE REZONED FROM "A1" TO "R1":

That Part of the West Half of Section 8, Township 36 North, Range 7 East of the Third Principal Meridian described as follows: Commencing at the Southwest Corner of Lot 1, Woodland Acres, as shown by the plat thereof recorded September 23, 1971 as Document No. 71-3652; thence Northerly along the Westerly Line of said Woodland Acres, 43.95 feet for the point of beginning; thence Westerly at right angles to said Westerly Line, 536.64 feet to the center line of Highpoint Road; thence Southerly along said centerline, to the center line of Legion Road; thence Easterly along said Legion Road center line, to said Westerly Line; thence Northerly along said Westerly Line, 964.53 feet to the point of beginning in Kendall Township, Kendall County, Illinois,

Except that Part described as follows:

That Part of the West Half of Section 8, Township 36 North, Range 7 East of the Third Principal Meridian described as follows: Commencing at the intersection of the center line of Highpoint Road with the center line of Legion Road; thence Easterly along said Legion Road center line 357.33 feet for a point of beginning; thence Northerly at right angles to said Legion Road center line, 300.0 feet; thence Easterly at right angles to the last described course 463.83 feet to the Westerly Line of Woodland Acres Subdivision; thence Southerly along said Westerly Line, 279.12 feet to said Legion Road center line; thence Westerly along said center line to the point of beginning in Kendall Township, Kendall County, Illinois.

WARRANTY DEED  
0-0211597  
Joint Tenancy

FILED FOR RECORD  
KENDALL COUNTY, ILL.  
APR 12 1985

12:07 PM  
APR 12 1985

RECORDED OF DEEDS

COUNTY OF KENDALL  
REAL ESTATE TRANSFER TAX

50.00

(The above space for Recorder's use only)

APR 12 1985

85-1454

THE GRANTOR AMERICAN LEGION POST #489 OF YORKVILLE, an unincorporated association

of the Township of Kendall County of Kendall State of Illinois  
for and in consideration of the sum of Ten Dollars and other valuable consideration in hand paid Conveyed  
and Warrant to LEO M. PHILLIPP and VICKI L. PHILLIPP, husband and wife,

of the [redacted] of [redacted] County of [redacted] State of [redacted]  
not in Tenancy in Common but in JOINT TENANCY, the following described Real Estate, to-wit:

That part of the West half of Section 8, Township 36 North, Range 7 East of the Third Principal Meridian, described as follows: Commencing at the South-west corner of Lot 1, Woodland Acres, as shown by the plat thereof recorded September 23rd, 1971 as Document 71-3652; thence Northerly along the Westerly line of said Woodland Acres, 43.95 feet for the point of beginning; thence Westerly at right angles to said Westerly line, 536.64 feet to the center line of Highpoint Road; thence Southerly along said center line to the center line of Legion Road; thence Easterly along said Legion Road center line, to said Westerly line; thence Northerly along said Westerly line, 964.53 feet to the point of beginning, in Kendall Township, Kendall County, Illinois,

SUBJECT TO: Easements, restrictions, covenants and conditions of record;  
Taxes for the year 1984 and subsequent years;

XXXXXX hereby expressly declaring that the estate conveyed shall pass, not in tenancy in common, but in joint tenancy, and hereby releasing and waiving all rights under and by virtue of the Homestead Exemption Laws of the State of Illinois.

Dated this 6th day of April A.D. 1985

ATTEST: [redacted] SEAL  
Adjutant [redacted] SEAL  
BY: [redacted] SEAL  
Commander [redacted] SEAL

I, the undersigned, a Notary Public in, and for said County and State aforesaid, DO HEREBY CERTIFY that Holman F. Horton, Jr., and James Morganegg, Commander and Adjutant respectively of American Legion Post #489 of Yorkville pursuant to Resolution authorizing them to act,

personally known to me to be the same person as those whose names are subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that they signed, sealed and delivered the said instrument as their free and voluntary act for the uses and purposes therein set forth, including the release and waiver of the right of homestead.

Given under my hand and notarial seal, this 6th day of April A.D. 1985 [redacted] SEAL  
Notary Public

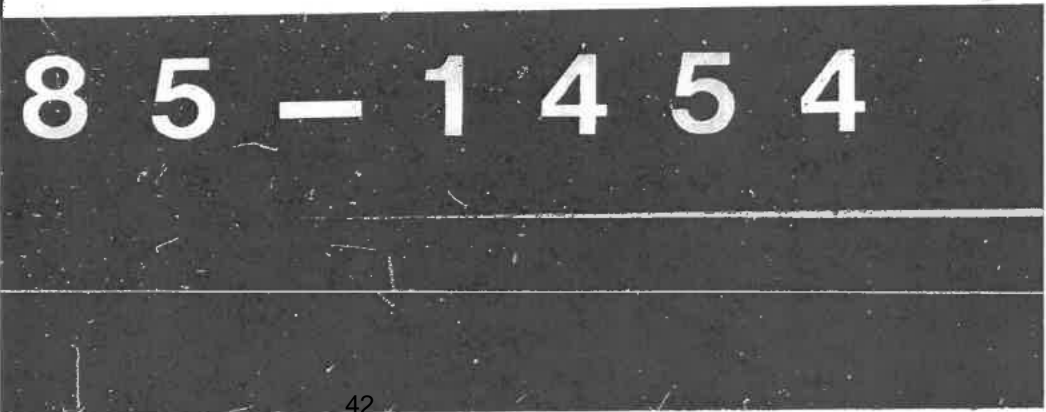
This instrument was prepared by:  
Dallas C. Ingemanson  
Attorney at Law  
226 S. Bridge St., P.O. Box 578  
Yorkville, IL. 60560

Grantor Address: [redacted]  
Send subsequent tax bills to: [redacted] Leo M. Phillip and Vicki L. Phillip

02-923

CAFFIX REVENUE STAMPS

FIX REVENUE STAMPS



APR 12 1985

AFFIDAVIT

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

STATE OF ILLINOIS )  
                          )SS.  
COUNTY OF KENDALL )

DOCUMENT # 85-1454-


Holman F. Horton, Jr. being, duly sworn on oath,  
states that he resides at Yorkville, IL.

That the attached deed represents:

1. A distinct separate parcel on record prior to July 17, 1959.
2. A distinct separate parcel qualifying for a Kendall County building permit prior to August 10, 1971.
3. The division or subdivision of land is into parcels or tracts of 5 acres or more in size which does not involve any new streets or easements of access.
4. The division is of lots or blocks of less than 1 acre in any recorded subdivision which does not involve any new streets or easements of access.
5. The sale or exchange of parcels of land is between owners of adjoining and contiguous land.
6. The conveyance is of parcels of land or interests therein for use as right-of-way for railroads or other public utility facilities which does not involve any new streets or easements of access.
7. The conveyance is of land owned by a railroad or other public utility which does not involve any new streets or easements of access.
8. The conveyance is of land for highway or other public purpose or grants or conveyances relating to the dedication of land for public use or instruments relating to the vacation of land impressed with a public use.
9. The conveyance is made to correct description in prior conveyances.
10. The sale or exchange is of parcels or tracts of land following the division into no more than two parts of a particular parcel or tract of land existing on July 17, 1959 and not involving any new streets or easements of access.
11. The sale is of a single lot of less than 5 acres from a larger tract evidenced by a survey made by a registered surveyor which single lot is the first sale from said larger tract as determined by the dimensions and configuration thereof on October 1, 1973 and which sale does not violate any local requirements applicable to the subdivision of land.

CIRCLE NUMBER ABOVE WHICH IS APPLICABLE TO ATTACHED DEED.

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

  
Holman F. Horton, Jr.

SUBSCRIBED and SWORN TO before me

this 6th day of April, 1985

  
Notary Public

8 5 - 1 4 5 4





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

[www.kendallswcd.org](http://www.kendallswcd.org)

**NATURAL RESOURCE INFORMATION (NRI) REPORT APPLICATION**

**Petitioner:** Leo M. Phillipp **Contact Person:** Attorney Daniel J. Kramer  
 Address \_\_\_\_\_  
 City, State \_\_\_\_\_  
 Phone Number \_\_\_\_\_  
 Email: \_\_\_\_\_

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

**Site Location & Proposed Use**

Township Name Kendall Township 36 N, Range 7 E, Section(s) 8  
 Parcel Index Number(s) 05-08-301-002  
 Project or Subdivision Name Phillipp Number of Acres 11.6855  
 Current Use of Site single family home and agricultural Proposed Use single family homes  
 Proposed Number of Lots possibly 3 Proposed Number of Structures possibly 3 homes  
 Proposed Water Supply well Proposed type of Wastewater Treatment septic  
 Proposed type of Storm Water Management none

**Type of Request**

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

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

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

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

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

Fee for first five acres and under	\$	<u>375.00</u>
<u>7</u> Additional Acres at \$18.00 each	\$	<u>126.00</u>
<b>Total NRI Fee</b>	\$	<u>501.00</u>

