

## **United City of Yorkville**

800 Game Farm Road Yorkville, Illinois 60560 Telephone: 630-553-4350 www.yorkville.il.us

# AGENDA PLAN COMMISSION

Wednesday, April 13, 2016 Yorkville City Hall Council Chambers 800 Game Farm Road 7:00 p.m.

This meeting has been cancelled and has been rescheduled for April 20, 2016, at 7:00 p.m.

Notice and agendas for the April 20<sup>th</sup> meeting will be duly published in accordance with the Open Meetings Act.



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# PLAN COMMISSION AGENDA

Wednesday, April 13, 2016 Yorkville City Hall Council Chambers 800 Game Farm Road

Meeting Called to Order: 7:00 p.m.

Roll Call:

Previous meeting minutes: February 10, 2016

Citizen's Comments

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#### **Public Hearings**

- 1. **PC 2016-05** BBB Farms LLC, petitioner, has filed an application with the United City of Yorkville, Kendall County, Illinois, requesting rezoning approval from R-2, Single-Family Traditional Residence District to A-1, Agricultural District. The real property is located on Fox Road, between Pavilion Road and Ford Drive in Yorkville, Illinois.
- 2. **PC 2016-06** The United City of Yorkville, Kendall County, Illinois, petitioner, is proposing a text amendment to Chapter 6: Permitted and Special Uses in the Zoning Ordinance to identify Commercial school, trade school as special uses in the M-1 Limited Manufacturing and M-2 General Manufacturing districts and proposing a text amendment to Chapter 2: Rules and Definitions in the Zoning Ordinance to redefine the definition of trade school to "A school established to provide for the teaching of academic, industrial, clerical, managerial, artistic skills, or alternative education. This definition applies to schools that are owned and operated privately for profit or non profit and that may offer a complete education curriculum." This text amendment will provide regulations for the establishment and operation of such uses in these zoning districts.
- 3. **PC 2016-07** Terry Richards, petitioner, has filed an application with the United City of Yorkville, Kendall County, Illinois, requesting to amend a special use approved for a public storage facility pursuant to Chapter 6, Table 10.06.03 of the Yorkville Zoning Ordinance. The amendments to the special use include relocation of the buildings on the property, increasing the number of buildings on the property and increasing the landscape materials, all as shown on a new site plan for the development of the property. The real property is located at 147 Commercial Drive in Yorkville, Illinois.
- 4. **PC 2016-08** Tairi Grace, petitioner, has filed an application with the United City of Yorkville, Kendall County, Illinois, requesting special use permit approval for a Commercial/Trade School for a private, non-profit school with an emphasis on holistic health education within the M-1, Limited Manufacturing District pursuant to Chapter 6, Table

10.06.02 of the Yorkville Zoning Ordinance. The real property is located at 319 E. Van Emmon Road, in Yorkville, Illinois.

#### **Old Business**

#### **New Business**

1. **PC 2016-05** BBB Farms LLC, petitioner, has filed an application with the United City of Yorkville, Kendall County, Illinois, requesting rezoning approval from R-2, Single-Family Traditional Residence District to A-1, Agricultural District. The real property is located on Fox Road, between Pavilion Road and Ford Drive in Yorkville, Illinois.

#### - Action Item

Rezoning

2. **PC 2016-06** The United City of Yorkville, Kendall County, Illinois, petitioner, is proposing a text amendment to Chapter 6: Permitted and Special Uses in the Zoning Ordinance to identify Commercial school, trade school as special uses in the M-1 Limited Manufacturing and M-2 General Manufacturing districts and proposing a text amendment to Chapter 2: Rules and Definitions in the Zoning Ordinance to redefine the definition of trade school to "A school established to provide for the teaching of academic, industrial, clerical, managerial, artistic skills, or alternative education. This definition applies to schools that are owned and operated privately for profit or non profit and that may offer a complete education curriculum." This text amendment will provide regulations for the establishment and operation of such uses in these zoning districts.

#### - Action Item

Text Amendment

3. **PC 2016-07** Terry Richards, petitioner, has filed an application with the United City of Yorkville, Kendall County, Illinois, requesting to amend a special use approved for a public storage facility pursuant to Chapter 6, Table 10.06.03 of the Yorkville Zoning Ordinance. The amendments to the special use include relocation of the buildings on the property, increasing the number of buildings on the property and increasing the landscape materials, all as shown on a new site plan for the development of the property. The real property is located at 147 Commercial Drive in Yorkville, Illinois.

#### - Action Item

Special Use

4. **PC 2016-08** Tairi Grace, petitioner, has filed an application with the United City of Yorkville, Kendall County, Illinois, requesting special use permit approval for a Commercial/Trade School for a private, non-profit school with an emphasis on holistic health education within the M-1, Limited Manufacturing District pursuant to Chapter 6, Table 10.06.02 of the Yorkville Zoning Ordinance. The real property is located at 319 E. Van Emmon Road, in Yorkville, Illinois.

