



**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 30, 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 September 3, 2024, Zoning Board of Appeals Hearing/Meeting (Pages 2-17)

PETITIONS:

1. **Petition 24 – 13 – James C. Marshall on Behalf of TurningPointEnergy, LLC Through TPE IL KE240 (Tenant) and Frank J. Santoro (Owner) (Page 18)**

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

2. **Petition 24 – 22 – Leo M. Phillipp (Pages 19-94)**

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

NEW BUSINESS/ OLD BUSINESS

1. Approval of Fiscal Year 2024-2025 Meeting Calendar (Page 95)

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

1. Petition 24-17 Pipeline Depth Text Amendments

2. Petition 24-21 Hill Rezoning on Miller Road

3. Petition 24-23 Special Use for Landscaping Business at 6891 Fox River Drive

PUBLIC COMMENT:

**ADJOURN ZONING BOARD OF APPEALS-** Next hearing/meeting on October 28, 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  
September 3, 2024 – 7:00 p.m.

**CALL TO ORDER**

Chairman Randy Mohr called the Zoning Board of Appeals meeting to order at 7:01 p.m.

**ROLL CALL:**

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

Members Absent: None

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

Others Present: Dan Kramer, Scott Hill, and Seth Wormley

**MINUTES:**

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

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

**PETITIONS:**

The Zoning Board of Appeals started their review of Petition 24-22 at 7:02 p.m.

**Petition 24 – 22 – Leo M. Phillipp**

**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

Chairman Mohr announced that the Petitioner requested the proposal to be continued to September 30, 2024.

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

The votes were as follows:

**Ayes (7):** Cherry, Fox, LeCuyer, Mohr, Prodehl, Thompson, and Whitfield

**Nays (0):** None

**Abstain (0):** None

Absent (0): None

The motion carried.

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

The Zoning Board of Appeals completed their review of Petition 24-22 at 7:02 p.m.

Chairman Mohr swore in Dan Kramer, Scott Hill, and Seth Wormley.

The Zoning Board of Appeals started their review of Petition 24-21 at 7:02 p.m.

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

**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

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.  
ZBA Meeting Minutes 9.3.24

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 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 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.

Chairman Mohr asked where the variance was needed. Mr. Asselmeier responded, because the lot is a flag lot, the Petitioners could not conform the lot the minimum width requirement. The Petitioners did not create the hardship.

Discussion occurred regarding the sizes of the lot when the parcel was divided.

Chairman Mohr opened the public hearing at 7:08 p.m.

Dan Kramer, Attorney for the Petitioner, provided a history of annexations around the subject property. The residential development was annexed to Plano, but did not materialize. A different party bought the old house and several outbuildings, which are functionally obsolete. Mr. Kramer explained the maintenance agreement for the driveway. The property would be divided using a Plat Act exemption.

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

Member LeCuyer made a motion, seconded by Member Whitfield, to approve the findings of fact for the map amendment and variance.

The votes were as follows:

Ayes (7): Cherry, Fox, LeCuyer, Mohr, Prodehl, Thompson, and Whitfield

Nays (0): None

Abstain (0): None

Absent (0): None

The motion carried.

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

The votes were as follows:

Ayes (7): Cherry, Fox, LeCuyer, Mohr, Prodehl, Thompson, and Whitfield

Nays (0): None

Abstain (0): None

Absent (0): None

The motion carried.

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

The Zoning Board of Appeals completed their review of Petition 24-21 at 7:12 p.m.

The Zoning Board of Appeals started their review of Petition 24-23 at 7:12 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)**

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

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. 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.

The Kendall County Regional Planning Commission reviewed this proposal at their meeting on August 28, 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 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.

ZBA Meeting Minutes 9.3.24

Page 9 of 15

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.

Chairman Mohr asked if signs were requested. Mr. Asselmeier responded no signs were requested.

Chairman Mohr asked if there were any substantial changes to site from the current layout shown in the aerial. Mr. Asselmeier said no changes would occur.

Chairman Mohr opened the public hearing at 7:21 p.m.

Dan Kramer, Attorney for the Petitioner, commended the Petitioner for obtaining the special use permit at their own initiative. The property has been used as a landscaping business for some time. The only change to the site was the addition of the handicapped accessible parking space. Office operations are not run at the site and no customers come to the property. Mr. Kramer explained the Intergovernmental Agreement with Millbrook.

Chairman Mohr adjourned the public hearing at 7:23 p.m.

There is no well onsite. Water to the site is provided by another property owned by the Petitioner across Fox River Drive. The water line had been replaced and upgraded recently.

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

The votes were as follows:

Ayes (7): Cherry, Fox, LeCuyer, Mohr, Prodehl, Thompson, and Whitfield

Nays (0): None

Abstain (0): None

Absent (0): None

The motion carried.

Member Prodehl made a motion, seconded by Member Whitfield, to recommend approval of the special use permit with the conditions proposed by Staff.

The votes were as follows:

Ayes (7): Cherry, Fox, LeCuyer, Mohr, Prodehl, Thompson, and Whitfield

Nays (0): None

Abstain (0): None

Absent (0): None

The motion carried.

The proposal goes to the Millbrook Village Board on September 24, 2024.

The Zoning Board of Appeals completed their review of Petition 24-26 at 7:25 p.m.

**NEW BUSINESS/OLD BUSINESS**

October 25, 2024, Illinois Association of County Zoning Officials Training

Mr. Asselmeier provided the agenda for the training and ask Members to let him know if they would like to attend the training and if there was any area of zoning they would like more information included in the training.

Discussion occurred regarding the Woodford County zoning case.

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

None

**PUBLIC COMMENTS**

Mr. Asselmeier reported the rezoning request at 10835 Legion Road, the review of the special use permit for the solar project on Simons Road, and the approval of the 2025 meeting calendar were the only agenda items for the September 30<sup>th</sup> hearing.

The Seward Township LRMP amendment is on the Planning, Building and Zoning Committee on September 9, 2024. Seward Township indicated that they wanted to meet on the matter again in the middle of September. The Planning, Building and Zoning Committee will have to decide if another extension should be granted or if a vote will occur.

**ADJOURNMENT OF THE ZONING BOARD OF APPEALS**

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

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

The Zoning Board of Appeals meeting adjourned at 7:31 p.m.

The next regularly scheduled meeting/hearing will be on Monday, September 30, 2024.

Respectfully submitted by,  
Matthew H. Asselmeier  
Planning, Building and Zoning Director

Exhibits

1. Memo on Petition 24-21 Dated August 29, 2024
2. Certificate of Publication for Petition 24-21 (Not Included with Report but on file in Planning, Building and Zoning Office)
3. August 21, 2024, Letter from Dan Kramer Regarding Petition 24-22
4. Certificate of Publication for Petition 24-22 (Not Included with Report but on file in Planning, Building and Zoning Office)

5. Memo on Petition 24-23 Dated August 29, 2024
6. Certificate of Publication for Petition 24-23 (Not Included with Report but on file in Planning, Building and Zoning Office)





**KENDALL COUNTY**  
**ZONING BOARD OF APPEALS**  
**SEPTEMBER 3, 2024**

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

NAME	ADDRESS	SIGNATURE
<i>Don Keam</i>		

## Matt Asselmeier

---

**From:** Gloria Foxman <gfoxman@tpoint-e.com>  
**Sent:** Monday, September 23, 2024 11:11 AM  
**To:** Matt Asselmeier  
**Subject:** RE: [External]RE: July 29th Kendall County Zoning Board of Appeals Hearing/Meeting

January would be preferable – thank you!

**From:** Matt Asselmeier <masselmeier@kendallcountyil.gov>  
**Sent:** Monday, September 23, 2024 9:09 AM  
**To:** Gloria Foxman <gfoxman@tpoint-e.com>  
**Subject:** RE: [External]RE: July 29th Kendall County Zoning Board of Appeals Hearing/Meeting

**Caution:** External

The next hearing in that time frame would be December 16<sup>th</sup>. Is that the date that you want?

The January hearing would be January 27<sup>th</sup>.

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:** Gloria Foxman <gfoxman@tpoint-e.com>  
**Sent:** Monday, September 23, 2024 11:07 AM  
**To:** Matt Asselmeier <masselmeier@kendallcountyil.gov>  
**Subject:** RE: [External]RE: July 29th Kendall County Zoning Board of Appeals Hearing/Meeting

Matt: Good morning! Apologies for the delay – no, I would not like the SUP hearing for this project to proceed on September 30<sup>th</sup>. I'm currently in conversation about this project with my team but if I could request a two month continuance, that would be great.

Many thanks,  
Gloria

**From:** Matt Asselmeier <masselmeier@kendallcountyil.gov>  
**Sent:** Monday, September 23, 2024 6:14 AM  
**To:** Gloria Foxman <gfoxman@tpoint-e.com>  
**Subject:** RE: [External]RE: July 29th Kendall County Zoning Board of Appeals Hearing/Meeting

**Caution:** External

Gloria:



---

---

**DEPARTMENT OF PLANNING, BUILDING & ZONING**

111 West Fox Street • Room 203

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

---

---

**Petition 24-22**

**Leo M. Phillipp**

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

**INTRODUCTION**

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

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

**SITE INFORMATION**

PETITIONERS: Leo M. Phillipp

ADDRESS: 10835 Legion Road, Yorkville

LOCATION: Northeast Corner of Legion and East Highpoint Roads



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





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



TOWNSHIP: Kendall

PARCEL #s: 05-08-301-002

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

EXISTING LAND USE: Wooded

ZONING: A-1 Agricultural District

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

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

APPLICABLE REGULATIONS: Section 36-42 – Map Amendment Procedures

**SURROUNDING LAND USE**

Location	Adjacent Land Use	Adjacent Zoning	Land Resource Management Plan	Zoning within ½ Mile
North	Single-Family Residential	A-1	Suburban Residential (Max 1.0 DU/Acre) (County) Estate/Conservation Residential (Yorkville)	A-1 and B-4
South	Agricultural and Single-Family Residential	A-1	Rural Residential (Max 0.65 DU/Acre) (County) Estate/Conservation Residential (Yorkville)	A-1, R-3, and RPD-2
East	Single-Family Residential	A-1 and R-1	Suburban Residential (County) Estate/Conservation Residential (Yorkville)	A-1, A-1 SU, and R-1
West	Agricultural	A-1 and A-1 SU	Suburban Residential (County) Estate/Conservation Residential (Yorkville)	A-1, A-1 SU, R-2, R-3, and RPD-3

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

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

## **PHYSICAL DATA**

### **ENDANGERED SPECIES REPORT**

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

### **NATURAL RESOURCES INVENTORY**

The application for NRI was submitted on July 19, 2024 (see Attachment 1, Page 6). The LESA Score was 133 indicating a low level of protection. The NRI Report is included as Attachment 4.

## **ACTION SUMMARY**

### **KENDALL TOWNSHIP**

Petition information was sent to Kendall Township on July 30, 2024. The Kendall Township Planning Commission reviewed the proposal at their meeting on September 16, 2024, and the Kendall Township Board reviewed the proposal at their meeting on September 17, 2024. Discussion occurred regarding the number of houses, the number and location of driveway cuts, rights-of-way dedications, and the development of houses without doing a subdivision. The Kendall Township Planning Commission and Kendall Township Board recommended approval of the proposal with the caveats that driveway placements require prior approval by the Kendall Township Highway Commissioner and that right-of-way dedications forty feet (40') in depth from the centerlines of both Legion and East Highpoint Roads occur. An email outlining the Township's position is included as Attachment 5.

### **UNITED CITY OF YORKVILLE**

Petition information was sent to the United City of Yorkville on July 30, 2024. The Yorkville Planning and Zoning Commission reviewed the proposal at their meeting on September 11, 2024. The Yorkville Planning and Zoning Commission had no objections to the proposal. The Yorkville City Council reviewed the proposal on September 24, 2024, and expressed no objections to the proposal. An email from Yorkville is included as Attachment 8.

### **BRISTOL-KENDALL FIRE PROTECTION DISTRICT**

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

### **ZPAC**

ZPAC reviewed this proposal at their meeting on August 6, 2024. Discussion occurred about rights-of-way dedications since the proposal would not involve a subdivision. The Petitioner's Attorney was agreeable to submitting a letter dedicating rights-of-way forty feet (40') in depth from the centerlines of East Highpoint and Legions Roads. ZPAC recommended approval of the map amendment 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**

On August 21, 2024, the Petitioner's Attorney submitted an email requesting this proposal be continued to the September 25, 2024, Kendall County Regional Planning Commission meeting. At their meeting on August 28, 2024, the Kendall County Regional Planning Commission voted to continue this proposal as requested by the Petitioner. The minutes of this meeting are included as Attachment 6. At their meeting on September 25, 2024, the Kendall County Regional Planning Commission discussed the timing of the right-of-way dedication, the locations of future driveways, and the locations of future homes. It was noted that Maple Lane was a private road and there were seven (7) homes on Maple Lane on approximately three (3) acre sized lots. Discussion occurred regarding Plat Act exemptions for division of properties. Discussion occurred regarding increased tax revenues and an increase in the number of available houses if the proposal was approved. It was also noted that the proposal limits the number of new houses on the property. The Kendall County Regional Planning Commission recommended approval of the map amendment 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 9.