**NOTE:** Applications are due by the 1<sup>st</sup> 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

7/19/2024  
 \_\_\_\_\_  
 Date

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

**FOR OFFICE USE ONLY**

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





**Applicant:** Daniel J. Kramer  
**Contact:** ATTORNEY DANIEL J. KRAMER  
**Address:** [REDACTED]

**IDNR Project Number:** 2500945  
**Date:** 07/18/2024

**Project:** Phillip  
**Address:** 10835 Legion Road, Yorkville

**Description:** rezone property from A-1 to R-1 to have 3 possible single family homes

### Natural Resource Review Results

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

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

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

#### Location

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

**County:** Kendall

**Township, Range, Section:**  
36N, 7E, 8



**IL Department of Natural Resources**  
**Contact**  
Adam Rawe  
217-785-5500  
Division of Ecosystems & Environment

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

#### Disclaimer

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

ZONING PLAT OF  
PART OF THE WEST HALF OF SECTION 8, T36N-R7E, 3rd P.M.  
KENDALL TOWNSHIP KENDALL COUNTY ILLINOIS

**DEVELOPER:**  
Leo M. Dillon

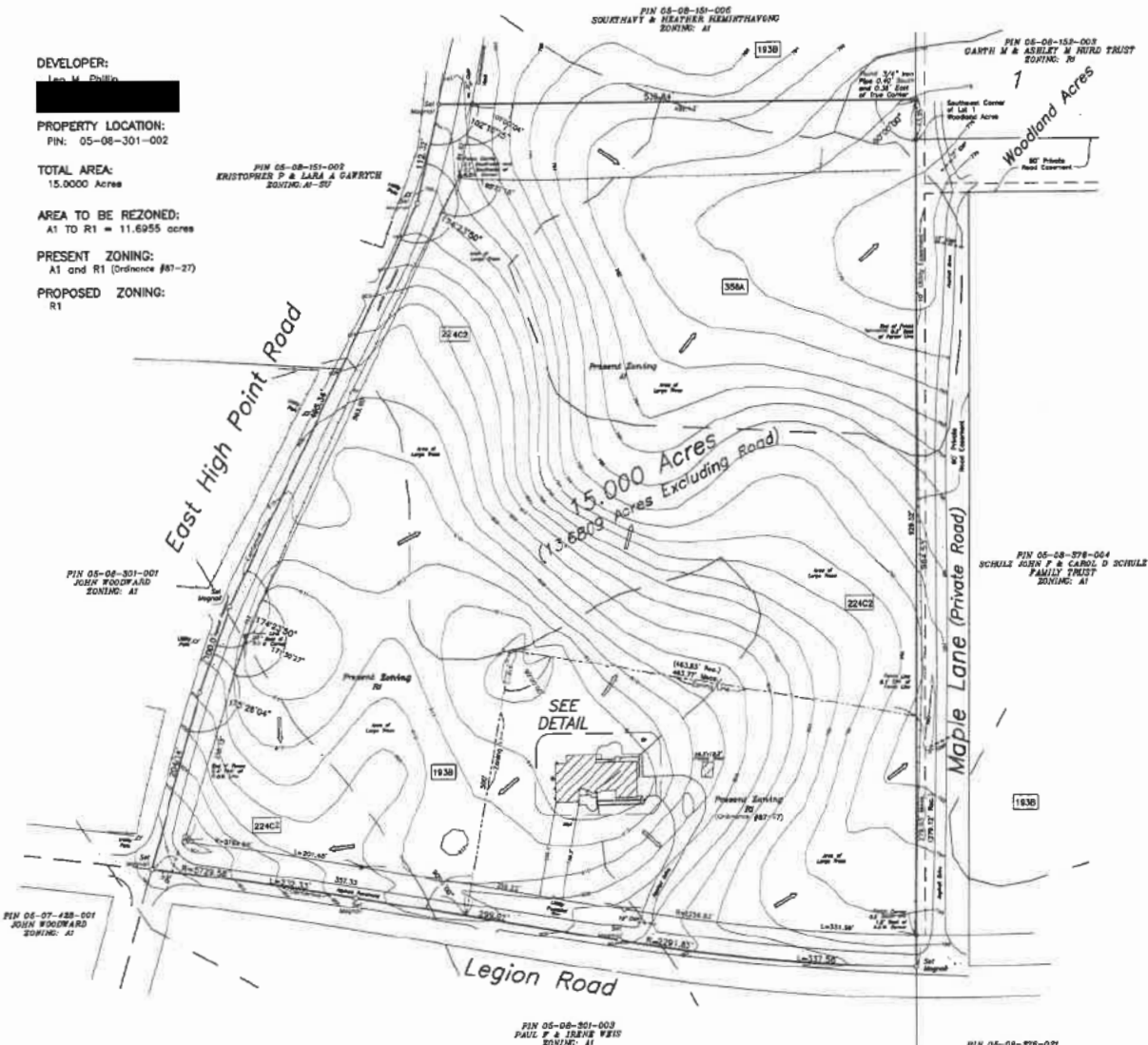
**PROPERTY LOCATION:**  
PIN: 05-08-301-002

**TOTAL AREA:**  
15,000 Acres

**AREA TO BE REZONED:**  
A1 TO R1 = 11,6955 acres

**PRESENT ZONING:**  
A1 and R1 (Ordinance #87-27)

**PROPOSED ZONING:**  
R1



**WETLANDS STATEMENT:**  
The National Wetlands Inventory Map depicts no wetlands on the Subject Property.

**FLOODPLAIN STATEMENT:**  
The Subject property is located in Zone X (Area of minimal flood hazard determined to be outside the 0.2% annual chance floodplain) as shown on FEMA Flood Insurance Rate Map Flood No. 17093C01250 with an effective date of February 4, 2009.

**LEGAL DESCRIPTION OF TOTAL TRACT:**

That Part of the West Half of Section 8, Township 36 North, Range 7 East of the Third Principal Meridian described as follows: Commencing at the Southwest Corner of Lot 1, Woodland Acres, as shown by the plat thereof recorded September 23, 1971 as Document No. 71-2652; thence Northerly along the Westery Line of said Woodland Acres, 43.95 feet for the point of beginning; thence Westery at right angles to said Westery Line, 536.64 feet to the center line of Highpoint Road; thence Southerly along said centerline, to the center line of Legion Road; thence Easterly along said Legion Road center line, to said Westery line; thence Northerly along said Westery Line, 984.53 feet to the point of beginning in Kendall Township, Kendall County, Illinois.

**LEGAL DESCRIPTION OF TRACT TO BE REZONED FROM "A1" TO "R1":**

That Part of the West Half of Section 8, Township 36 North, Range 7 East of the Third Principal Meridian described as follows: Commencing at the Southwest Corner of Lot 1, Woodland Acres, as shown by the plat thereof recorded September 23, 1971 as Document No. 71-2652; thence Northerly along the Westery Line of said Woodland Acres, 43.95 feet for the point of beginning; thence Westery at right angles to said Westery Line, 536.64 feet to the center line of Highpoint Road; thence Southerly along said centerline, to the center line of Legion Road; thence Easterly along said Legion Road center line, to said Westery line; thence Northerly along said Westery Line, 984.53 feet to the point of beginning in Kendall Township, Kendall County, Illinois.

Except that Port described as follows:  
That Part of the West Half of Section 8, Township 36 North, Range 7 East of the Third Principal Meridian described as follows: Commencing at the intersection of the center line of Highpoint Road with the center line of Legion Road; thence Easterly along said Legion Road center line, 307.33 feet for a point of beginning; thence Northerly at right angles to said Legion Road center line, 300.0 feet; thence Easterly at right angles to the last described course 413.13 feet to the Westery Line of Woodland Acres Subdivision; thence Southerly along said Westery Line, 279.12 feet to said Legion Road center line; thence Westery along said center line to the point of beginning in Kendall Township, Kendall County, Illinois.

**LEGAL DESCRIPTION OF TRACT PRESENTLY ZONED "R1":**

That Part of the West Half of Section 8, Township 36 North, Range 7 East of the Third Principal Meridian described as follows: Commencing at the intersection of the center line of Highpoint Road with the center line of Legion Road; thence Easterly along said Legion Road center line, 307.33 feet for a point of beginning; thence Northerly at right angles to said Legion Road center line, 300.0 feet; thence Easterly at right angles to the last described course 413.13 feet to the Westery Line of Woodland Acres Subdivision; thence Southerly along said Westery Line, 279.12 feet to said Legion Road center line; thence Westery along said center line to the point of beginning in Kendall Township, Kendall County, Illinois.



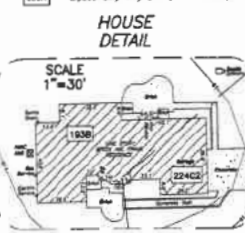
**SCALE**  
1"=60'

- Indicates Iron Stake Found
- Indicates Iron Stake Set
- Indicates Line of Fence
- Indicates Contour Elevation
- Indicates Direction of Drainage

NOTE: This property is commonly known as 10655 Legion Road.

**SOILS (From Web Soil Survey)**

- 1836 Moyville Silty Loam, 2%-5% slopes
- 224C2 Siltstone Silty Loam, 5%-20% slopes, eroded
- 356A Elpers Silty Clay Loam, 0%-2% slopes



July 3, 2024

JOB NO.	2104E
JOB NAME	PHILLIPS
DWG FILE	2104E
REVISION DATE	

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

11078 South Bridge Street  
Yorkville, Illinois 60560  
Telephone (630)553-1580



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**DEPARTMENT OF PLANNING, BUILDING & ZONING**

111 West Fox Street • Room 203

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

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**Petition 24-23**

**Seth Wormley on Behalf of the Richard Budd Wormley Revocable Living Trust (Owner) and Matthew D. Toftoy on Behalf of Finer Finish Grounds Care, LLC (Tenant)  
A-1 Special Use Permit for Landscaping Business**

**INTRODUCTION**

The Petitioner is seeking a special use permit for a landscaping business, including allowing outdoor storage of equipment.

The application materials are included as Attachment 1. The site plan is included as Attachment 2. Pictures of the property are included as Attachments 3-6.

