



**KENDALL COUNTY  
ZONING BOARD OF APPEALS  
PUBLIC HEARING/MEETING**

111 West Fox Street • Rooms 209 and 210 • Yorkville, IL • 60560  
(630) 553-4141 Fax (630) 553-4179

**AGENDA**

September 3, 2024 – 7:00 p.m.

**CALL TO ORDER – ZONING BOARD OF APPEALS**

ROLL CALL for the Zoning Board of Appeals: Randy Mohr (Chair); Scott Cherry, Cliff Fox, Tom LeCuyer, Jillian Prodehl, Dick Thompson, and Dick Whitfield

MINUTES: Approval of Minutes from the July 29, 2024, Zoning Board of Appeals Hearing/Meeting (Pages 2-6)

PETITIONS:

1. **Petition 24 – 21 – Scott L. and Cheryl A. Hill on Behalf of the Hill Living Trust (Pages 7-87)**

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 (Page 88)**

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 89-145)**

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

NEW BUSINESS/ OLD BUSINESS

1. October 25, 2024, Illinois Association of County Zoning Officials Training (Page 146)

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

None

PUBLIC COMMENT:

**ADJOURN ZONING BOARD OF APPEALS**- Next hearing/meeting on September 30, 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.

**MINUTES – UNOFFICIAL UNTIL APPROVED**  
**KENDALL COUNTY**  
**ZONING BOARD OF APPEALS MEETING**  
111 WEST FOX STREET, COUNTY BOARD ROOM (ROOMS 209 and 210)  
YORKVILLE, IL 60560  
July 29, 2024 – 7:00 p.m.

**CALL TO ORDER**

Vice-Chairman Tom LeCuyer called the Zoning Board of Appeals meeting to order at 7:00 p.m.

**ROLL CALL:**

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

Members Absent: Randy Mohr

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

Others Present: Gloria Foxman

**MINUTES:**

Member Thompson made a motion, seconded by Member Cherry, to approve the minutes of the July 1, 2024, hearing/meeting.

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

The Zoning Board of Appeals started their review of Petition 24-13 at 7:02 p.m.

**PETITIONS:**

**Petition 24 – 13 – James C. Marshall on Behalf of TurningPointEnergy, LLC Through TPE IL KE240 (Tenant) and Frank J. Santoro (Owner)**

Request: Special Use Permit for a Commercial Solar Energy Facility and Variance to Section 7:01.D.17.a of the Kendall County Zoning Ordinance to Allow a Commercial Solar Energy Facility on Land within One Point Five (1.5) Miles of Municipality without an Annexation Agreement

PIN: 03-26-300-006

Location: East of 2025 Simons Road, Oswego in Oswego Township

Purpose: Petitioner Would Like to Install a Commercial Solar Energy Facility; Property is Zoned A-1

Mr. Asselmeier read an email from the Petitioner’s Consultant requesting a continuance to September 30, 2024.

Member Whitfield made a motion, seconded by Member Fox, to continue the hearing to September 30, 2024.

The votes were as follows:

Ayes (6): Fox, LeCuyer, Prodehl, Thompson, Cherry and Whitfield  
Nays (0): None  
Abstain (0): None  
Absent (1): Mohr

The motion carried.

The proposal will be on the September 30, 2024, Zoning Board of Appeals agenda.

The Zoning Board of Appeals completed their review of Petition 24-13 at 7:03 p.m.

The Zoning Board of Appeals started their review of Petition 24-17 at 7:04 p.m.

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

Request: Text Amendments to the Kendall County Zoning Ordinance Pertaining to Pipeline Depth

Mr. Asselmeier summarized the request.

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.

The proposal was sent to the townships and fire protection districts on June 10, 2024. Steve Knutson submitted an email stating that the Fox Township Planning Commission informally found the proposal uncontroversial. This email was provided. No other comments were received.

ZPAC reviewed this proposal at their meeting on July 2, 2024. Discussion occurred regarding the reasons for selecting five feet (5') as the requirement; these included safety, room to bury other infrastructure below the freeze line, and concerns about pipelines flexing. Discussion occurred regarding federal regulations and whether any other counties had similar regulations; it was determined that other counties do not have these regulations because Kendall County was unique with the number of pipelines underground. ZPAC recommended approval of the proposal by a vote of nine (9) in favor and zero (0) in opposition with one (1) member absent. The minutes of the meeting were provided.

The Kendall County Comprehensive Land Plan and Ordinance Committee reviewed the proposal on July 24, 2024, and recommended approval by vote of six (6) in favor and zero (0) in opposition with three (3) members absent. Member Nelson noted that the County Stormwater Engineer would inspect pipelines for compliance and the pipeline pays the bill for the inspections.

The Kendall County Regional Planning Commission reviewed this proposal at their meeting on July 24, 2024. Discussion occurred on who TC Energy was legally; they are TransCanada Energy. Mitchell Schaben from TC Energy was in attendance and had no comments regarding the proposal. Discussion occurred about setting pipelines below the permafrost depth. Discussion also occurred regarding setbacks from pipelines. Staff will be researching this topic, including rationale for establishing the setback for the August Comprehensive Land Plan and Ordinance Committee meeting by contacting the municipalities and neighboring counties. The Kendall County Regional Planning Commission recommended approval of the proposal by a vote of six (6) in favor and zero (0) in opposition with four (4) members absent. The minutes of the meeting were provided.

Vice-Chairman LeCuyer opened the public hearing at 7:05 p.m.

No one from the public testified at the public hearing.

Vice-Chairman LeCuyer adjourned the public hearing at 7:05 p.m.

Member Fox made a motion, seconded by Member Thompson, to recommend approval of the proposal.

The votes were as follows:

Ayes (6): Cherry, Fox, LeCuyer, and Thompson, Prodehl, and Whitfield

Nays (0): None  
Abstain (0): None  
Absent (1): Mohr

The motion carried.

The townships will be notified of the results of the hearing.

The proposal goes to the Kendall County Planning, Building and Zoning Committee on September 9, 2024.

The Zoning Board of Appeals completed their review of Petition 24-17 at 7:08 p.m.

**NEW BUSINESS/OLD BUSINESS**

None

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

Mr. Asselmeier reported that Petitions 24-10 and 24-11 were approved by the County Board.

**PUBLIC COMMENTS**

Mr. Asselmeier stated that on July 30, 2024 the Village of Plainfield will have their open house regarding their comprehensive plan at village hall from 6:30 p.m. to 8:30 p.m.

Mr. Asselmeier stated that for their next month's meeting they have a request for rezoning on Miller Road outside Plano. They would like to rezone to R-1 to build homes. Also, at the corner of Legion Road and Highpoint Road, there is rezoning request to R-1 to build homes. There is also a request for a Special Use Permit for a landscaping business inside the Village of Millbrook.

The Brighter Daze Banquet Farm completed their annexation into Millington.

Note, the next meeting will be on Tuesday the day after Labor day.

**ADJOURNMENT OF THE ZONING BOARD OF APPEALS**

Member Cherry made a motion, seconded by Member Prodehl, to adjourn.

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

The Zoning Board of Appeals meeting adjourned at 7:09 p.m.

The next regularly scheduled meeting/hearing will be on Tuesday September 3, 2024.

Respectfully submitted by,  
Wanda A. Rolf

ZBA Meeting Minutes 7.29.24

Page 4 of 5

Administrative Assistant

Exhibits

1. Email from Gloria Foxman Dated July 17, 2024
2. Memo on Petition 24-17 Dated July 25, 2024
3. Certificate of Publication for Petition 24-17 (Not Included with Report but on file in Planning, Building and Zoning Office)



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**DEPARTMENT OF PLANNING, BUILDING & ZONING**

111 West Fox Street • Room 203

Yorkville, IL • 60560

(630) 553-4141

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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 were seeking a variance 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 a 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). The LESA Score was 173 indicating a low level of protection. The NRI is included as Attachment 4.

**ACTION SUMMARY**

**LITTLE ROCK TOWNSHIP**

Petition information was sent to Little Rock Township on July 30, 2024. The Township reviewed the proposal at their meeting on August 21, 2024, and recommended approval of the map amendment. The email from the Township is included as Attachment 5.

**CITY OF PLANO**

Petition information was sent to the City of Plano on July 30, 2024. On July 30, 2024, the City of Plano submitted a letter expressing no objections to the proposal. The letter is included as Attachment 6.

**LITTLE ROCK-FOX FIRE PROTECTION DISTRICT**

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

**ZPAC**

ZPAC reviewed the proposal at their meeting on August 6, 2024. The Petitioner's Attorney said the property to the north was annexed to Plano as part of a larger residential development that never materialized and how the subject property came into the current configuration. ZPAC recommended approval of the map amendment and variance by a vote of eight (8) in favor and zero (0) in opposition with two (2) members absent. The minutes of the meeting are included as Attachment 3.

**RPC**

The Kendall County Regional Planning Commission reviewed the proposal at their meeting on August 28, 2024. Discussion occurred regarding the driveway. The Petitioner's Attorney explained the history of the larger farm and that the owner of the original farm house and outbuildings and the Petitioners have a use agreement for the road. It was noted that one (1) new house will definitely be built and the son of the Petitioners may build a second house in the future. The Kendall County Regional Planning Commission recommended approval of the proposal by a vote of eight (8) in favor and zero (0) in opposition with one (1) member absent. The minutes of the meeting are included as Attachment 7.

**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 a 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
3. August 6, 2024, ZPAC Meeting Minutes (This Petition Only)
4. NRI Report
5. August 22, 2024, Email from Little Rock Township
6. July 30, 2024, Letter from the City of Plano
7. August 28, 2024, Kendall County Regional Planning Commission Minutes (This Petition Only)



**DEPARTMENT OF PLANNING, BUILDING & ZONING**

111 West Fox Street • Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

**APPLICATION**

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

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

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

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.

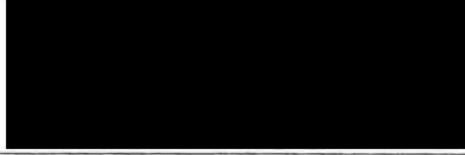
The signature of one Trustee is sufficient to exercise the powers of the Trustee.

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.

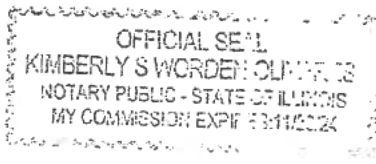
[Seal]



*L. M. Gaspero*  
*Kimberly S. Worden Olivares*  
2001 Butterfield Rd., Suite 1022  
Downers Grove, Illinois 60515

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

*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]

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

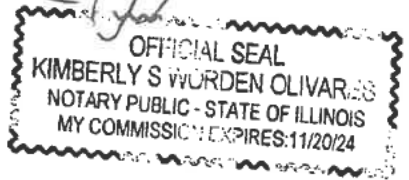
I, the undersigned, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that SCOTT HILL, personally known to me to be the same person(s) whose name(s) is (are) subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that he signed, 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

*[Handwritten 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: \_\_\_\_\_

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.

\_\_\_\_\_

SCOTT L. HILL, TRUSTEE

\_\_\_\_\_

CHERYL A. HILL, TRUSTEE



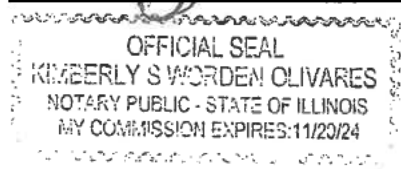
State of Illinois

County of ~~DUPAGE~~ DU:11

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**





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.

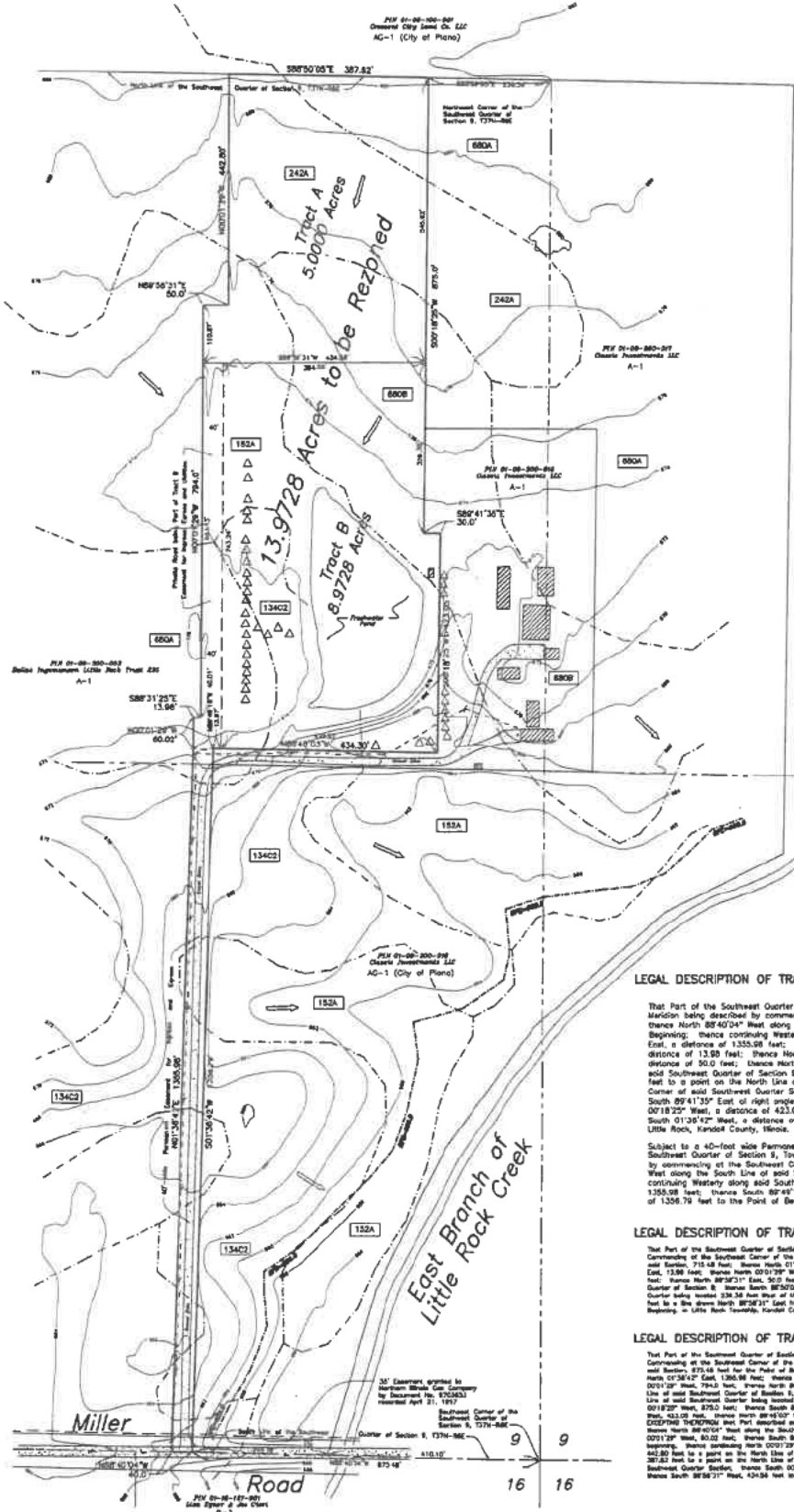
Please contact me if you have questions regarding this review.



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
- - - Indicates 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 88°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 88°31'25" East, a distance of 13.08 feet; thence North 02°01'29" West, a distance of 784.0 feet; thence North 88°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 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 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 88°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 88°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 88°31'25" East, a distance of 13.08 feet; thence North 02°01'29" West, a distance of 442.80 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 88°40'24" West along the South Line of said Section, 715.48 feet for the Point of Beginning; thence continuing North 88°40'24" West along said South Line, a distance of 13.88 feet; thence North 02°01'29" West, 80.02 feet for the Point of Beginning; thence continuing North 02°01'29" West, 80.02 feet; thence North 88°31'25" East, 50.0 feet; thence North 02°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, a distance of 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, a distance of 30.0 feet; thence South 02°18'22" West, a distance of 423.03 feet; thence North 88°45'03" West, a distance of 454.50 feet to the Point of Beginning, being situated in the Township of Little Rock, 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 88°40'24" West along the South Line of said Section, 875.48 feet for the Point of Beginning; thence continuing North 88°40'24" West along said South Line, a distance of 13.88 feet; thence North 02°01'29" West, 80.02 feet for the Point of Beginning; thence continuing North 02°01'29" West, 80.02 feet; thence North 88°31'25" East, 50.0 feet; thence North 02°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, a distance of 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, a distance of 30.0 feet; thence South 02°18'22" West, a distance of 423.03 feet; thence North 88°45'03" West, a distance of 454.50 feet to the Point of Beginning, being 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

**ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)  
August 6, 2024 – Unapproved Meeting Minutes**

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

Present:

Matt Asselmeier – PBZ Department  
Lauren Belville – Health Department  
Meagan Briganti – GIS Department  
Brian Holdiman – PBZ Department  
Fran Klaas – Highway Department  
Alyse Olson – Soil and Water Conservation District  
Antoinette White – Forest Preserve  
Seth Wormley – PBZ Committee Chair

Absent:

Greg Chismark – WBK Engineering, LLC  
Commander Jason Langston – Sheriff's Department

Audience:

Dan Kramer, Steve Grebner, and Matt Toftoy

**PETITIONS**

**Petition 24-21 Scott L. and Cheryl A. Hill on Behalf of the Hill Living Trust**

Mr. Asselmeier summarized the request.

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 were seeking a variance 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 and zoning plat were provided.

The property was located between 15715 and 15609 Miller Road on the north side of Miller Road.

The existing land use is Agricultural.

The County's Land Resource Management Plan calls for the property to be Countryside Residential. Plano's Future Land Use Map calls for the property to be Estate Residential.

Miller Road is a Township maintained Minor Collector.

Plano has a trail planned along Miller Road.

There is a wetland (freshwater pond) on the property.

The adjacent land uses are Agricultural and Single-Family Residential.

The adjacent properties are zoned A-1 and R-3 in the County and AG-1 inside Plano.

The County's Future Land Use Map calls for the area to be Countryside Residential (Max 0.33 DU/Acre). Plano's Future Land Use Map calls for the area to be Estate Residential (Max 0.8 DU/Acre) and Low Density Residential (Max 2.25 DU/Acre).

Properties within one half (1/2) mile are zoned A-1, A-1 SU, R-1, R-2, and R-3 in the County and AG-1 inside Plano.

The A-1 special use permits to the east is for a campground (Boy Scout camp).

ZPAC Meeting Minutes 08.06.24

EcoCAT Report submitted and consultation was terminated; there were protected resources in the area, but adverse impacts were unlikely.

The application for NRI was submitted on July 22, 2024.

Petition information was sent to Little Rock Township on July 30, 2024. No comments were received.

Petition information was sent to the City of Plano on July 30, 2024. No comments were received.

Petition information was sent to the Little Rock-Fox Fire Protection District on July 30, 2024. No comments were received.

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.

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

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

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

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

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

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

Landscaping would be for residential uses.

No non-residential signage is planned.

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

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

The proposed Findings of Fact for the Map Amendment were as follows:

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.

The proposed Findings of Fact for the variance were as follows:

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 a 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.

Staff recommended approval of the proposed map amendment and variance.

Dan Kramer, Attorney for the Petitioner, said that the property to the north was part of a large annexation to the City of Plano that comprised approximately two thousand (2,000) acres as a planned residential development that never developed. Mr. Kramer explained that the grandfather of the Petitioner owned the larger farm, which was divided among the heirs. There is no well or septic on the property. The son might build one (1) home on the property, but the Petitioner's definitively will build one (1) home on the property. Mr. Kramer said that the City of Plano will provide a letter of support and Little Rock Township will review the proposal later this month.

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

The votes were follows:

Ayes (8): Asselmeier, Belville, Briganti, Holdiman, Klaas, Olson, White, and Wormley

Nays (0): None

Abstain (0): None

Absent (2): Chismark and Langston

The motion passed.

The proposal goes to the Kendall County Regional Planning Commission on August 28, 2024.

#### **PUBLIC COMMENT**

None

#### **ADJOURNMENT**

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

With a voice vote of eight (8) ayes, the motion carried.

The ZPAC, at 9:26 a.m., adjourned.

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

Enc.