## **ZBA**

The Kendall County Zoning Board of Appeals initiated a public hearing on this proposal on September 3, 2024. The Petition was continued to September 30, 2024, as requested by the Petitioner. The minutes of this hearing are included as Attachment 7.

## **GENERAL INFORMATION**

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

## **BUILDING CODES**

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

## **UTILITIES**

The wooded area is not presently served by utilities.

## **ACCESS**

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

## **PARKING AND INTERNAL TRAFFIC CIRCULATION**

No information was provided regarding parking.

## **ODORS**

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

## **LIGHTING**

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

## **LANDSCAPING AND SCREENING**

Landscaping would be for residential uses.

## **SIGNAGE**

No non-residential signage is planned.

## **NOISE CONTROL**

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

## **STORMWATER**

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

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

§ 36-42 (f) of the Kendall County Code outlines findings that the Zoning Board of Appeals must make in order to recommend in favor of the applicant on map amendment applications. They are listed below in *italics*. Staff has provided findings in **bold** below based on the recommendation:

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

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

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

*The trend of development, if any, in the general area of the property in question, including changes, if any, which may have taken place since the day the property in question was in its present zoning classification. The Zoning Board of Appeals shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such an amendment is in the public interest and is not solely for the interest of the applicant. The Zoning Board of Appeals may recommend the adoption of an amendment changing the zoning classification of the property in question to any higher classification than that requested by the applicant. For the purpose of this paragraph the R-1 District shall be considered the highest classification and the M-2 District shall be considered the lowest classification. **The trend of development in the area is a mix of agricultural and single family residential. The subject property would generate more in taxes if additional homes were constructed. The map amendment would increase the number of homes for people in the County. The proposed map amendment limits the number of homes that can be constructed on the subject property, if a traditional subdivision is not pursued.***

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

#### **RECOMMENDATION**

Staff recommends approval of the proposed map amendment.

#### **ATTACHMENTS**

1. Application Materials
2. Zoning Plat
3. August 6, 2024, ZPAC Meeting Minutes (This Petition Only)
4. NRI Report
5. September 17, 2024, Email from Kendall Township Clerk Steve Grebner
6. August 28, 2024, Kendall County Regional Planning Commission Minutes (This Petition Only)
7. September 3, 2024, Kendall County Zoning Board of Appeals Minutes (This Petition Only)
8. September 25, 2024, Email from the United City of Yorkville.
9. September 25, 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 Phillipp FILE #: \_\_\_\_\_

<b>NAME OF APPLICANT (Including First, Middle Initial, and Last Name)</b>		
Leo M. Phillipp		
<b>CURRENT LANDOWNER/NAME(s)</b>		
Leo M. Phillipp		
<b>SITE INFORMATION</b>		
ACRES	SITE ADDRESS OR LOCATION	ASSESSOR'S ID NUMBER (PIN)
15.03 acres	10835 Legion Road, Yorkville, IL 60560	05-08-301-002
EXISTING LAND USE	CURRENT ZONING	LAND CLASSIFICATION ON LRMP
Single Family Home	A-1 and R-1	A-1 and R-1
<b>REQUESTED ACTION (Check All That Apply):</b>		
<input type="checkbox"/> SPECIAL USE	<input checked="" type="checkbox"/> MAP AMENDMENT (Rezone to <u>R-1</u> )	<input type="checkbox"/> VARIANCE
<input type="checkbox"/> ADMINISTRATIVE VARIANCE	<input type="checkbox"/> A-1 CONDITIONAL USE for: _____	<input type="checkbox"/> SITE PLAN REVIEW
<input type="checkbox"/> TEXT AMENDMENT	<input type="checkbox"/> RPD ( <input type="checkbox"/> Concept; <input type="checkbox"/> Preliminary; <input type="checkbox"/> Final)	<input type="checkbox"/> ADMINISTRATIVE APPEAL
<input type="checkbox"/> PRELIMINARY PLAT	<input type="checkbox"/> FINAL PLAT	<input type="checkbox"/> OTHER PLAT (Vacation, Dedication, etc.)
AMENDMENT TO A SPECIAL USE ( <input type="checkbox"/> Major; <input type="checkbox"/> Minor)		
<b><sup>1</sup>PRIMARY CONTACT</b>	<b>PRIMARY CONTACT MAILING ADDRESS</b>	<b>PRIMARY CONTACT EMAIL</b>
Attorney Daniel J. Kramer	[REDACTED]	[REDACTED]
<b>PRIMARY CONTACT PHONE #</b>	<b>PRIMARY CONTACT FAX #</b>	<b>PRIMARY CONTACT OTHER # (Cell, etc.)</b>
[REDACTED]	[REDACTED]	
<b><sup>2</sup>ENGINEER CONTACT</b>	<b>ENGINEER MAILING ADDRESS</b>	<b>ENGINEER EMAIL</b>
N/A		
<b>ENGINEER PHONE #</b>	<b>ENGINEER FAX #</b>	<b>ENGINEER OTHER # (Cell, etc.)</b>
I UNDERSTAND THAT BY SIGNING THIS FORM, THAT THE PROPERTY IN QUESTION MAY BE VISITED BY COUNTY STAFF & BOARD/ COMMISSION MEMBERS THROUGHOUT THE PETITION PROCESS AND THAT THE PRIMARY CONTACT LISTED ABOVE WILL BE SUBJECT TO ALL CORRESPONDANCE ISSUED BY THE COUNTY.		
I CERTIFY THAT THE INFORMATION AND EXHIBITS SUBMITTED ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND THAT I AM TO FILE THIS APPLICATION AND ACT ON BEHALF OF THE ABOVE SIGNATURES. THE APPLICANT ATTESTS THAT THEY ARE FREE OF DEBT OR CURRENT ON ALL DEBTS OWED TO KENDALL COUNTY AS OF THE DATE OF THE APPLICATION.		
<b>SIGNATURE OF APPLICANT</b>		<b>DATE</b>
X [REDACTED]		7/19/2024

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

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

Phillipp Map Amendment Findings of Fact

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

LEGAL DESCRIPTION OF TOTAL TRACT:

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

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

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

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

WARRANTY DEED  
0-0211597  
Joint Tenancy

FILED FOR RECORD  
KENDALL COUNTY, ILL.  
APR 12 1985

12:07 PM  
APR 12 1985

RECORDED OF DEEDS

COUNTY OF KENDALL  
REAL ESTATE TRANSFER TAX

50.0000

(The above space for Recorder's use only)

APR 12 1985

85-1454

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

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

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

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

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

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

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

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

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

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

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

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

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

02-923

(AFFIX REVENUE STAMP)

(AFFIX REVENUE STAMPS)

85-1454

APR 12 1985

AFFIDAVIT

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

STATE OF ILLINOIS )  
                          )SS.  
COUNTY OF KENDALL )

DOCUMENT # 85-1454-

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

That the attached deed represents:

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

CIRCLE NUMBER ABOVE WHICH IS APPLICABLE TO ATTACHED DEED.

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

  
Holman F. Horton, Jr.

SUBSCRIBED and SWORN TO before me

this 6th day of April, 1985

  
Notary Public

8 5 - 1 4 5 4



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

www.kendallswcd.org

NATURAL RESOURCE INFORMATION (NRI) REPORT APPLICATION

Petitioner: Leo M. Phillipp Contact Person: Attorney Daniel J. Kramer
Address: [Redacted]
City, State: [Redacted]
Phone Number: [Redacted]
Email: [Redacted]

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

Site Location & Proposed Use

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

Type of Request

[X] 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:

- [X] 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.)

Table with 2 columns: Description, Amount. Rows: Fee for first five acres and under (\$375.00), 7 Additional Acres at \$18.00 each (\$126.00), Total NRI Fee (\$501.00)

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

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

[Signature]
Petitioner or Authorized Agent

7/19/2024
Date

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

FOR OFFICE USE ONLY

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





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

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

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

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

### Natural Resource Review Results

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

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

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

#### Location

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

**County:** Kendall

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



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

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

#### Disclaimer

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

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

**DEVELOPER:**  
Leo M. Dillio

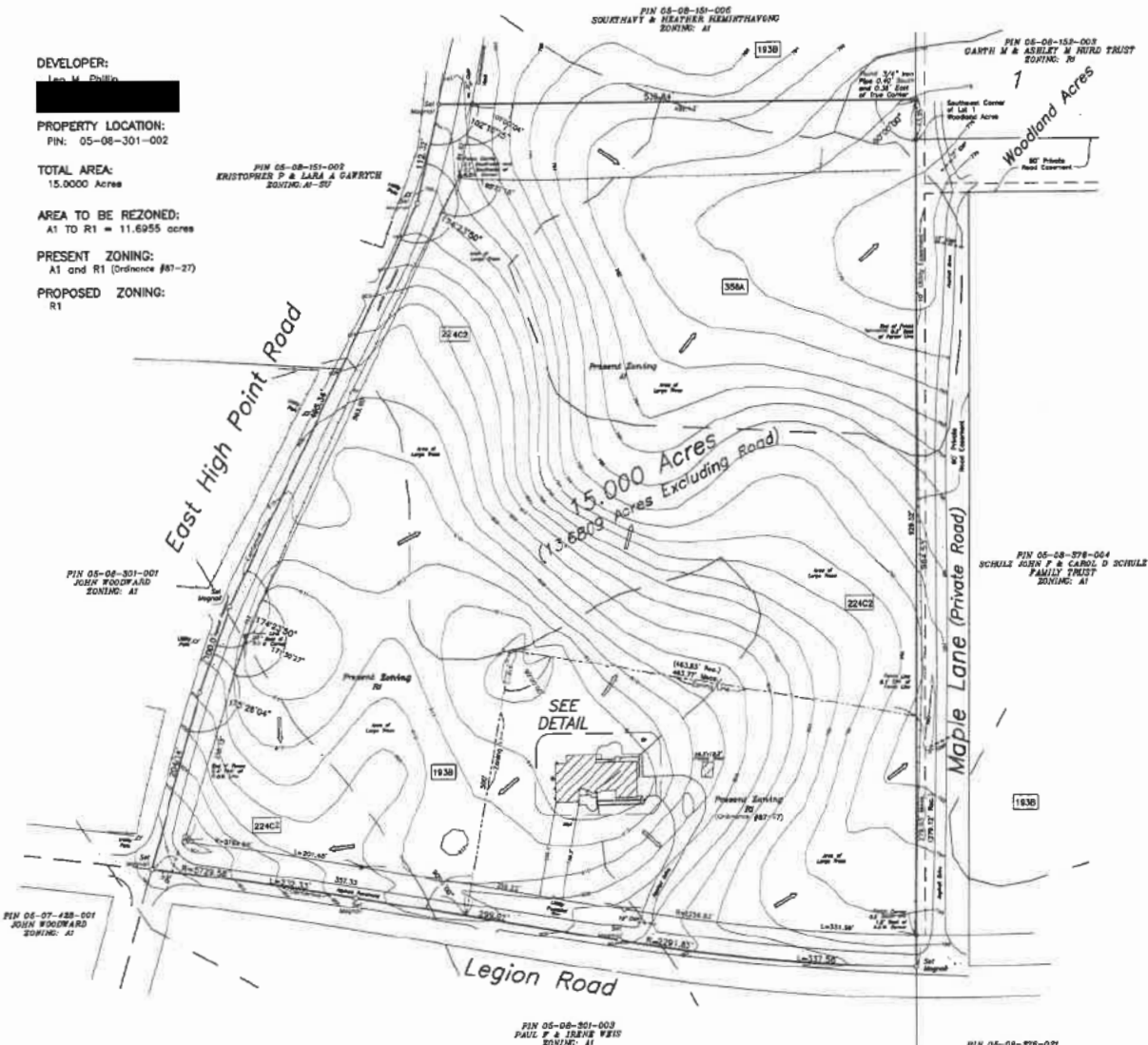
**PROPERTY LOCATION:**  
PIN: 05-08-301-002

**TOTAL AREA:**  
15,000 Acres

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

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

**PROPOSED ZONING:**  
R1



**WETLANDS STATEMENT:**

The National Wetlands Inventory Map depicts no wetlands on the Subject Property.