#### - Action Item

Special Use

#### **Additional Business**

1. City Council Action Updates

The following items were presented to the City Council on February 23, 2016.

- a. **PC 2016-02** The Law Office Corporation, petitioner, has filed applications with the United City of Yorkville, Kendall County, Illinois, requesting special use permit approval for a proposed tavern nightclub or lounge in an existing building zoned within the B-2 Retail Commerce Business District pursuant to Chapter 6, Table 10.06.03 of the Yorkville Zoning Ordinance. The real property is located at 226 South Bridge Street in Yorkville, Illinois.
- b. **PC 2016-03** Unified Faith in Christ Church, petitioner, has filed an application with the United City of Yorkville, Kendall County, Illinois, requesting special use permit approval for a Small Religious Institution that is defined in Section 10-2-3 of the Yorkville Zoning Ordinance as having less than 400 seats and 8,000 square feet of floor area in an existing building zoned within the M-1, Limited Manufacturing District pursuant to Chapter 6, Table 10.06.02 of the Yorkville Zoning Ordinance. The real property is located at 210 Beaver Street, Unit A in Yorkville, Illinois.

#### Adjournment

### **DRAFT**

# UNITED CITY OF YORKVILLE PLAN COMMISSION

City Council Chambers Wednesday, February 10, 2016 7:00pm

#### **Meeting Called to Order**

Chairman Randy Harker called the meeting to order at 7:00pm.

#### Roll Call

Roll call was taken and a quorum was established.

Deb Horaz-yes, Chuck Galmarini-yes, Reagan Goins-yes, Charles Kraupner-yes, Richard Vinyard-yes, Randy Harker-yes

Absent: Michael Crouch

#### **City Staff**

Krysti Barksdale-Noble, Community Development Director

Mr. Chris Heinen, City Planner

Lynn Dubajic, Economic Development Consultant

#### **Other Guests**

Chris Vitosh, Court Reporter Anna Jaruszewski

Jeff Jaruszewski Thomas Nelson, Unified Faith in Christ Church

Rich Hazlett, Bridge St. Plaza Stacy Hazlett, Bridge Street Plaza

Boyd Ingemunson, The Law Office Corp.

Pastor Will Shore, Unified Faith in Christ Church

#### **Previous Meeting Minutes** January 13, 2016

Ms. Goins moved and Mr. Kraupner seconded a motion for approval as presented.

Roll call: Horaz-yes, Galmarini-yes, Goins-yes, Kraupner-yes, Vinyard-yes, Harker-yes Passed 6-0.

Citizen's Comments None

#### **Public Hearings**

At approximately 7:01pm, Ms. Horaz moved to enter into the Public Hearings and Ms. Goins seconded. Chairman Harker explained the proceedings for the Hearings and swore in those who would give testimony. Mr. Kraupner moved and Ms. Goins seconded the motion to open PC 2016-02 and PC 2016-03.

Roll call for motions: Goins-yes, Kraupner-yes, Vinyard-yes, Horaz-yes, Galmarini-yes, Harker-yes. Passed 6-0.

- 1. PC 2016-02 The Law Office Corporation, petitioner, has filed applications with the United City of Yorkville, Kendall County, Illinois, requesting special use permit approval for a proposed tavern nightclub or lounge in an existing building zoned within the B-2 Retail Commerce Business District pursuant to Chaper 6, Table 10.06.03 of the Yorkville Zoning Ordinance. The real property is located at 226 South Bridge Street in Yorkville, Illinois.
- **2. PC 2016-03** Unified Faith in Christ Church, petitioner, has filed an application with the United City of Yorkville, Kendall County, Illinois, requesting special use permit approval for a Small Religious Institution that is defined in Section 10-2-3 of the Yorkville Zoning Ordinance as having less than 400 seats and 8,000 square feet of floor area in an existing building zoned within the M-1 Limited Manufacturing District pursuant to Chapter 6, Table 10.06.02 of the Yorkville Zoning Ordinance. The real property is located at 210 Beaver Street, Unit A in Yorkville, Illinois.

(See Court Reporter's Transcript for a record of the proceedings)
Also to be included in the official record are the Findings of Fact written response from the applicant for PC 2016-02.

At approximately 7:27pm a motion to close the Hearings was made by Ms. Horaz and seconded by Mr. Galmarini.

Roll call: Galmarini-yes, Goins-yes, Kraupner-yes, Vinyard-yes, Horaz-yes, Harker-yes. Passed 6-0.

#### **Old Business** None

#### **New Business**

**1. PC 2016-02** The Law Office Corporation (see #1 above)

The Findings of Fact were reviewed and the petitioner's written responses will be entered into the official record. There was no further discussion.