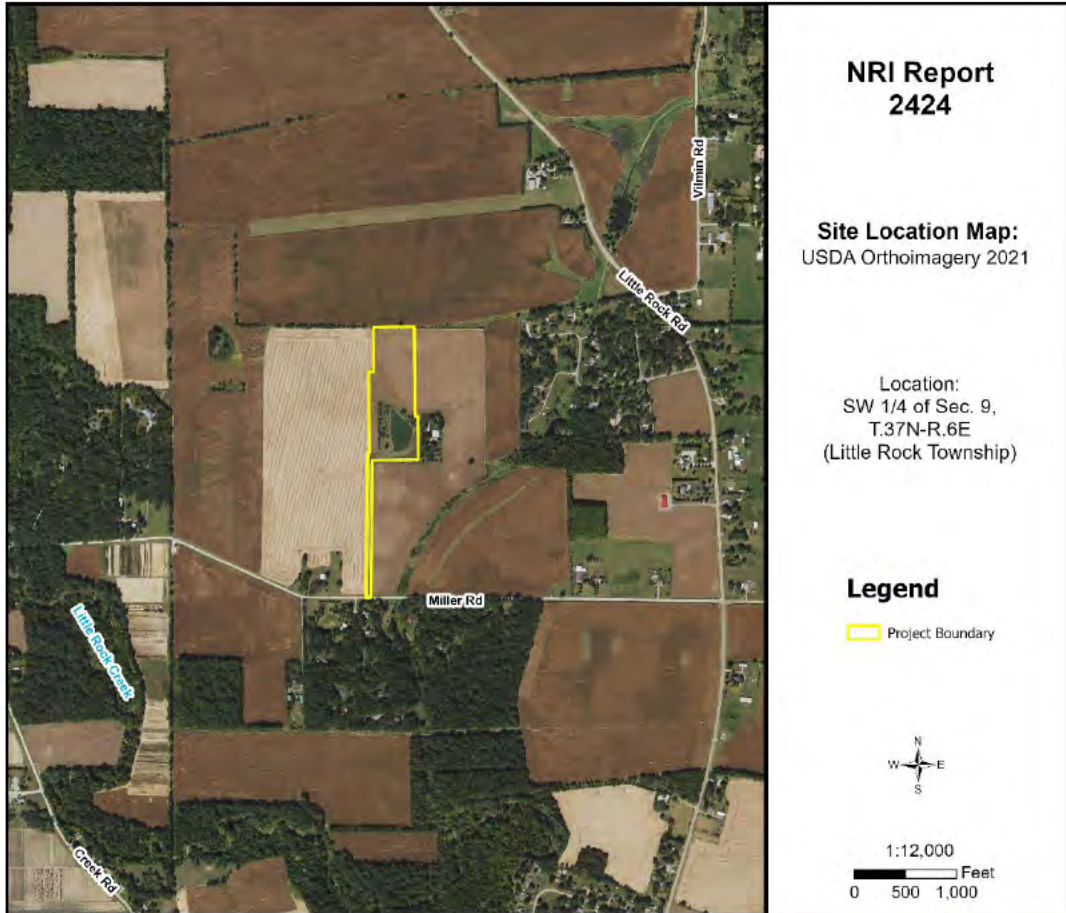


**KENDALL COUNTY  
ZONING & PLATTING ADVISORY COMMITTEE  
AUGUST 6, 2024**

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)
Dor Kramer 24-21, 24-22, +24-23		

# NATURAL RESOURCES INFORMATION (NRI) REPORT: #2424



Aug  
2024

Petitioner: Hill Living Trust  
Contact: Attorney Daniel J. Kramer

Prepared By:



7775A Route 47  
Yorkville, Illinois 60560  
Phone: (630) 553-5821 x3  
[www.kendallswcd.org](http://www.kendallswcd.org)

**KENDALL COUNTY SOIL AND WATER CONSERVATION DISTRICT  
NATURAL RESOURCES INFORMATION (NRI) REPORT**

Natural Resources Information Report Number	2424
Date District Board Reviews Application	August 2024
Applicant's Name	Hill Living Trust
Size of Parcel	(+/-) 13.9 acres
Current Zoning & Use	A-1 Agricultural District; Agriculture
Proposed Zoning & Use	R-1 One Family Residential District; Two Single-Family Homes
Parcel Index Number(s)	01-09-401-013
Contact Person	Attorney Daniel J. Kramer

Copies of this report or notification of the proposed land-use change was provided to:	Yes	No
The Applicant	X	
The Applicant's Legal Representation	X	
The Local/Township Planning Commission	X	
The Village/City/County Planning and Zoning Department or Appropriate Agency	X	
The Kendall County Soil and Water Conservation District Files	X	

Report Prepared By: *Alyse Olson* Position: *Resource Conservationist*

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## ***PURPOSE AND INTENT***

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The purpose of this report is to provide officials of the local governing body and other decision-makers with natural resource information. This information may be useful when undertaking land use decisions concerning variations, amendments or relief of local zoning ordinances, proposed subdivision of vacant or agricultural lands and the subsequent development of these lands. This report is a requirement under Section 22.02a of the Illinois Soil and Water Conservation Districts Act.

The intent of this report is to present the most current natural resource information available in a readily understandable manner. It contains a description of the present site conditions, the present resources, and the potential impacts that the proposed change may have on the site and its resources. The natural resource information was gathered from standardized data, on-site investigations and information furnished by the petitioner. This report must be read in its entirety so that the relationship between the natural resource factors and the proposed land use change can be fully understood.

Due to the limitations of scale encountered with the various resource maps, the property boundaries depicted in the various exhibits in this report provide a generalized representation of the property location and may not precisely reflect the legal description of the PIQ (Parcel in Question).

This report, when used properly, will provide the basis for proper land use change decisions and development while protecting the natural resource base of the county. It should not be used in place of detailed environmental and/or engineering studies that are warranted under most circumstances, but in conjunction with those studies.

The conclusions of this report in no way indicate that a certain land use is not possible, but it should alert the reader to possible problems that may occur if the capabilities of the land are ignored. Any questions on the technical data supplied in this report or if anyone feels that they would like to see more additional specific information to make the report more effective, please contact:

**Kendall County Soil and Water Conservation District**  
**7775A Route 47, Yorkville, IL 60560**  
**Phone: (630) 553-5821 ext. 3**  
**E-mail: [Alyse.Olson@il.nacdnet.net](mailto:Alyse.Olson@il.nacdnet.net)**

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## **EXECUTIVE SUMMARY**

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Natural Resources Information Report Number	2424
Petitioner	Hill Living Trust
Contact Person	Attorney Daniel J. Kramer
County or Municipality the Petition is Filed With	Kendall County
Location of Parcel	Southwest ¼ of Section 9, Township 37 North, Range 6 East (Little Rock Township) of the 3 <sup>rd</sup> Principal Meridian
Project or Subdivision Name	Hill Living Trust Rezoning
Existing Zoning & Land Use	A-1 Agricultural District; Agriculture
Proposed Zoning & Land Use	R-1 One Family Residential District; Two Single-Family Homes
Proposed Water Source	Well
Proposed Type of Sewage Disposal System	Septic
Proposed Type of Storm Water Management	Not indicated
Size of Site	(+/-) 13.9 acres
Land Evaluation Site Assessment (LESA) Score	173 (Land Evaluation: 90; Site Assessment: 83)

**NATURAL RESOURCE CONSIDERATIONS**

**SOIL INFORMATION**

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

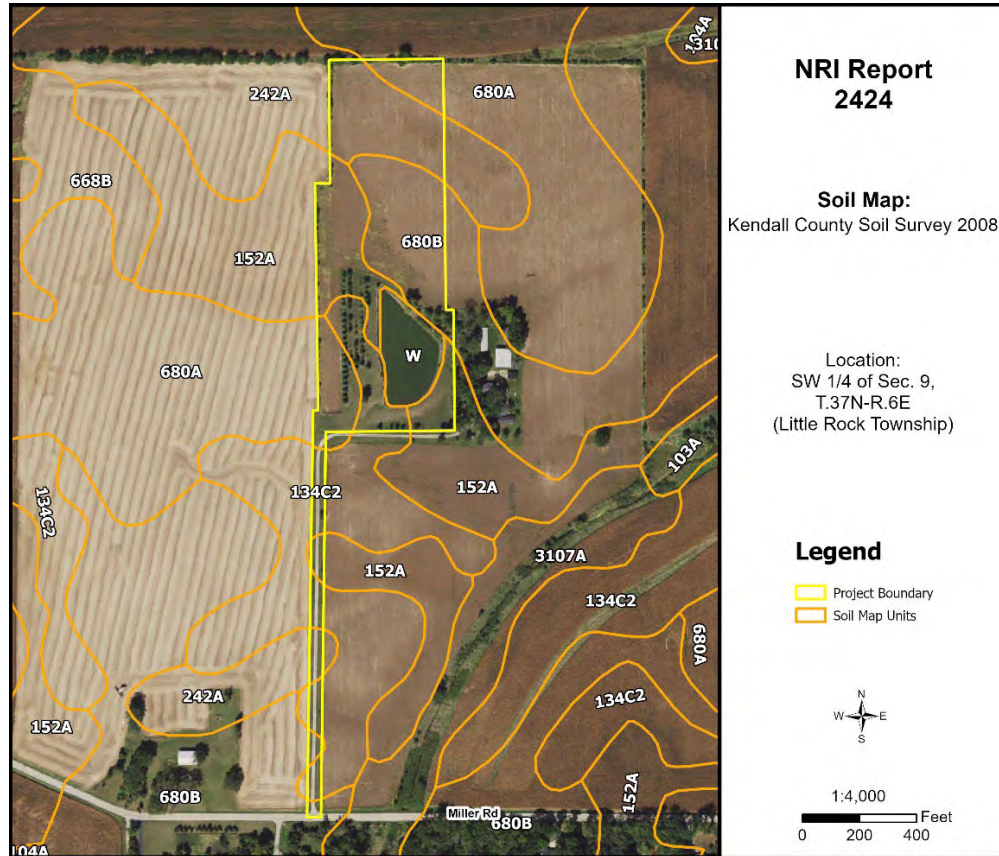


Figure 1: Soil Map

Table 1: Soils Information

Soil Type	Soil Name	Drainage Class	Hydrologic Group	Hydric Designation	Farmland Designation	Acres	%
134C2	Camden silt loam, 5-10% slopes, eroded	Well Drained	B	Non-Hydric with Hydric Inclusions	Farmland of Statewide Importance	2.3	16.4%
152A	Drummer silty clay loam, 0-2% slopes	Poorly Drained	B/D	Hydric	Prime Farmland if Drained	2.7	19.6%
242A	Kendall silt loam, 0-2% slopes	Somewhat Poorly Drained	B/D	Non-Hydric	Prime Farmland if Drained	2.5	18.0%
680A	Campton silt loam, 0-2% slopes	Moderately Well Drained	C	Non-Hydric	Prime Farmland	1.7	12.3%
680B	Campton silt loam, 2-5% slopes	Moderately Well Drained	C	Non-Hydric	Prime Farmland	3.2	22.7%
W	Water	N/A	N/A	N/A	N/A	1.5	11.0%

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

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

**Hydric Soils** – A hydric soil is one that formed under conditions of saturation, flooding, or ponding long enough during the growing season to develop anaerobic conditions in the upper part of the soil profile that supports the growth or regeneration of hydrophytic vegetation. Soils with hydric inclusions have map units dominantly made up of non-hydric soils that may have inclusions of hydric soils in the lower positions on the landscape. Of the soils found onsite, one is classified as hydric soil (152A Drummer silty clay loam), three are classified as non-hydric soil (242A Kendall silt loam, 680A Campton silt loam, 680B Campton silt loam), and one is classified as non-hydric soil with hydric inclusions likely (134C2 Camden silt loam).

**Prime Farmland** – Prime farmland is land that has the best combination of physical and chemical characteristics for agricultural production. Prime farmland soils are an important resource to Kendall County and some of the most productive soils in the United States occur locally. Of the soils found onsite, two are designated as prime farmland (680A Campton silt loam and 680B Campton silt loam), two are designated as prime farmland if drained (152A Drummer silty clay loam and 242A Kendall silt loam), and one is designated as farmland of statewide importance (134C2 Camden silt loam).

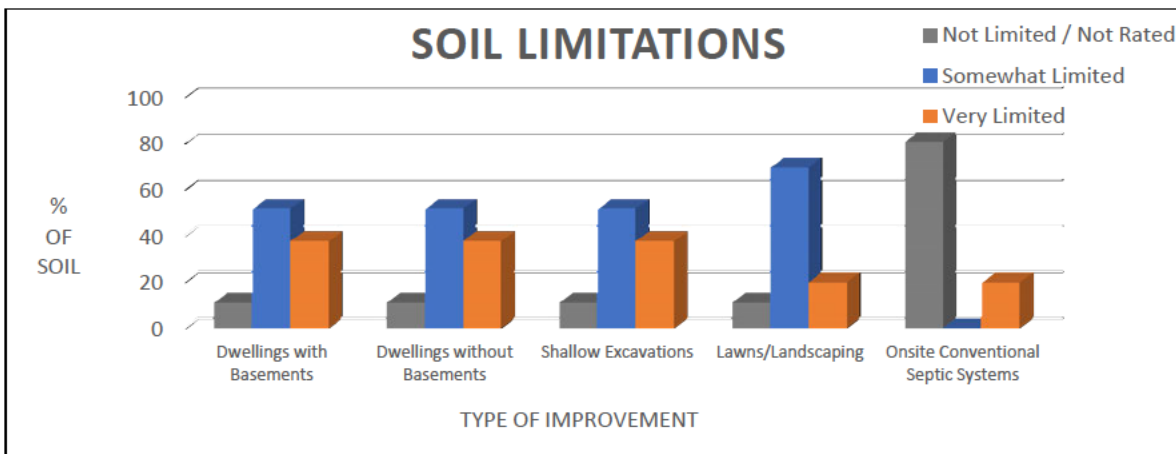
**Soil Limitations** – The USDA-NRCS Web Soil Survey rates the limitations of soils for dwellings, small commercial buildings, solar arrays, shallow excavations, lawns/landscaping, local roads and streets, etc. Soils have different properties which influence the development of building sites. The USDA-NRCS classifies soils as Not Limited, Somewhat Limited, and Very Limited. Soils that are Not Limited indicates that the soil has properties that are favorable for the specified use. They will perform well and will have low maintenance. Soils that are Somewhat Limited are moderately favorable, and their limitations can be overcome through special planning, design, or installation. Soils that are Very Limited have features that are unfavorable for the specified use, and their limitations cannot easily be overcome.

**Septic Systems** – The factors considered for determining suitability are the characteristics and qualities of the soil that affect the limitations for absorbing waste from domestic sewage disposal systems. The major features considered are soil permeability, percolation rate, groundwater level, depth to bedrock, flooding

hazards, and slope. Soils are deemed unsuitable per the Kendall County Subdivision Control Ordinance. Installation of an on-site sewage disposal system in soils designated as unsuitable may necessitate the installation of a non-conventional onsite sewage disposal system. For more information, please contact the Kendall County Health Department (811 W. John Street, Yorkville, IL; (630) 553-9100 ext. 8026).

**Table 2:** Soil Limitations

Soil Type	Dwellings with Basements	Dwellings without Basements	Shallow Excavations	Lawns/Landscaping	Onsite Conventional Septic Systems
134C2	Somewhat Limited	Somewhat Limited	Somewhat Limited	Somewhat Limited	Suitable / Not Limited
152A	Very Limited	Very Limited	Very Limited	Very Limited	Unsuitable / Very Limited
242A	Very Limited	Very Limited	Very Limited	Somewhat Limited	Suitable / Not Limited
680A	Somewhat Limited	Somewhat Limited	Somewhat Limited	Somewhat Limited	Suitable / Not Limited
680B	Somewhat Limited	Somewhat Limited	Somewhat Limited	Somewhat Limited	Suitable / Not Limited
W	Not Rated	Not Rated	Not Rated	Not Rated	Not Rated



**Figure 2:** Soil Limitations

**KENDALL COUNTY LAND EVALUATION AND SITE ASSESSMENT (LESA)**

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

- **Land Evaluation (LE):** The soils of a given area are rated and placed in groups ranging from the best to worst suited for a stated agriculture use, cropland, or forestland. The best group is assigned a value of 100 and all other groups are assigned lower values. The Land Evaluation is

based on data from the Kendall County Soil Survey. The Kendall County Soil and Water Conservation District is responsible for this portion of the LESA system.

- The Land Evaluation score for this site is **90 out of 100**, indicating that the soils are **well suited** for agricultural uses.
- **Site Assessment (SA):** The site is numerically evaluated according to important factors that contribute to the quality of the site. Each factor selected is assigned values in accordance with the local needs and objectives. The Site Assessment value is based on a 200-point scale and accounts for 2/3 of the total score. The Kendall County LESA Committee is responsible for this portion of the LESA system.
  - The Site Assessment score for this site is **83 out of 200**.

The **LESA Score for this site is 173 out of a possible 300, which indicates a low level of protection** for the proposed project site. Selecting the project site with the lowest total points will generally protect the best farmland located in the most viable areas and maintain and promote the agricultural industry in Kendall County.

### **WETLANDS**

The U.S. Fish & Wildlife Service's National Wetlands Inventory map indicates the presence of wetland(s)/waters on the proposed project site. To determine if a wetland is present, a wetland delineation specialist, who is recognized by the U.S. Army Corps of Engineers, should determine the exact boundaries and value of the wetlands.

### **FLOODPLAIN**

The Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Map (FIRM) for Kendall County, Community Panel No. 17093C0010G (effective date 2/4/2009) was reviewed to determine the presence of floodplain and floodway areas within the project site. According to the map, the site does not appear to be located within the floodway or floodplain.

### **SEDIMENT AND EROSION CONTROL**

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

### **STORMWATER POLLUTION**

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

**LAND USE FINDINGS:**

The Kendall County Soil and Water Conservation District (SWCD) Board has reviewed the proposed project for Hill Living Trust. The petitioner is requesting a change in zoning from A-1 Agricultural District to R-1 One Family Residential District on one, approximately 13.9-acre, parcel (Parcel Index Number 01-09-401-013) to construct two single-family homes. The parcel is in Section 9 of Little Rock Township (T.37N-R.6E) of the 3<sup>rd</sup> Principal Meridian in Kendall County, IL. Based on the information provided by the petitioner and a review of natural resource related data available to the Kendall County SWCD, the SWCD Board presents the following information.

The Kendall County SWCD has always had the opinion that prime farmland soils should be preserved whenever feasible due to their highly productive qualities for growing agriculturally important crops in our community. Of the soils found onsite, 72.6% are designated as prime farmland. A land evaluation (LE), which is a part of the Land Evaluation and Site Assessment (LESA), was conducted on this parcel. The soils on this parcel scored a 90 out of a possible 100 points indicating that the soils are well suited for agricultural uses. The total LESA score for this site is 173 out of a possible 300, which indicates a low level of protection for the proposed project site. Selecting the project site with the lowest total points will generally protect the best farmland located in the most viable areas and maintain and promote the agricultural industry in Kendall County.

Soils found on the project site are rated for specific uses and can have potential limitations for development. Soil types with severe limitations do not preclude the ability to develop the site for the proposed use, but it is important to note that the limitation may require soil reclamation, special design/engineering, or maintenance to obtain suitable soil conditions to support development with significant limitations. This report indicates that for soils located on the parcel, 37.6% are considered very limited for supporting dwellings and shallow excavations and 19.6% are considered very limited for supporting lawns/landscaping and conventional septic systems. This information is based on the soil in an undisturbed state. If the scope of the project may include the use of onsite septic systems, please consult with the Kendall County Health Department.

This site is located within the Lower Fox River watershed and the Town of Little Rock – Little Rock Creek sub watershed (HUC 12 – 071200070305). This sub watershed comprises about 18,586 acres and covers parts of Plano, Little Rock, Big Rock, and Hinkley.

This development should include a soil erosion and sediment control plan to be implemented during construction. It is critical to have vegetative cover during and after construction to protect the soil from erosion. Sediment may become a primary non-point source of pollution. Eroded soils during the construction phase can create unsafe conditions on roadways, degrade water quality, and destroy aquatic ecosystems lower in the watershed.

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

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

  
SWCD Board Representative

8-12-24  
Date

# PARCEL LOCATION

Located in the southwest ¼ of Section 9, Township 37 North, Range 6 East (Little Rock Township). This parcel contains approximately 13.9 acres and is located on the north side of Miller Road, east of Little Rock Creek, and south and west of Little Rock Road in Plano, IL.