**FLOODPLAIN STATEMENT:**

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

**LEGAL DESCRIPTION OF TOTAL TRACT:**

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

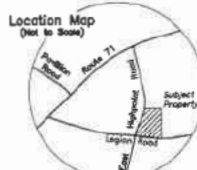
**LEGAL DESCRIPTION OF TRACT TO BE REZONED FROM "A1" TO "R1":**

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

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

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

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



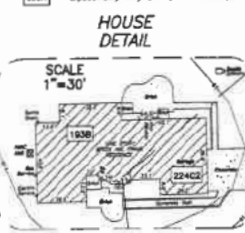
**SCALE**  
1"=60'

• Indicates Iron Stake Found  
o Indicates Iron Stake Set  
— Indicates Line of Fence  
- - - Indicates Contour Elevation  
---> Indicates Direction of Drainage

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

**SOILS (From Web Soil Survey)**

1836	Moyville Silt Loam, 2%-5% slopes
224C2	Shrews Silty Loam, 5%-20% slopes, eroded
356A	Elphoo Silty Clay Loam, 0%-2% slopes



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

July 3, 2024



**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 24-22 Leo M. Phillipp**

Mr. Asselmeier summarized the request.

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

The application materials and zoning plat were provided.

The property is located at 10835 Legion Road.

In 1984, through Ordinance 84-06, the southwest corner of the property was rezoned to R-1.

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

The total size of the property is approximately fifteen (15) acres.

The existing land use for the proposed rezoned portion of the property is Wooded.

The County's Land Resource Management Plan calls for the property to be Suburban Residential and Yorkville's Plan calls for the property to be Estate/Conservation Residential.

East Highpoint Road and Legion Road are Township maintained Minor Collectors.

Yorkville has a trail planned along East Highpoint Road.

There are no floodplains or wetlands on the property.

The current land uses of the adjacent properties are Agricultural and Single-Family Residential.

The adjacent properties are zoned A-1, A-1 SU, and R-1.

The County's Future Land Use Map calls for the area to be Suburban Residential (Max 1.0 DU/Acre) and Rural Residential (Max 0.65 DU/Acre). Yorkville's Future Land Use Map calls for the area to be Estate/Conservation Residential.

The properties within one half (1/2) mile are zoned A-1, A-1 SU, R-1, R-2, R-3, RPD-2, RPD-3, and B-4.

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

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

EcoCAT Report submitted and consultation was terminated.

The application for NRI was submitted on July 19, 2024.

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

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

Petition information was sent to the Bristol-Kendall 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 three (3) houses on the rezoned portion of the property. Since the property already has frontage along East Highpoint and Legion Roads, a Plat Act Exemption may be used instead of doing a subdivision.

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

The wooded area is not presently served by utilities.

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

No information was provided regarding parking.

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 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 and some form of single-family residential.

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

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

the highest classification and the M-2 District shall be considered the lowest classification. The trend of development in the area is a mix of agricultural and single family residential.

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

Staff recommended approval of the proposed map amendment.

Mr. Klaas asked if a plat of subdivision would be required. Mr. Asselmeier discussed the Plat Act exemptions that could be used to develop multiple lots without going through the subdivision process.

Mr. Klaas requested forty foot (40') rights-of-way dedications on East Highpoint and Legion Roads because of fatal accidents in that area. Dan Kramer, Attorney for the Petitioner was agreeable to the request and would prepare a letter of dedication.

Mr. Kramer said three (3) houses would be the maximum, but the Petitioner would sell to one (1) buyer.

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

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.

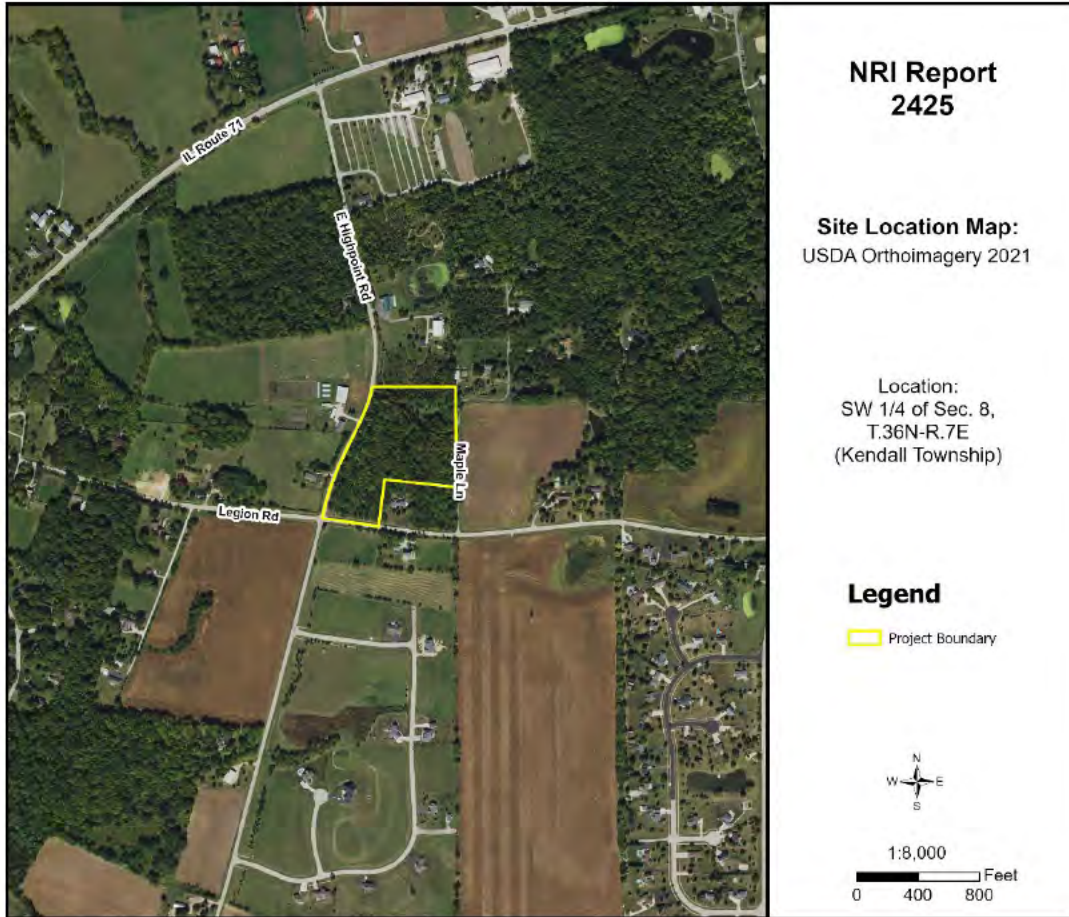


**KENDALL COUNTY  
ZONING & PLATTING ADVISORY COMMITTEE  
AUGUST 6, 2024**

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: #2425



Aug  
2024

Petitioner: Leo M. Phillip  
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	2425
Date District Board Reviews Application	August 2024
Applicant's Name	Leo M. Phillipp
Size of Parcel	(+/-) 11.7 acres
Current Zoning & Use	A-1 Agricultural District; Wooded
Proposed Zoning & Use	R-1 One Family Residential District; Three Single-Family Homes
Parcel Index Number(s)	05-08-301-002
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*

---

## ***PURPOSE AND INTENT***

---

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)**

---

## **TABLE OF CONTENTS**

---

EXECUTIVE SUMMARY .....	1
PARCEL LOCATION .....	7
ARCHAEOLOGIC/CULTURAL RESOURCES INFORMATION .....	9
ECOLOGICALLY SENSITIVE AREAS .....	10
SOILS INFORMATION .....	12
SOILS INTERPRETATIONS EXPLANATION.....	14
BUILDING LIMITATIONS .....	15
SOIL WATER FEATURES .....	20
SOIL EROSION AND SEDIMENT CONTROL.....	22
PRIME FARMLAND SOILS .....	23
LAND EVALUATION AND SITE ASSESSMENT (LESA) .....	24
LAND USE PLANS.....	26
DRAINAGE, RUNOFF, AND FLOOD INFORMATION .....	26
WATERSHED PLANS .....	30
WETLAND INFORMATION .....	31
HYDRIC SOILS .....	33
WETLAND AND FLOODPLAIN REGULATIONS.....	35
GLOSSARY.....	36
REFERENCES.....	39

---

## **LIST OF FIGURES**

---

FIGURE 1: Soil Map .....	2
FIGURE 2: Soil Limitations .....	4
FIGURE 3: 2021 Plat Map .....	7
FIGURE 4: Aerial Map with NRI Site Boundary .....	8
FIGURE 5: Soil Map .....	13
FIGURE 6A-6C: Maps of Building Limitations .....	17-19



FIGURE 7: Map of Prime Farmland Soils .....	23
FIGURE 8: Flood Map .....	28
FIGURE 9: Topographic Map .....	29
FIGURE 10: Sub Watershed Map .....	30
FIGURE 11: Wetland Map .....	32
FIGURE 12: Hydric Soils Map .....	34

---

### ***LIST OF TABLES***

---

TABLE 1: Soils Information .....	2
TABLE 2: Soil Limitations .....	4
TABLE 3: Soil Map Unit Descriptions .....	13
TABLE 4: Building Limitations .....	16
TABLE 5: Water Features .....	21
TABLE 6: Soil Erosion Potential .....	22
TABLE 7: Prime Farmland Soils .....	23
TABLE 8A: Land Evaluation Computation .....	24
TABLE 8B: Site Assessment Computation .....	25
TABLE 9: LESA Score Summary .....	25
TABLE 10: Hydric Soils .....	33

---

## **EXECUTIVE SUMMARY**

---

Natural Resources Information Report Number	2425
Petitioner	Leo M. Phillip
Contact Person	Attorney Daniel J. Kramer
County or Municipality the Petition is Filed With	Kendall County
Location of Parcel	Southwest ¼ of Section 8, Township 36 North, Range 7 East (Kendall Township) of the 3 <sup>rd</sup> Principal Meridian
Project or Subdivision Name	Phillipp Rezoning
Existing Zoning & Land Use	A-1 Agricultural District; Wooded
Proposed Zoning & Land Use	R-1 One Family Residential District; Three 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	(+/-) 11.7 acres
Land Evaluation Site Assessment (LESA) Score	133 (Land Evaluation: 80; Site Assessment: 53)

**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.

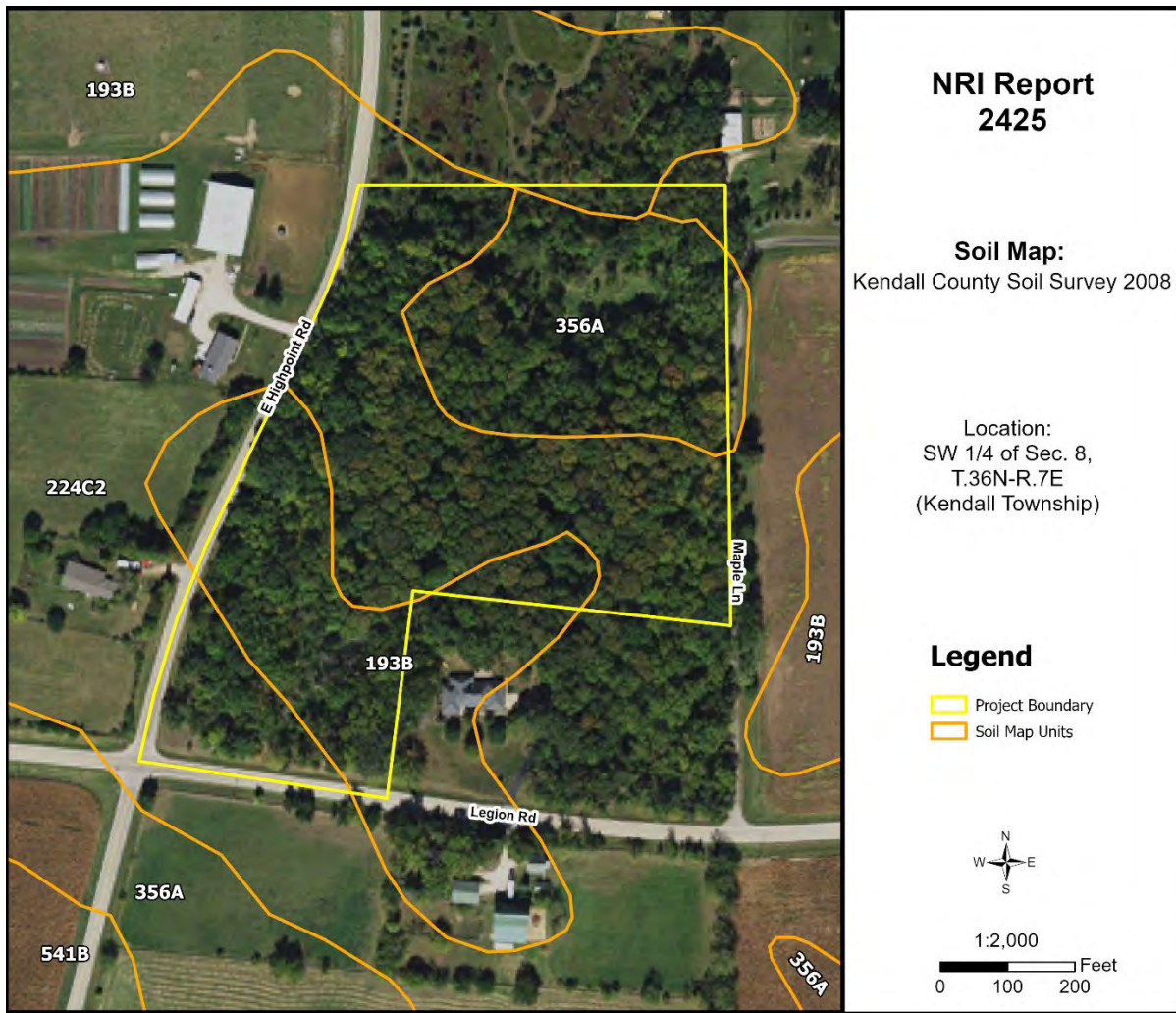


Figure 1: Soil Map

Table 1: Soils Information

Soil Type	Soil Name	Drainage Class	Hydrologic Group	Hydric Designation	Farmland Designation	Acres	%
193B	Mayville silt loam, 2-5% slopes	Moderately Well Drained	C	Non-Hydric	Prime Farmland	2.7	22.8%
224C2	Strawn silt loam, 5-10% slopes, eroded	Moderately Well Drained	C	Non-Hydric	Farmland of Statewide Importance	5.9	50.8%
356A	Elpaso silty clay loam, 0-2% slopes	Poorly Drained	B/D	Hydric	Prime Farmland if Drained	3.1	26.4%