**SITE INFORMATION**

**PETITIONERS:** Seth Wormley on Behalf of the Richard Budd Wormley Revocable Living Trust (Owner) and Matthew D. Toftoy on Behalf of Finer Finish Grounds Care, LLC

**ADDRESS:** 6891 Fox River Drive, Yorkville, Inside the Village of Millbrook

**LOCATION:** Approximately 1 Mile South of Fox Road on the West Side of Fox River Drive



**TOWNSHIP:** Fox

**PARCEL #s:** Parts of 04-04-400-015 and 04-04-400-016

**LOT SIZE:** 3.22 +/- Acres (Special Use Area)

EXISTING LAND USE: Agricultural

ZONING: Millbrook A-1

LRMP: Future Land Use	Low Density Residential (Max 0.65 DU/Acre) (Millbrook)
Roads	Fox River Drive is a Major Collector maintained by Kendall County.
Trails	The County has a trail planned along Fox River Drive.
Floodplain/Wetlands	There are no floodplains or wetlands on the portion of the parcels where the special use is proposed.

REQUESTED ACTIONS: Special Use Permit for a Landscaping Business

APPLICABLE REGULATIONS: Section 7:01.D.32 – A-1 Special Uses  
Section 13:08 – Special Use Procedures

**SURROUNDING LAND USE**

Location	Adjacent Land Use	Adjacent Zoning	Land Resource Management Plan	Zoning within ½ Mile
North	Agricultural and Single-Family Residential	A-1 (County) A-1 (Millbrook)	Countryside Residential (Max 0.33 DU/Acre) (County)	A-1 and A-1 BP (County)
			Low Density Residential (Millbrook)	A-1 (Millbrook)
South	Agricultural	A-1 (County) A-1 (Millbrook)	Countryside Residential and Open Space (County)	A-1 (County) A-1 (Millbrook)
			Low Density Residential and Forest Preserve (Millbrook)	
East	Agricultural and Single Family Residential	A-1 (County) A-1 (Millbrook)	Countryside Residential and Open Space (County)	A-1 (County) A-1 (Millbrook)
			Low Density Residential (Millbrook)	
West	Fox River and Single-Family Residential	A-1 (County) A-1 (Millbrook)	Countryside Residential (County)	A-1 (County)
			Low Density Residential and Open Space (Millbrook)	A-1 (Millbrook)

Approximately eight (8) houses are located within a half mile (0.5) miles of the subject property.

The Millbrook North Forest Preserve is located within a half mile (0.5) miles of the subject property.



**PHYSICAL DATA**

**ENDANGERED SPECIES REPORT**

EcoCAT Report was submitted on July 18, 2024, and while some protected resources were in the area, the opinion was that adverse impacts were unlikely (see Attachment 1, Pages 25-26).

**NATURAL RESOURCES INVENTORY**

The NRI application was submitted on July 19, 2024 (see Attachment 1, Page 24).

**ACTION SUMMARY**

**FOX TOWNSHIP**

Petition information was sent to Fox Township on July 30, 2024.

**VILLAGE OF MILLBROOK**

Petition information was sent to the Village of Millbrook on July 30, 2024.

**LITTLE ROCK-FOX FIRE PROTECTION DISTRICT**

Petition information was sent to the Little Rock-Fox Fire Protection District on July 30, 2024.

**GENERAL INFORMATION**

Per Section 7:01.D.32 of the Kendall County Zoning Ordinance, landscaping businesses can be special uses on A-1 zoned property subject to the following conditions:

1. All vehicles, equipment and materials associated with a landscaping business shall be stored entirely within an enclosed structure, unless otherwise permitted under the terms of this Special Use Permit.
2. The business shall be located on, and have direct access to, a State, County or Collector Highway as identified in the County's LRMP, having an all-weather surface, designed to accommodate loads of at least 73,280 lbs, unless otherwise approved in writing by the agency having jurisdiction over said Highway. Such approvals shall establish limitations as to the number of employees and types of vehicles coming to and from the site that are engaged in the operation of the use (including delivery vehicles). These restrictions shall be included as controlling conditions of the Special Use.
3. No landscape waste generated off the property can be burned on this site.

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

**BUSINESS OPERATIONS**

As noted in the project narrative contained in Attachment 1 on Pages 4 and 5, the Petitioners would like to operate Finer Finish Ground Care, LLC at the subject property. The landscaping business would lease the property from the property owner.

They would use the site for storage equipment. Employees would visit the site to get equipment. The business' main office is located offsite. The site would not be open to customers.

The business would be open from 7:00 a.m. until 6:00 p.m. daily and daily for twenty-four hours (24) during snow events in the winter. The business has a maximum of ten (10) employees.

The site plan (Attachment 2) shows one (1) approximately three thousand two hundred twenty-eight (3,228) square foot metal barn, one (1) approximately one thousand one hundred fifty (1,150) square foot frame barn, one (1) approximately one thousand eight hundred (1,800) square foot metal barn, and one (1) approximately six hundred ten (610) square foot frame barn. There would be no outdoor storage of materials.

Equipment consists of pickup trucks, trailers, side-by-sides, mowers, water tanks, small utility tractors, riding mowers, and skid steers. These items would be stored outdoors, when the business is closed.

## **BUILDINGS AND BUILDING CODES**

Many of the buildings on the subject appear on the 1939 and subsequent year aerials.

No new buildings are planned as part of the special use permit.

Any structures related to the landscaping business would be required to obtain applicable building permits.

## **ENVIRONMENTAL HEALTH**

The property is served by a well on an adjoining property. There is no septic system on the property and a septic system is not planned. Electricity is on site.

One (1) dumpster area is proposed on the "concrete pad" area labeled on the site plan.

## **STORMWATER**

The property drains towards southwest.

Because the Petitioners are not proposing outdoor storage and because the buildings and impervious areas appear on the 1939 aerial, no stormwater permit is required.

## **ACCESS**

Per the site plan (Attachment 2), the property has a gravel driveway.

## **PARKING AND INTERNAL TRAFFIC CIRCULATION**

According to the site plan (Attachment 2), the Petitioners proposes a gravel parking lot with twelve (12) parking spaces, including one (1) ADA accessible parking space.

## **LIGHTING**

No new lighting was planned for the property. There are wall pack lights that light the driveway and building entrances.

## **SIGNAGE**

No signage was proposed.

## **SECURITY**

The property presently has cameras on the main buildings.

## **LANDSCAPING**

No landscaping besides the existing mature plantings and pines that are visible in several of the pictures is planned.

## **NOISE CONTROL**

No information was provided regarding noise control.

## **ODORS**

No information was provided regarding odor control.

## **RELATION TO OTHER SPECIAL USES**

If approved, this would be first (1<sup>st</sup>) special use permit for a landscaping business in the Village of Millbrook.

## **FINDINGS OF FACT-SPECIAL USE PERMIT**

§ 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:

*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. Numerous landscaping businesses have been approved throughout unincorporated Kendall County. The proposed use is along Fox River Drive, which is classified as a major collector. Reasonable restrictions can be placed in the special use permit*

**to ensure the health, safety, and general welfare of the area are protected.**

*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 makes 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 subject property is in a large A-1 Agricultural District. The use will not impede farms or residential uses on the adjoining properties. Reasonable restrictions may be placed on the special use permit to address hours of operation, noise, landscaping, and site layout to prevent neighboring property owners are not negatively impacted by the proposed use.***

*Adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. **The proposal states that customers will not come to the property. Given the limited number of employees reporting to the property, adequate utilities, access roads, and ingress/egress exists. The proposal does not call for outdoor storage of materials.***

*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.***

*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. **The proposal is also consistent with a goal and objective found on page 7-26 of the Land Resource Management Plan, "A strong base of agriculture, commercial and industrial uses that provide a broad range of job opportunities, a healthy tax base, and improved quality of services to County residents."***

## **RECOMMENDATION**

Staff recommends approval of the requested special use permit subject to the following conditions and restrictions. As of the date of this memo, the Petitioners have not agreed to these conditions and restrictions:

1. The site shall be developed substantially in accordance with the attached site plan (Attachment 2).
2. Equipment and vehicles related to the business allowed by the special use permit may not be stored outdoors at the subject property when the business is closed.
3. None of the vehicles or equipment parked or stored on the subject property related to the business allowed by the special use permit shall be considered agricultural vehicles or agricultural equipment.
4. All of the vehicles and equipment stored on the subject property related to the business allowed by the special use permit shall be maintained in good condition with no deflated tires and shall be licensed if required by law.
5. The owners of the businesses allowed by this special use permit shall diligently monitor the property for leaks from equipment and vehicles parked and stored and items stored on the subject property and shall promptly clean up the site if leaks occur.
6. Except for the purposes of loading and unloading, all landscape related materials shall be stored indoors.
7. A maximum of ten (10) employees of the business allowed by this special use permit, including the owners of the business allowed by this special use permit, may report to this site for work.
8. No customers of the business allowed by the special use permit shall be invited onto the subject property for matters related to the business allowed by the special use permit.
9. The hours of operation of the business allowed by this special use permit shall be daily from 7:00 a.m. until 6:00 p.m. and the business shall be open twenty-four (24) hours to address snow events. The owners of the business allowed by this special use permit may reduce these hours of operation.

10. Any structures constructed, installed, or used related to the business allowed by this special use permit on the property shall not be considered for agricultural purposes and must secure applicable building permits. This restriction does not apply to greenhouses.
11. No signs are shown on the site plan. The owner of the business allowed by the special use permit may request a sign in the future using the minor amendment process, provided that the proposed sign meets the requirements of the Kendall County Zoning Ordinance.
12. Only lighting related to security may be installed outdoors at the subject property.
13. No landscape waste generated off the property can be burned on the subject property.
14. The noise regulations are as follows:
 

Day Hours: No person shall cause or allow the emission of sound during daytime hours (7:00 A.M. to 10:00 P.M.) from any noise source to any receiving residential land which exceeds sixty-five (65) dBA when measured at any point within such receiving residential land, provided; however, that point of measurement shall be on the property line of the complainant.