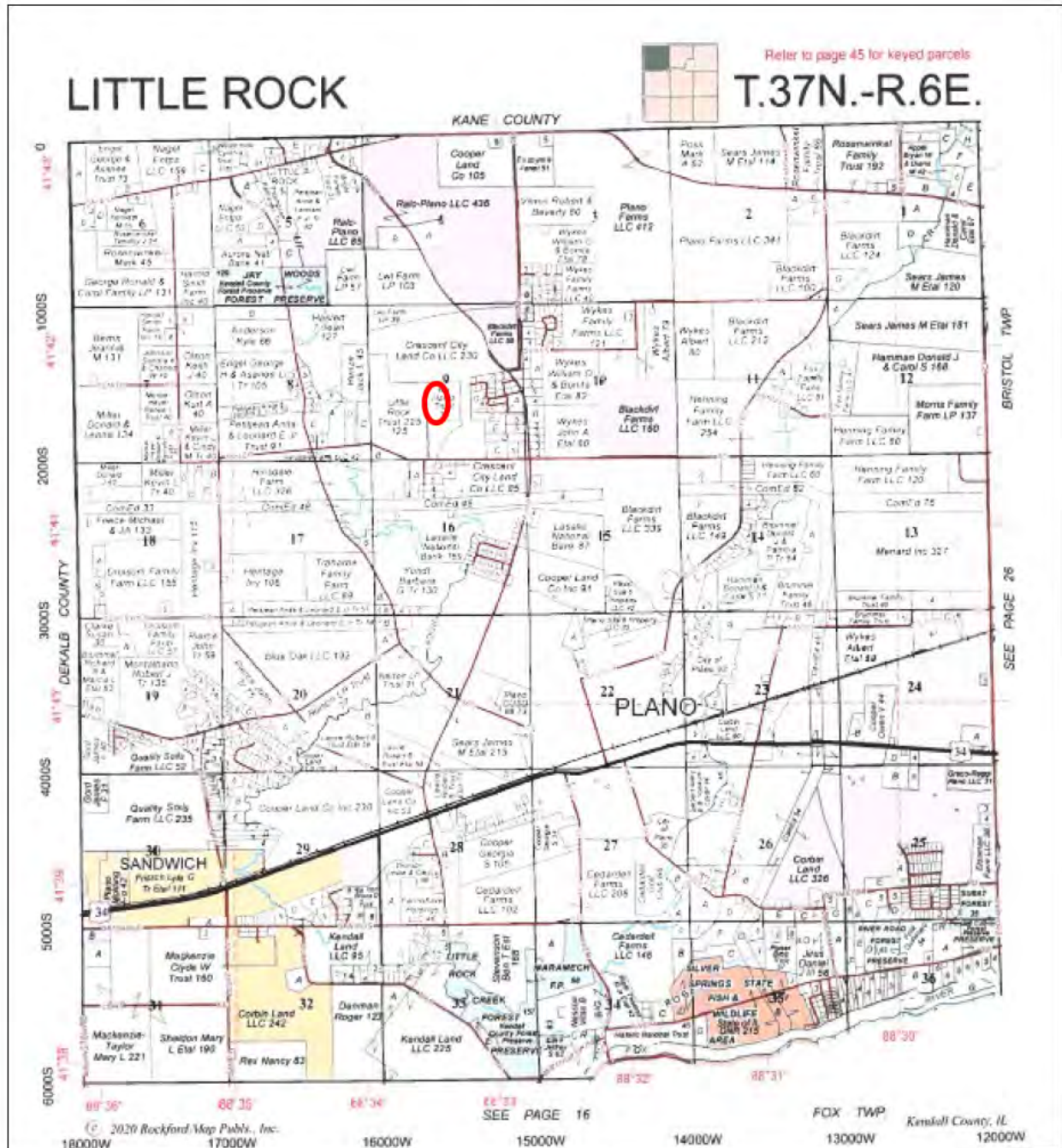


Figure 3: 2021 Plat Map

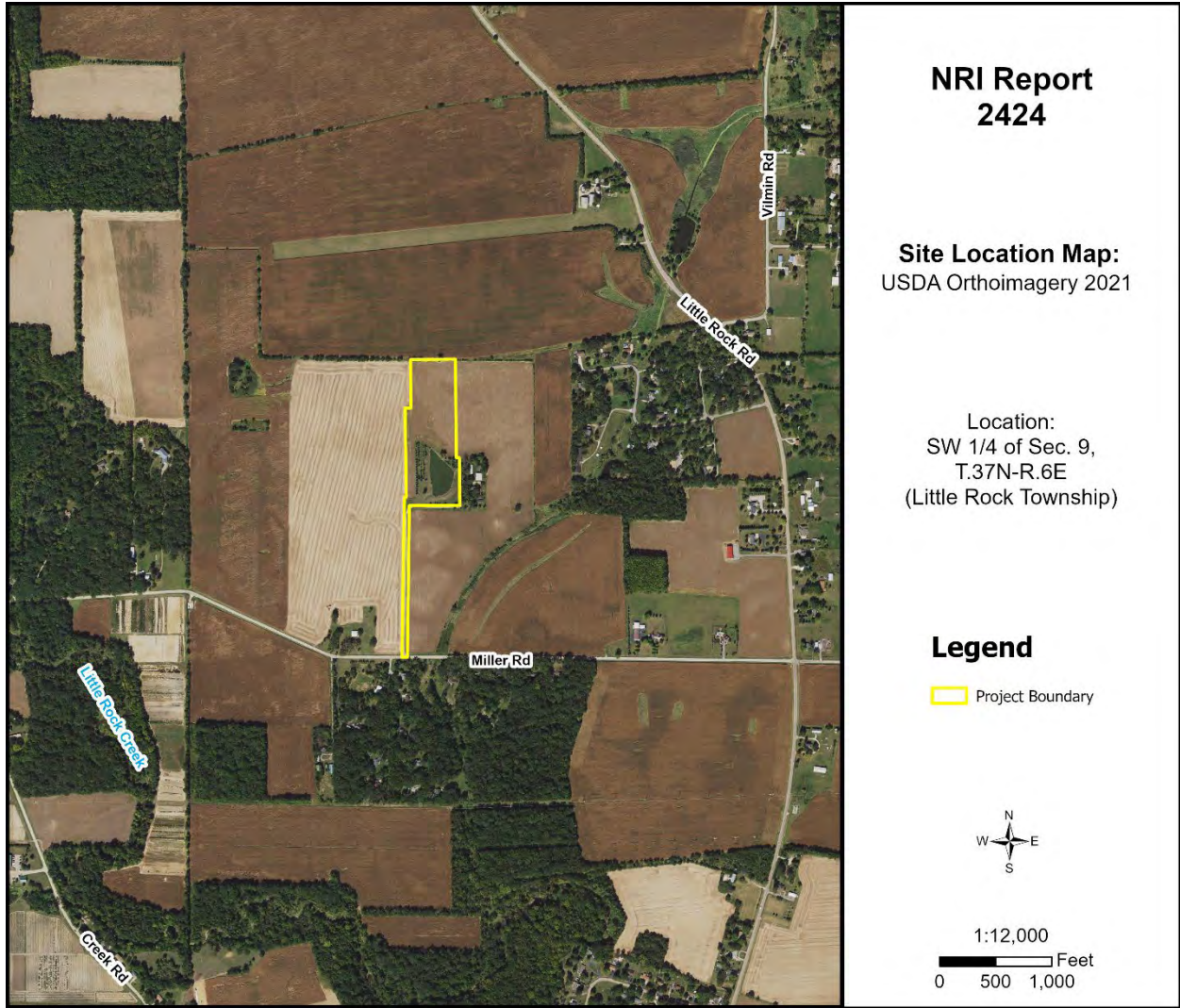


Figure 4: Aerial Map with NRI Project Boundary



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## **ARCHAEOLOGIC/CULTURAL RESOURCES INFORMATION**

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Simply stated, cultural resources are all the past activities and accomplishments of people. They include the following: buildings; objects made or used by people; locations; and less tangible resources, such as stories, dance forms, and holiday traditions.

The Soil and Water Conservation District most often encounters cultural resources as historical properties. These may be prehistoric or historical sites, buildings, structures, features, or objects. The most common type of historical property that the Soil and Water Conservation District may encounter is non-structural archaeological sites. These sites often extend below the soil surface and must be protected against disruption by development or other earth moving activity if possible. Cultural resources are *non-renewable* because there is no way to “grow” a site to replace a disrupted site.

Landowners with historical properties on their land have ownership of that historical property. However, the State of Illinois owns all the following: human remains, grave markers, burial mounds, and artifacts associated with graves and human remains.

Non-grave artifacts from archaeological sites and historical buildings are the property of the landowner. The landowner may choose to disturb a historical property but may not receive federal or state assistance to do so. If an earth moving activity disturbs human remains, the landowner must contact the county coroner within 48 hours.

**The Illinois State Historic Preservation Office has not been notified of the proposed land use change by the Kendall County SWCD. There may be historic features in the area. The applicant may need to contact them according to current Illinois law.**

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## ***ECOLOGICALLY SENSITIVE AREAS***

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### **WHAT IS BIOLOGICAL DIVERSITY AND WHY SHOULD IT BE CONSERVED?<sup>1</sup>**

Biological diversity, or biodiversity, is the range of life on our planet. A more thorough definition is presented by botanist Peter H. Raven: “At the simplest level, biodiversity is the sum total of all the plants, animals, fungi and microorganisms in the world, or in a particular area; all of their individual variation; and all of the interactions between them. It is the set of living organisms that make up the fabric of the planet Earth and allow it to function as it does, by capturing energy from the sun and using it to drive all of life’s processes; by forming communities of organisms that have, through the several billion years of life’s history on Earth, altered the nature of the atmosphere, the soil and the water of our Planet; and by making possible the sustainability of our planet through their life activities now” (Raven 1994).

It is not known how many species occur on our planet. Presently, about 1.4 million species have been named. It has been estimated that there are perhaps 9 million more that have not been identified. What is known is that they are vanishing at an unprecedented rate. Reliable estimates show extinction occurring at a rate several orders of magnitude above “background” in some ecological systems (Wilson 1992, Hoose 1981).

The reasons for protecting biological diversity are complex, but they fall into four major categories. First, loss of diversity generally weakens entire natural systems. Healthy ecosystems tend to have many natural checks and balances. Every species plays a role in maintaining this system. When simplified by the loss of diversity, the system becomes more susceptible to natural and artificial perturbations. The chances of a system-wide collapse increase. In parts of the midwestern United States, for example, it was only the remnant areas of natural prairies that kept soil intact during the dust bowl years of the 1930s (Roush 1982).

Simplified ecosystems are almost always expensive to maintain. For example, when synthetic chemicals are relied upon to control pests, the target species are not the only ones affected. Their predators are almost always killed or driven away, exasperating the pest problem. In the meantime, people are unintentionally breeding pesticide-resistant pests. A process has begun where people become perpetual guardians of the affected area, which requires the expenditure of financial resources and human ingenuity to keep the system going.

A second reason for protecting biological diversity is that it represents one of our greatest untapped resources. Great benefits can be reaped from a single species. About 20 species provide 90% of the world’s food. Of these 20, just three, wheat, maize, and rice supply over one half of that food. American wheat farmers need new varieties every five to 15 years to compete with pests and diseases. Wild strains of wheat are critical genetic reservoirs for these new varieties.

Further, every species is a potential source of human medicine. In 1980, a published report identified the market value of prescription drugs from higher plants at over \$3 billion. Organic alkaloids, a class of

chemical compounds used in medicines, are found in an estimated 20% of plant species. Yet only 2% of plant species have been screened for these compounds (Hoose 1981).

The third reason for protecting diversity is that humans benefit from natural areas and depend on healthy ecosystems. The natural world supplies our air, our water, our food and supports human economic activity. Further, humans are creatures that evolved in a diverse natural environment between forest and grasslands. People need to be reassured that such places remain. When people speak of “going to the country,” they generally mean more than getting out of town. For reasons of their own sanity and wellbeing, they need a holistic, organic experience. Prolonged exposure to urban monotony produces neuroses, for which cultural and natural diversity cure.

Historically, the lack of attention to biological diversity, and the ecological processes it supports, has resulted in economic hardships for segments of the basin’s human population.

The final reason for protecting biological diversity is that species and natural systems are intrinsically valuable. The above reasons have focused on the benefits of the natural world to humans. All things possess intrinsic value simply because they exist.

#### **BIOLOGICAL RESOURCES CONCERNING THE SUBJECT PARCEL**

As part of the Natural Resources Information Report, staff checks office maps to determine if any nature preserves or ecologically sensitive areas are in the general vicinity of the parcel in question. If there is a nature preserve in the area, then that resource will be identified as part of the report. The SWCD recommends that every effort be made to protect that resource. Such efforts should include, but are not limited to erosion control, sediment control, stormwater management, and groundwater monitoring.

**Office maps indicate that there are no nature preserves in the vicinity of the parcel in question (PIQ). The parcel does contain ecologically sensitive areas, however. One freshwater pond wetland was identified onsite on the U.S. Fish & Wildlife Service’s National Wetland Inventory. Additionally, the Illinois Department of Natural Resources (IDNR) EcoCAT Report indicated the presence of protected resources in the area, however, IDNR determined that adverse impacts from the project were unlikely.**

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<sup>1</sup>Taken from *The Conservation of Biological Diversity in the Great Lakes Ecosystem: Issues and Opportunities*, prepared by the Nature Conservancy Great Lakes Program 79W. Monroe Street, Suite 1309, Chicago, IL 60603, January 1994.

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## ***SOILS INFORMATION***

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### **IMPORTANCE OF SOILS INFORMATION**

Soils information comes from the Natural Resources Conservation Service Soil Maps and Descriptions for Kendall County. This information is important to all parties involved in determining the suitability of the proposed land use change.

Each soil polygon is given a number, which represents its soil type. The letter found after the soil type number indicates the soils slope class.

Each soil map unit has limitations for a variety of land uses such as septic systems, buildings with basements, and buildings without basements. It is important to remember that soils do not function independently of each other. The behavior of a soil depends upon the physical properties of adjacent soil types, the presence of artificial drainage, soil compaction, and its position in the local landscape.

The limitation categories (not limited, somewhat limited, or very limited) indicate the potential for difficulty in using that soil unit for the proposed activity and, thus, the degree of need for thorough soil borings and engineering studies. A limitation does not necessarily mean that the proposed activity cannot be done on that soil type. It does mean that the reasons for the limitation need to be thoroughly understood and dealt with to complete the proposed activity successfully. Very limited indicates that the proposed activity will be more difficult and costly to do on that soil type than on a soil type with a somewhat limited or not limited rating.

Soil survey interpretations are predictions of soil behavior for specified land uses and specified management practices. They are based on the soil properties that directly influence the specified use of the soil. Soil survey interpretations allow users of soil surveys to plan reasonable alternatives for the use and management of soils.

Soil interpretations do not eliminate the need for on-site study and testing of specific sites for the design and construction for specific uses. They can be used as a guide for planning more detailed investigations and for avoiding undesirable sites for an intended use. The scale of the maps and the range of error limit the use of the soil delineation.

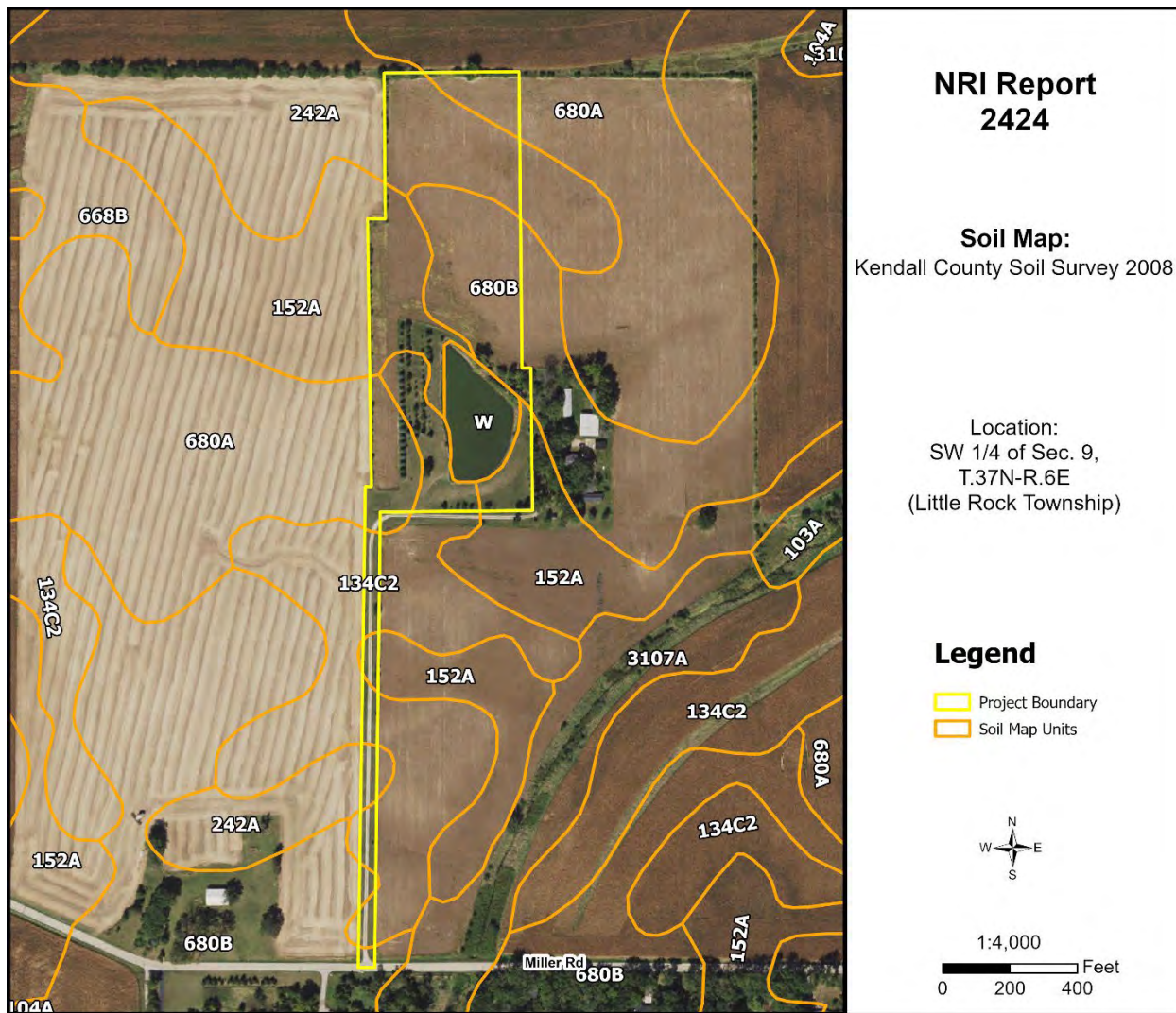


Figure 5: Soil Map

Table 3: Soil Map Unit Descriptions

Soil Type	Soil Name	Acreage	Percent
134C2	Camden silt loam, 5-10% slopes	2.3	16.4%
152A	Drummer silty clay loam, 0-2% slopes	2.7	19.6%
242A	Kendall silt loam, 0-2% slopes	2.5	18.0%
680A	Campton silt loam, 0-2% slopes	1.7	12.3%
680B	Campton silt loam, 2-5% slopes	3.2	22.7%
W	Water	1.5	11.0%

Source: National Cooperative Soil Survey – USDA-NRCS

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## ***SOILS INTERPRETATIONS EXPLANATION***

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### **GENERAL – NONAGRICULTURAL**

These interpretative ratings help engineers, planners, and others to understand how soil properties influence behavior when used for nonagricultural uses such as building site development or construction materials. This report gives ratings for proposed uses in terms of limitations and restrictive features. The tables list only the most restrictive features.

Other features may need treatment to overcome soil limitations for a specific purpose. Ratings come from the soil's "natural" state, that is, no unusual modification occurs other than that which is considered normal practice for the rated use. Even though soils may have limitations, an engineer may alter soil features or adjust building plans for a structure to compensate for most degrees of limitations. Most of these practices, however, are costly. The final decision in selecting a site for a particular use generally involves weighing the costs for site preparation and maintenance. Soil properties influence development of building sites, including the selection of the site, the design of the structure, construction, performance after construction, and maintenance. Soil limitation ratings of not limited, somewhat limited, and very limited are given for the types of proposed improvements that are listed or inferred by the petitioner as entered on the report application and/or zoning petition. The most common types of building limitation that this report gives limitations ratings for is septic systems. It is understood that engineering practices can overcome most limitations for buildings with and without basements, and small commercial buildings. Limitation ratings for these types of buildings are not commonly provided. Organic soils, when present on the parcel, are referenced in the hydric soils section of the report. This type of soil is considered unsuitable for all types of construction.

### **LIMITATIONS RATINGS**

- **Not Limited:** This soil has favorable properties for the use. The degree of limitation is minor. The people involved can expect good performance and low maintenance.
- **Somewhat Limited:** This soil has moderately favorable properties for the use. Special planning, design, or maintenance can overcome this degree of limitation. During some part of the year, the expected performance is less desirable than for soils rated slight.
- **Very Limited:** This soil has one or more properties that are unfavorable for the rated use. These may include the following: steep slopes, bedrock near the surface, flooding, high shrink-swell potential, a seasonal high water table, or low strength. This degree of limitation generally requires major soil reclamation, special design, or intensive maintenance, which in most situations is difficult and costly.

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## ***BUILDING LIMITATIONS***

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### **BUILDING ON POORLY SUITED OR UNSUITABLE SOILS**

Building on poorly suited or unsuitable soils can present problems to future property owners such as cracked foundations, wet basements, lowered structural integrity and high maintenance costs associated with these problems. The staff of the Kendall County SWCD strongly urges scrutiny by the plat reviewers when granting parcels with these soils exclusively.

**Dwellings with Basements** – Ratings are for undisturbed soil for a building structure of less than 3 stories with a basement. The foundation is assumed to be spread footings of reinforced concrete built on undisturbed soil at a depth of about 7 feet. The ratings for dwellings are based on soil properties that affect the capacity of the soil to support a load without movement and on the properties that affect excavation and construction costs.

**Dwellings without Basements** – Ratings are for undisturbed soil for a house of three stories or less than 3 stories without a basement. The foundation is assumed to be spread footings of reinforced concrete at a depth of 2 feet or the depth of maximum frost penetration, whichever is deeper. The ratings for dwellings are based on soil properties that affect the capacity of the soil to support a load without movement and on the properties that affect excavation and construction costs.

**Shallow Excavations** – Trenches or holes dug to a maximum depth of 5 or 6 feet for utility lines, open ditches, or other purposes. Ratings are based on soil properties that influence the ease of digging and the resistance to sloughing.

**Lawns and Landscaping** – Require soils on which turf and ornamental trees and shrubs can be established and maintained (irrigation is not considered in the ratings). The ratings are based on the soil properties that affect plant growth and trafficability after vegetation is established.

**Onsite Conventional Sewage Disposal** – The factors considered are the characteristics and qualities of the soil that affect the limitations for absorbing waste from domestic sewage disposal systems. The major features considered are soil permeability, percolation rate, groundwater level, depth to bedrock, flooding hazards, and slope. The table below indicates soils that are deemed unsuitable per the Kendall County Subdivision Control Ordinance. Installation of an on-site sewage disposal system in soils designated as unsuitable may necessitate the installation of a non-conventional onsite sewage disposal system. For more information please contact the Kendall County Health Department – Environmental Health at (630) 553-9100 x8026.