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

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

**Hydric Soils** – A hydric soil is one that formed under conditions of saturation, flooding, or ponding long enough during the growing season to develop anaerobic conditions in the upper part of the soil profile that supports the growth or regeneration of hydrophytic vegetation. Soils with hydric inclusions have map units dominantly made up of non-hydric soils that may have inclusions of hydric soils in the lower positions on the landscape. Of the soils found onsite, one is classified as hydric soil (356A Elpaso silty clay loam) and two are classified as non-hydric soil (193B Mayville silt loam and 224C2 Strawn 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, one is designated as prime farmland (193B Mayville silt loam), one is designated as prime farmland if drained (356A Elpaso silty clay loam), and one is designated as farmland of statewide importance (224C2 Strawn silt loam).

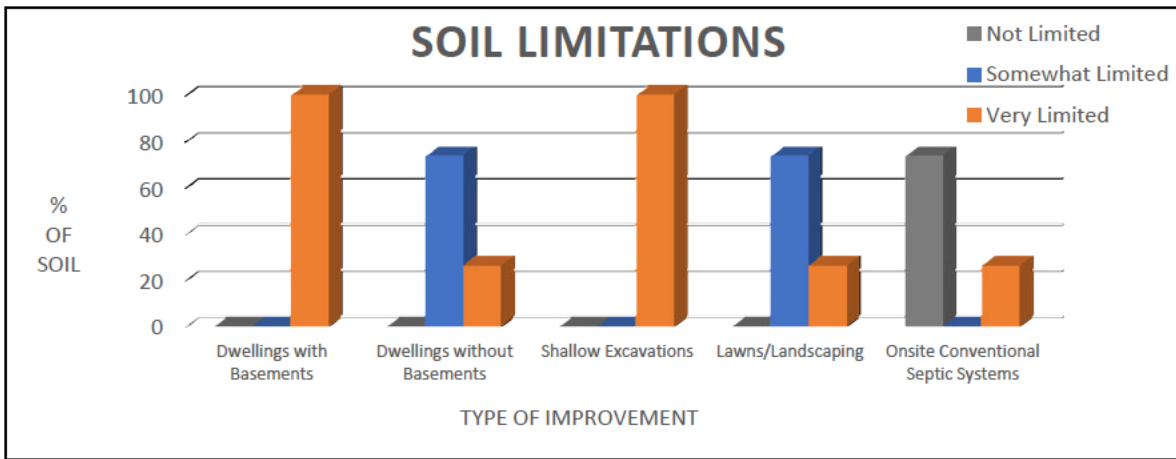
**Soil Limitations** – The USDA-NRCS Web Soil Survey rates the limitations of soils for dwellings, small commercial buildings, solar arrays, shallow excavations, lawns/landscaping, local roads and streets, etc. Soils have different properties which influence the development of building sites. The USDA-NRCS 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
193B	Very Limited	Somewhat Limited	Very Limited	Somewhat Limited	Suitable / Not Limited
224C2	Very Limited	Somewhat Limited	Very Limited	Somewhat Limited	Suitable / Not Limited
356A	Very Limited	Very Limited	Very Limited	Very Limited	Unsuitable / Very Limited



**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 80 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 **53 out of 200**.

The **LESA Score for this site is 133 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 does not indicate 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. 17093C0125G (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 Leo M. Phillipp. The petitioner is requesting a change in zoning from A-1 Agricultural District to R-1 One Family Residential District on one, approximately 11.7-acre, parcel (Parcel Index Number 05-08-301-002) to construct up to three single-family homes. The parcel is in Section 8 of Kendall Township (T.36N-R.7E) 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, 49.2% 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 an 80 out of a possible 100 points indicating that the soils are well suited for agricultural uses. The total LESA score for this site is 133 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, 100% are considered very limited for supporting dwellings with basements and shallow excavations and 26.4% are considered very limited for supporting dwellings without basements, 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 Hollenback Creek-Fox River sub watershed (HUC 12 – 071200070602). This sub watershed comprises about 15,842 acres and covers parts of Yorkville, Millhurst, Millbrook, and Newark.

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 Statues, Ch. 70, Par 405/22.02a).

  
SWCD Board Representative

8-12-24  
Date

# PARCEL LOCATION

Located in the southwest ¼ of Section 8, Township 36 North, Range 7 East (Kendall Township). This parcel contains approximately 11.7 acres and is located on the northeast corner of Highpoint Road and Legion Road in Yorkville, IL.

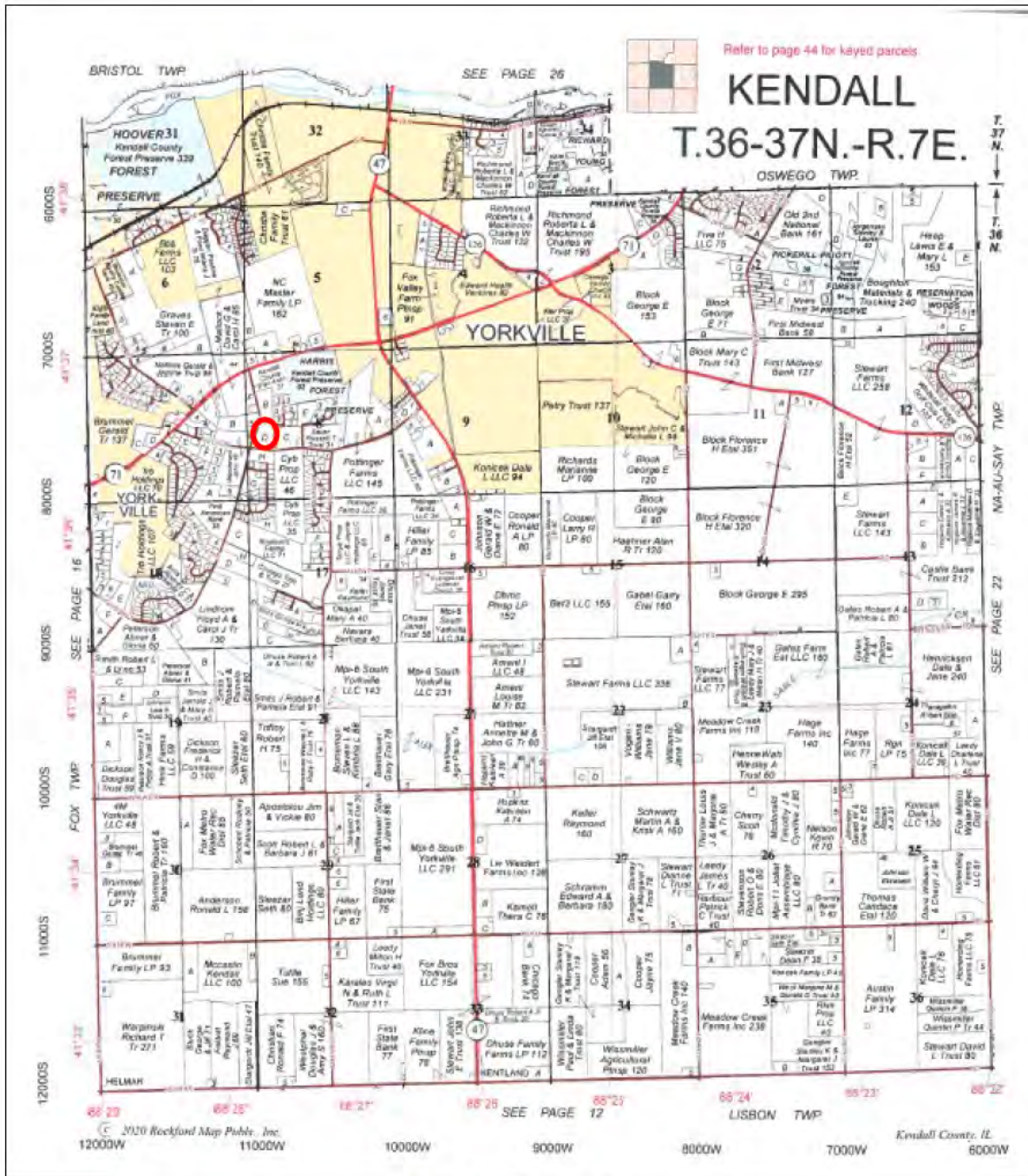
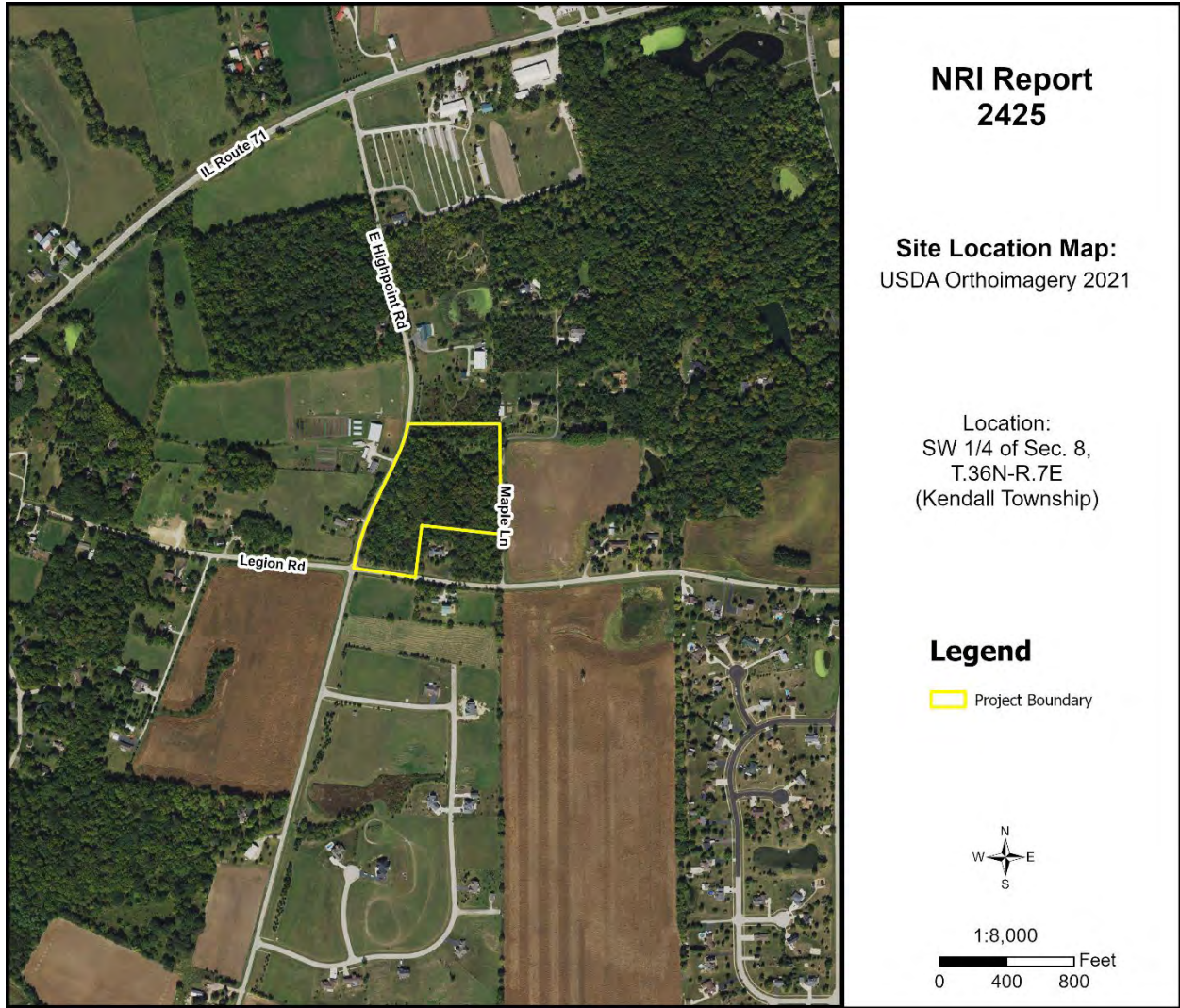


Figure 3: 2021 Plat Map





**Figure 4:** Aerial Map with NRI Project Boundary

---

## **ARCHAEOLOGIC/CULTURAL RESOURCES INFORMATION**

---

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.**

---

## ***ECOLOGICALLY SENSITIVE AREAS***

---

### **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). However, there are other ecologically sensitive areas. Harris Forest Preserve is located approximately 0.2 miles northeast of the PIQ. The Illinois Department of Natural Resources EcoCAT report did not indicate the presence of state-listed threatened or endangered species, Illinois Natural Area Inventory sites, dedicated Illinois Nature Preserves, or registered Land and Water Reserves in the vicinity of the project.**

---

<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.