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

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

Only homes permitted prior to the date of the issuance of the special use permit shall have standing to file noise complaints.
15. At least one (1) functioning fire extinguisher and one (1) first aid kit shall be on the subject property. Applicable signage stating the location of the fire extinguisher and first aid kit shall be placed on the subject property.
16. The owners of the business allowed by this special use permit acknowledge and agree to follow Kendall County's Right to Farm Clause.
17. The property owner and operator of the business allowed by this special use permit shall follow all applicable Federal, State, and Local laws related to the operation of this type of business.
18. 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.
19. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
20. This special use permit shall be treated as a covenant running with the land and is binding on the successors, heirs, and assigns as to the same special use conducted on the property.

**ATTACHMENTS**

1. Application Materials (Including Petitioner's Findings of Fact, and EcoCat)
2. Plat of Survey
3. Looking South
4. Looking Southwest
5. Looking West
6. Looking North





**DEPARTMENT OF PLANNING, BUILDING & ZONING**

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

**APPLICATION**

**PROJECT NAME** Finer Finish Grounds Care, LLC **FILE #:** \_\_\_\_\_

<b>NAME OF APPLICANT (Including First, Middle Initial, and Last Name)</b>		
Richard Budd Wormley Revocable Living Trust and Finer Finish Grounds Care, LLC		
<b>CURRENT LANDOWNER/NAME(s)</b>		
Richard Budd Wormley Revocable Living Trust		
<b>SITE INFORMATION</b>	<b>SITE ADDRESS OR LOCATION</b>	<b>ASSESSOR'S ID NUMBER (PIN)</b>
ACRES 3.2243 acres	650 Fox River Drive Yorkville, Illinois 60560	part of 04-04-400-015 part of 04-04-400-016
<b>EXISTING LAND USE</b>	<b>CURRENT ZONING</b>	<b>LAND CLASSIFICATION ON LRMP</b>
Agricultural Far	A-1 Agricultural	A-1 Agricultural
<b>REQUESTED ACTION (Check All That Apply):</b>		
<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)		
<b>PRIMARY CONTACT</b>	<b>PRIMARY CONTACT MAILING ADDRESS</b>	<b>PRIMARY CONTACT EMAIL</b>
Daniel J. Kramer	[REDACTED]	[REDACTED]
<b>PRIMARY CONTACT PHONE #</b>	<b>PRIMARY CONTACT FAX #</b>	<b>PRIMARY CONTACT OTHER #(Cell, etc.)</b>
[REDACTED]	[REDACTED]	
<b>ENGINEER CONTACT</b>	<b>ENGINEER MAILING ADDRESS</b>	<b>ENGINEER EMAIL</b>
NONE		
<b>ENGINEER PHONE #</b>	<b>ENGINEER FAX #</b>	<b>ENGINEER OTHER # (Cell, etc.)</b>
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.		
<b>SIGNATURE OF APPLICANT</b>		<b>DATE</b>
[REDACTED]		7-19-2024

FEE PAID: \$ \_\_\_\_\_  
 CHECK #: \_\_\_\_\_

<sup>1</sup>Primary Contact will receive all correspondence from County  
<sup>2</sup>Engineering Contact will receive all correspondence from the County's Engineering Consultants

Date Stamp Here If  
 Checklist Is Complete



**DEPARTMENT OF PLANNING, BUILDING & ZONING**

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

**APPLICATION**

**PROJECT NAME** Finer Finish Grounds Care, LLC **FILE #:** \_\_\_\_\_

<b>NAME OF APPLICANT (Including First, Middle Initial, and Last Name)</b>		
Richard Budd Wormley Revocable Living Trust and Finer Finish Grounds Care, LLC		
<b>CURRENT LANDOWNER/NAME(s)</b>		
Richard Budd Wormley Revocable Living Trust		
<b>SITE INFORMATION</b>	<b>SITE ADDRESS OR LOCATION</b>	<b>ASSESSOR'S ID NUMBER (PIN)</b>
ACRES 3.2243 acres	6850 Fox River Drive Yorkville, Illinois 60560	part of 04-04-400-015 part of 04-04-400-016
<b>EXISTING LAND USE</b>	<b>CURRENT ZONING</b>	<b>LAND CLASSIFICATION ON LRMP</b>
Agricultural Far	A-1 Agricultural	A-1 Agricultural
<b>REQUESTED ACTION (Check All That Apply):</b>		
<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)		
<b>PRIMARY CONTACT</b>	<b>PRIMARY CONTACT MAILING ADDRESS</b>	<b>PRIMARY CONTACT EMAIL</b>
Daniel J. Kramer	[REDACTED]	[REDACTED]
<b>PRIMARY CONTACT PHONE #</b>	<b>PRIMARY CONTACT FAX #</b>	<b>PRIMARY CONTACT OTHER #(Cell, etc.)</b>
[REDACTED]	[REDACTED]	
<b><sup>1</sup>ENGINEER CONTACT</b>	<b>ENGINEER MAILING ADDRESS</b>	<b>ENGINEER EMAIL</b>
NONE		
<b>ENGINEER PHONE #</b>	<b>ENGINEER FAX #</b>	<b>ENGINEER OTHER # (Cell, etc.)</b>
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. <b>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.</b>		
<b>SIGNATURE OF APPLICANT</b>	[REDACTED]	<b>DATE</b> 7-22-24

FEE PAID: \$ \_\_\_\_\_  
 CHECK #: \_\_\_\_\_

<sup>1</sup>Primary Contact will receive all correspondence from County

<sup>2</sup>Engineering Contact will receive all correspondence from the County's Engineering Consultants

Date Stamp Here If  
 Checklist Is Complete

Wormley Special Use Findings of Fact

1. The operation of the Special has not and will not endanger any public health, safety, morals, comfort or general welfare. To the contrary it provides both employment and Landscape services to area customers and is operated by local Citizens who are multi-generational Residents of Kendall County and continues the orderly expansion of a local landscaping business that hires local Kendall County Employees in a quasi-agricultural endeavor to promote economic success for both the Applicant and Kendall County and County customers.
2. The Special Use will not substantially be injurious to the use and enjoyment of surrounding properties. The property in an agricultural area. There are many agricultural/landscaping/nursery businesses scattered in the agricultural zoning throughout the County.
3. Fox River Drive is a hard surface Road and provides adequate ingress and egress for all vehicles entering and leaving the subject property. There are not heavy ingress and egress uses with only employees arriving in the morning to pick-up equipment, leaving for jobs and returning equipment in the late afternoon. The Applicant may do some snowplowing with lesser amount of employees in the winter. Drainage is easily handled on the subject property given the low density of existing Farm buildings, no new structures are planned.
4. Applicant fully expects to comply with all applicable regulations and Kendall County Zoning Applications for the anticipated Special Use.
5. The Application for the Special Use is totally consistent with the purpose and objectives of the Land Resource Management Plan as set out in the answer to the first paragraph above.

Business Information - Finer Finish Grounds Care, LLC

Number of Employees: 10

Hours of Operation: 7:00 am to 6:00 pm

No customers on-site

No new buildings

No septic on-site and no plans to add one

Parcel is served by underground water line from property owned across the street. No new well planned.

## Matt Asselmeier

---

**From:** Seth Wormley  
**Sent:** Thursday, July 25, 2024 3:29 PM  
**To:** Matt Asselmeier  
**Cc:** Christina Burns  
**Subject:** RE: Wormley Trust Special Use

- 1.) Help with a Legal Description is fine.
- 2.) I don't believe we need this either. (Stormwater Permit)
- 3.) Pickup trucks (F-150- F550), trailers less than 25k GVWR, mowers, side by sides, water tanks, small utility tractors, Riding Mowers, and skid steers.
- 4.) The smallest building closest to the road is not part of the permit. This is a retired corn crib and not worth anything but looks.
- 5.) Business is open from 7am to 6pm with the exception for snow events when 24 business operations would exist.
- 6.) There is no bathroom or septic on site. In the past 7 years this has not been an issue. This site is used as storage for the business equipment and the main office is registered on Hughes rd. Emergency use is available on another parcel of land, but not part of this arrangement.
- 7.) There will be no signage
- 8.) There will no fencing.
- 9.) Refuse area is available on the concrete pad referenced on the site plan as 'concrete pad'. Although this landscape business does not bring any refuse to the site or dispose of any. The purpose of refuse area would be for future use if needed.
- 10.) The site is lighted with wall pack lights on the face of the buildings to light the drive and the entrances to the two main buildings, both of which have power. There is also security cameras on these buildings.
- 11.) There is no landscape plan besides the mature landscaping that exists on site which can be referenced on google maps. Large pines near the entrance of the property.

**From:** Matt Asselmeier <masselmeier@kendallcountyil.gov>  
**Sent:** Thursday, July 25, 2024 9:01 AM  
**To:** Seth Wormley <swormley@kendallcountyil.gov>  
**Cc:** Christina Burns <cburns@kendallcountyil.gov>  
**Subject:** RE: Wormley Trust Special Use

Seth:

Here are my comments and questions regarding the application:

1. I sent a request to GIS to confirm that the legal description matches the special use area since the special use area includes parts of 2 parcels.
2. In my opinion, a stormwater permit will not be required because the gravel areas and other hard surface areas appear on the 1939 aerial and subsequent aerials. Greg Chismark might have a different opinion.
3. The Zoning Ordinance requires that the types of vehicles and equipment be noted. What types of vehicles and equipment will be onsite?
4. Will all of the buildings shown on the plat be used as part of the special use permit.
5. The business plan has hours of operation from 7:00 a.m. to 6:00 p.m. Any plans to have the business open for 24 hours for snow removal?
6. What bathroom facilities will be provided to employees?