**Table 4:** Building Limitations

Soil Type	Dwellings with Basements	Dwellings without Basements	Shallow Excavations	Lawns & Landscaping	Onsite Conventional Sewage Systems*	Acres	%
134C2	<b>Somewhat Limited:</b> Shrink-swell Slope	<b>Somewhat Limited:</b> Shrink-swell Slope	<b>Somewhat Limited:</b> Dusty Unstable excavation walls Flooding Depth to saturated zone Slope	<b>Somewhat Limited:</b> Dusty Depth to saturated zone Flooding Slope	<b>Suitable/Not Limited</b>	2.3	16.4%
152A	<b>Very Limited:</b> Ponding Depth to saturated zone Shrink-swell	<b>Very Limited:</b> Ponding Depth to saturated zone Shrink-swell	<b>Very Limited:</b> Ponding Depth to saturated zone Dusty Unstable excavation walls Too clayey	<b>Very Limited:</b> Ponding Depth to saturated zone Dusty	<b>Unsuitable/Very Limited</b>	2.7	19.6%
242A	<b>Very Limited:</b> Depth to saturated zone Shrink-swell	<b>Very Limited:</b> Depth to saturated zone Shrink-swell	<b>Very Limited:</b> Depth to saturated zone Dusty Unstable excavation walls	<b>Somewhat Limited:</b> Depth to saturated zone Dusty	<b>Suitable/Not Limited</b>	2.5	18.0%
680A	<b>Somewhat Limited:</b> Depth to saturated zone Shrink-swell	<b>Somewhat Limited:</b> Shrink-swell	<b>Somewhat Limited:</b> Depth to saturated zone Dusty Unstable excavation walls	<b>Somewhat Limited:</b> Dusty	<b>Suitable/Not Limited</b>	1.7	12.3%
680B	<b>Somewhat Limited:</b> Depth to saturated zone Shrink-swell	<b>Somewhat Limited:</b> Shrink-swell	<b>Somewhat Limited:</b> Depth to saturated zone Dusty Unstable excavation walls	<b>Somewhat Limited:</b> Dusty	<b>Suitable/Not Limited</b>	3.2	22.7%
W	<b>Not Rated</b>	<b>Not Rated</b>	<b>Not Rated</b>	<b>Not Rated</b>	<b>Not Rated</b>	1.5	11.0%
<b>% Very Limited</b>	<b>37.6%</b>	<b>37.6%</b>	<b>37.6%</b>	<b>19.6%</b>	<b>19.6%</b>		

\*This column indicates soils that are deemed unsuitable per the Kendall County Subdivision Control Ordinance. Please consult with the Kendall County Health Department to verify the limitations of your site for onsite conventional sewage disposal



Figure 6A: Map of Building Limitations - Dwellings and Shallow Excavations

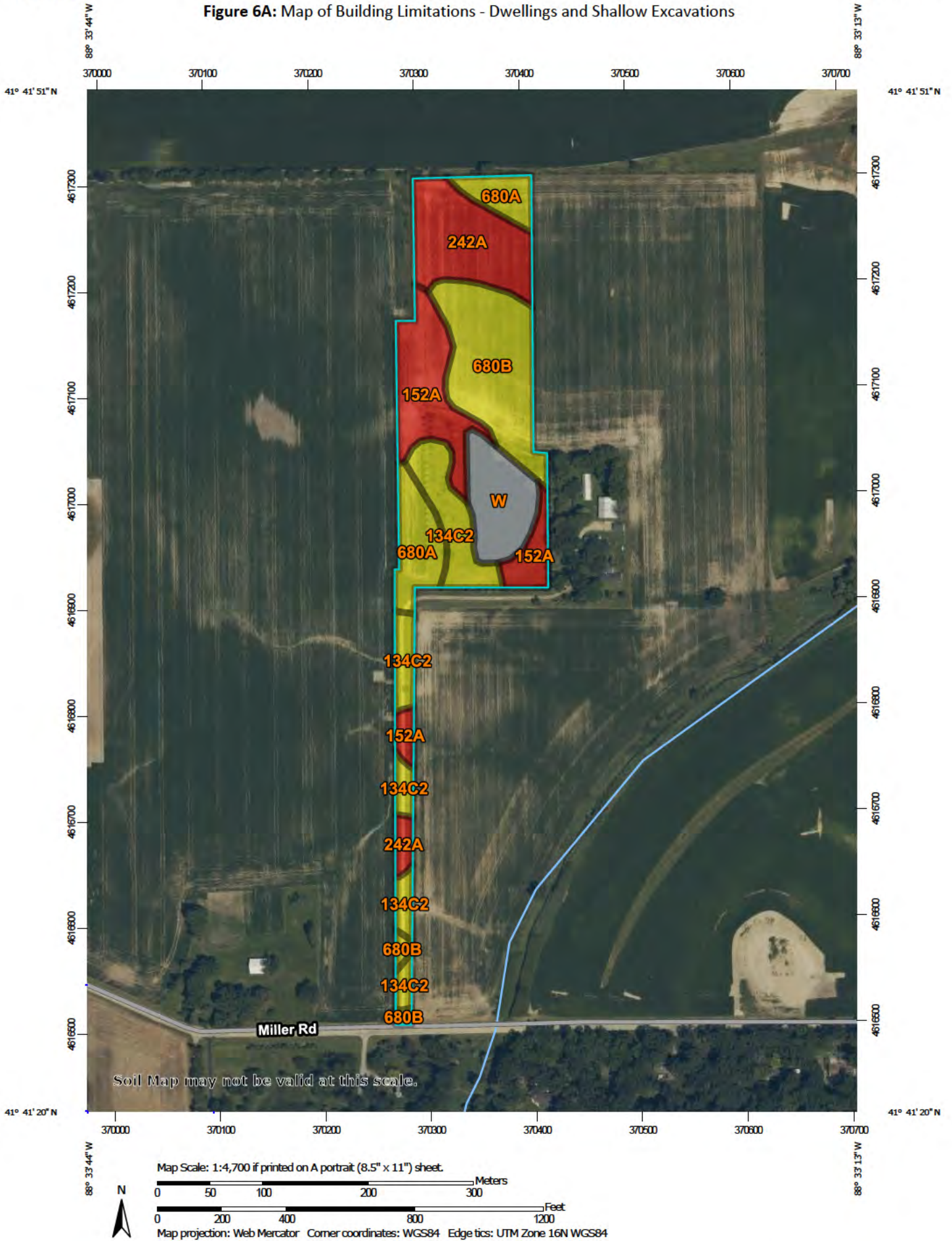
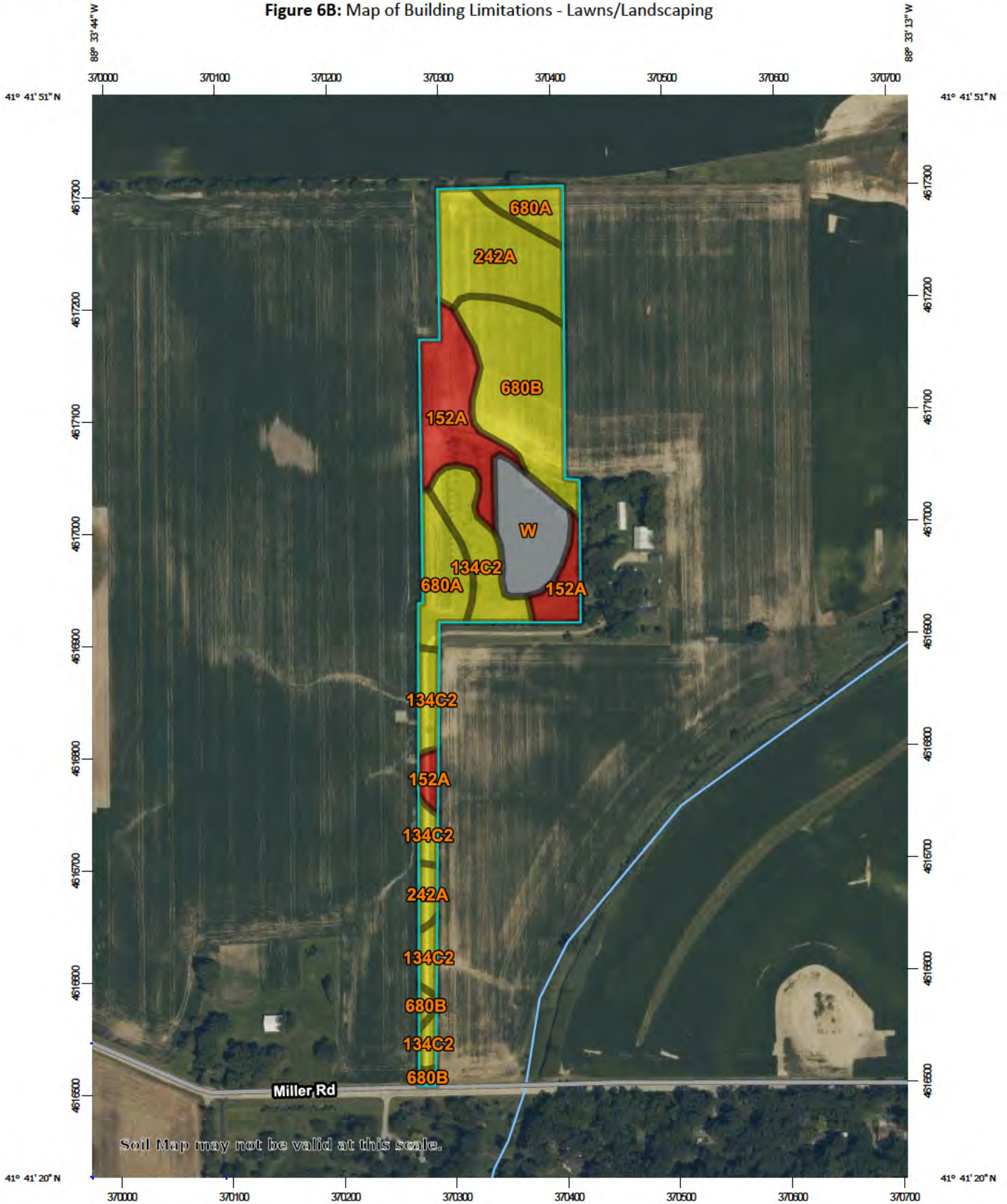
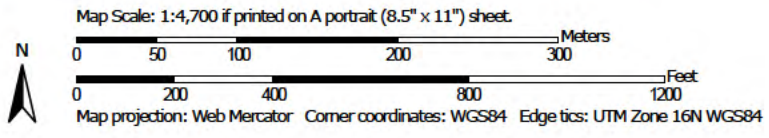


Figure 6B: Map of Building Limitations - Lawns/Landscaping



Soil Map may not be valid at this scale.



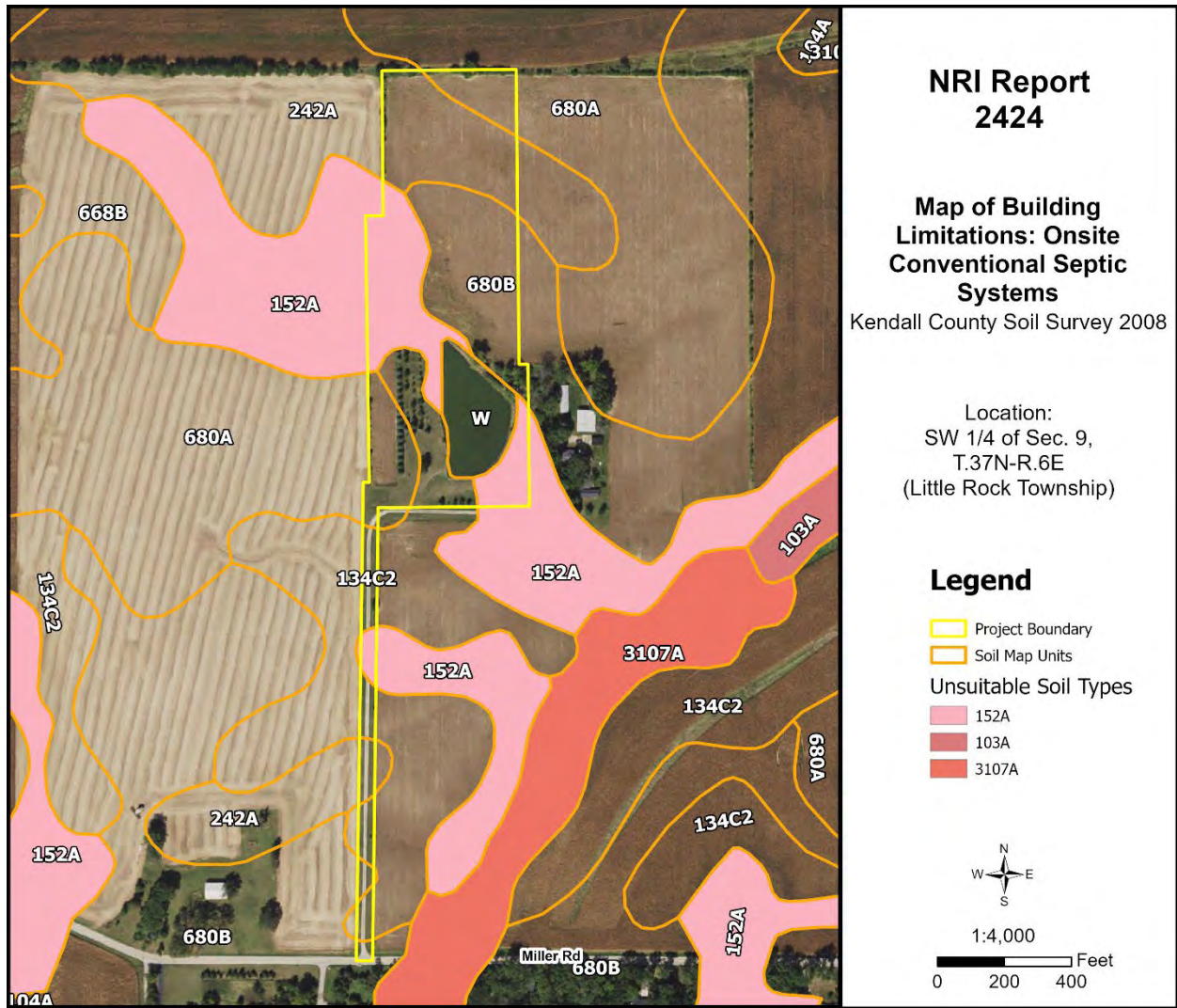


Figure 6C: Map of Building Limitations – Onsite Conventional Septic Systems

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## **SOIL WATER FEATURES**

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Table 5, below, gives estimates of various soil water features that should be taken into consideration when reviewing engineering for a land use project.

**HYDROLOGIC SOIL GROUPS (HSGs)** – The groups are based on estimates of runoff potential. Soils are assigned to one of four groups according to the rate of water infiltration when the soils are not protected by vegetation, are thoroughly wet, and receive precipitation from long-duration storms.

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

**Note:** If a soil is assigned to a dual hydrologic group (A/D, B/D or C/D) the first letter is for drained areas and the second is for undrained areas.

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

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

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

**PONDING** – Ponding refers to standing water in a closed depression, and the data indicates surface water depth, duration, and frequency of ponding.

- **Duration:** Expressed as *very brief* if less than 2 days, *brief* if 2 to 7 days, *long* if 7 to 30 days and *very long* if more than 30 days.
- **Frequency:** Expressed as: *none* meaning ponding is not possible; *rare* means unlikely but possible under unusual weather conditions (chance of ponding is 0-5% in any year); *occasional* means that it occurs, on the average, once or less in 2 years (chance of ponding is 5 to 50% in any year); and *frequent* means that it occurs, on the average, more than once in 2 years (chance of ponding is more than 50% in any year).

**FLOODING** – The temporary inundation of an area caused by overflowing streams, by runoff from adjacent slopes, or by tides. Water standing for short periods after rainfall or snowmelt is not considered flooding, and water standing in swamps and marshes is considered ponding rather than flooding.

- **Duration:** Expressed as: *extremely brief* if 0.1 hour to 4 hours; *very brief* if 4 hours to 2 days; *brief* if 2 to 7 days; *long* if 7 to 30 days; and *very long* if more than 30 days.
- **Frequency:** Expressed as: *none* means flooding is not probable; *very rare* means that it is very unlikely but possible under extremely unusual weather conditions (chance of flooding is less than 1% in any year); *rare* means that it is unlikely but possible under unusual weather conditions (chance of flooding is 1 to 5% in any year); *occasional* means that it occurs infrequently under normal weather conditions (chance of flooding is 5 to 50% in any year but is less than 50% in all months in any year); and *very frequent* means that it is likely to occur very often under normal weather conditions (chance of flooding is more than 50% in all months of any year).

**Note:** The information is based on evidence in the soil profile. In addition, consideration is also given to local information about the extent and levels of flooding and the relation of each soil on the landscape to historic floods. Information on the extent of flooding based on soil data is less specific than that provided by detailed engineering surveys that delineate flood-prone areas at specific flood frequency levels.

**Table 5:** Water Features

Soil Type	Hydrologic Group	Surface Runoff	Water Table	Ponding	Flooding
134C2	B	Medium	January – December Upper Limit: -- Lower Limit: --	January – December Frequency: None	January – December Frequency: None
152A	B/D	Negligible	January – May Upper Limit: 0.0'-1.0' Lower Limit: 6.0'	January – May Surface Depth: 0.0'-0.5' Duration: Brief (2-7 days) Frequency: Frequent	January – December Frequency: None
242A	B/D	Low	January – May Upper Limit: 0.5'-2.0' Lower Limit: 6.0'	January – December Frequency: None	January – December Frequency: None
680A	C	Low	February – April Upper Limit: 2.0'-3.5' Lower Limit: 6.0'	January – December Frequency: None	January – December Frequency: None
680B	C	Low	February – April Upper Limit: 2.0'-3.5' Lower Limit: 6.0'	January – December Frequency: None	January – December Frequency: None
W	--	--	--	--	--

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## **SOIL EROSION AND SEDIMENT CONTROL**

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Erosion is the wearing away of the soil by water, wind, and other forces. Soil erosion threatens the Nation's soil productivity and contributes the most pollutants in our waterways. Water causes about two thirds of erosion on agricultural land. Four properties, mainly, determine a soil's erodibility: texture, slope, structure, and organic matter content.

**Slope** has the most influence on soil erosion potential when the site is under construction. Erosivity and runoff increase as slope grade increases. The runoff then exerts more force on the particles, breaking their bonds more readily and carrying them farther before deposition. The longer water flows along a slope before reaching a major waterway, the greater the potential for erosion.

Soil erosion during and after this proposed construction can be a primary non-point source of water pollution. Eroded soil during the construction phase can create unsafe conditions on roadways, decrease the storage capacity of lakes, clog streams and drainage channels, cause deterioration of aquatic habitats, and increase water treatment costs. Soil erosion also increases the risk of flooding by choking culverts, ditches, and storm sewers and by reducing the capacity of natural and man-made detention facilities.

The general principles of erosion and sedimentation control measures include:

- Reducing/diverting flow from exposed areas, storing flows, or limiting runoff from exposed areas
- Staging construction to keep disturbed areas to a minimum
- Establishing or maintaining temporary or permanent groundcover
- Retaining sediment on site
- Properly installing, inspecting, and maintaining control measures

Erosion control practices are useful controls only if they are properly located, installed, inspected, and maintained. Soil erosion and sedimentation control plans, including maintenance responsibilities, should be clearly communicated to all contractors working on the site.

The SWCD recommends an erosion and sediment control plan for all building sites, especially if there is a wetland or stream nearby. Additionally, a National Pollutant Discharge Elimination System (NPDES) permit (Permit No. ILR10) from the Illinois Environmental Protection Agency (IEPA) is required for stormwater discharges from construction sites that will disturb 1 or more acres of land. Conditions of the NPDES ILR10 permit require the development and implementation of a Stormwater Pollution Prevention Plan (SWPPP) to reduce stormwater pollutants on the construction site before they can cause environmental issues.