---

## ***SOILS INFORMATION***

---

### **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.



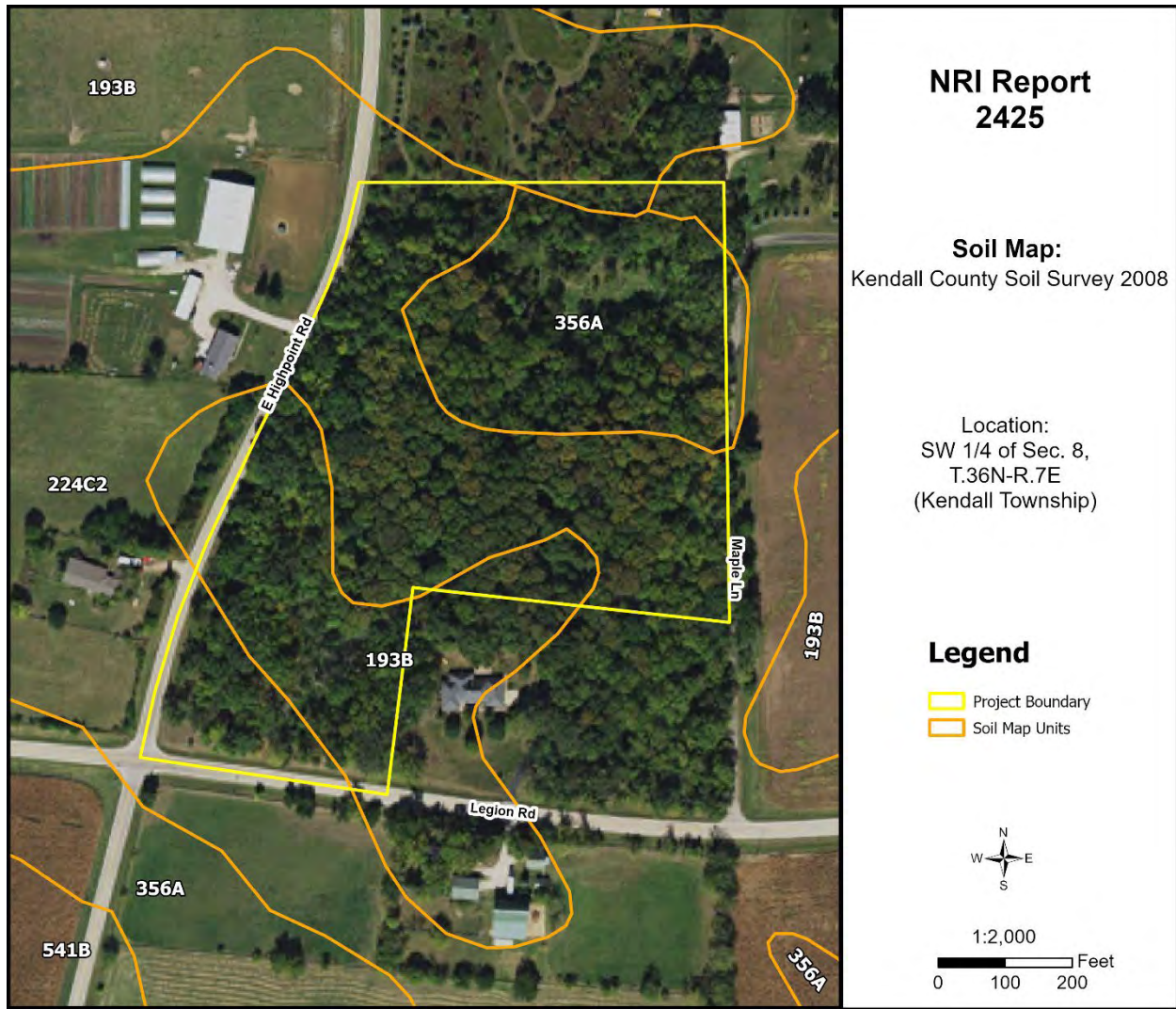


Figure 5: Soil Map

Table 3: Soil Map Unit Descriptions

Soil Type	Soil Name	Acreage	Percent
193B	Mayville silt loam, 2-5% slopes	2.7	22.8%
224C2	Strawn silt loam, 5-10% slopes, eroded	5.9	50.8%
356A	Elpaso silty clay loam, 0-2% slopes	3.1	26.4%

Source: National Cooperative Soil Survey – USDA-NRCS

---

## ***SOILS INTERPRETATIONS EXPLANATION***

---

### **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.

---

## ***BUILDING LIMITATIONS***

---

### **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 Septic Systems*	Acres	%
193B	<b>Very Limited:</b> Depth to saturated zone	<b>Somewhat Limited:</b> Shrink-swell Depth to saturated zone	<b>Very Limited:</b> Depth to saturated zone Dusty Unstable excavation walls	<b>Somewhat Limited:</b> Dusty Depth to saturated zone	<b>Suitable/ Not Limited</b>	2.7	22.8%
224C2	<b>Very Limited:</b> Depth to saturated zone	<b>Somewhat Limited:</b> Depth to saturated zone	<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>	5.9	50.8%
356A	<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>	3.1	26.4%
<b>% Very Limited</b>	<b>100%</b>	<b>26.4%</b>	<b>100%</b>	<b>26.4%</b>	<b>26.4%</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 With Basements & Shallow Excavations

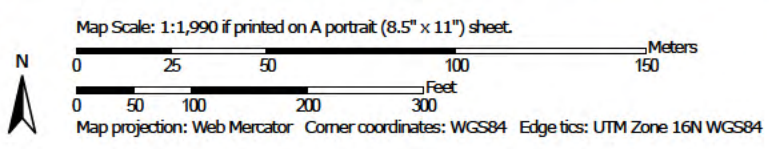


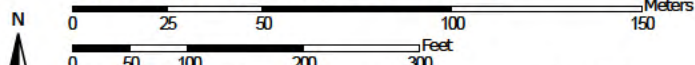


Figure 6B: Map of Building Limitations - Dwellings Without Basements & Lawns/Landscaping



Soil Map may not be valid at this scale.

Map Scale: 1:1,990 if printed on A portrait (8.5" x 11") sheet.



Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 16N WGS84



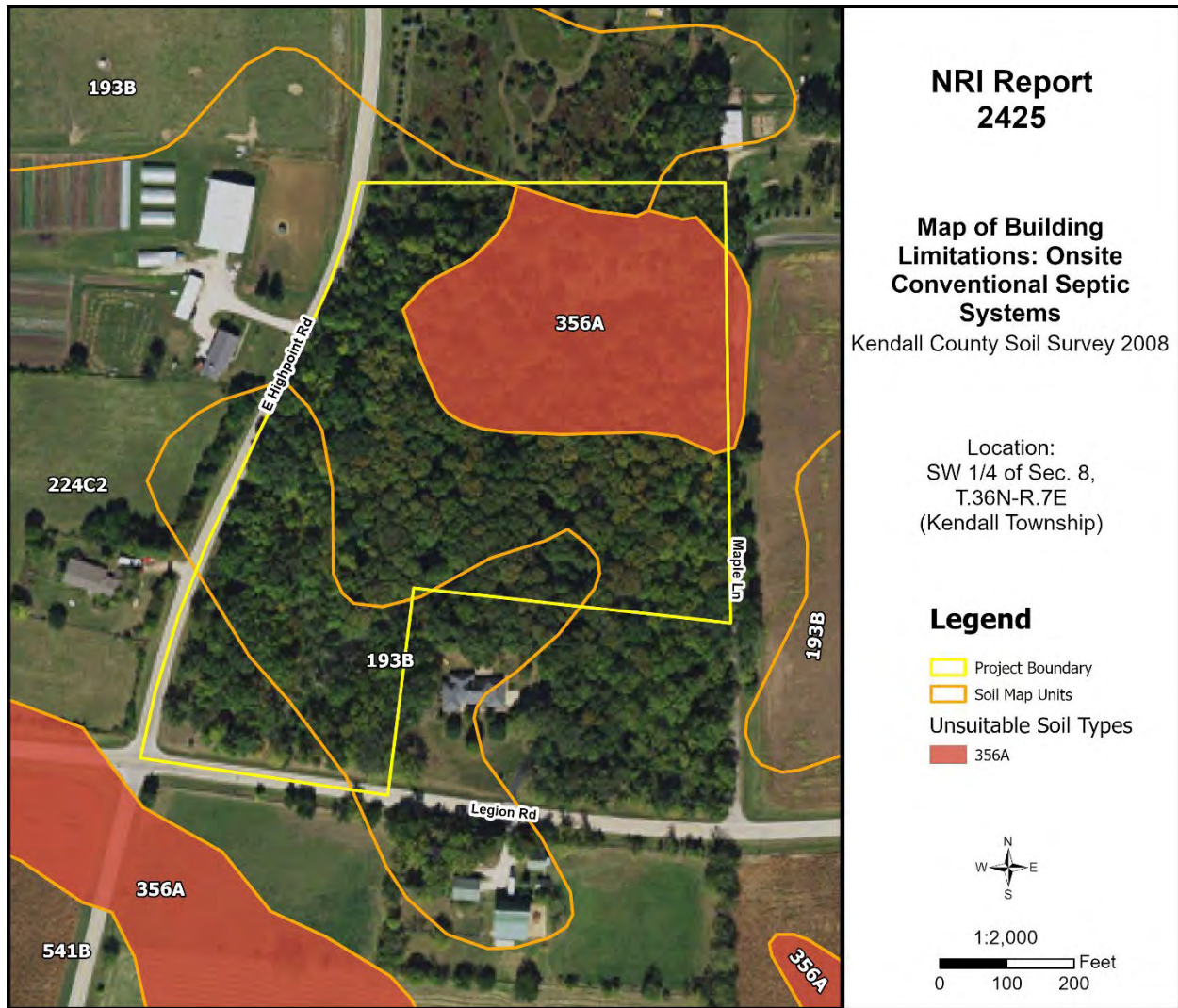


Figure 6C: Map of Building Limitations – Onsite Conventional Septic Systems



---

## **SOIL WATER FEATURES**

---

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
193B	C	Low	February – April Upper Limit: 2.0'-3.5' Lower Limit: 2.2'-4.5'	January – December Frequency: None	January – December Frequency: None
224C2	C	Medium	February – April Upper Limit: 2.0'-3.5' Lower Limit: 2.2'-4.0'	January – December Frequency: None	January – December Frequency: None
356A	B/D	Negligible	January – May Upper Limit: 0.0'-1.0' Lower Limit: 6.0'	January – May Surface Depth: 0.0'-0.5' Duration: Brief (2-7 days) Frequency: Frequent	January – December Frequency: None

---

## **SOIL EROSION AND SEDIMENT CONTROL**

---

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>
193B	2-5%	Slight	2.7	22.8%
224C2	5-10%	Moderate	5.9	50.8%
356A	0-2%	Slight	3.1	26.4%