LEGAL DESCRIPTION:

That Part of the Southeast Quarter of Section 4, Township 36 North, Range 6 East of the Third Principal Meridian described using bearings referenced to the Illinois Coordinate System East Zone as follows: Commencing at a point on the South Line of the Southwest Quarter of Section 3 (Township and Range aforesaid) which is 349.80 feet Westerly of the Southeast Quarter of said Southwest Quarter; thence North  $02^{\circ}16'00''$  West parallel with the East Line of said Southwest Quarter, 2040.32 feet; thence South  $89^{\circ}04'25''$  West, 1844.21 feet to the center line of Fox River Drive; thence Southwesterly along said center line, 1568.50 feet for the point of beginning; thence North  $58^{\circ}18'14''$  West, 255.0 feet; thence South  $90^{\circ}00'00''$  West, 480.0 feet; thence South  $00^{\circ}00'00''$  West, 200.0 feet; thence North  $90^{\circ}00'00''$  East, 381.35 feet; thence South  $58^{\circ}18'14''$  East, 234.58 feet to said center line of Fox River Drive; thence Northeasterly along said center line of Fox River Drive, being a curve to the right with a radius of 34377.60 feet and a chord of North  $31^{\circ}30'32''$  East, 222.0 feet, an arc distance of 222.0 feet to the point of beginning, in Fox Township, Kendall County, Illinois.



201500002901

DEBBIE  
GILLETTE  
KENDALL COUNTY, IL

RECORDED: 2/26/2015 3:26 PM  
DTR: 42.00  
PAGES: 7

**Recording Cover Page**

This page added for the purposes of affixing Recording Information

Deed DATED JANUARY 10, 2013

Other \_\_\_\_\_

UCC

Plat

**Remarks:**

TO CLARIFY CHAIN OF TITLE, THIS DEED  
IS BEING RE-RECORDED

AFTER RECORDING, RETURN TO:  
ROBERT E NELSON







**DEED IN TRUST**

~~201300000864~~

~~NEBBIE  
GILLETTE  
KENDALL COUNTY, IL~~

~~RECORDED: 1/10/2013 2:18 PM  
DTR: 50.00 RHSPS FEE: 10.00  
PAGES: 5~~

THIS INDENTURE WITNESSETH, That the Grantor, RICHARD BUDD WORMLEY, (an unmarried person) of the County of Kendall and State of Illinois for and in consideration of Ten (\$10 00) Dollars, and other good and valuable consideration in hand paid, Conveys and Quit Claims unto

Grantee, RICHARD BUDD WORMLEY, his successor or successors, as Trustee under a trust agreement dated the 18th day of October, 2000, known as Richard Budd Wormley Revocable Living Trust, the following described real estate in the County of Kendall and State of Illinois, to-wit

SEE LEGAL DESCRIPTION ON EXHBIT A ATTACHED HERETO AND MADE A PART HEREOF

PARCEL NUMBER 04 14 400 014, 04 04 400 015, 04 09 200 001, 04 10 100 002, and 04 03 300 003

ADDRESS OF REAL ESTATE 6910 Fox River Drive, Yorkville, IL 60560

TO HAVE AND TO HOLD the real estate with its appurtenances upon the trusts and for the uses and purposes herein and in the trust agreement set forth

Full power and authority is hereby granted to said trustee to subdivide and resubdivide the real estate or any part thereof, to dedicate parks, streets, highways or alleys and to vacate any subdivision or part thereof, to execute contracts to sell or exchange, or execute grants of options to purchase, to execute contracts to sell on any terms, to convey either with or without consideration, to convey the real estate or any part thereof to a successor or successors in trust and to grant to such successor or successors in trust all of the title, estate, powers and authorities vested in the trustee, to donate, to dedicate, to mortgage, or otherwise encumber the real estate, or any part thereof, to execute leases of the real estate, or any part thereof, from time to time, in possession or reversion, by leases to commence in praesenti or futuro, and upon any terms and for any period or periods of time, and to execute renewals or extensions of leases upon any terms and for any period or periods of time and to execute amendments, changes or modifications of leases and the terms and provisions thereof at any time or times hereafter, to execute contracts to make leases and to execute options to lease and options to renew leases and options to purchase the whole or any part of the reversion and to execute contracts respecting the manner of fixing the amount of present or future rentals, to execute grants of easements or charges of any kind, to release, convey or assign any right, title or interest in or about or easement appurtenant to the real estate or any part thereof, and to deal with the title to said real estate and every part thereof in all other ways and for such other considerations as it would be






lawful for any person owning the title to the real estate to deal with it, whether similar to or different from the ways above specified and at any time or times hereafter

In no case shall any party dealing with said trustee in relation to the real estate, or to whom the real estate or part thereof shall be conveyed, contracted to be sold, leased or mortgaged by the trustee, be obliged to see to the application of any purchase money, rent, or money borrowed or advanced on the real estate, or be obliged to see that the terms of the trust have been complied with, or be obliged to inquire into the necessity or expediency of any act of the trustee, or be obliged or privileged to inquire into any of the terms of the trust agreement, and every deed, trust deed, mortgage, lease or other instrument executed by the trustee in relation to the real estate shall be conclusive evidence in favor of every person relying upon or claiming under any such conveyance, lease or other instrument, (a) that at the time of the delivery thereof the trust created herein and by the trust agreement was in full force and effect, (b) that such conveyance or other instrument was executed in accordance with the trusts, conditions and limitations contained herein and in the trust agreement or in any amendments thereof and binding upon all beneficiaries, (c) that the trustee was duly authorized and empowered to execute and deliver every such deed, trust deed, lease, mortgage or other instrument and (d) if the conveyance is made to a successor or successors in trust, that such successor or successors in trust have been properly appointed and are fully vested with all the title, estate rights, powers, authorities, duties and obligations of its, his or their predecessor in trust


The interest of each beneficiary under the trust agreement and of all persons claiming under them or any of them shall be only in the possession, earnings, and the avails and proceeds arising from the sale, mortgage or other disposition of the real estate, and such interest is hereby declared to be personal property, and no beneficiary shall have any title or interest, legal or equitable, in or to the real estate as such, but only an interest in the possession, earnings, avails and proceeds thereof as aforesaid

IN WITNESS WHEREOF, the Grantor aforesaid has hereunto set his hand and seal this 10<sup>th</sup> day of January, 2013

 (SEAL)  
Richard Budd Wormley

EXEMPT UNDER PROVISIONS OF PARAGRAPH E SECTION 4 OF REAL ESTATE TRANSFER TAX ACT

DATE Jan. 10, 2013

  
Signature of buyer, seller or representative


STATE OF ILLINOIS )  
 ) SS  
COUNTY OF KANE )


I, ROBERT E NELSON, a Notary Public in and for said County, in the state aforesaid, DO HEREBY CERTIFY that Richard Budd Wormley, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he signed, sealed and delivered the said instrument as his own free and voluntary act, for the uses and purposes therein set forth


Given under my hand and notarial seal this 10<sup>th</sup> day of JANUARY, 2013




  
Notary Public

GRANTEE'S ADDRESS  
Richard Budd Wormley, Trustee  


THIS INSTRUMENT PREPARED BY  
Robert E Nelson  


AFTER RECORDING, RETURN TO  
Robert E Nelson  


SEND TAX BILLS TO  
Richard Budd Wormley, Trustee  


## EXHIBIT A

## LEGAL DESCRIPTION

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 3, PART OF THE SOUTH HALF OF SECTION 4, PART OF THE NORTHEAST QUARTER OF SECTION 9 AND PART OF THE NORTHWEST QUARTER OF SECTION 10, ALL IN TOWNSHIP 36 NORTH, RANGE 6 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED USING BEARINGS REFERENCED TO THE ILLINOIS COORDINATE SYSTEM EAST ZONE AS FOLLOWS BEGINNING AT A POINT ON THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 3 WHICH IS 349 80 FEET WESTERLY OF THE SOUTHEAST CORNER OF SAID SOUTHWEST QUARTER, THENCE NORTH 02 DEGREES 16 MINUTES 00 SECONDS WEST PARALLEL WITH EAST LINE OF SAID SOUTHWEST QUARTER 2040 32 FEET, THENCE SOUTH 89 DEGREES 04 MINUTES 25 SECONDS WEST 1844 21 FEET TO THE CENTER LINE OF FOX RIVER DRIVE, THENCE SOUTHWESTERLY ALONG SAID CENTER LINE 947 22 FEET TO THE SOUTH LINE OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 4, AS MONUMENTED, THENCE SOUTH 89 DEGREES 00 MINUTES 32 SECONDS WEST 1391 77 FEET TO A STONE MONUMENT AT THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 4, THENCE NORTH 89 DEGREES 35 MINUTES 45 SECONDS WEST 49 42 FEET, THENCE NORTH 0 DEGREES 24 MINUTES 15 SECONDS EAST 276 0 FEET, THENCE NORTH 89 DEGREES 35 MINUTES 45 SECONDS WEST 288 70 FEET TO THE EASTERLY BANK OF THE FOX RIVER, THENCE SOUTHWESTERLY ALONG SAID RIVER BANK 1363 68 FEET TO THE NORTHERLY LINE OF A TRUST OF LAND CONVEYED TO JOHN H HUTCHINGS BY A WARRANTY DEED RECORDED JULY 25, 1966 AS DOCUMENT 152688, (THE FOLLOWING 5 COURSES BEING ALONG THE NORTHERLY AND WESTERLY LINES OF SAID HUTCHINGS TRACT AS MONUMENTED) THENCE SOUTH 56 DEGREES 05 MINUTES 04 SECONDS EAST 1781 30 FEET TO THE CENTER LINE OF FOX RIVER DRIVE, THENCE NORTHEASTERLY ALONG SAID CENTER LINE 778 52 FEET, THENCE SOUTH 60 DEGREES 46 MINUTES 13 SECONDS EAST 237 04 FEET, THENCE NORTH 31 DEGREES 52 MINUTES 49 SECONDS EAST 545 37 FEET, THENCE SOUTH 55 DEGREES 34 MINUTES 22 SECONDS EAST, 2387 00 FEET, THENCE NORTH 34 DEGREES 06 MINUTES 44 SECONDS EAST 999 00 FEET TO THE POINT OF BEGINNING, IN FOX TOWNSHIP, KENDALL COUNTY, ILLINOIS