**Table 6:** Soil Erosion Potential

<b>Soil Type</b>	<b>Slope</b>	<b>Rating</b>	<b>Acreage</b>	<b>Percent</b>
134C2	5-10%	Moderate	2.3	16.4%
152A	0-2%	Slight	2.7	19.6%
242A	0-2%	Slight	2.5	18.0%
680A	0-2%	Slight	1.7	12.3%
680B	2-5%	Slight	3.2	22.7%
W	N/A	N/A	1.5	11.0%

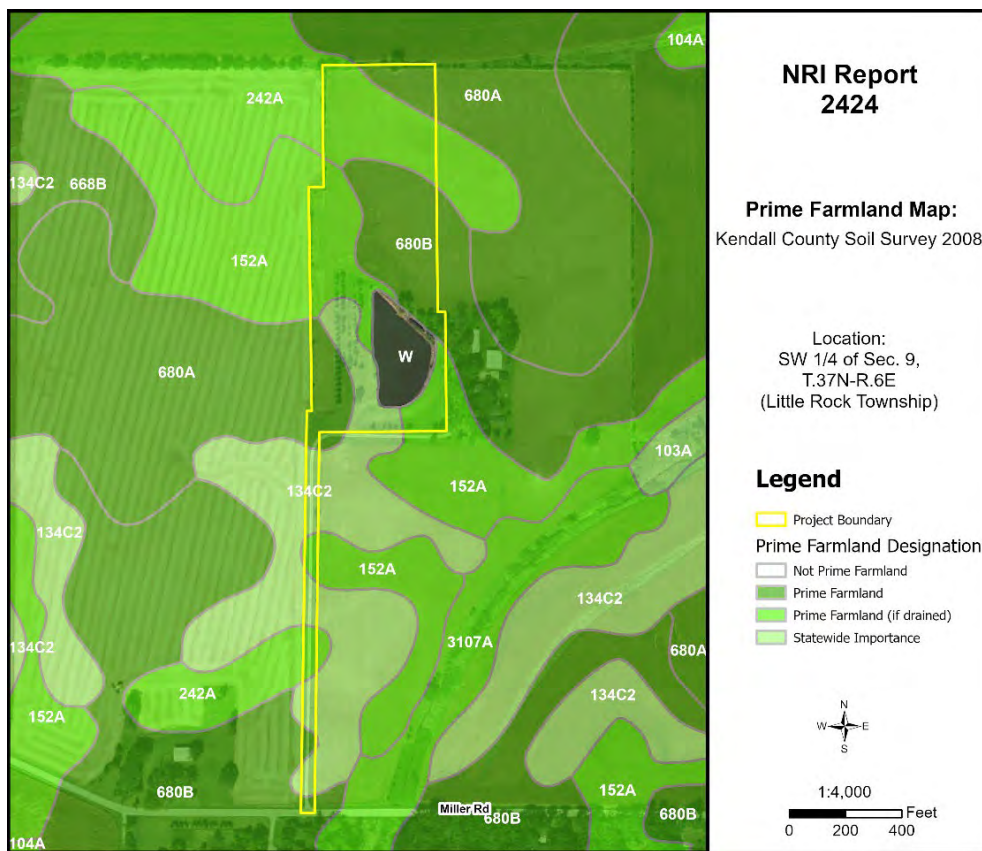
## PRIME FARMLAND SOILS

Prime farmland soils are an important resource to Kendall County. Some of the most productive soils in the United States occur locally. Each soil map unit in the United States is assigned a prime or non-prime rating. Prime agricultural land does not need to be in the production of food & fiber.

Section 310 of the NRCS general manual states that urban or built-up land on prime farmland soils is not prime farmland. The percentages of soil map units on the parcel reflect the determination that urban or built-up land on prime farmland soils is not prime farmland.

**Table 7:** Prime Farmland Soils

Soil Type	Prime Designation	Acreage	Percent
134C2	Farmland of Statewide Importance	2.3	16.4%
152A	Prime Farmland if Drained	2.7	19.6%
242A	Prime Farmland if Drained	2.5	18.0%
680A	Prime Farmland	1.7	12.3%
680B	Prime Farmland	3.2	22.7%
W	N/A	1.5	11.0%
<b>% Prime Farmland</b>	<b>72.6%</b>		



**Figure 7:** Map of Prime Farmland Soils

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## **LAND EVALUATION AND SITE ASSESSMENT (LESA)**

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

### **LAND EVALUATION (LE)**

The soils of a given area are rated and placed in groups ranging from the best to worst suited for a stated agriculture use, cropland, or forestland. The best group is assigned a value of 100, and all other groups are assigned lower values. The Land Evaluation is based on data from the Kendall County Soil Survey. The LE score is calculated by multiplying the relative value of each soil type by the number of acres of that soil. The sum of the products is then divided by the total number of acres; the answer is the Land Evaluation score on this site. The Kendall County Soil and Water Conservation District is responsible for this portion of the LESA system.

### **SITE ASSESSMENT (SA)**

The site is numerically evaluated according to important factors that contribute to the quality of the site. Each factor selected is assigned values in accordance with the local needs and objectives. The value group is a predetermined value based upon prime farmland designation. The Kendall County LESA Committee is responsible for this portion of the LESA system.

**Table 8A: Land Evaluation Computation**

<b>Soil Type</b>	<b>Value Group</b>	<b>Relative Value</b>	<b>Acres*</b>	<b>Product (Relative Value x Acres)</b>
134C2	5	82	2.3	377.2
152A	1	100	2.7	270.0
242A	3	87	2.5	217.5
680A	4	79	1.7	134.3
680B	4	79	3.2	252.8
W	N/A	N/A	1.5	N/A
			<b>13.9</b>	<b>1,251.8</b>
<b>LE Calculation</b>			(Product of relative value / Total Acres) 1,251.8 / 13.9 = 90.1	
<b>LE Score</b>			<b>LE = 90</b>	

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

The Land Evaluation score for this site is 90, indicating that this site is designated as land that is well suited for agricultural uses considering the Land Evaluation score is above 80.



**Table 8B:** Site Assessment Computation

<b>A.</b>	<b>Agricultural Land Uses</b>	<b>Points</b>
	1. Percentage of area in agricultural uses within 1.5 miles of site. (20-10-5-0)	10
	2. Current land use adjacent to site. (30-20-15-10-0)	20
	3. Percentage of site in agricultural production in any of the last 5 years. (20-15-10-5-0)	15
	4. Size of site. (30-15-10-0)	0
<b>B.</b>	<b>Compatibility / Impact on Uses</b>	
	1. Distance from city or village limits. (20-10-0)	0
	2. Consistency of proposed use with County Land Resource Management Concept Plan and/or municipal comprehensive land use plan. (20-10-0)	0
	3. Compatibility of agricultural and non-agricultural uses. (15-7-0)	7
<b>C.</b>	<b>Existence of Infrastructure</b>	
	1. Availability of public sewage system. (10-8-6-0)	8
	2. Availability of public water system. (10-8-6-0)	8
	3. Transportation systems. (15-7-0)	7
	4. Distance from fire protection service. (10-8-6-2-0)	8
	<b>Site Assessment Score:</b>	<b>83</b>

**Land Evaluation Value: 90 + Site Assessment Value: 83 = LESA Score: 173**

**Table 9:** LESA Score Summary

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

**The LESA Score for this site is 173 which indicates a low level of protection for the proposed project site.** Selecting the project site with the lowest total points will generally protect the best farmland located in the most viable areas and maintain and promote the agricultural industry in Kendall County.

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## ***LAND USE PLANS***

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Many counties, municipalities, villages, and townships have developed land-use plans. These plans are intended to reflect the existing and future land-use needs of a given community. Please contact Kendall County Planning, Building & Zoning for information regarding their comprehensive land use plan and map.

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## ***DRAINAGE, RUNOFF, AND FLOOD INFORMATION***

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U.S.G.S Topographic maps give information on elevations, which are important mostly to determine slopes, drainage directions, and watershed information.

Elevations determine the area of impact of floods of record. Slope information determines steepness and erosion potential. Drainage directions determine where water leaves the PIQ, possibly impacting surrounding natural resources.

Watershed information is given for changing land use to a subdivision type of development on parcels greater than 10 acres.

### **WHAT IS A WATERSHED?**

Simply stated, a watershed is the area of land that contributes water to a certain point. The watershed boundary is important because the area of land in the watershed can now be calculated using an irregular shape area calculator such as a dot counter or planimeter.

Using regional storm event information, and site-specific soils and land use information, the peak stormwater flow through the point marked "O" for a specified storm event can be calculated. This value is called a "Q" value (for the given storm event) and is measured in cubic feet per second (CFS).

When construction occurs, the Q value naturally increases because of the increase in impermeable surfaces. This process decreases the ability of soils to accept and temporarily hold water. Therefore, more water runs off and increases the Q value.

Theoretically, if each development, no matter how large or small, maintains their preconstruction Q value after construction by the installation of stormwater management systems, the streams and wetlands and lakes will not suffer damage from excessive urban stormwater.

For this reason, the Kendall County SWCD recommends that the developer for intense uses, such as a subdivision, calculate the preconstruction Q value for the exit point(s). A stormwater management system

should be designed, installed, and maintained to limit the postconstruction Q value to be at or below the preconstruction value.

### **IMPORTANCE OF FLOOD INFORMATION**

A floodplain is defined as land adjoining a watercourse (riverine) or an inland depression (non-riverine) that is subject to periodic inundation by high water. Floodplains are important areas demanding protection since they have water storage and conveyance functions which affect upstream and downstream flows, water quality and quantity, and suitability of the land for human activity. Since floodplains play distinct and vital roles in the hydrologic cycle, development that interferes with their hydrologic and biologic functions should be carefully considered.

Flooding is both dangerous to people and destructive to their properties. The following maps, when combined with wetland and topographic information, can help developers and future homeowners to “sidestep” potential flooding or ponding problems.

Flood Insurance Rate Maps (FIRMs), produced by the Federal Emergency Management Agency (FEMA), define flood elevation adjacent to tributaries and major bodies of water and superimpose that onto a simplified USGS topographic map. The scale of the FIRM maps is generally dependent on the size and density of parcels in that area. This is to correctly determine the parcel location and floodplain location. The FIRM map has three (3) zones. Zone A includes the 100-year flood (1% annual chance flood), Zone B or Zone X (shaded) is the 100 to 500-year flood (between limits of the 1% and the 0.2% annual chance flood), and Zone C or Zone X (unshaded) is outside the floodplain (outside the 0.2% annual chance flood).

The Hydrologic Atlas (H.A.) Series of the Flood of Record Map is also used for the topographic information. This map is different from the FIRM map mainly because it will show isolated or pocketed flooded areas. Kendall County uses both these maps in conjunction with each other for flooded area determinations. The Flood of Record maps show the areas of flood for various years. Both maps stress that the recurrence of flooding is merely statistical. A 100-year flood may occur twice in one year, or twice in one week, for that matter.

It should be noted that greater floods than those shown on the two maps are possible. The flood boundaries indicated provide a historic record only until the map publication date. Additionally, these flood boundaries are a function of the watershed conditions existing when the maps were produced. Cumulative changes in runoff characteristics caused by urbanization can result in an increase in flood height of future flood episodes.

Floodplains play a vital role in reducing the flood damage potential associated with an urbanizing area and, when left in an undisturbed state, also provide valuable wildlife habitat benefits. If it is the petitioner's intent to conduct floodplain filling or modification activities, the petitioner, and the Unit of Government responsible need to consider the potentially adverse effects this type of action could have on adjacent properties. The change or loss of natural floodplain storage often increases the frequency and severity of flooding on adjacent property.

If the available maps indicate the presence of a floodplain on the PIQ, the petitioner should contact the IDNR-OWR and FEMA to delineate a floodplain elevation for the parcel. If a portion of the property is indeed floodplain, applicable state, county, and local regulations will need to be reflected in the site plans. Another indication of flooding potential can be found in the soils information. Hydric soils indicate the presence of drainage ways, areas subject to ponding, or a naturally occurring high water table. These need to be considered along with the floodplain information when developing the site plan and the stormwater management plan. Development on hydric soils can contribute to the loss of water storage within the soil and the potential for increased flooding in the area.

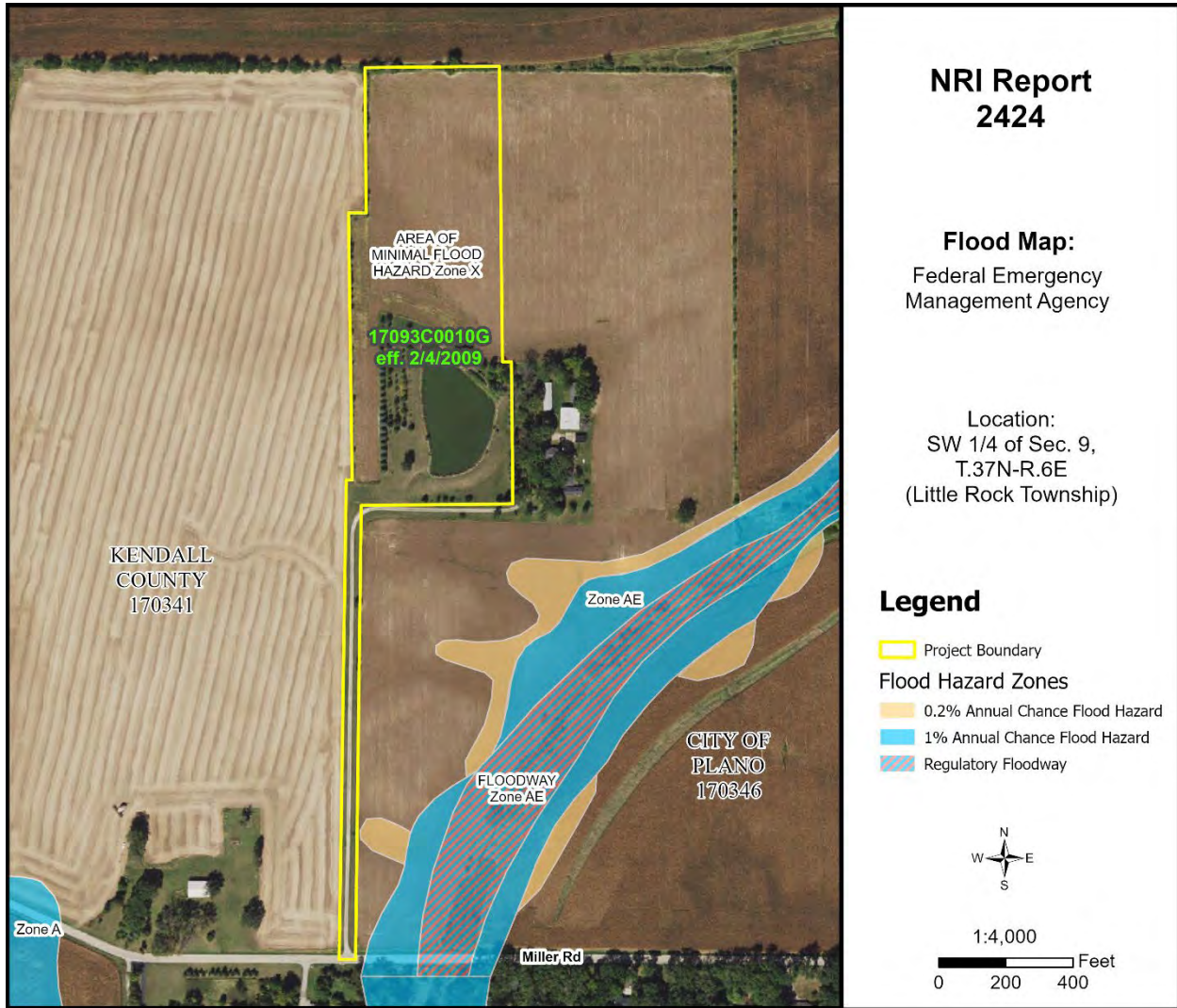


Figure 8: Flood Map

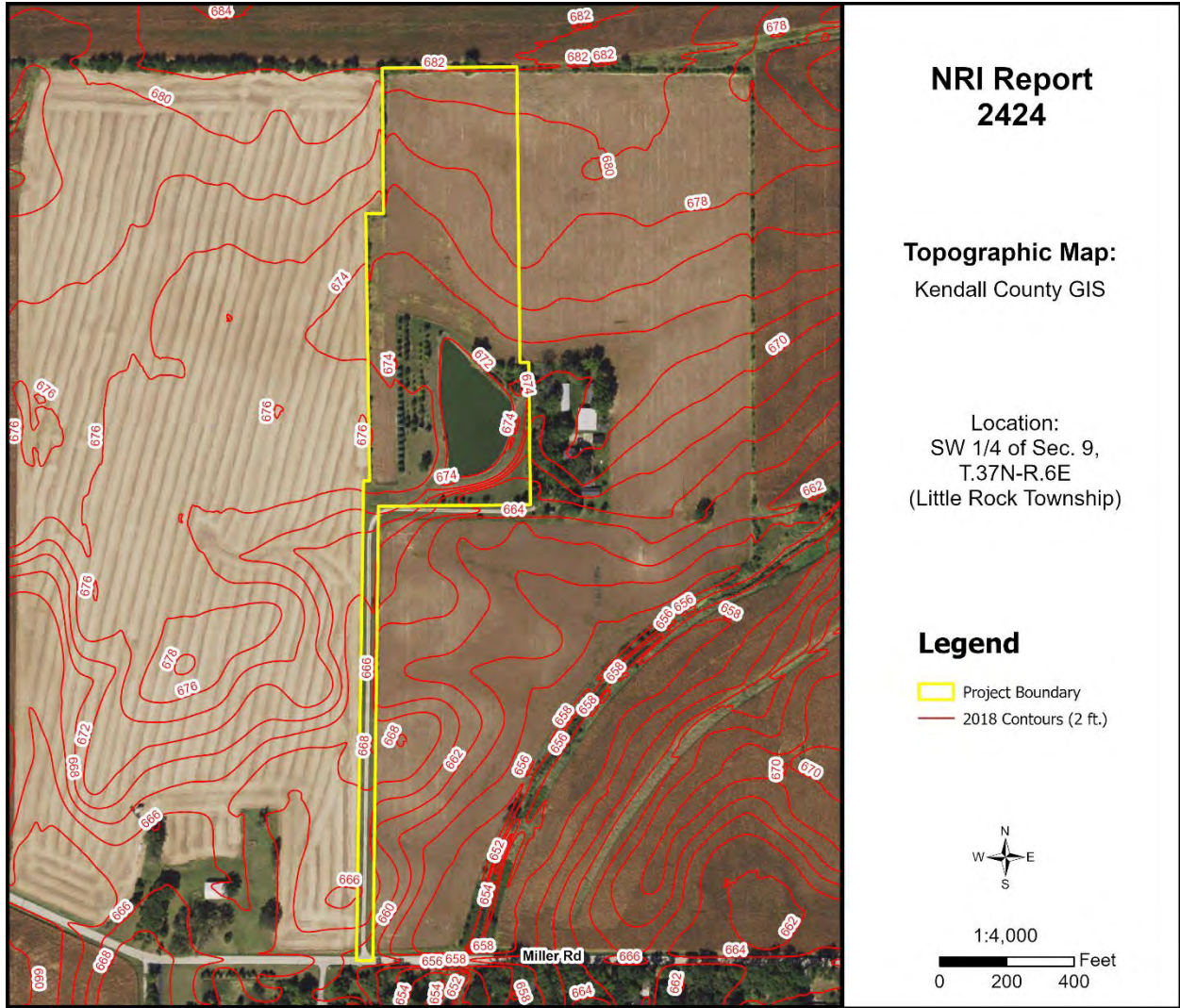


Figure 9: Topographic Map

This parcel contains soils with slopes of 0-10% and an elevation of approximately 660'-682' above sea level. The highest point is at the north end, and the lowest point is at the south end of the site. According to the Federal Emergency Management Agency (FEMA) Flood Map (Figure 8), the parcel does not appear to contain areas of floodplain or floodway. It is mapped as Zone X, an area of minimal flood hazard determined to be outside of the 0.2% annual chance floodplain. There is nearby floodway and floodplain mapped to the south/southeast.

## WATERSHED PLANS

### WATERSHED AND SUB WATERSHED INFORMATION

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

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

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

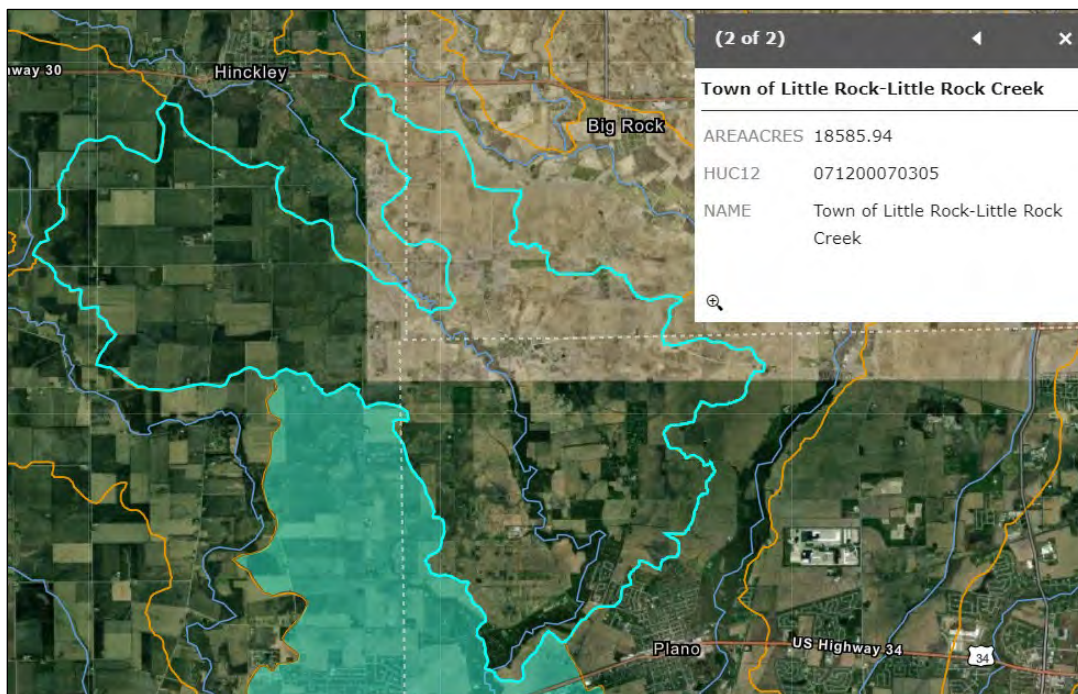


Figure 10: Sub Watershed Map

**This site is located within the Lower Fox River watershed and the Town of Little Rock – Little Rock Creek sub watershed (HUC 12 – 071200070305). This sub watershed comprises about 18,586 acres and covers parts of Plano, Little Rock, Big Rock, and Hinkley.**

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## WETLAND INFORMATION

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### IMPORTANCE OF WETLAND INFORMATION

Wetlands function in many ways to provide numerous benefits to society. They control flooding by offering a slow release of excess water downstream or through the soil. They cleanse water by filtering out sediment and some pollutants and can function as rechargers of our valuable groundwater. They also are essential breeding, rearing, and feeding grounds for many species of wildlife.