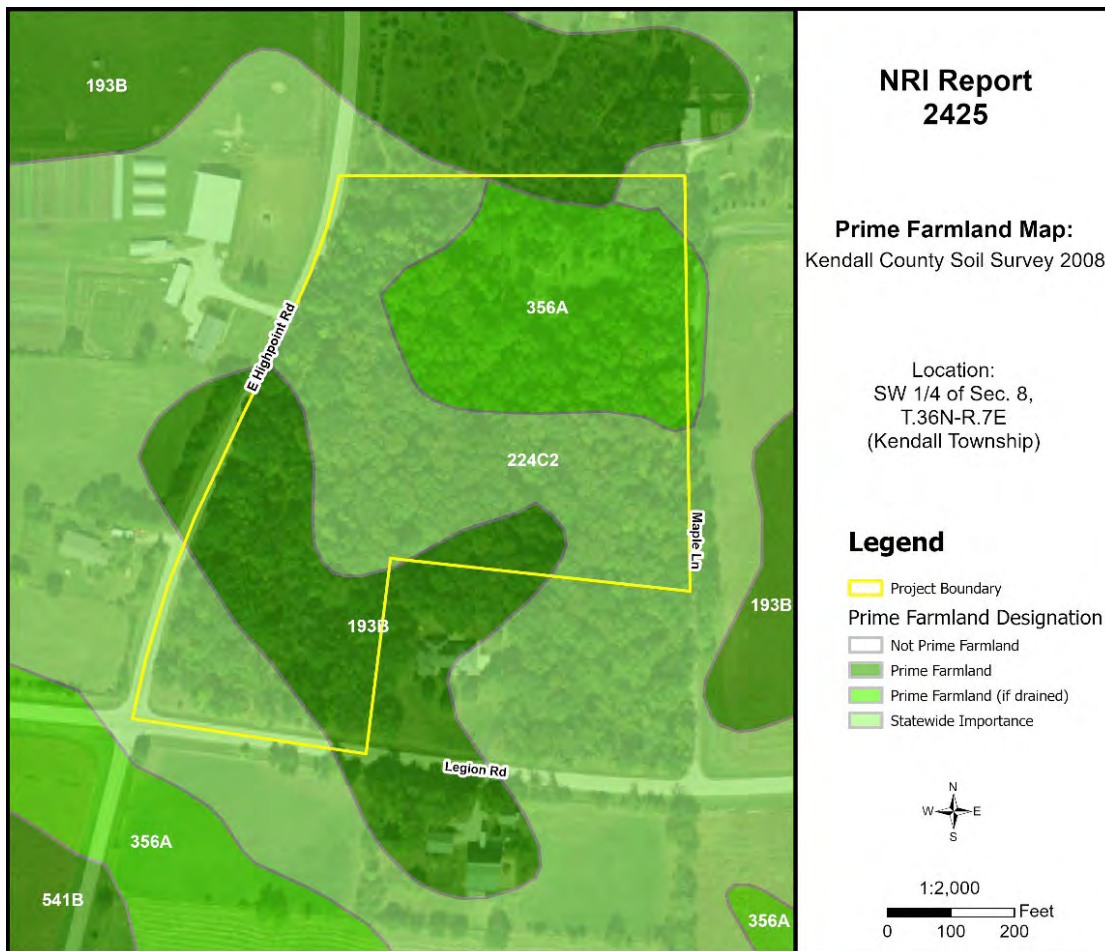
## PRIME FARMLAND SOILS

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
193B	Prime Farmland	2.7	22.8%
224C2	Farmland of Statewide Importance	5.9	50.8%
356A	Prime Farmland if Drained	3.1	26.4%
<b>% Prime Farmland</b>	<b>49.2%</b>		



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



---

## **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 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>
193B	4	79	2.7	213.3
224C2	6	69	5.9	407.1
356A	1	100	3.1	310.0
			<b>11.7</b>	<b>930.4</b>
<b>LE Calculation</b>			(Product of relative value / Total Acres) 930.4 / 11.7 = 79.52	
<b>LE Score</b>			<b>LE = 80</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 80, indicating that the soils on this site are designated as land that is well suited for agricultural uses considering the Land Evaluation score is at or 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)	0
	2. Current land use adjacent to site. (30-20-15-10-0)	15
	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>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>53</b>

**Land Evaluation Value: 80 + Site Assessment Value: 53 = LESA Score: 133**

**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 133 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.

---

## ***LAND USE PLANS***

---

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.

---

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

---

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.

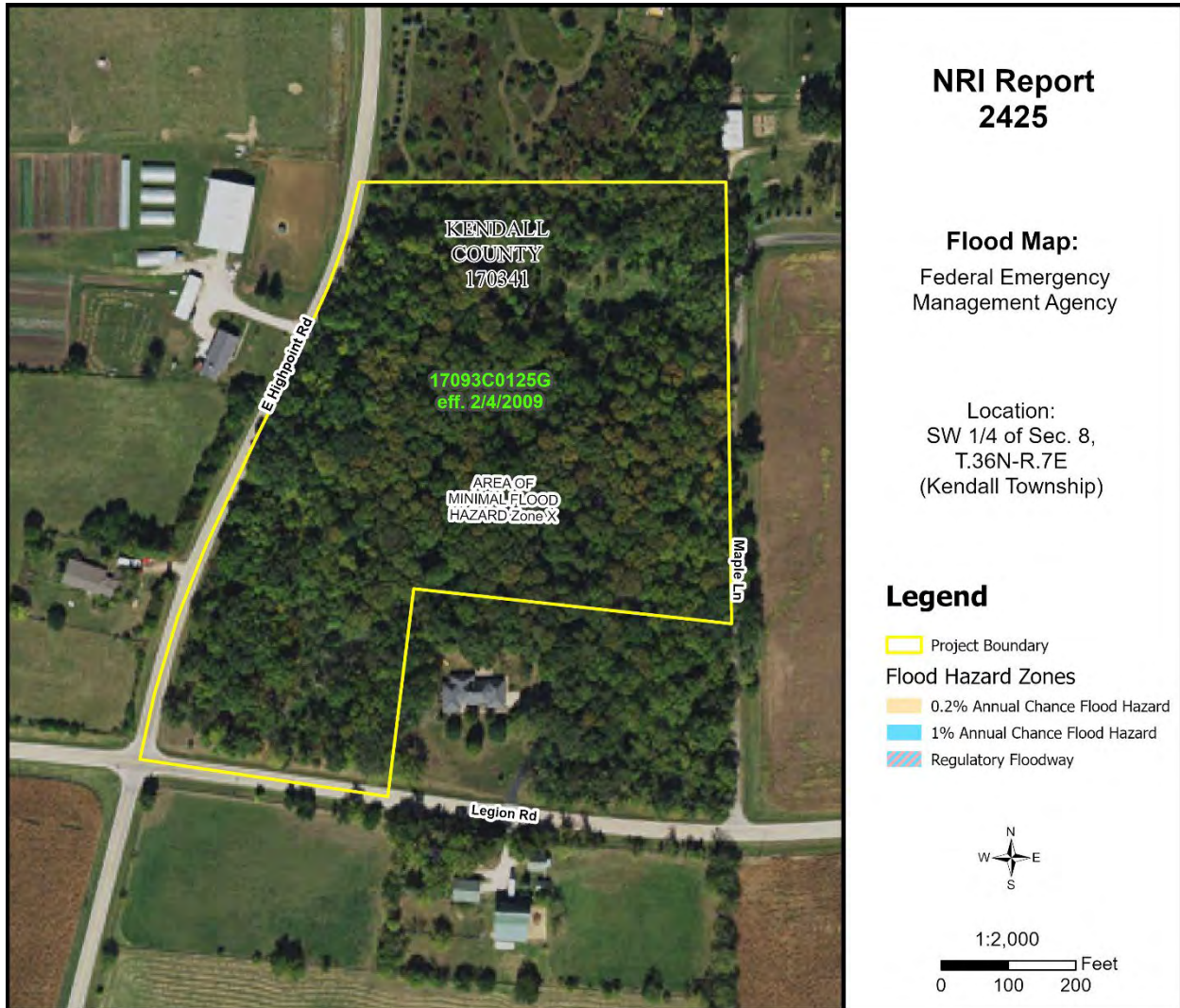


Figure 8: Flood Map



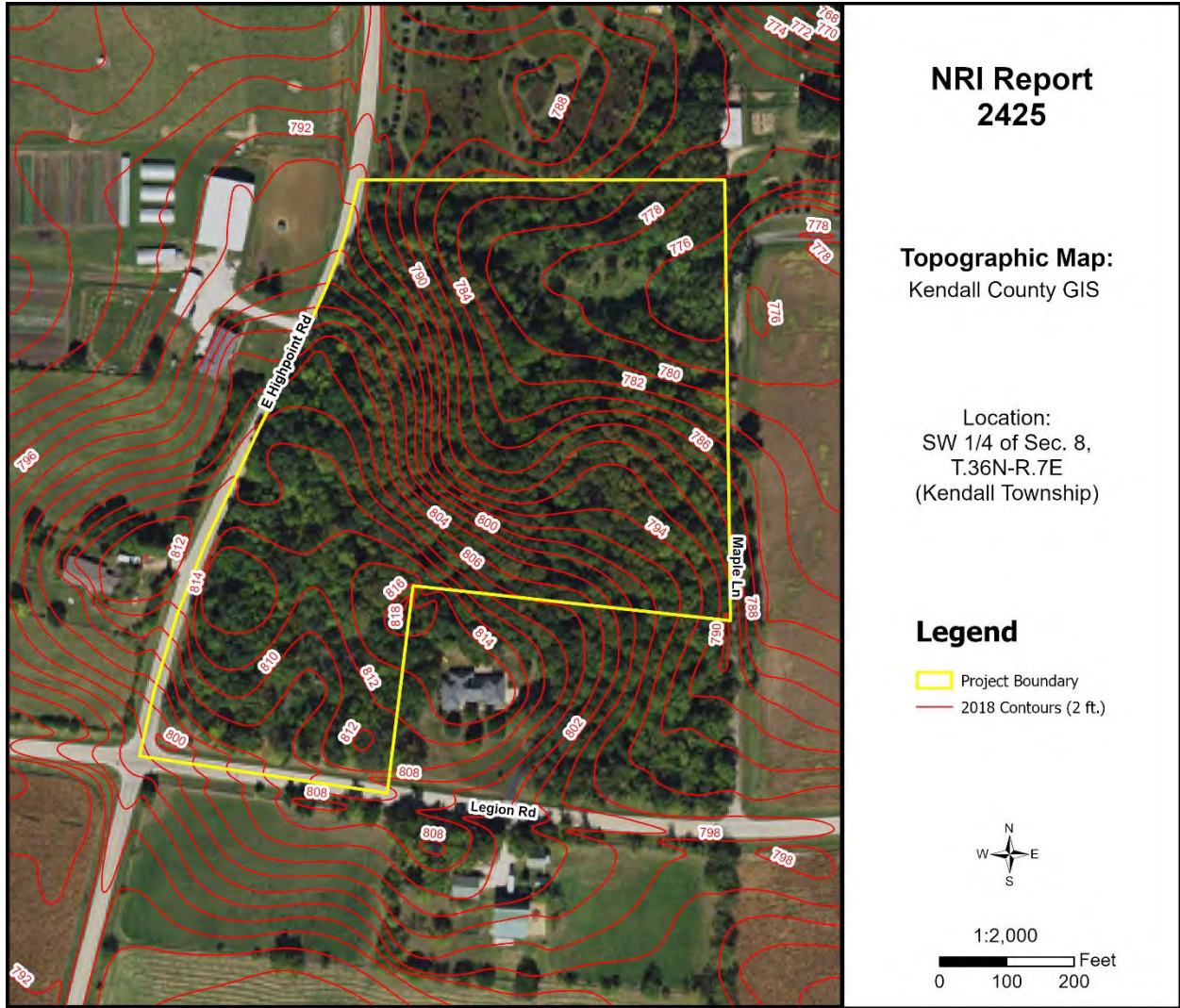


Figure 9: Topographic Map

This parcel contains soils with slopes of 0-10% and an elevation of approximately 776'-818' above sea level. The highest point is near the southern portion of the site, and the lowest point is near the northeast corner. 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.