**Debbie Gillette**  
**Kendall County Clerk & Recorder**

**PLAT ACT AFFIDAVIT OF METES AND BOUNDS**

STATE OF ILLINOIS        )  
  ) SS  
COUNTY OF KENDALL    )

RICHARD BUOD WORMLEY, being duly sworn on oath, And further states that (please check the appropriate box)

A  That the attached deed is not in violation of 765 ILCS 205/1(a), in that the sale or exchange is of an entire tract of land not being a part of a larger tract of land, or  
B.  That the attached deed is not in violation of 765 ILCS 205/1(b) for one of the following reasons (please circle the appropriate number)

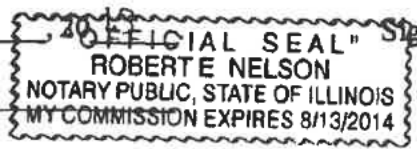
- 1 The division or subdivision of land into parcels or tracts of 50 acres or more in size which does not involve any new streets or easements of access,
- 2 The division of lots or blocks of less than one (1) acre in any recorded subdivision which does not involve any new streets or easements of access,
3. The sale or exchange of parcels of land between owners of adjoining and contiguous land,
- 4 The conveyance of parcels of land or interests therein for use as right of way for railroads or other public utility facilities and other pipe lines which does not involve any new streets or easements of access,
- 5 The conveyance of land owned by a railroad or other public utility which does not involve any new streets or easements of access;
- 6 The conveyance of land for highway or other public purposes or grants or conveyances relating to the dedication of land for public use or instruments relating to the vacation of land impressed with a public use,
- 7 Conveyances made to correct descriptions in prior conveyances;
- 8 The sale or exchange of parcels or tracts of land following the division into not more than two (2) parts of a particular parcel or tract of land existing on July 17, 1959 and not involving any new streets or easements of access,
- 9 The sale of a single lot of less than 50 acres from a larger tract when a survey is made by an Illinois Registered Land Surveyor; provided, that this exemption shall not apply to the sale of any subsequent lots from the same larger tract of land, as determined by the dimensions and configuration of the larger tract on October 1, 1973, and provided also that this exemption does not invalidate any local requirements applicable to the subdivision of land,
- 10 The conveyance is of land described in the same manner as title was taken by grantor(s)

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

SUBSCRIBED AND SWORN TO BEFORE ME \_\_\_\_\_

This 10 day of JANUARY

\_\_\_\_\_  
Signature of Notary Public



Signature of Affiant

**STATEMENT OF EXEMPTION**  
**UNDER REAL ESTATE TRANSFER TAX LAW**

I, THE UNDERSIGNED, DO HEREBY DECLARE THAT THE TRANSACTION REPRESENTED BY THE ATTACHED DEED IS EXEMPT UNDER THE PROVISIONS OF PARAGRAPH E IN SECTION 31-45 OF THE REAL ESTATE TRANSFER TAX LAW (35 ILCS 200/31-45).

DATE: FEB, 26, 2015

SIGNED:  \_\_\_\_\_

Being a purchaser, seller or representative



**QUIT CLAIM DEED**

**201300003330**

**DEBBIE  
GILLETTE  
KENDALL COUNTY, IL**

RECORDED: 2/11/2013 1:21 PM  
QCD: 284.75 RHSPS FEE: 18.00  
PAGES: 4

88 98701

THE GRANTOR, James T Wormley (a married man) of the City of Woodstock, County of McHenry, State of Illinois, for and in consideration of TEN (\$10 00) DOLLARS and other good and valuable consideration in hand paid, CONVEYS AND QUIT CLAIMS to Richard Budd Wormley, of the [REDACTED]

[REDACTED] all the Grantor's interest in and to the following described real estate situated in the County of Kendall, in the State of Illinois, to wit

See legal description on Exhibit A attached hereto and made a part hereof

Address of property 6910 Fox River Drive, Yorkville, IL 60560

Permanent Index Numbers 04 14 400 014, 04 04 400 015, 04 09 200 001, 04 03 300 003, and 04 10 100 002

Note the real estate conveyed hereby is not used or occupied by the Grantor for residential purposes

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

Dated this 11 day of DECEMBER, 2012

[REDACTED] (SEAL)

James T Wormley

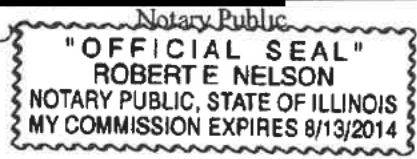


4

STATE OF ILLINOIS )  
 ) SS  
COUNTY OF KANE )

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, CERTIFY THAT James T Wormley, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that he signed, sealed and delivered the instrument as his free and voluntary act, for the uses and purposes therein set forth, including the release and waiver of the right of homestead

Given under my hand and notarial seal, this 11 day of DECEMBER, 2012



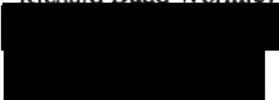
GRANTEE'S ADDRESS  
Richard Budd Wormley



NAME AND ADDRESS OF PREPARER  
Robert E Nelson  
Nelson & Shea Ltd



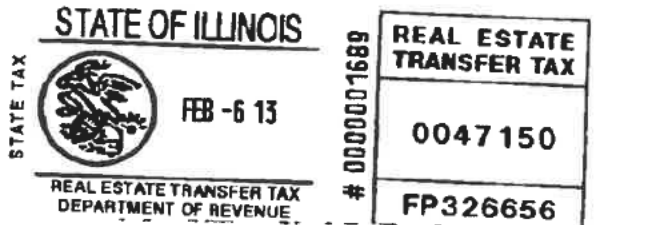
SEND SUBSEQUENT TAX BILLS TO  
Richard Budd Wormley



AFTER RECORDING, RETURN TO  
Robert E Nelson  
Nelson & Shea Ltd



COUNTY OF KENDALL  
REAL ESTATE TRANSFER TAX  
\$ 235.75 *lw*



## EXHIBIT A LEGAL DESCRIPTIONS

That part of the Southwest Quarter of Section 3, part of the Southeast Quarter of Section 4, part of the Northeast Quarter of Section 9 and part of the Northwest Quarter of Section 10, Township 36 North, Range 6 East of the Third Principal Meridian, described as follows: Beginning at a point on the south line of the Southwest Quarter of said Section 3 that is 349.80 feet westerly of the southeast corner of said Southwest Quarter; thence North  $0^{\circ} 51' 25''$  West parallel with the east line of said Southwest Quarter 2040.32 feet; thence westerly along a line forming an angle of  $91^{\circ} 20' 25''$  with the last described course (measured clockwise therefrom) 1844.12 feet to the center line of Fox River Drive; thence southerly along said center line 799.44 feet to the south line extended easterly of the North Half of the Southeast Quarter of said Section 4; thence North  $89^{\circ} 34'$  West along said south line extended and said south line 1388.06 feet to a point that is 49.50 feet North  $89^{\circ} 34'$  West of the southeast corner of the Northwest Quarter of said Southeast Quarter; thence North  $0^{\circ} 42'$  East parallel with the east line of the Northwest Quarter of said Southeast Quarter 276.0 feet; thence North  $89^{\circ} 34'$  West parallel with the south line of said North half 300 feet to the southeasterly bank of the Fox River; thence southwesterly along said southeasterly bank 1413 feet to a northwest corner of a tract of land conveyed to John H. Hutchings by Warranty Deed recorded July 25, 1968 as document 152688; thence South  $54^{\circ} 42'$  East along a northeasterly line of said Hutchings' tract 1785 feet to the center line of Fox River Drive; thence North  $32^{\circ} 07'$  East along said center line 778.50 feet; thence South  $59^{\circ} 16'$  East along a northeasterly line of said Hutchings' tract 237.04 feet to an angle in the line of said Hutchings' tract; thence North  $33^{\circ} 16'$  East along a northwesterly line of said Hutchings' tract 545.80 feet to an angle in the line of said Hutchings' tract; thence South  $54^{\circ} 10'$  East along a northeasterly line of said Hutchings' tract and said northeasterly line extended southeasterly 2387.0 feet; thence North  $35^{\circ} 31' 10''$  East 998.52 feet to the point of beginning, in Fox Township, Kendall County, Illinois.







TRUSTEE'S DEED

201200018880

DEEMEE  
GILLETTE  
KENDALL COUNTY, IL

RECORDED: 10/1/2012 2:49 PM  
INSD: 49.00 RNSPS FEE: 10.00  
PAGES: 4

THIS INDENTURE, made this 26 day of September, 2012, by the GRANTOR, Jean W. Rothfusz, as Trustee of the Jean W. Rothfusz Survivor's Living Trust and as Trustee of the Paul W. Rothfusz Family Trust (said trusts originating in a certain trust agreement dated April 18, 2005, known as the Paul W. and Jean W. Rothfusz Living Trust),

WITNESSETH, that said Grantor, in consideration of the sum of TEN (\$10.00) DOLLARS, and other good and valuable consideration in hand paid, does hereby grant, sell and convey unto GRANTEE, Richard Budd Wormley, all the Grantor's interest in and to the following described real estate, situated in Kendall County, Illinois to wit:

See Legal Description on Exhibit A Attached Hcreto

Permanent Index Number: 04-04-400-008; 04-09-200-001; 04-03-300-003; 04-10-100-002

Address of Property: 6910 Fox River Drive, Yorkville, Illinois 60560

together with tenements and appurtenances thereto belonging,

TO HAVE AND TO HOLD the same unto said Grantee, forever,

This deed is executed by the Grantor, as trustee, as aforesaid, pursuant to and in the exercise of the power and authority granted to and vested in her by the terms of a deed or deeds in trust and the provisions of said Trust Agreement above mentioned, and of every other power and authority thereunto enabling.