#### **Action Item**

Special Use

A motion was then made by Commissioner Vinyard for approval of the petition as follows: In consideration of testimony presented during a Public Hearing on February 10, 2016 and discussion of the Findings of Fact, the Plan Commission recommends approval to the City Council a request for Special Use authorization for the operation of a proposed bar/tavern with live music within an existing building zoned in the B-2 General Business District located at 226 South Bridge Street. Commissioner Kraupner seconded the motion

Roll call: Kraupner-yes, Vinyard-yes, Horaz-yes, Galmarini-yes, Goins-yes, Harker-yes Passed 6-0

#### **2. PC 2016-03** Unified Faith in Christ church (See #2 above)

It was noted the parking had been addressed. Chairman Harker referred to a comment made in the Public Hearing regarding the church being involved in the community. He said the Food Pantry is nearby and is a great opportunity for the church. The Commission then considered the Findings of Fact.

#### **Action Item**

Special use

A motion to approve the petition was made by Ms. Goins as follows: In consideration of testimony presented during a Public Hearing on February 10, 2016 and discussions conducted at that meeting, the Plan Commission recommends approval to the City Council a request for Special Use approval for a Small Religious Institution that is defined in Section 10-2-3 of the Yorkville Zoning Ordinance as having less than 400 seats and 8,000 square feet of floor area in an existing building zoned within the M-1, Limited Manufacturing District pursuant to Chapter 6, Table 10.06.02 of the Yorkville Zoning Ordinance located at 210 Beaver Street, Unit A, subject to staff recommendations and conditions in a memo dated February 3, 2016. The motion was seconded by Mr. Kraupner.

Roll call: Vinyard-yes, Horaz-present, Galmarini-yes, Goins-yes, Kraupner-yes, Harker-yes. Passed 5 yes and 1 present.

#### **Additional Business**

#### 1. City Council Action Updates

#### a. PC 2015-16

Mr. Heinen reported the GC Housing/senior development request for rezoning proceeded to City Council and was tabled until February 23.

#### b. PC 2015-17

There was no further City Council comment on the petition requesting a Special Use for a landscape company in Kendall County.

#### 2. Year in Review 2015

Ms. Noble said about 14 applications were filed in 2015 with only about 5 coming to the Plan Commission.

She also had 2 items for discussion. At the February 9<sup>th</sup> City Council meeting, there was a Plan Commission revision. She said 2 members have resigned and the ordinance was amended to require only 7 members. She also announced that Mr. Galmarini will be resigning after this meeting. There was also discussion about combining the ZBA and Plan Commission. The State only requires one of these bodies (which serve different functions) to make recommendations. It was noted that Oswego is also combining their boards.

Ms. Noble said the difference between ZBA and Plan Commission is that some actions at ZBA are final. Plan Commission has the ability to review land use plans and other plans requiring special uses, text amendments, etc.

If the boards are combined, it is likely the Plan Commission would only be advisory. Ms. Horaz asked how the 2 Boards would be combined. An ordinance would be needed to abolish the ZBA and the Plan Commission responsibilities would have to be revised and an amendment to the muncipal code would be needed. Combining the two would also be a cost savings to the City. Ms. Noble asked Commissioners to email comments if they desire.

In other 2015 items for review, Ms. Noble said there were four text amendments to the zoning ordinance.

The Comp Plan should be done by summer and the Plan Commission will review the final draft and make formal recommendations. There will be changes to the Zoning Ordinance included in the plan.

Commissioner Horaz asked about projects the Plan Commission has approved. One of these was Heartland Meadows which has not yet had the final plat recorded. It is thought it's due to the pending completion of another project to free up capital. Another project approved by this Commission was the Dunkin Donuts on the south side. The nearby Car Care service business had to sign off on the development agreement, however, the business has been since sold and the new owners are not communicating with the developer/Dunkin Donuts. The City will be assisting in this matter since construction must be started by March 1<sup>st</sup> to receive sales tax rebates according to the agreement.

#### **Adjournment**

There was no further business and the meeting was adjourned at 7:49pm on a motion by Mr. Kraupner and second by Ms. Horaz. Voice vote approval.

Transcribed by Marlys Young, Minute Taker

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5	UNITED CITY OF YORKVILLE	
6	YORKVILLE, ILLINOIS	
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8	PLAN COMMISSION MEETING	
9	PUBLIC HEARING	
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14	800 Game Farm Road	
15	Yorkville, Illinois	
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17		
18	Wednesday, February 10, 2016	
19	7:00 p.m.	
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(The following proceedings were had in public hearing:)

CHAIRMAN HARKER: Now going into the public hearing section, can I get a motion to open the public hearing portion of the meeting?

MS. HORAZ: Motion.

MS. GOINS: Second.

CHAIRMAN HARKER: Awesome. All right.

Tonight's public hearings, there are two items to be heard.