These benefits are particularly valuable in urbanizing areas as development activity typically adversely affects water quality, increases the volume of stormwater runoff, and increases the demand for groundwater. In an area where many individual homes rely on shallow groundwater wells for domestic water supplies, activities that threaten potential groundwater recharge areas are contrary to the public good. The conversion of wetlands, with their sediment trapping and nutrient absorbing vegetation, to biologically barren stormwater detention ponds can cause additional degradation of water quality in downstream or adjacent areas.

It has been estimated that over 95% of the wetlands that were historically present in Illinois have been destroyed while only recently has the true environmental significance of wetlands been fully recognized. America is losing 100,000 acres of wetland a year and has saved 5 million acres total (since 1934). One acre of wetland can filter 7.3 million gallons of water a year. These are reasons why our wetlands are high quality and important.

This section contains the National Wetlands Inventory, which is the most comprehensive inventory to date. The National Wetlands Inventory is reproduced from an aerial photo at a scale of 1" equals 660 feet. The NRCS developed these maps in cooperation with U.S. EPA (Environmental Protection Agency,) and the U.S. Fish and Wildlife Service, using the National Food Security Act Manual, 3rd Edition. The main purpose of these maps is to determine wetland areas on agricultural fields and areas that may be wetlands but are in a non-agriculture setting.

The National Wetlands Inventory in no way gives an exact delineation of the wetlands, but merely an outline, or the determination that there is a wetland within the outline. For the final, most accurate wetland **determination** of a specific wetland, a wetland **delineation** must be certified by NRCS staff using the National Food Security Act Manual (on agricultural land.) On urban land, a certified wetland delineator must perform the delineation using the ACOE 1987 Manual. *See the glossary section for the definitions of "delineation" and "determination."*

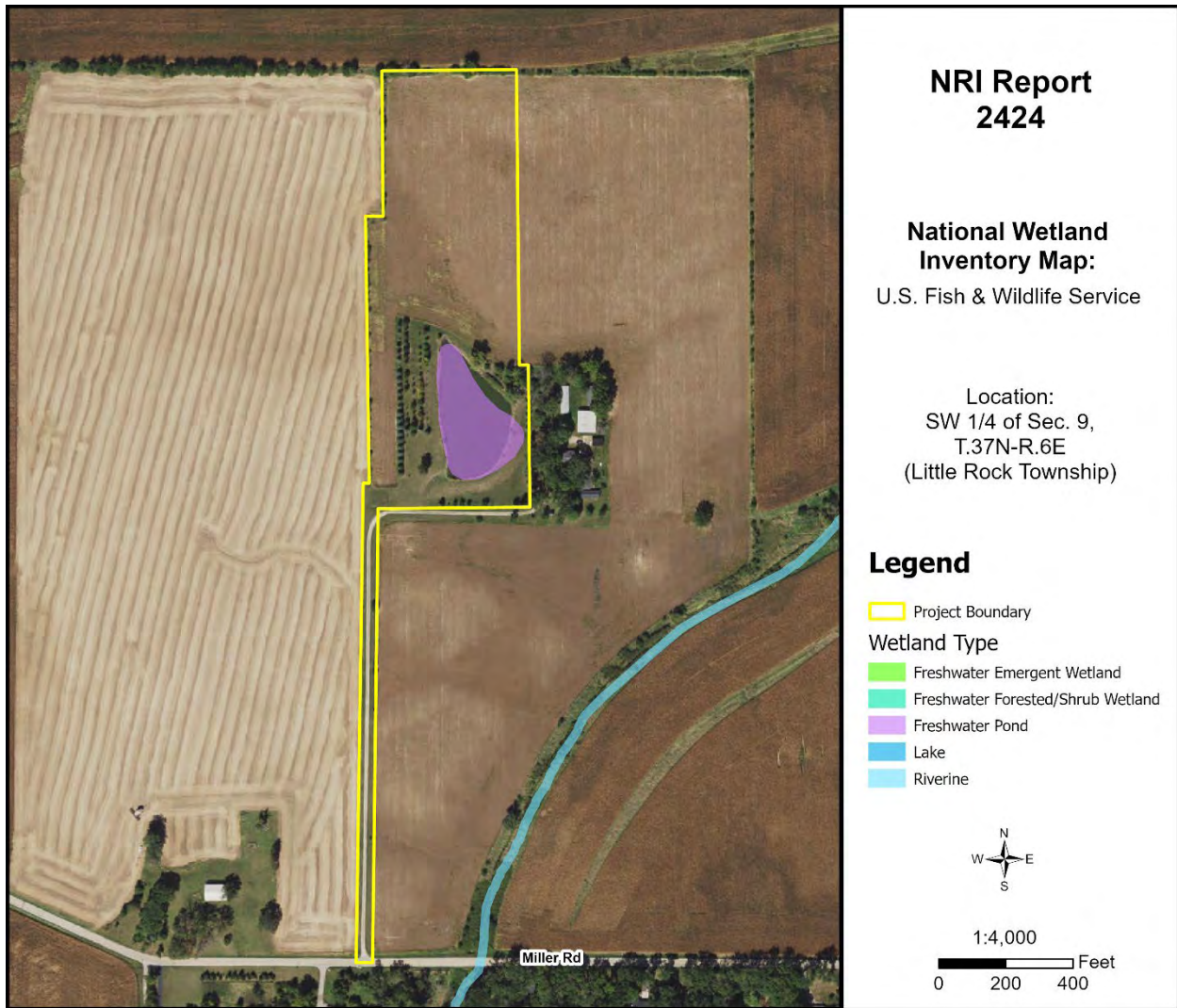


Figure 11: Wetland Map

Office maps indicate that mapped wetlands/waters are present on the parcel in question (PIQ). A freshwater pond wetland is mapped on the PIQ. To determine the presence of wetlands, a wetland delineation specialist, who is recognized by the U.S. Army Corps of Engineers, should determine the exact boundaries and value of the wetlands.



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## **HYDRIC SOILS**

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Soils information gives another indication of flooding potential. The soils map on the following page indicates the soil(s) on the parcel that the Natural Resources Conservation Service indicates as hydric. Hydric soils, by definition, have seasonal high water at or near the soil surface and/or have potential flooding or ponding problems. All hydric soils range from poorly suited to unsuitable for building. One group of the hydric soils are the organic soils, which formed from dead organic material. Organic soils are unsuitable for building because of not only the high water table but also their subsidence problems.

It is important to add the possibility of hydric inclusions in a soil type. An inclusion is a soil polygon that is too small to appear on these maps. While relatively insignificant for agricultural use, hydric soil inclusions become more important to more intense uses such as a residential subdivision.

While considering hydric soils and hydric inclusions, it is noteworthy to mention that subsurface agriculture drainage tile occurs in almost all poorly drained and somewhat poorly drained soils. Drainage tile expedites drainage and facilitates farming. It is imperative that these drainage tiles remain undisturbed. A damaged subsurface drainage tile may return original hydrologic conditions to all the areas that drained through the tile (ranging from less than one acre to many square miles.)

For an intense land use, the Kendall County SWCD recommends the following: a topographical survey with 1 foot contour intervals to accurately define the flood area on the parcel, an intensive soil survey to define most accurately the locations of the hydric soils and inclusions, and a drainage tile survey on the area to locate the tiles that must be preserved to maintain subsurface drainage.

**Table 10:** Hydric Soils

<b>Soil Types</b>	<b>Drainage Class</b>	<b>Hydric Designation</b>	<b>Hydric Inclusions Likely</b>	<b>Hydric Rating %</b>	<b>Acreage</b>	<b>Percent</b>
134C2	Well Drained	Non-Hydric	Yes	1%	2.3	16.4%
152A	Poorly Drained	Hydric	N/A	100%	2.7	19.6%
242A	Somewhat Poorly Drained	Non-Hydric	No	0%	2.5	18.0%
680A	Moderately Well Drained	Non-Hydric	No	0%	1.7	12.3%
680B	Moderately Well Drained	Non-Hydric	No	0%	3.2	22.7%
W	N/A	N/A	N/A	0%	1.5	11.0%

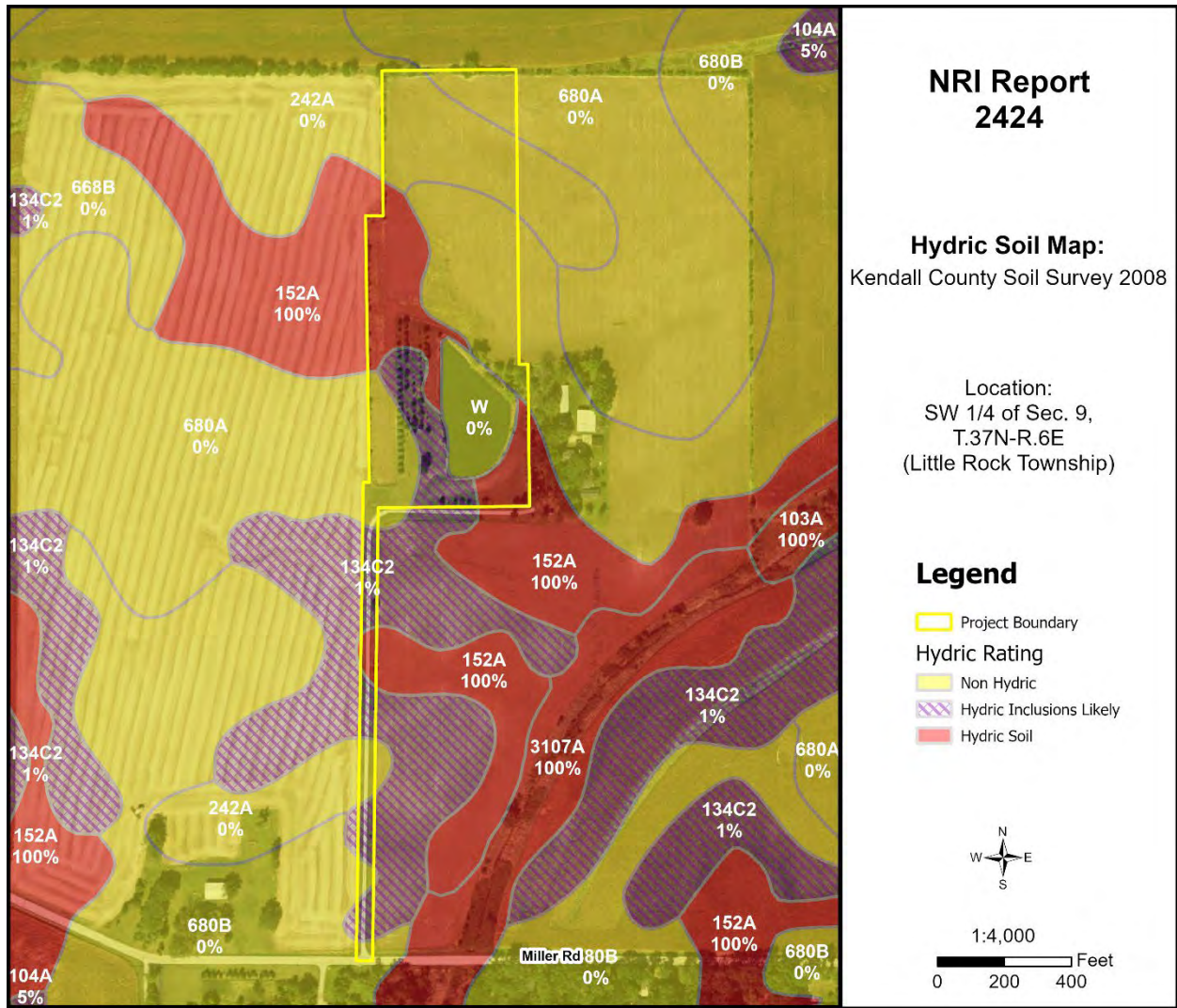


Figure 12: Hydric Soils Map

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## **WETLAND AND FLOODPLAIN REGULATIONS**

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PLEASE READ THE FOLLOWING IF YOU ARE PLANNING TO DO ANY WORK NEAR A STREAM (THIS INCLUDES SMALL UNNAMED STREAMS), LAKE, WETLAND OR FLOODWAY.

The laws of the United States and the State of Illinois assign certain agencies specific and different regulatory roles to protect the waters within the State's boundaries. These roles, when considered together, include protection of navigation channels and harbors, protection against floodway encroachments, maintenance and enhancement of water quality, protection of fish and wildlife habitat and recreational resources, and, in general, the protection of total public interest. Unregulated use of the waters within the State of Illinois could permanently destroy or alter the character of these valuable resources and adversely impact the public. Therefore, please contact the proper regulatory authorities when planning any work associated with Illinois waters so that proper consideration and approval can be obtained.

### **WHO MUST APPLY?**

Anyone proposing to dredge, fill, rip rap, or otherwise alter the banks or beds of, or construct, operate, or maintain any dock, pier, wharf, sluice, dam, piling, wall, fence, utility, floodplain or floodway subject to State or Federal regulatory jurisdiction should apply for agency approvals.

### **REGULATORY AGENCIES**

- **Wetland or U.S. Waters:** U.S. Army Corps of Engineers, Chicago District, 231 South LaSalle Street, Suite 1500, Chicago, IL 60604. Phone: (312) 846-5530
- **Floodplains:** Illinois Department of Natural Resources - Office of Water Resources, One Natural Resources Way, Springfield, IL 62702-1270. Phone: (217) 782-6302
- **Water Quality/Erosion Control:** Illinois Environmental Protection Agency, 1021 North Grand Avenue East, P.O. Box 19276, Springfield, IL 62794-9276. Phone: (217) 782-3397

### **COORDINATION**

We recommend early coordination with the regulatory agencies BEFORE finalizing work plans. This allows the agencies to recommend measures to mitigate or compensate for adverse impacts. Also, the agency can make possible environmental enhancement provisions early in the project planning stages. This could reduce time required to process necessary approvals.

**CAUTION: Contact with the United States Army Corps of Engineers is strongly advised before commencement of any work in or near a Waters of the United States. This could save considerable time and expense. Persons responsible for willful and direct violation of Section 10 of the River and Harbors Appropriation Act of 1899 or Section 404 of the Clean Water Act are subject to fines ranging up to \$16,000 per day of violation, with a maximum cap of \$187,500 in any single enforcement action, as well as criminal enforcement.**

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## GLOSSARY

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**AGRICULTURAL PROTECTION AREAS (AG AREAS)** - Allowed by P.A. 81-1173. An AG AREA consists of a minimum of 350 acres of farmland, as contiguous and compact as possible. Petitioned by landowners, AG AREAS protect for a period of ten years initially, then reviewed every eight years thereafter. AG AREA establishment exempts landowners from local nuisance ordinances directed at farming operations, and designated land cannot receive special tax assessments on public improvements that do not benefit the land, e.g. water and sewer lines.

**AGRICULTURE** - The growing, harvesting and storing of crops including legumes, hay, grain, fruit and truck or vegetable including dairying, poultry, swine, sheep, beef cattle, pony and horse production, fur farms, and fish and wildlife farms; farm buildings used for growing, harvesting and preparing crop products for market, or for use on the farm; roadside stands, farm buildings for storing and protecting farm machinery and equipment from the elements, for housing livestock or poultry and for preparing livestock or poultry products for market; farm dwellings occupied by farm owners, operators, tenants or seasonal or year around hired farm workers.

**BEDROCK** - Indicates depth at which bedrock occurs. Also lists hardness as rippable or hard.

**FLOODING** - Indicates frequency, duration, and period during year when floods are likely to occur.

**HIGH WATER TABLE** - A seasonal high water table is a zone of saturation at the highest average depth during the wettest part of the year. May be apparent, perched, or artesian kinds of water tables.

- **Water table, Apparent:** A thick zone of free water in the soil. An apparent water table is indicated by the level at which water stands in an uncased borehole after adequate time is allowed for adjustment in the surrounding soil.
- **Water table, Artesian:** A water table under hydrostatic head, generally beneath an impermeable layer. When this layer is penetrated, the water level rises in an uncased borehole.
- **Water table, Perched:** A water table standing above an unsaturated zone. In places an upper, or perched, water table is separated from a lower one by a dry zone.

**DELINEATION** - For Wetlands: A series of pink or orange flags placed on the ground by a certified professional that outlines the wetland boundary on a parcel.

**DETERMINATION** - A polygon drawn on a map using map information that gives an outline of a wetland.

**HYDRIC SOIL** - This type of soil is saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part (USDA Natural Resources Conservation Service 1987).

**INTENSIVE SOIL MAPPING** - Mapping done on a smaller more intensive scale than a modern soil survey to determine soil properties of a specific site, e.g. mapping for septic suitability.

**LAND EVALUATION AND SITE ASSESSMENT (L.E.S.A.)** - LESA is a systematic approach for evaluating a parcel of land and to determine a numerical value for the parcel for farmland preservation purposes.

**MODERN SOIL SURVEY** - A soil survey is a field investigation of the soils of a specific area, supported by information from other sources. The kinds of soil in the survey area are identified and their extent shown on a map, and an accompanying report describes, defines, classifies, and interprets the soils. Interpretations predict the behavior of the soils under different used and the soils' response to management. Predictions are made for areas of soil at specific places. Soils information collected in a soil survey is useful in developing land-use plans and alternatives involving soil management systems and in evaluating and predicting the effects of land use.

**PERMEABILITY** - Values listed estimate the range (in rate and time) it takes for downward movement of water in the major soil layers when saturated but allowed to drain freely. The estimates are based on soil texture, soil structure, available data on permeability and infiltration tests, and observation of water movement through soils or other geologic materials.

**PIQ** - Parcel in question

**POTENTIAL FROST ACTION** - Damage that may occur to structures and roads due to ice lens formation causing upward and lateral soil movement. Based primarily on soil texture and wetness.

**PRIME FARMLAND** - Prime farmland soils are lands that are best suited to food, feed, forage, fiber and oilseed crops. It may be cropland, pasture, woodland, or other land, but it is not urban and built up land or water areas. It either is used for food or fiber or is available for those uses. The soil qualities, growing season, and moisture supply are those needed for a well-managed soil economically to produce a sustained high yield of crops. Prime farmland produces in highest yields with minimum inputs of energy and economic resources and farming the land results in the least damage to the environment. Prime farmland has an adequate and dependable supply of moisture from precipitation or irrigation. The temperature and growing season are favorable. The level of acidity or alkalinity is acceptable. Prime farmland has few or no rocks and is permeable to water and air. It is not excessively erodible or saturated with water for long periods and is not frequently flooded during the growing season. The slope ranges mainly from 0 to 5 percent (USDA Natural Resources Conservation Service).

**SEASONAL** - When used in reference to wetlands indicates that the area is flooded only during a portion of the year.

**SHRINK-SWELL POTENTIAL** - Indicates volume changes to be expected for the specific soil material with changes in moisture content.

**SOIL MAPPING UNIT** - A map unit is a collection of soil areas of miscellaneous areas delineated in mapping. A map unit is generally an aggregate of the delineations of many different bodies of a kind of soil or miscellaneous area but may consist of only one delineated body. Taxonomic class names and accompanying phase terms are used to name soil map units. They are described in terms of ranges of soil properties within the limits defined for taxa and in terms of ranges of taxadjuncts and inclusions.

**SOIL SERIES** - A group of soils, formed from a particular type of parent material, having horizons that, except for texture of the A or surface horizon, are similar in all profile characteristics and in arrangement in the soil profile. Among these characteristics are color, texture, structure, reaction, consistence, and mineralogical and chemical composition.

**SUBSIDENCE** - Applies mainly to organic soils after drainage. Soil material subsides due to shrinkage and oxidation.

**TOPSOIL** - That portion of the soil profile where higher concentrations of organic material, fertility, bacterial activity and plant growth take place. Depths of topsoil vary between soil types.

**WATERSHED** - An area of land that drains to an associated water resource such as a wetland, river or lake. Depending on the size and topography, watersheds can contain numerous tributaries, such as streams and ditches, and ponding areas such as detention structures, natural ponds and wetlands.

**WETLAND** - An area that has a predominance of hydric soils and that is inundated or saturated by surface or groundwater at a frequency and duration sufficient enough to support, and under normal circumstances does support, a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions.

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**Matt Asselmeier**

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**From:** Little Rock Township <littlerocktownship@gmail.com>  
**Sent:** Thursday, August 22, 2024 9:03 AM  
**To:** Matt Asselmeier  
**Cc:** Frank Carreno (Little Rock Township); littlerockhwy@aol.com  
**Subject:** [External]Re: Kendall County Zoning Petition 24-21

CAUTION - This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

We voted at our meeting last night. It was a recommendation to allow the rezoning.