IN WITNESS WHEREOF, said Grantor has signed the day and year first above written.

\_\_\_\_\_  
Jean W. Rothfusz, as Trustee as aforesaid

4

STATE OF IOWA )  
 ) SS.  
COUNTY OF Polk )

I, Kristi Crothers, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that JEAN W. ROTHFUSZ, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that she signed, sealed and delivered the said instrument as her own free and voluntary act, as Trustee as aforesaid, for the uses and purposes therein set forth.

Given under my hand and Notarial Seal, this 26 day of September, 2012.

✓ [Redacted Signature]

Notary Public



GRANTEE'S ADDRESS:

Richard Budd Wormley

[Redacted Address]

SEND SUBSEQUENT TAX BILLS TO:

Richard Budd Wormley

[Redacted Address]

AFTER RECORDING, RETURN TO:

Robert E. Nelson

Nelson & Shea Ltd.

[Redacted Address]

THIS INSTRUMENT PREPARED BY:

Robert E. Nelson  
Nelson & Shea Ltd.

[Redacted Signature]

Exempt under provision of Paragraph K  
35 ILCS 200/31-45, Property Tax Code

Date: SEPT 27, 2012

[Redacted Signature]

Buyer, Seller, or Representative

Att at Law

## EXHIBIT A

That part of the Southwest Quarter of Section 3, part of the Southeast Quarter of Section 4, part of the Northeast Quarter of Section 9 and part of the Northwest Quarter of Section 10, Township 36 North, Range 6 East of the Third Principal Meridian, described as follows: Beginning at a point on the south line of the Southwest Quarter of said Section 3 that is 349.80 feet westerly of the southeast corner of said Southwest Quarter; thence North  $0^{\circ} 51' 25''$  West parallel with the east line of said Southwest Quarter 2040.32 feet; thence westerly along a line forming an angle of  $91^{\circ} 20' 25''$  with the last described course (measured clockwise therefrom) 1844.12 feet to the center line of Fox River Drive; thence southerly along said center line 799.44 feet to the south line extended easterly of the North Half of the Southeast Quarter of said Section 4; thence North  $89^{\circ} 34'$  West along said south line extended and said south line 1386.06 feet to a point that is 49.50 feet North  $89^{\circ} 34'$  West of the southeast corner of the Northwest Quarter of said Southeast Quarter; thence North  $0^{\circ} 42'$  East parallel with the east line of the Northwest Quarter of said Southeast Quarter 276.0 feet; thence North  $89^{\circ} 34'$  West parallel with the south line of said North half 300 feet to the southeasterly bank of the Fox River; thence southwesterly along said southeasterly bank 1413 feet to a northwest corner of a tract of land conveyed to John H. Hutchings by Warranty Deed recorded July 25, 1966 as document 152688; thence South  $54^{\circ} 42'$  East along a northeasterly line of said Hutchings' tract 1785 feet to the center line of Fox River Drive; thence North  $32^{\circ} 07'$  East along said center line 778.50 feet; thence South  $59^{\circ} 16'$  East along a northeasterly line of said Hutchings' tract 237.04 feet to an angle in the line of said Hutchings' tract; thence North  $33^{\circ} 16'$  East along a northwesterly line of said Hutchings' tract 545.80 feet to an angle in the line of said Hutchings' tract; thence South  $54^{\circ} 10'$  East along a northeasterly line of said Hutchings' tract and said northeasterly line extended southeasterly 2387.0 feet; thence North  $35^{\circ} 31' 10''$  East 998.52 feet to the point of beginning, in Fox Township, Kendall County, Illinois.



**Debbie Gillette**  
**Kendall County Clerk & Recorder**

**PLAT ACT AFFIDAVIT OF METES AND BOUNDS**

STATE OF ILLINOIS )  
 ) SS

COUNTY OF KENDALL )  
ROBERT E NELSON

\_\_\_\_\_ , being duly sworn on oath, And further states that: (please check the appropriate box)

A.  That the attached deed is not in violation of 765 ILCS 205/1(a), in that the ~~subject~~ exchange is of an entire tract of land not being a part of a larger tract of land; or  
B.  That the attached deed is not in violation of 765 ILCS 205/1(b) for one of the following reasons: (please circle the appropriate number)

1. The division or subdivision of land into parcels or tracts of 5.0 acres or more in size which does not involve any new streets or easements of access;
2. The division of lots or blocks of less than on (1) acre in any recorded subdivision which does not involve any new streets or easements of access;
3. The sale or exchange of parcels of land between owners of adjoining and contiguous land;
4. The conveyance of parcels of land or interests therein for use as right of way for railroads or other public utility facilities and other pipe lines which does not involve any new streets or easements of access;
5. The conveyance of land owned by a railroad or other public utility which does not involve any new streets or easements of access;
6. The conveyance of land for highway or other public purposes or grants or conveyances relating to the dedication of land for public use or instruments relating to the vacation of land impressed with a public use;
7. Conveyances made to correct descriptions in prior conveyances;
8. The sale or exchange of parcels or tracts of land following the division into not more than two (2) parts of a particular parcel or tract of land existing on July 17, 1959 and not involving any new streets or easements of access;
9. The sale of a single lot of less than 5.0 acres from a larger tract when a survey is made by an Illinois Registered Land Surveyor; provided, that this exemption shall not apply to the sale of any subsequent lots from the same larger tract of land, as determined by the dimensions and configuration of the larger tract on October 1, 1973, and provided also that this exemption does not invalidate any local requirements applicable to the subdivision of land;
10. The conveyance is of land described in the same manner as title was taken by grantor(s).

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

SUBSCRIBED AND SWORN TO BEFORE ME

\_\_\_\_\_  
Signature of Affiant

This 27th day of SEPTEMBER, 2012

\_\_\_\_\_  
Signature of Notary Public



111 W. Fox Street · Yorkville, IL 60560 - 1498  
Tel: (630) 553-1112

KENDALL COUNTY  
DISCLOSURE OF BENEFICIARIES FORM

1. Applicant Richard Budd Wormley Revocable Living Trust  
Address: [REDACTED]  
City Yorkville State Illinois Zip 60560

2. Nature of Benefit Sought Land Ownership

3. Nature of Applicant: (Please check one)  
 Natural Person (a)  
 Corporation (b)  
 Land Trust/Trustee (c)  
 Trust/Trustee (d)  
 Partnership (e)  
 Joint Venture (f)

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

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

NAME	ADDRESS	INTEREST
X Seth Wormely	[REDACTED]	TRUSTEE
X		

6. Name, address, and capacity of person making this disclosure on behalf of the applicant:  
X Seth Wormley, Trustee [REDACTED]

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

Subscribed and sworn to before me this 22nd day of July, A.D. 2024

(seal)



[REDACTED] Notary Public

KENDALL COUNTY  
DISCLOSURE OF BENEFICIARIES FORM

1. Applicant Finer Finish Grounds Care LLC  
Address 15876 Hughes Road  
City Newark State IL Zip 60541

2. Nature of Benefit Sought operate Landscape Business

3. Nature of Applicant: (Please check one)

- Natural Person (a)
- Corporation (b)
- Land Trust/Trustee (c)
- Trust/Trustee (d)
- Partnership (e)
- Joint Venture (f)

Limited Liability Company

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

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

NAME	ADDRESS	INTEREST
X MATT TOFTOY		
DANE TOFTOY		

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

X [Redacted Name and Address]

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

Subscribed and sworn to before me this 22nd day of July, A.D. 2024

(seal)



[Redacted Signature] Notary Public





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

www.kendallswcd.org

**NATURAL RESOURCE INFORMATION (NRI) REPORT APPLICATION**

Petitioner: Richard Budd Wormley Revoc. Trust Contact Person: Daniel J. Kramer  
 Address: 68 [REDACTED]  
 City, State, Zip: [REDACTED]  
 Phone Number: [REDACTED]  
 Email: [REDACTED]

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

**Site Location & Proposed Use**

Township Name Fox Township 36 N, Range 6 E, Section(s) 4  
 Parcel Index Number(s) part of 04-04-400-015 and part of 04-04-400-016  
 Project or Subdivision Name Wormley Number of Acres 3.2243  
 Current Use of Site Landscape Business Proposed Use Landscape Business  
 Proposed Number of Lots 1 Proposed Number of Structures all existing structures  
 Proposed Water Supply existing well Proposed type of Wastewater Treatment none  
 Proposed type of Storm Water Management none

**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 Planning, Building, and Zoning

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

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

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

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

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

**NOTE:** Applications are due by the 1<sup>st</sup> 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 \_\_\_\_\_

X [REDACTED]  
 Petitioner or Authorized Agent

19-2024  
 Date

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

**FOR OFFICE USE ONLY**

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



**Applicant:** Attorney Daniel J. Kramer  
**Contact:** ATTORNEY DANIEL J. KRAMER  
**Address:** [Redacted]

**IDNR Project Number:** 2500925  
**Date:** 07/18/2024

**Project:** Richard Budd Wormley Trust  
**Address:** 6890/6891 Fox River Drive, Yorkville

**Description:** operate landscape business out of existing buildings

### 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:

- Fox River INAI Site
- Millhurst Fen INAI Site
- Millhurst Fen Nature Preserve
- Mottled Sculpin (*Cottus bairdii*)
- Mottled Sculpin (*Cottus bairdii*)
- River Redhorse (*Moxostoma carinatum*)
- River Redhorse (*Moxostoma carinatum*)

**An IDNR staff member will evaluate this information and contact you to request additional information or to terminate consultation if adverse effects are unlikely.**

#### Location

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

**County:** Kendall

**Township, Range, Section:**  
36N, 6E, 4



**IL Department of Natural Resources**  
**Contact**  
Adam Rawe  
217-785-5500  
Division of Ecosystems & Environment

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

#### **Disclaimer**

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



# Illinois Department of Natural Resources

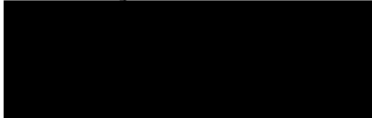
One Natural Resources Way Springfield, Illinois 62702-1271  
<http://dnr.state.il.us>

JB Pritzker, Governor

Natalie Phelps Finnie, Director

July 18, 2024

ATTORNEY DANIEL J. KRAMER  
Attorney Daniel J. Kramer



**RE: Richard Budd Wormley Trust**  
**Project Number(s): 2500925**  
**County: Kendall**

Dear Applicant:

This letter is in reference to the project you recently submitted for consultation. The natural resource review provided by EcoCAT identified protected resources that may be in the vicinity of the proposed action. The Department has evaluated this information and concluded that adverse effects are unlikely. Therefore, consultation under 17 Ill. Adm. Code Part 1075 is terminated.