## 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.

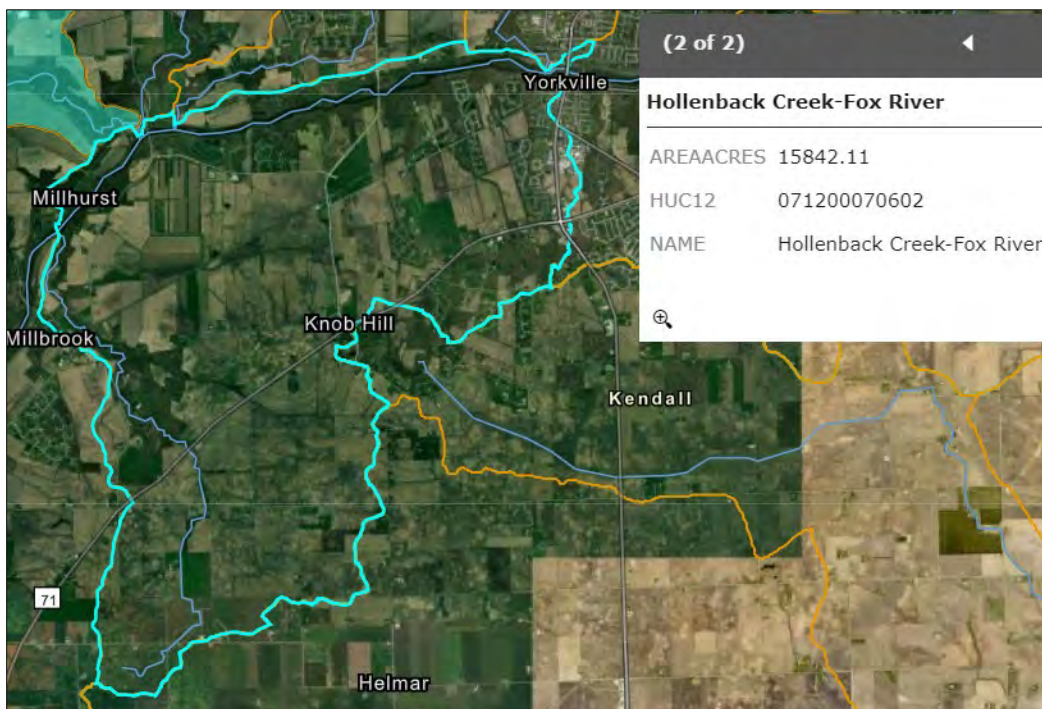


Figure 10: Sub Watershed Map

**This site is located within the Lower Fox River watershed and the Hollenback Creek-Fox River sub watershed (HUC 12 – 071200070602). This sub watershed comprises about 15,842 acres and covers parts of Yorkville, Millhurst, Millbrook, and Newark.**

---

## WETLAND INFORMATION

---

### 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."*



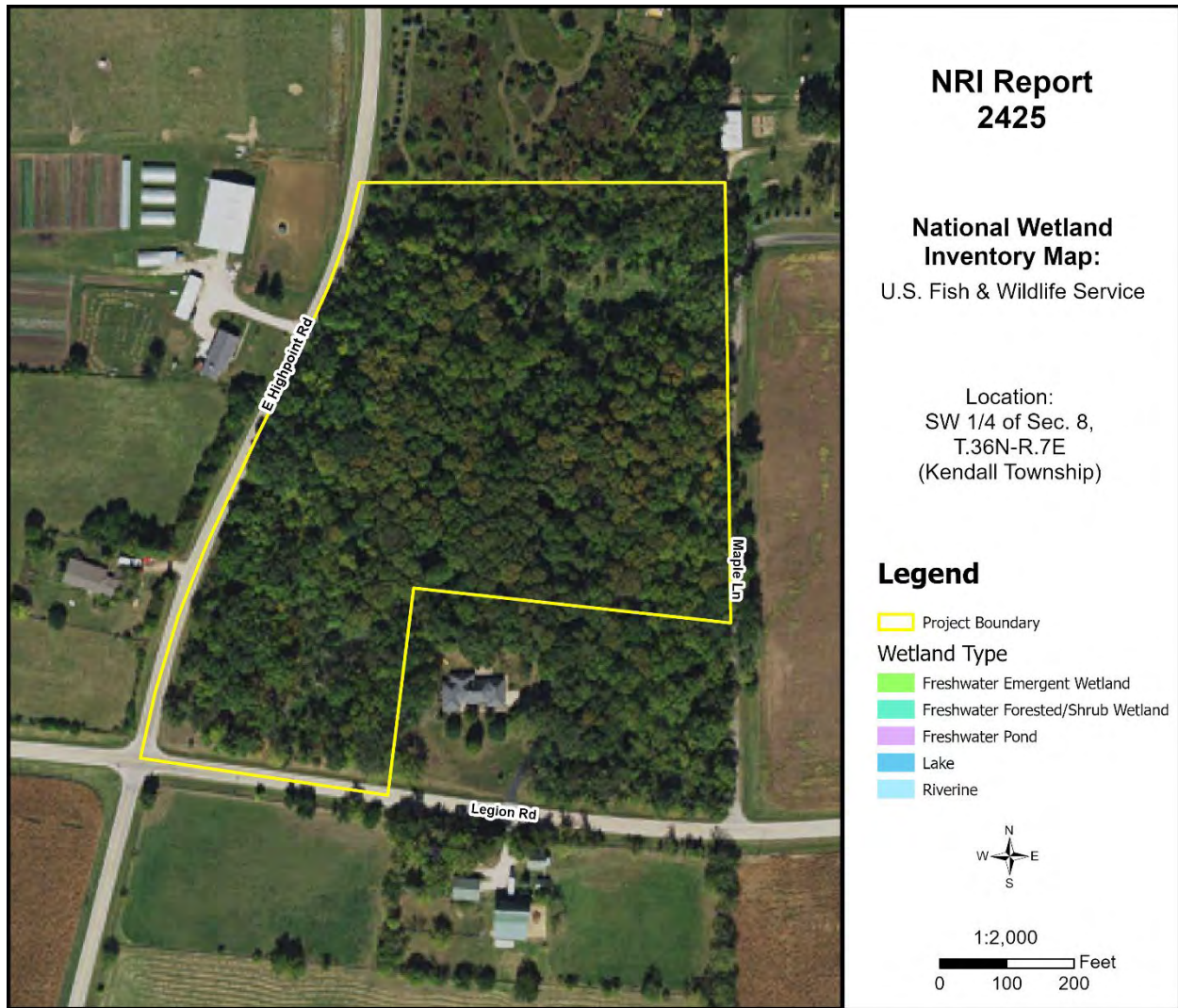


Figure 11: Wetland Map

Office maps indicate that mapped wetlands/waters are not present on the parcel in question (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.

---

## **HYDRIC SOILS**

---

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>
193B	Moderately Well Drained	Non-Hydric	No	0%	2.7	22.8%
224C2	Moderately Well Drained	Non-Hydric	No	0%	5.9	50.8%
356A	Poorly Drained	Hydric	N/A	100%	3.1	26.4%

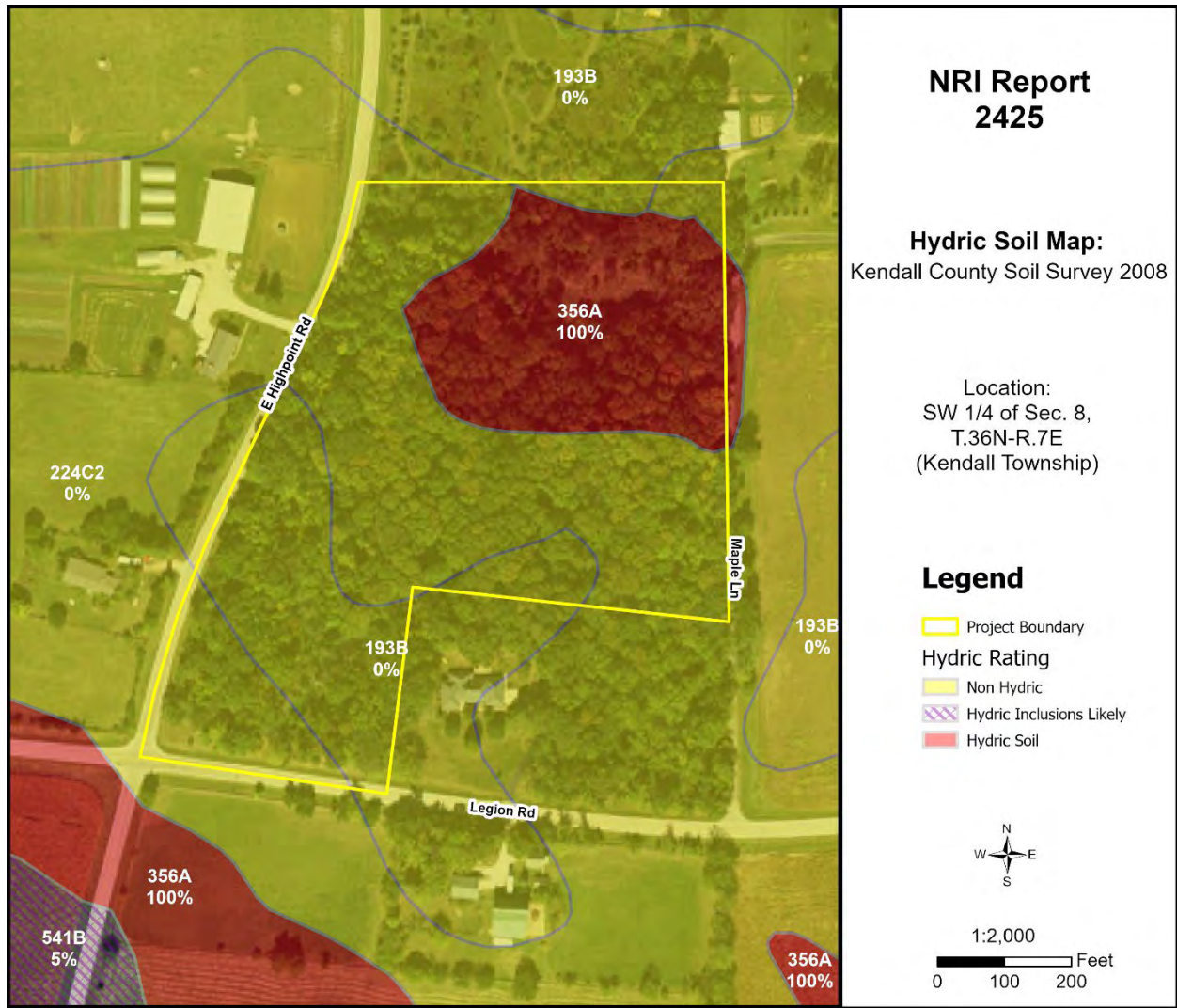


Figure 12: Hydric Soils Map

---

## **WETLAND AND FLOODPLAIN REGULATIONS**

---

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.**



---

## **GLOSSARY**

---

**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.



---

## REFERENCES

---

- Association of Illinois Soil & Water Conservation Districts. 2020. Illinois Urban Manual.
- Berg, R. C., and J. P. Kempton. 1984. Potential for contamination of shallow aquifers from land burial of municipal wastes: Champaign, Illinois, Illinois State Geological Survey map, scale 1:500,000.
- Clean Water Act of 1972, Sections 309 and 404.
- DeKalb County Watersheds. DeKalb County Watershed Discovery Tool. <https://dekalb-watershed.maps.arcgis.com/apps/View/index.html?appid=bc431f7eaf5e485897e95c303658ee8c>. Accessed August 2024.
- Federal Emergency Management Agency. National Flood Hazard Layer (NFHL) Viewer. <https://hazards-fema.maps.arcgis.com/apps/webappviewer/index.html?id=8b0adb51996444d4879338b5529aa9cd>. Accessed August 2024.
- Illinois State Geological Survey, Department of Natural Resources. 2021. Geologic Road Map of Illinois.
- Kendall County Department of Planning Building and Zoning and Kendall County Soil and Water Conservation District In cooperation with NRCS, USDA. Land Evaluation and Site Assessment System.
- Kendall County. 2023. Land Resource Management Plan Map.
- Natural Resources Conservation Service, United States Department of Agriculture. General Manual, Title 310, Land Use.
- Natural Resources Conservation Service, United States Department of Agriculture. 2007. Hydric Soils of the United States.
- Natural Resources Conservation Service, United States Department of Agriculture. Hydrologic Unit Map for Kendall County.
- Natural Resources Conservation Service, United States Department of Agriculture. 1987. Soil Erosion by Water. Agriculture Information Bulletin 513.
- Natural Resources Conservation Service, United States Department of Agriculture. 2008. Soil Survey of Kendall County.
- Natural Resources Conservation Service, United States Department of Agriculture. Web Soil Survey. <http://websoilsurvey.sc.egov.usda.gov/>. Accessed August 2024.
- Rivers and Harbors Appropriation Act of 1899, Section 10.
- Rockford Map Publishers, Inc. 2021. Land Atlas and Plat Book, Kendall County, Illinois, 21<sup>st</sup> Edition.
- United States Fish & Wildlife Service. 2018. National Wetlands Inventory. <https://data.nal.usda.gov/dataset/national-wetlands-inventory>. Accessed August 2024.
- Nature Conservancy (U.S.) Great Lakes Program. 1994. *The Conservation of Biological Diversity in the Great Lakes Ecosystem: Issues and Opportunities*. The Program, 1994.