Marcia Newkirk

On Thu, Aug 22, 2024 at 8:21 AM Matt Asselmeier <[masselmeier@kendallcountyil.gov](mailto:masselmeier@kendallcountyil.gov)> wrote:

Marcia and Dick:

Did Little Rock Township have any comments regarding the Hill rezoning request?

Thanks,

Matthew H. Asselmeier, AICP, CFM

Director

Kendall County Planning, Building & Zoning

111 West Fox Street

Yorkville, IL 60560-1498

PH: 630-553-4139

Fax: 630-553-4179

**From:** Matt Asselmeier

**Sent:** Wednesday, August 7, 2024 10:12 AM





City Clerk (630) 552-8275

City Treasurer (630) 552-8823

Mayor (630) 552-3210

Public Works (630) 552-7000

Building & Zoning (630) 552-8425

July 30, 2024

Daniel J. Kramer



Re: Hill Trust Re-zoning

Mr. Kramer,

The City of Plano has no objections to the proposed re-zoning of land, identified as Assessor's PIN Number 01-09-401-013. The proposed zoning classification change from agricultural A-1 to low density single family residential R-1 is consistent with the city's future land use map and comprehensive plan. Please feel free to contact my office with any further questions or concerns.

Sincerely,



Jeff Sobotka  
Director of Building,  
Planning & Zoning

Attachment 7, Page 1  
**KENDALL COUNTY**  
**REGIONAL PLANNING COMMISSION**

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

**Unapproved - Meeting Minutes of August 28, 2024 - 7:00 p.m.**

Starting at 7:03 p.m., the Commission observed a moment of silence in honor of Larry Nelson. Attendees commented on Member Nelson's passing and discussed their memories of him.

Chairman Bill Ashton called the meeting to order at 7:19 p.m.

**ROLL CALL**

Members Present: Bill Ashton, Eric Bernacki, Tom Casey, Dave Hamman, Karin McCarthy-Lange, Ruben Rodriguez, Claire Wilson, and Seth Wormley

Members Absent: Bob Stewart

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

Others Present: Dan Kramer, Scott Hill, Cheryl Hill, and Matthew Toftoy

**APPROVAL OF AGENDA**

Chairman Ashton announced that the Petitioner for Petition 24-22 requested the proposal to be continued to the September 25, 2024, meeting.

Member Wilson made a motion, seconded by Member Rodriguez, to approve the agenda with an amendment to remove Petition 24-22 from the agenda and continue the Petition to the September 25, 2024, meeting. With a voice vote of eight (8) ayes, the motion carried.

**PETITIONS**

**Petition 24-21 Scott L. and Cheryl A. Hill on Behalf of the Hill Living Trust**

Mr. Asselmeier summarized the request.

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 were seeking a variance 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 and zoning plat were provided.

The property was located between 15715 and 15609 Miller Road on the north side of Miller Road.

The existing land use is Agricultural.

The County's Land Resource Management Plan calls for the property to be Countryside Residential. Plano's Future Land Use Map calls for the property to be Estate Residential.

Miller Road is a Township maintained Minor Collector.

Plano has a trail planned along Miller Road.

There is a wetland (freshwater pond) on the property.

The adjacent land uses are Agricultural and Single-Family Residential.

The adjacent properties are zoned A-1 and R-3 in the County and AG-1 inside Plano.

The County's Future Land Use Map calls for the area to be Countryside Residential (Max 0.33 DU/Acre). Plano's Future Land Use Map calls for the area to be Estate Residential (Max 0.8 DU/Acre) and Low Density Residential (Max 2.25 DU/Acre).

Properties within one half (1/2) mile are zoned A-1, A-1 SU, R-1, R-2, and R-3 in the County and AG-1 inside Plano.

The A-1 special use permits to the east is for a campground (Boy Scout camp).

EcoCAT Report submitted and consultation was terminated; there were protected resources in the area, but adverse impacts were unlikely.

Petition information was sent to Little Rock Township on July 30, 2024. The Township reviewed the proposal at their meeting on August 21, 2024, and recommended approval of the map amendment. The email from the Township was provided.

Petition information was sent to the City of Plano on July 30, 2024. On July 30, 2024, the City of Plano submitted a letter expressing no objections to the proposal. The letter was provided.

Petition information was sent to the Little Rock-Fox Fire Protection District on July 30, 2024. No comments were received.

ZPAC reviewed the proposal at their meeting on August 6, 2024. The Petitioner's Attorney said the property to the north was annexed to Plano as part of a larger residential development that never materialized and how the subject property came into the current configuration. ZPAC recommended approval of the map amendment and variance by a vote of eight (8) in favor and zero (0) in opposition with two (2) members absent. The minutes of the meeting were provided.

The 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.

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

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

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

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

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

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

Landscaping would be for residential uses.

No non-residential signage is planned.

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

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

The proposed Findings of Fact for the Map Amendment were as follows:

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.

The proposed Findings of Fact for the variance were as follows:

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 a 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.

Staff recommended approval of the proposed map amendment and variance.

Member Wilson asked where the driveway goes after it turns east. Dan Kramer, Attorney for the Petitioner, explained the history of the division of the property. The driveway goes to a house and some outbuildings. The house previously belonged to the grandfather of the Petitioner. Mr. Kramer explained the annexations to Plano in the area. The larger farm was divided after the grandfather of the Petitioner died. A roadway agreement exists between the Petitioner's and the owner of the house and outbuildings.

Mr. Kramer stated that the Petitioners want to build one (1) house. The son of the Petitioner's may build a second house in the future. The Petitioners wanted that information declared in map amendment application to avoid any issues about a second house in the future.

Member Hamman asked about the size of the property. Mr. Kramer responded that the property was just under fourteen (14) acres. Mr. Kramer explained how the property would be divided under the Plat Act; it would be split north-south.

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

The votes were as follows:

- Ayes (8): Ashton, Bernacki, Casey, Hamman, McCarthy-Lange, Rodriguez, Wilson, and Wormley
- Nays (0): None
- Absent (1): Stewart
- Abstain (0): None

The motion carried.

The proposal goes to the Kendall County Zoning Board of Appeals on September 3, 2024.

**CITIZENS TO BE HEARD/PUBLIC COMMENT**

None

**OTHER BUSINESS/ANNOUNCEMENTS**

Mr. Asselmeier reported the rezoning request at 10835 Legion Road and the approval of the 2025 meeting calendar were the only agenda items for the September meeting. The items that were on the Comprehensive Land Plan Committee's agendas will be placed on the September Planning Commission meeting.

**ADJOURNMENT**

Member Bernacki made a motion, seconded by Member McCarthy-Lange, to adjourn. With a voice vote of eight (8) ayes, the motion carried.

The Kendall County Regional Planning Commission meeting adjourned at 8:04 p.m.

Respectfully submitted by,  
Matthew H. Asselmeier, AICP, CFM, Director

Enc.



**KENDALL COUNTY  
REGIONAL PLANNING COMMISSION  
AUGUST 28, 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 Kwan</i>		

Law Offices  
of  
**Daniel J. Kramer**  
1107A S. Bridge Street  
Yorkville, Illinois 60560  
630-553-9500  
Fax: 630-553-5764  
dkramer@dankramerlaw.com

Daniel J. Kramer

Kelly A. Helland  
D.J. Kramer

August 21, 2024


Matt Asselmeier  
Kendall County Planning, Building, & Zoning  
Via E-mail: [Masselmeier@kendallcountyil.gov](mailto:Masselmeier@kendallcountyil.gov)

RE: Phillipp Petition

Dear Matt:

Please be advised we are set to be at the Kendall Township Plan Commission September 16, 2024, and the Kendall Township Board September 17, 2024. I know the Township's Approval is required to obtain approval at the Kendall County Regional Plan Commission and Zoning Board of Appeal so we hereby request to be continued to the September 25<sup>th</sup> Regional Plan Commission and September 30<sup>th</sup> Zoning Board of Appeals. I will be at the meetings to request the extension. Should you have any questions or concerns please feel free to contact me.

Very truly yours

  
Daniel J. Kramer  
Attorney at Law

DJK:cth





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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 Petitioners are 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). The LESA Score was 163 indicating a low level of protection. The NRI Report is included as Attachment 8.

**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.

**ZPAC**

ZPAC reviewed this proposal at their meeting on August 6, 2024. The Petitioner's Attorney requested that the condition setting a maximum number of employees be removed. The Petitioner's Attorney was agreeable to the other conditions. The conditions would be amended to correct a typographical error to allow outdoor storage of equipment when the business is closed. The reference to greenhouses in the condition pertaining to building permits would also be removed. The Health Department offered to assist the Petitioners, if the Petitioners wished to install a septic system at the property in the future. ZPAC recommended approval of the proposal with the removal of the condition pertaining to the maximum number of employees, the correction of the condition to allow outdoor storage of equipment when the business is closed, and the removal of the reference to greenhouses in the condition pertaining to building permits by a vote of seven (7) in favor, zero (0) in opposition, one (1) abstention, and (2) members absent. The minutes of the meeting are included as Attachment 7.

**RPC**

The Kendall County Regional Planning Commission reviewed this proposal at their meeting on August 22, 2024. Discussion occurred regarding the removal of the condition capping the maximum number of employees; the condition was removed in order to allow the business to grow in the future. It was also noted that several other landscaping businesses have conditions in their special use permits allowing outside storage. The Kendall County Regional Planning Commission recommended approval of the proposal with the conditions proposed by Staff by a vote of seven (7) in favor, zero (0) in opposition, one (1) abstention, and (2) members absent. The minutes of the meeting are included as Attachment 9.

**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 Millbrook Village Board approves the outdoor storage of equipment, 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 landscape materials; equipment would be stored outdoors.

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 property 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 the 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.

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 (**Corrected at ZPAC**).

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. (Deleted at ZPAC)~~

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. (Corrected at ZPAC)**.
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
7. August 6, 2024, ZPAC Meeting Minutes (This Petition Only)
8. NRI Report
9. August 28, 2024, Kendall County Regional Planning Commission Minutes (This Petition Only)



**DEPARTMENT OF PLANNING, BUILDING & ZONING**

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

**APPLICATION**

**PROJECT NAME** 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.) <input type="checkbox"/> 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>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 aerals. 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 un-married 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 16<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

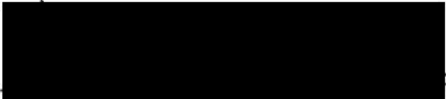


\_\_\_\_\_  
Signature of Affiant

**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



## 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, 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.







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]

Notary Public



GRANTEE'S ADDRESS:

Richard Budd Wormley

[Redacted]

SEND SUBSEQUENT TAX BILLS TO:

Richard Budd Wormley

[Redacted]

AFTER RECORDING, RETURN TO:

Robert E. Nelson

Nelson & Shea Ltd.

[Redacted]

THIS INSTRUMENT PREPARED BY:

Robert E. Nelson  
Nelson & Shea Ltd.

[Redacted]

Exempt under provision of Paragraph 1k  
35 ILCS 200/31-45, Property Tax Code

Date: SEPT 27, 2012

[Redacted]

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



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
<input checked="" type="checkbox"/> MATT TOFTOY		
<input checked="" type="checkbox"/> DAVE TOFTOY		

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

[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>
<u>        </u> Additional Acres at \$18.00 each	\$	<u>        </u>
<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 [redacted]

X [redacted]  
 Petitioner or Authorized Agent

019-2024  
 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

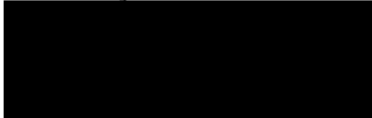
One Natural Resources Way Springfield, Illinois 62702-1271  
<http://dnr.state.il.us>

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.

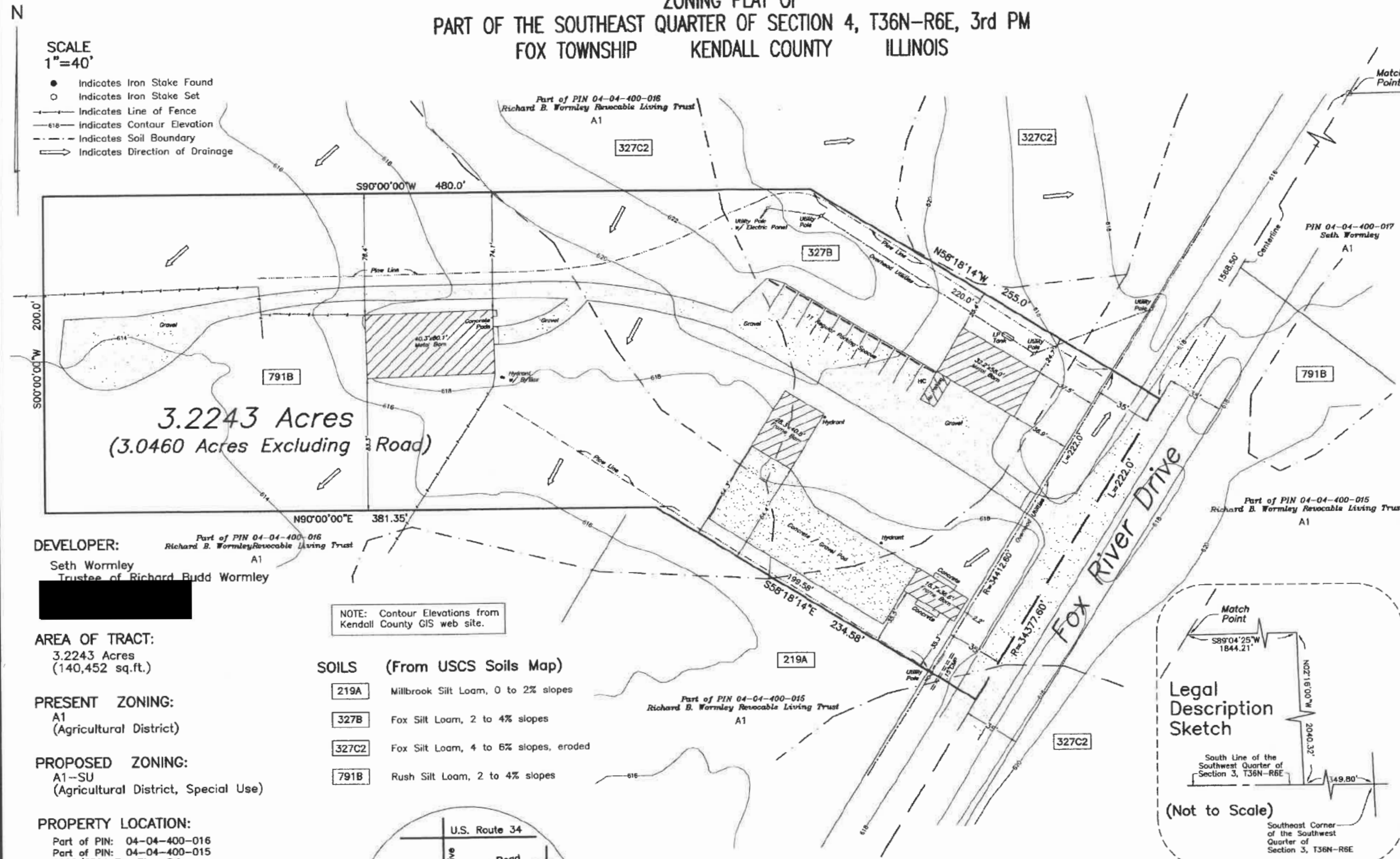
The natural resource review reflects the information existing in the Illinois Natural Heritage Database at the time of the project submittal, and should not be regarded as a final statement on the site being considered, nor should it be a substitute for detailed site surveys or field surveys required 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



- 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

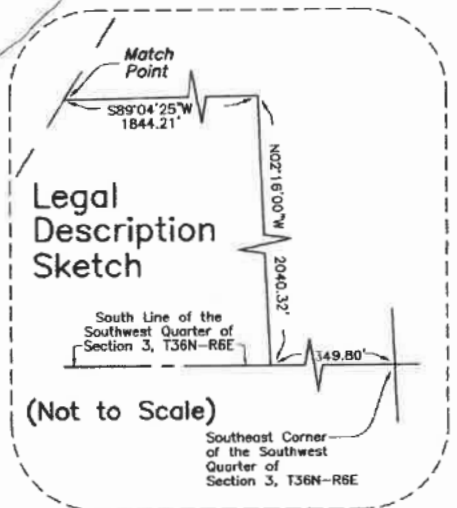
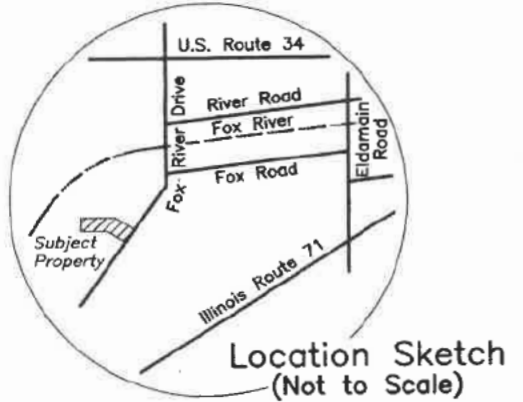
**FLOODPLAIN STATEMENT:**  
The Subject property is located in Zone X (areas of minimal flood hazard determined to be outside the 0.2% annual chance floodplain) as shown on FEMA Flood Insurance Rate Map Panel No. 17093C0100G with an effective date of February 4, 2009.

**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



**ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)  
August 6, 2024 – Unapproved Meeting Minutes**

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

Present:

Matt Asselmeier – PBZ Department  
Lauren Belville – Health Department  
Meagan Briganti – GIS Department  
Brian Holdiman – PBZ Department  
Fran Klaas – Highway Department  
Alyse Olson – Soil and Water Conservation District  
Antoinette White – Forest Preserve  
Seth Wormley – PBZ Committee Chair

Absent:

Greg Chismark – WBK Engineering, LLC  
Commander Jason Langston – Sheriff's Department

Audience:

Dan Kramer, Steve Grebner, and Matt Toftoy

**PETITIONS**

PBZ Chairman Wormley recused himself at this time (9:15 a.m.).

**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)**

Mr. Asselmeier summarized the request.

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

The application materials, site plan, and pictures of the property were provided.

The property is located at 6891 Fox River Drive, Yorkville, inside the Village of Millbrook.

The proposed special use area of the property was approximately three point two (3.2) acres in size.

The existing land use of the property is Agricultural.

The property is zoned A-1 by the Village of Millbrook.

Millbrook Plan calls for the property to be Low Density Residential (Max 0.65 DU/Acre).

Fox River Drive is a Major Collector maintained by Kendall County.

The County has a trail planned along Fox River Drive.

There are no floodplains or wetlands on the portion of the parcels where the special use is proposed.

The adjacent properties are Agricultural and Single-Family Residential. The Fox River is located west of the subject property.

The adjacent properties are zoned A-1 in the County and A-1 inside the Village of Millbrook.

The County's Land Resource Management Plan calls for the area to be Countryside Residential (Max 0.33 DU/Acre) and Open Space. Millbrook's Future Land Use Map calls for the area to be Low Density Residential, Open Space, and Forest Preserve.

The properties within one half (1/2) of a mile are zoned A-1 and A-1 BP in the County and A-1 inside 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.

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.

The NRI application was submitted on July 19, 2024.

Petition information was sent to Fox Township on July 30, 2024. No comments were received.

Petition information was sent to the Village of Millbrook on July 30, 2024. No comments were received.

Petition information was sent to the Little Rock-Fox Fire Protection District on July 30, 2024. No comments were received.

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 Millbrook Village Board approves the outdoor storage of equipment, the above conditions have been met.

As noted in the project narrative, 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 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 landscape materials; equipment would be stored outdoors.

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.

Many of the buildings on the subject property 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.

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.

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.

Per the site plan, the property has a gravel driveway.

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

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

No signage was proposed.

The property presently has cameras on the main buildings.

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

No information was provided regarding noise control.

No information was provided regarding odor control.

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

The proposed Findings of Fact were as follows:

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."

Staff recommended approval of the requested special use permit subject to the following conditions and restrictions. To date, the Petitioners have not agreed to these conditions and restrictions:

1. The site shall be developed substantially in accordance with the site plan.
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.

Dan Kramer, Attorney for the Petitioners, requested that the condition pertaining to the maximum number of employees be removed to encourage business growth. Mr. Kramer was agreeable to the other conditions.

Ms. Belville offered to help the Petitioners obtain a septic system in the future, if they wanted a septic system in the future.

Mr. Holdiman made a motion, seconded by Mr. Klaas, to recommend approval of the special use permit with the conditions proposed by Staff correcting the conditions to allow outdoor storage, removing the maximum number of employee recommendation, and correcting the reference to greenhouses in the condition requiring buildings to obtain permits.

The votes were follows:

Ayes (7): Asselmeier, Belville, Briganti, Holdiman, Klaas, Langston, Olson, and White  
Nays (0): None  
Abstain (1): Wormley  
Absent (2): Chismark and Langston

The motion passed.

The proposal goes to the Kendall County Regional Planning Commission on August 28, 2024.

PBZ Chairman Wormley returned at this time (9:25 a.m.).

**PUBLIC COMMENT**

None

**ADJOURNMENT**

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

With a voice vote of eight (8) ayes, the motion carried.

The ZPAC, at 9:26 a.m., adjourned.

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

Enc.