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

The natural resource review reflects the information existing in the Illinois Natural Heritage Database at the time of the project submittal, 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, you must comply with the applicable statutes and regulations. Also, note that termination does not imply IDNR's authorization or endorsement of the proposed action.

Please contact me if you have questions regarding this review.



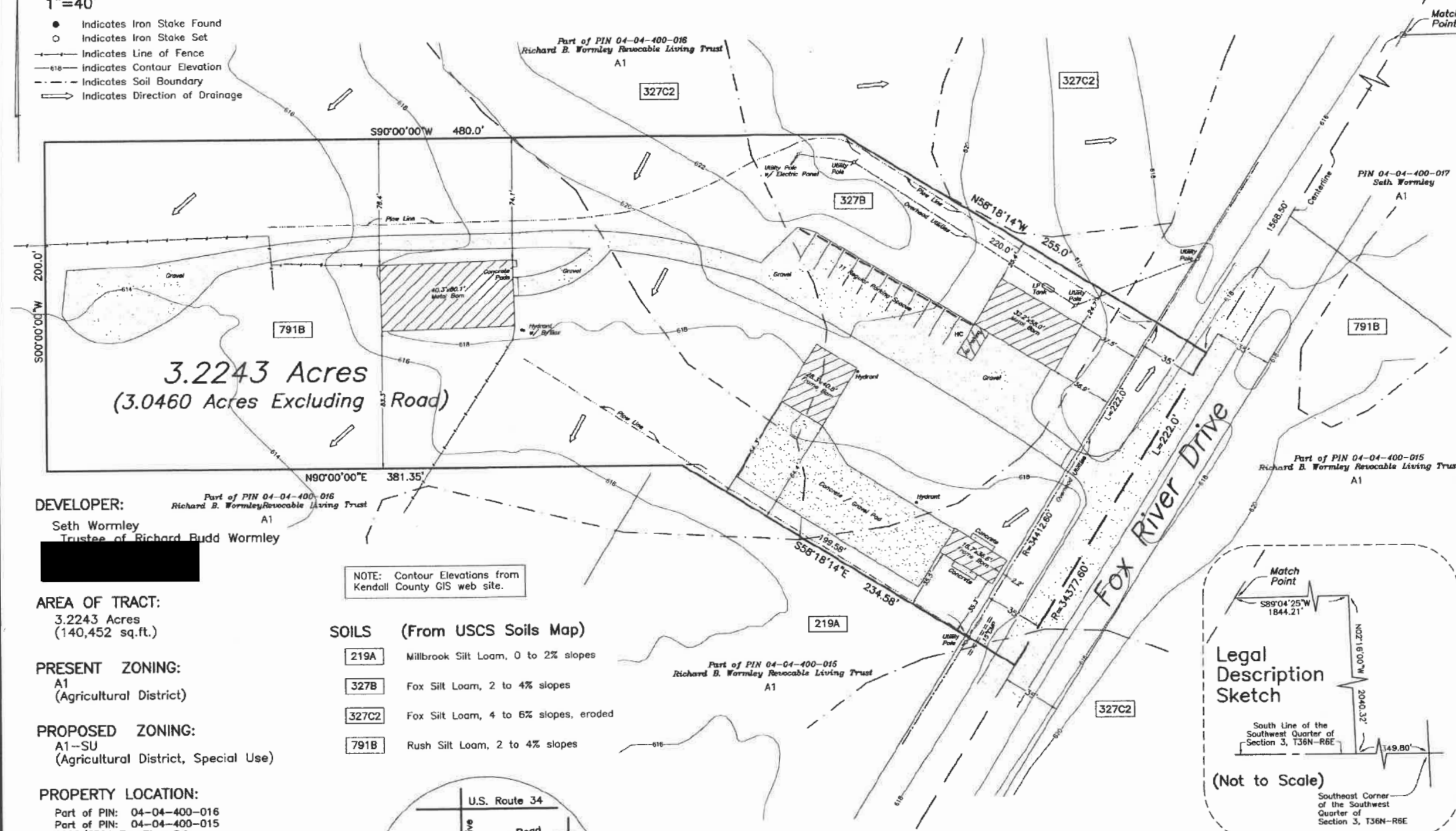
Adam Rawe  
Division of Ecosystems and Environment  
217-785-5500

ZONING PLAT OF  
PART OF THE SOUTHEAST QUARTER OF SECTION 4, T36N-R6E, 3rd PM  
FOX TOWNSHIP KENDALL COUNTY ILLINOIS

N

SCALE  
1"=40'

- Indicates Iron Stake Found
- Indicates Iron Stake Set
- Indicates Line of Fence
- - - Indicates Contour Elevation
- - - Indicates Soil Boundary
- ⇒ Indicates Direction of Drainage



DEVELOPER:

Seth Wormley  
Trustee of Richard Budd Wormley

AREA OF TRACT:

3.2243 Acres  
(140,452 sq.ft.)

PRESENT ZONING:

A1  
(Agricultural District)

PROPOSED ZONING:

A1-SU  
(Agricultural District, Special Use)

PROPERTY LOCATION:

Part of PIN: 04-04-400-016  
Part of PIN: 04-04-400-015  
6890/6891 Fox River Drive  
Yorkville, Illinois 60560

FLOODPLAIN STATEMENT:

The Subject property is located in Zone X (areas of minimal flood hazard determined to be outside the 0.2% annual chance floodplain) as shown on FEMA Flood Insurance Rate Map Panel No. 17093C0100G with an effective date of February 4, 2009.

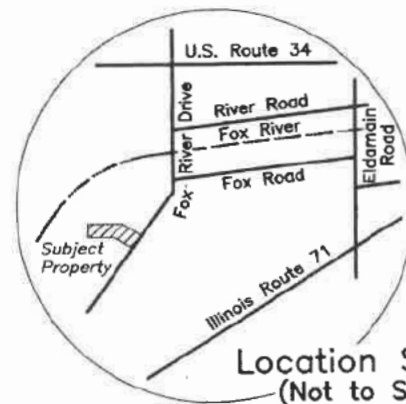
WETLANDS STATEMENT:

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

NOTE: Contour Elevations from Kendall County GIS web site.

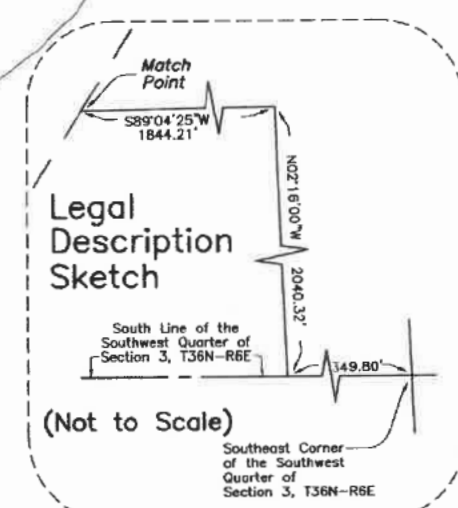
SOILS (From USCS Soils Map)

- 219A Millbrook Silt Loam, 0 to 2% slopes
- 327B Fox Silt Loam, 2 to 4% slopes
- 327C2 Fox Silt Loam, 4 to 6% slopes, eroded
- 791B Rush Silt Loam, 2 to 4% slopes



LEGAL DESCRIPTION OF TRACT TO BE REZONED:

That Part of the Southeast Quarter of Section 4, Township 36 North, Range 6 East of the Third Principal Meridian described using bearings referenced to the Illinois Coordinate System East Zone as follows: Commencing at a point on the South Line of the Southwest Quarter of Section 3 (Township and Range aforesaid) which is 349.80 feet Westery of the Southeast Quarter of said Southwest Quarter; thence North 02°16'00" West parallel with the East Line of said Southwest Quarter, 2040.32 feet; thence South 89°04'25" West, 1844.21 feet to the center line of Fox River Drive; thence Southwesterly along said center line, 1568.50 feet for the point of beginning; thence North 58°18'14" West, 255.0 feet; thence South 90°00'00" West, 480.0 feet; thence South 00°00'00" West, 200.0 feet; thence North 90°00'00" East, 381.35 feet; thence South 58°18'14" East, 234.58 feet to said center line of Fox River Drive; thence Northeasterly along said center line of Fox River Drive, being a curve to the right with a radius of 34377.60 feet and a chord of North 31°30'32" East, 222.0 feet, an arc distance of 222.0 feet to the point of beginning, in Fox Township, Kendall County, Illinois.



July 22, 2024

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

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

JOB NO. 24072  
JOB NAME WORMLEY  
DWG FILE 24072







Attachment 4, Looking Southwest









Attachment 6 Looking North