**Matt Asselmeier**

---

**From:** Steve Grebner <sgrebner@kendalltwp.com>  
**Sent:** Tuesday, September 17, 2024 10:29 PM  
**To:** Matt Asselmeier  
**Cc:** Daniel J Kramer; Steve Gengler; Amy Westphal  
**Subject:** [External]Approval of County Petition 22-24

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.

Matt and Dan;

Please find the following approved motion by the Kendall Township Trustees of the above referenced County Petition:

*Approve the recommendation of the Kendall Township Planning Commission regarding the County Petition 22-24 of the rezoning of the Leo Phillips Property from A1 to R1 with the following caveats, agreed to in principle by the Petitioner and his representative, to require prior approval of driveway placement by Kendall Township Highway Commissioner and a 40' dedication of right away from centerline on both Legion and East Highpoint Roads.*

Motion was approved unanimously.

Steve Grebner, Clerk Kendall Township

Check out our New Township website by clicking the QR code



Attachment 6, 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.

**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>		

**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  
September 3, 2024 – 7:00 p.m.

**CALL TO ORDER**

Chairman Randy Mohr called the Zoning Board of Appeals meeting to order at 7:01 p.m.

**ROLL CALL:**

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

Members Absent: None

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

Others Present: Dan Kramer, Scott Hill, and Seth Wormley

**PETITIONS:**

The Zoning Board of Appeals started their review of Petition 24-22 at 7:02 p.m.

**Petition 24 – 22 – Leo M. Phillipp**

**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

Chairman Mohr announced that the Petitioner requested the proposal to be continued to September 30, 2024.

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

The votes were as follows:

**Ayes (7):** Cherry, Fox, LeCuyer, Mohr, Prodehl, Thompson, and Whitfield

**Nays (0):** None

**Abstain (0):** None

**Absent (0):** None

The motion carried.

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

The Zoning Board of Appeals completed their review of Petition 24-22 at 7:02 p.m.

**PUBLIC COMMENTS**

Mr. Asselmeier reported the rezoning request at 10835 Legion Road, the review of the special use permit for the solar project on Simons Road, and the approval of the 2025 meeting calendar were the only agenda items for the September 30<sup>th</sup> hearing.

The Seward Township LRMP amendment is on the Planning, Building and Zoning Committee on September 9, 2024. Seward Township indicated that they wanted to meet on the matter again in the middle of September. The Planning, Building and Zoning Committee will have to decide if another extension should be granted or if a vote will occur.

**ADJOURNMENT OF THE ZONING BOARD OF APPEALS**

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

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

The Zoning Board of Appeals meeting adjourned at 7:31 p.m.

The next regularly scheduled meeting/hearing will be on Monday, September 30, 2024.

Respectfully submitted by,  
Matthew H. Asselmeier  
Planning, Building and Zoning Director

**Exhibits**

1. August 21, 2024, Letter from Dan Kramer Regarding Petition 24-22
2. Certificate of Publication for Petition 24-22 (Not Included with Report but on file in Planning, Building and Zoning Office)





**KENDALL COUNTY  
ZONING BOARD OF APPEALS  
SEPTEMBER 3, 2024**

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

NAME	ADDRESS	SIGNATURE
<i>Don Keam</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

**Matt Asselmeier**

---

**From:** Krysti Barksdale-Noble <knoble@yorkville.il.us>  
**Sent:** Wednesday, September 25, 2024 10:36 AM  
**To:** Matt Asselmeier; Sara Mendez  
**Subject:** RE: [External]RE: Kendall County Petition 24-22

Good Morning Matt,

Both items were not objected to by the Council.

**From:** Matt Asselmeier <masselmeier@kendallcountyil.gov>  
**Sent:** Wednesday, September 25, 2024 8:17 AM  
**To:** Sara Mendez <smendez@yorkville.il.us>  
**Cc:** Krysti Barksdale-Noble <knoble@yorkville.il.us>  
**Subject:** RE: [External]RE: Kendall County Petition 24-22

Sara:

Did the City Council have any objections to this map amendment?

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:** Sara Mendez <smendez@yorkville.il.us>  
**Sent:** Tuesday, August 27, 2024 10:35 AM  
**To:** Matt Asselmeier <masselmeier@kendallcountyil.gov>  
**Cc:** Krysti Barksdale-Noble <knoble@yorkville.il.us>  
**Subject:** [External]RE: Kendall County Petition 24-22

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.

Good morning Matt,

To confirm, are the 3 homes being proposed for petition 24-22 single-family detached homes? Thank you.

All the best,

*Sara Mendez*  
(she/her)  
Planner I

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 September 25, 2024 - 7:00 p.m.**

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

**ROLL CALL**

Members Present: Bill Ashton, Eric Bernacki, Tom Casey, Dave Hamman, Keith Landovitz, Ruben Rodriguez, Claire Wilson, and Seth Wormley

Members Absent: Karin McCarthy-Lange and Bob Stewart

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

Others Present: Dan Kramer, Leo Phillipp, and David Priegel

**PETITIONS**

**Petition 24-22 Leo M. Phillipp**

Mr. Asselmeier summarized the request.

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

The application materials and zoning plat were provided.

The property is located at 10835 Legion Road.

In 1984, through Ordinance 84-06, the southwest corner of the property was rezoned to R-1.

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

The total size of the property is approximately fifteen (15) acres.

The existing land use for the proposed rezoned portion of the property is Wooded.

The County's Land Resource Management Plan calls for the property to be Suburban Residential and Yorkville's Plan calls for the property to be Estate/Conservation Residential.

East Highpoint Road and Legion Road are Township maintained Minor Collectors.

Yorkville has a trail planned along East Highpoint Road.

There are no floodplains or wetlands on the property.

The current land uses of the adjacent properties are Agricultural and Single-Family Residential.

The adjacent properties are zoned A-1, A-1 SU, and R-1.

The County's Future Land Use Map calls for the area to be Suburban Residential (Max 1.0 DU/Acre) and Rural Residential (Max 0.65 DU/Acre). Yorkville's Future Land Use Map calls for the area to be Estate/Conservation Residential.

The properties within one half (1/2) mile are zoned A-1, A-1 SU, R-1, R-2, R-3, RPD-2, RPD-3, and B-4.

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

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

EcoCAT Report submitted and consultation was terminated.

The application for NRI was submitted on July 19, 2024. The LESA Score was 133 indicating a low level of protection. The NRI Report was provided.

Petition information was sent to Kendall Township on July 30, 2024. The Kendall Township Planning Commission reviewed the proposal at their meeting on September 16, 2024, and the Kendall Township Board reviewed the proposal at their meeting on September 17, 2024. Discussion occurred regarding the number of houses, the number and location of driveway cuts, rights-of-way dedications, and the development of houses without doing a subdivision. The Kendall Township Planning Commission and Kendall Township Board recommended approval of the proposal with the caveats that driveway placements require prior approval by the Kendall Township Highway Commissioner and that right-of-way dedications forty feet (40') in depth from the centerlines of both Legion and East Highpoint Roads occur. An email outlining the Township's position was provided.

Petition information was sent to the United City of Yorkville on July 30, 2024. The Yorkville Planning and Zoning Commission reviewed the proposal at their meeting on September 11, 2024. The Yorkville Planning and Zoning Commission had no objections to the proposal. The Yorkville City Council reviewed the proposal on September 24, 2024, and expressed no objections to the proposal.

Petition information was sent to the Bristol-Kendall Fire Protection District on July 30, 2024. No comments received.

ZPAC reviewed this proposal at their meeting on August 6, 2024. Discussion occurred about rights-of-way dedications since the proposal would not involve a subdivision. The Petitioner's Attorney was agreeable to submitting a letter dedicating rights-of-way forty feet (40') in depth from the centerlines of East Highpoint and Legions Roads. ZPAC recommended approval of the map amendment 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.

On August 21, 2024, the Petitioner's Attorney submitted an email requesting this proposal be continued to the September 25, 2024, Kendall County Regional Planning Commission meeting. At their meeting on August 28, 2024, the Kendall County Regional Planning Commission voted to continue this proposal as requested by the Petitioner. The minutes of this meeting were provided.

The Kendall County Zoning Board of Appeals initiated a public hearing on this proposal on September 3, 2024. The Petition was continued to September 30, 2024, as requested by the Petitioner. The minutes of this hearing were provided.

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

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

The wooded area is not presently served by utilities.

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

No information was provided regarding parking.

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 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 and some form of single-family residential.

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

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

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

Staff recommended approval of the proposed map amendment.



Member Landovitz asked about the status of the right-of-way dedication and the understanding with the Kendall Township Highway Commissioner regarding access to the property. Dan Kramer, Attorney for the Petitioner, responded that the Petitioner agreed to the request of Fran Klaas and Kendall Township for a forty foot (40') dedication which would occur after approval of the map amendment. Mr. Kramer explained the location of the existing of the house and the location of new driveways. He noted the hill on Legion Road and having the driveway be as close to the existing house as possible. The driveway would be around two hundred fifty feet (250') east of the intersection.

Mr. Kramer said that three (3) houses would be the maximum, but there could be less houses.

Mr. Kramer explained the future land use maps of the County and Yorkville. The smallest lot size for the County was two point nine-nine (2.99) acres. He also explained that Estate/Conservation designation of Yorkville; those areas where Yorkville had not studied greatly for future land uses.

Mr. Asselmeier requested clarification regarding Maple Lane. Mr. Kramer responded that Maple Lane was a private road and the Petitioner did possess any rights of access to Maple Lane. Discussion occurred regarding ownership of Maple Lane.

Member Bernacki asked about the locations of future homes on the property. Mr. Kramer said that no specific lot dimensions were proposed. Leo Phillipp, Petitioner, explained the history of ownership of property and his original plans for his family to live at the property, which was unlikely. Mr. Phillipp explained the topography of the site; one (1) house would be flat and two (2) houses could have walk-out basements.

It was noted that, if the map amendment were approved, the entire property would be zoned R-1.

Discussion occurred regarding the Plat Act requirements for division of properties and the County's minimum lot size and frontage requirements.

David Priegel asked what the public interest was in approving the map amendment. Mr. Asselmeier responded that Kendall Township and the United City of Yorkville had not objected to the proposal. Also, if homes were constructed on the property, the property would pay more in property taxes. Member Wormley also noted that the Petitioner would have neighbors and the proposal provides needed homes. Member Wilson said that, if a traditional subdivision were proposed, more homes could go on the property; the proposal limits the number of houses on the property. Discussion occurred regarding tree removal related to development.

Member Hamman asked how many homes were served by Maple Lane and the size of the lots on Maple Lane. Mr. Priegel responded seven (7) house and lots were three (3) acres in size. Member Hamman noted that the lots on the subject property would be comparable to the lots on Maple Lane.

Member Landovitz noted that, if the proposal was approved, the zoning of the subject property would be consistent with the zoning in larger neighborhood.

Mr. Kramer discussed the LaSalle and Sinclair factors regarding counties and municipalities having plans and following plans. He discussed the lot sizes in the Tanglewood Trails and Matlock subdivisions.

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

The votes were as follows:

Ayes (8): Ashton, Bernacki, Casey, Hamman, Landovitz, Rodriguez, Wilson, and Wormley  
Nays (0): None  
Absent (0): None  
Abstain (2): McCarthy-Lange and Stewart

The motion carried.

The proposal goes to the Kendall County Zoning Board of Appeals on September 30, 2024.

**CITIZENS TO BE HEARD/PUBLIC COMMENT**

None

**OTHER BUSINESS/ANNOUNCEMENTS**

Mr. Asselmeier reported a rezoning request on River Road and a major amendment to the special use permit for a banquet facility at 1998 Johnson Road were on the agenda items for the October meeting.

Member Wilson discussed a proposed data center in Shorewood's plan area in Seward Township. Discussion occurred regarding data centers at Plano and Yorkville.

Discussion occurred regarding solar projects near the Village of Lisbon.

**ADJOURNMENT**

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

The Kendall County Regional Planning Commission meeting adjourned at 8:45 p.m.

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

Enc.



**KENDALL COUNTY  
REGIONAL PLANNING COMMISSION  
SEPTEMBER 25, 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 Krane</i>		

## **Listing of ZBA Dates for 2025**

**7:00PM (Monday Following the 4<sup>th</sup>  
Wednesday of the Month  
Unless Otherwise Noted)**

December 16, 2024 (Third Monday 7:00 pm)

January 27, 2025

March 3, 2025

March 31, 2025

April 28, 2025

June 2, 2025

June 30, 2025

July 28, 2025

September 2, 2025 (First Tuesday at 7:00 pm)

September 29, 2025

October 27, 2025

December 15, 2025 (Third Monday 7:00 pm)