**KENDALL COUNTY  
ZONING & PLATTING ADVISORY COMMITTEE  
AUGUST 6, 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)
Dor Kramer 24-21, 24-22, +24-23		



**Kendall County Soil & Water Conservation District**

August 8, 2024

Richard Budd Wormley Revocable Living Trust



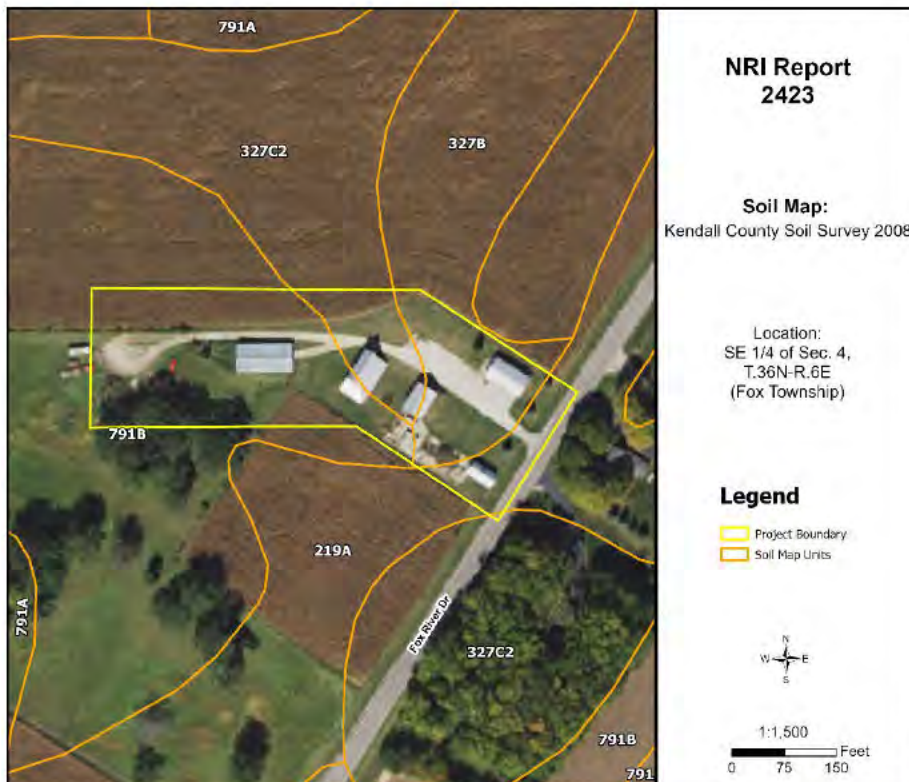
Dear Petitioner,

The Kendall County Soil & Water Conservation District (SWCD) received a Natural Resources Information (NRI) Report Application for a Special Use Permit request to operate a landscaping business on a 3.22-acre property located on Fox River Drive in the Village of Millbrook (Parcel Index Numbers 04-04-400-015 (part of) and 04-04-400-016 (part of)). The proposed project is in the southeast quarter of Section 4 in Fox Township (T.36N – R.6E).

After reviewing the application, it was determined that a *full NRI Report is not necessary at this time* for the proposed project. It appears that *Finer Finish Grounds Care, LLC*, the landscaping business, will operate on the site as is. There do not appear to be any proposed changes to the site such as grading, land disturbance, addition of buildings, or building expansions.

The Kendall County SWCD has reviewed the 3.22-acre project site and would like to note the following natural resources considerations:

- **SOILS:** The 2008 Soil Survey for Kendall County as maintained by the United States Department of Agriculture – Natural Resource Conservation Service (USDA-NRCS) contains soil maps and descriptions for soil types throughout the county. The figure & table below show the soil map units that are present within the project site.



Soil Map Unit	Acreage	Percent of Parcel
219A Millbrook silt loam, 0-2% slopes	0.4	12.5%
327B Fox silt loam, 2-4% slopes	0.7	21.9%
327C2 Fox silt loam, 4-6% slopes, eroded	0.4	12.5%
791B Rush silt loam, 2-4% slopes	1.7	53.1%

- Soil survey interpretations are predictions of soil behavior for specified land uses and specified management practices. These interpretative ratings help engineers, planners, and others to understand how soil properties influence behavior when used for nonagricultural uses such as building site development or construction materials. They are based on the soil properties that directly influence the specified use of the soil. Each soil map unit has limitations for a variety of land uses such as buildings with basements, buildings without basements, small commercial buildings, shallow excavations, onsite sewage disposal, and lawns/landscaping. It is important to remember that soils do not function independently of each other. The behavior of a soil depends upon the physical properties of adjacent soil types, the presence of artificial drainage, soil compaction, and its position in the local landscape.
- The information in the table below provides further detail on drainage class, hydrologic soil groups, and hydric soil designation of the soils present onsite.
  - **Drainage Class:** Refers to the frequency and duration of wet periods under similar conditions to those under which the soil formed.
  - **Hydrologic Soil Groups:** Soils have been classified into four (A, B, C, D) hydrologic groups based on runoff characteristics due to rainfall. If a soil is assigned to a dual hydrologic group (A/D, B/D or C/D), the first letter is for drained areas and the second letter is for undrained areas. Group A soils have a high infiltration rate, low runoff potential and high rate of water transmission. Group B soils have a moderate infiltration rate and rate of water transmission. Group C soils have a slow infiltration rate and rate of water transmission. Group D soils have a very slow infiltration rate, high runoff potential and a very slow rate of water transmission.
  - **Hydric Soil Designation:** A hydric soil is one that formed under conditions of saturation, flooding, or ponding long enough during the growing season to develop anaerobic conditions in the upper part of the soil profile that supports the growth or regeneration of hydrophytic vegetation.

Map Unit	Drainage Class	Hydrologic Group	Hydric Soil Designation
219A	Somewhat Poorly Drained	C/D	Non-Hydric
327B	Well Drained	B	Non-Hydric
327C2	Well Drained	B	Non-Hydric
791B	Well Drained	B	Non-Hydric

- The information in the table below provides further detail on water features of the soils present onsite.
  - **Surface Runoff:** Refers to the loss of water from an area by flow over the land surface. Surface runoff classes are based upon slope, climate and vegetative cover and indicates relative runoff for very specific conditions (it is assumed that the surface of the soil is bare and that the retention of surface water resulting from irregularities in the ground surface is minimal). The surface runoff classes are identified as: negligible, very low, low, medium, high, and very high.
  - **Water Table:** Water table refers to a saturated zone in the soil and the data indicates, by month, depth to the top (upper limit) and base (lower limit) of the saturated zone in most years. These estimates are based upon observations of the water table at selected sites and on evidence of a saturated zone (grayish colors or mottles (redoximorphic features)) in the soil. Note: A saturated zone that lasts for less than a month is not considered a water table.
  - **Ponding:** Ponding is standing water in a closed depression. Unless a drainage system is installed, the water is removed only by percolation, transpiration, or evaporation. Duration is expressed as very brief

(less than 2 days), brief (2 to 7 days), long (7 to 30 days), very long (more than 30 days). Frequency is expressed as none (ponding is not probable), rare (unlikely but possible under unusual weather conditions), occasional (occurs, on average, once or less in 2 years) and frequent (occurs, on average, more than once in 2 years).

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

Map Unit	Surface Runoff	Water Table	Ponding	Flooding
219A	Low	January - May Upper Limit: 0.5'-2.0' Lower Limit: 6.0'	January – December Frequency: None	January – December Frequency: None
327B	Low	January - December Upper Limit: -- Lower Limit: --	January – December Frequency: None	January – December Frequency: None
327C2	Medium	January - December Upper Limit: -- Lower Limit: --	January – December Frequency: None	January – December Frequency: None
791B	Low	January - December Upper Limit: -- Lower Limit: --	January – December Frequency: None	January – December Frequency: None

- **DRAINAGE:** This site is located on slopes of approximately 0-6%. Topographic maps indicate that the site drains towards the Fox River to the west. The site lies within the Lower Fox River Watershed and the Hollenback Creek – Fox River sub watershed (HUC12 071200070602). The Hollenback Creek sub watershed comprises approximately 15,842 acres covering parts of Yorkville, Millbrook, and Newark.
- **WETLANDS & FLOOD HAZARD AREAS:** Based upon review of the U.S. Fish & Wildlife Service’s National Wetlands Inventory Map, the site does not appear to contain wetlands or waters of the U.S. The Fox River is located approximately 0.25 miles west of the site. Based on an in-office review of the Federal Emergency Management Agency’s (FEMA) Flood Insurance Rate Map (FIRM) for Kendall County, Community Panel No. 17093C0100G (effective date February 4, 2009), the site does not appear to be located within the 100-year floodplain. It is mapped as Zone X, an area of minimal flood hazard.

The laws of the United States and the State of Illinois assign certain agencies specific and different regulatory roles to protect the waters within the State's boundaries. Waters and wetlands in Kendall County are regulated by the U.S. Army Corps of Engineers, Chicago District. Floodways and floodplains are regulated by the Illinois Department of Natural Resources – Office of Water Resources. Unregulated use of the waters within the State of Illinois could permanently destroy or alter the character of these valuable resources and adversely impact the public. Therefore, please contact the proper regulatory authorities when planning any work associated with Illinois waters so that proper consideration and approval can be obtained.

- **SOIL EROSION & SEDIMENT CONTROL:** If construction is to occur onsite in the future, a soil erosion and sediment control plan should be prepared and implemented in accordance with both Kendall County and Illinois Environmental Protection Agency requirements. The Illinois Urban Manual (<https://illinoisurbanmanual.org/>) can

be used as a reference for proper selection and implementation of onsite soil erosion and sediment control practices to ensure that soil is properly maintained onsite from project initiation to completion.

- LAND EVALUATION SITE ASSESSMENT (LESA):** The Land Evaluation Site Assessment (LESA) system, a land use planning tool, assists decision-makers in Kendall County in determining the suitability of a land use change and/or a zoning request. Specifically, the LESA system is designed to facilitate decision making by providing a rational process for assisting local officials in making farmland conversion decisions through the local land use process. It provides a technical framework to numerically rank land parcels based on local resource evaluation and site considerations. The LESA system was developed by the United States Department of Agriculture-Natural Resources Conservation Service (USDA-NRCS) and takes into consideration local conditions such as physical characteristics of the land, compatibility of surrounding land uses, and urban growth factors. The LESA system is a two-step procedure that includes Land Evaluation (LE) and Site Assessment (SA). The Land Evaluation is based on soils of a given area that are rated and placed in groups ranging from the best to worst suited for a stated agriculture use such as cropland and forestland. The best group is assigned a value of 100 and all other groups are assigned lower values (94, 87, 79, etc.). The Land Evaluation is based on data from the USDA Kendall County Soil Survey. The Site Assessment is numerically evaluated according to important factors that contribute to the quality of the site. Each factor selected is assigned values in accordance with the local needs and objectives. The overall score is based on a 300-point rating scale.

#### Land Evaluation Computation

Soil Type	Value Group	Relative Value	Acres	Product (Relative Value x Acres)
219A	3	87	0.4	34.8
327B	4	79	0.7	55.3
327C2	4	79	0.4	31.6
791B	4	79	1.7	134.3
<b>Totals</b>			<b>3.2</b>	<b>256.0</b>
<b>LE Calculation</b>			(Product of relative value / Total Acres) 256.0 / 3.2 = 80	
<b>LE Score</b>			<b>LE = 80</b>	

The Land Evaluation score for this site is 80 out of a possible 100 points, indicating that the soils are well-suited for agricultural uses since the score is at least 80 or greater.

#### Site Assessment Computation

A.	Agricultural Land Uses	Points
	1. Percentage of area in agricultural uses within 1.5 miles of site. (20-10-5-0)	20
	2. Current land use adjacent to site. (30-20-15-10-0)	20
	3. Percentage of site in agricultural production in any of the last 5 years. (20-15-10-5-0)	0
	4. Size of site. (30-15-10-0)	0
B.	Compatibility / Impact on Uses	
	1. Distance from city or village limits. (20-10-0)	0
	2. Consistency of proposed use with County Land Resource Management Concept Plan and/or municipal comprehensive land use plan. (20-10-0)	10
	3. Compatibility of agricultural and non-agricultural uses. (15-7-0)	0
C.	Existence of Infrastructure	
	1. Availability of public sewage system. (10-8-6-0)	10
	2. Availability of public water system. (10-8-6-0)	10
	3. Transportation systems. (15-7-0)	7
	4. Distance from fire protection service. (10-8-6-2-0)	6
	<b>Site Assessment Score:</b>	<b>83</b>



The Site Assessment score for this site is 83 out of a possible 200 points. The Land Evaluation value (80) is added to the Site Assessment value (83) to obtain a LESA Score of 163. The table below shows the level of protection for the proposed project site based on the LESA Score.

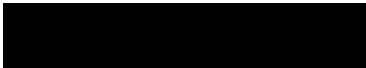
**LESA Score Summary**

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

The overall LESA Score for this site is 163 indicating a low level of protection for the proposed project site. Note: Selecting the project site with the lowest total points will generally protect the best farmland located in the most viable areas and maintain and promote the agricultural industry in Kendall County.

If you have any questions, please contact me at (630) 553-5821 extension 3 or [alyse.olson@il.nacdnet.net](mailto:alyse.olson@il.nacdnet.net).

Sincerely,



Alyse Olson  
Resource Conservationist

Attachment 9, Page 1  
**KENDALL COUNTY**  
**REGIONAL PLANNING COMMISSION**

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

**Unapproved - Meeting Minutes of August 28, 2024 - 7:00 p.m.**

Starting at 7:03 p.m., the Commission observed a moment of silence in honor of Larry Nelson. Attendees commented on Member Nelson's passing and discussed their memories of him.

Chairman Bill Ashton called the meeting to order at 7:19 p.m.

**ROLL CALL**

Members Present: Bill Ashton, Eric Bernacki, Tom Casey, Dave Hamman, Karin McCarthy-Lange, Ruben Rodriguez, Claire Wilson, and Seth Wormley

Members Absent: Bob Stewart

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

Others Present: Dan Kramer, Scott Hill, Cheryl Hill, and Matthew Toftoy

**APPROVAL OF AGENDA**

Chairman Ashton announced that the Petitioner for Petition 24-22 requested the proposal to be continued to the September 25, 2024, meeting.

Member Wilson made a motion, seconded by Member Rodriguez, to approve the agenda with an amendment to remove Petition 24-22 from the agenda and continue the Petition to the September 25, 2024, meeting. With a voice vote of eight (8) ayes, the motion carried.

**PETITIONS**

Member Wormley recused himself at this time (7:29 p.m.).

**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)**

Mr. Asselmeier summarized the request.

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

The application materials, site plan, and pictures of the property were provided.

The property is located at 6891 Fox River Drive, Yorkville, inside the Village of Millbrook.

The proposed special use area of the property was approximately three point two (3.2) acres in size.

The existing land use of the property is Agricultural.

The property is zoned A-1 by the Village of Millbrook.

Millbrook Plan calls for the property to be Low Density Residential (Max 0.65 DU/Acre).

Fox River Drive is a Major Collector maintained by Kendall County.

The County has a trail planned along Fox River Drive.

KCRPC Meeting Minutes 8.28.24

There are no floodplains or wetlands on the portion of the parcels where the special use is proposed.

The adjacent properties are Agricultural and Single-Family Residential. The Fox River is located west of the subject property.

The adjacent properties are zoned A-1 in the County and A-1 inside the Village of Millbrook.

The County's Land Resource Management Plan calls for the area to be Countryside Residential (Max 0.33 DU/Acre) and Open Space. Millbrook's Future Land Use Map calls for the area to be Low Density Residential, Open Space, and Forest Preserve.

The properties within one half (1/2) of a mile are zoned A-1 and A-1 BP in the County and A-1 inside 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.

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.

The NRI application was submitted on July 19, 2024. The LESA Score was 163 indicating a low level of protection. The NRI Report was provided.

Petition information was sent to Fox Township on July 30, 2024. No comments were received.

Petition information was sent to the Village of Millbrook on July 30, 2024. No comments were received.

Petition information was sent to the Little Rock-Fox Fire Protection District on July 30, 2024. No comments were received.

ZPAC reviewed this proposal at their meeting on August 6, 2024. The Petitioner's Attorney requested that the condition setting a maximum number of employees be removed. The Petitioner's Attorney was agreeable to the other conditions. The conditions would be amended to correct a typographical error to allow outdoor storage of equipment when the business is closed. The reference to greenhouses in the condition pertaining to building permits would also be removed. The Health Department offered to assist the Petitioners, if the Petitioners wished to install a septic system at the property in the future. ZPAC recommended approval of the proposal with the removal of the condition pertaining to the maximum number of employees, the correction of the condition to allow outdoor storage of equipment when the business is closed, and the removal of the reference to greenhouses in the condition pertaining to building permits by a vote of seven (7) in favor, zero (0) in opposition, one (1) abstention, and (2) members absent. The minutes of the meeting were provided.

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 Millbrook Village Board approves the outdoor storage of equipment, the above conditions have been met.

As noted in the project narrative, 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 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 landscape materials; equipment would be stored outdoors.

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.

Many of the buildings on the subject property 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.

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.

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.

Per the site plan, the property has a gravel driveway.

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

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

No signage was proposed.

The property presently has cameras on the main buildings.

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

No information was provided regarding noise control.

No information was provided regarding odor control.

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

The proposed Findings of Fact were as follows:

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."

Staff recommended approval of the requested special use permit subject to the following conditions and restrictions.

1. The site shall be developed substantially in accordance with the site plan.
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 (**Corrected at ZPAC**).
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. (Deleted at ZPAC)~~
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.** (**Corrected at ZPAC**).
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.

Member McCarthy-Lange asked why the maximum number of employee restriction was removed. Dan Kramer, Attorney for the Petitioner, responded, from an economic development, they did not want to prevent the business from adding employees in the future. The company only has approximately six (6) employees presently.

Mr. Kramer commended the Petitioner for following the Zoning Ordinance and obtaining a special use permit.

Member Rodriguez commented on the importance of businesses obtaining proper permits.

Discussion occurred regarding outdoor storage of equipment. Several other landscaping businesses have conditions in their special use permits pertaining to outdoor storage of equipment.

Member Hamman commented on how nice the property and other properties owned by the Petitioners were maintained.

Discussion occurred regarding the nursery in Millbrook and the type of special use permit it has.

Member Wilson made a motion, seconded by Member McCarthy-Lange, to recommend approval of the special use permit with the conditions proposed by Staff.

The votes were as follows:

Ayes (7): Ashton, Bernacki, Casey, Hamman, McCarthy-Lange, Rodriguez, and Wilson

Nays (0): None

Absent (1): Stewart

Abstain (1): Wormley

The motion carried.

The proposal goes to the Kendall County Zoning Board of Appeals on September 3, 2024.

Member Wormley returned at this time (7:45 p.m.).

**CITIZENS TO BE HEARD/PUBLIC COMMENT**

None

**OTHER BUSINESS/ANNOUNCEMENTS**

Mr. Asselmeier reported the rezoning request at 10835 Legion Road and the approval of the 2025 meeting calendar were the only agenda items for the September meeting. The items that were on the Comprehensive Land Plan Committee's agendas will be placed on the September Planning Commission meeting.

**ADJOURNMENT**

Member Bernacki made a motion, seconded by Member McCarthy-Lange, to adjourn. With a voice vote of eight (8) ayes, the motion carried.

The Kendall County Regional Planning Commission meeting adjourned at 8:04 p.m.

Respectfully submitted by,  
Matthew H. Asselmeier, AICP, CFM, Director

Enc.





**KENDALL COUNTY  
REGIONAL PLANNING COMMISSION  
AUGUST 28, 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)
Don Kwan	[REDACTED]	[REDACTED]

# Illinois Association of County Zoning Officials

111 W. Fox St., Room 203, Yorkville, IL 60545

Phone: 630-553-4139

TO: IACZO Members  
FROM: Matthew Asselmeier, AICP, CFM, IACZO President  
RE: October 25, 2024, Meeting

The fall 2024 meeting of the Illinois Association of County Zoning Officials (IACZO) will be held on Friday, October 25, 2024, remotely. I hope all members can attend. If you have any questions, please email me at [masselmeier@kendallcountyil.gov](mailto:masselmeier@kendallcountyil.gov) or call me at the phone number listed in the header.

The agenda is as follows:

<u>Agenda</u>	
9:00 am-9:15 am	Check-in/Log-In (Please let Jami Staser know if you are attending <a href="mailto:zoning@clintonco.illinois.gov">zoning@clintonco.illinois.gov</a> )
9:15 am-10:30 am	Presentation by Greg Minger, Woodford County State's Attorney, on SolAmerica Energy, LLC v. Woodford County (aka What Happens When a County Board Votes Opposite the Recommendation of a ZBA)
10:30 am-10:45 am	Break
10:45 am-Noon	Presentation by Matthew Asselmeier, Director of Planning, Building and Zoning for Kendall County, on Zoning 101
Noon-1:00 pm	Lunch
1:00 pm -1:15pm	Presentation by Greg Thorpe, Director of Zoning and Building Safety for Rock Island County, on New Building Code Regulations for Counties that Do Not Have Building Codes
1:15 pm-1:30 pm	Reports of Officers/Approval of Minutes/Approval of Treasurer's Report
1:30 pm-2:00 pm	Roundtable Discussion and Future Meetings
2:00 pm	Adjourn

Join Zoom Meeting

<https://us02web.zoom.us/j/86384939901>

Meeting ID: 863 8493 9901

One tap mobile

1-312-626-6799, 86384939901# US (Chicago)