The purpose of this hearing is to invite testimony from members of the public regarding the proposed requests that are being considered before the Commission tonight.

Public testimony from persons

present who wish to speak may be in favor or

against the request or have questions for the

petitioners regarding the requests being heard.

All those people who would like to testify tonight, please speak clearly, one at a time, state your name, who you represent, if anyone, and you are asked to sign in at the podium if you haven't already.

Those who wish to speak at tonight's hearing, please stand, raise your right hand and repeat after me.

(The witnesses were thereupon duly sworn.)

CHAIRMAN HARKER: So the way we're going to hear the -- go through the public hearings -- start with the first one here.

The order that we're going to take the testimony here is we're going to hear from the petitioner first and then everybody that's in favor of that request, those who are opposing the request, and then any questions from the Plan Commission.

May I have a motion to open the public hearing on petition number PC -- Actually we're going to do -- I'm going to do both, I'm just going to open both of them at the same time here, so can I get a -- may I get a motion to open the public hearing on petition numbers PC 2016-02, which is the Law Office Corporation, petitioner, has filed application with the United City of Yorkville, Kendall County, Illinois, requesting special use permit approval for a

proposed tavern, nightclub or lounge in an existing building zoned within B-2 Retail Commerce Business District pursuant to Chapter 6, Table 10.06.03, of the Yorkville Zoning Ordinance.

The real property is located at 226 South Bridge Street in Yorkville, Illinois.

The second is PC 2016-03, Unified
Faith in Christ Church, petitioner, has filed an application with the United City of Yorkville,
Kendall County, Illinois, requesting special use permit approval for a Small Religious Institution that is defined in Section 10-2-3 of the
Yorkville Zoning Ordinance as having less than
400 seats and 8,000 square feet of floor area in an existing building zoned within the M-1 Limited Manufacturing District pursuant to Chapter 6,
Table 10.06.02 of the Yorkville Zoning Ordinance.

The real property is located at 210 Beaver Street, Unit A, in Yorkville, Illinois.

Okay.

MS. NOBLE: Motion?

CHAIRMAN HARKER: Yeah, can we get a

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1	motion to
2	MR. KRAUPNER: So moved.
3	MR. VINYARD: Second.
4	CHAIRMAN HARKER: Awesome. Can I get a
5	roll call on the motion, please?
6	MS. YOUNG: Goins.
7	MS. GOINS: Yes.
8	MS. YOUNG: Kraupner.
9	MR. KRAUPNER: Yes.
10	MS. YOUNG: Mr. Vinyard.
11	MR. VINYARD: Yes.
12	MS. YOUNG: Horaz.
13	MS. HORAZ: Yes.
14	MS. YOUNG: Mr. Galmarini.
15	MR. GALMARINI: Yes.
16	MS. YOUNG: Harker.
17	CHAIRMAN HARKER: Yes.
18	So let's start with PC 2016-02, the
19	Law Office Corporation.
20	BOYD INGEMUNSON,
21	having been first duly sworn, testified from the
22	podium as follows:
23	MR. INGEMUNSON: Thanks for hearing me
24	tonight. Thanks for your attendance here on

behalf of citizen comments on my petition. I won't be long.

The reason we are here is we are required to apply for a special use because the business we are opening is not going to be actually preparing food in our location.

We decided with the space constraints that we had, we felt it better to utilize some of the existing businesses in downtown to be able to provide food for our establishment, so we're working with Rowdy's and we'll probably have some sort of arrangement with Rosati's that they can deliver pizzas into the establishment, but since we're not preparing food on site, technically it's special use under the existing zoning ordinance, so, hence, the process of the special use and the public hearing.

A little bit of background. The building that we are in the process of developing was -- has been in our family for about 35 years. It was our law practice up until fall of 2013 when the 47 expansion kind of destroyed all the sidewalks in front of all the businesses down there, so we actually had interest in a building

next to the courthouse and our long-term plan was eventually move our practice to that location, which is a lot more conducive for our practice anyway, so we did that. The building was vacant.

As you might know, I'm involved with the Summer Solstice Festival, which we've done a lot of music with -- a lot of work with independent music and craft beer in the local area.

I saw this as an opportunity to utilize that space to have a year-round facility to showcase both craft beer and also to work with a lot of independent music to build an attraction that's going to attract musicians from all across the country that would like to come to Yorkville and play, hopefully build up a following where we'll attract a lot of people from outside the community to come into Yorkville, and hopefully stand as a -- with the existing businesses to really start building up the downtown.

We feel that the project has a lot of merit. We'd ask that you approve the special use.

I can answer any questions that

anyone has regarding the project or any questions 1 that -- Staff did a really good job in their 2 report addressing any of the legal issues that 3 are involved with the special use. 4 CHAIRMAN HARKER: Okay. Thank you very 5 much. 6 MR. INGEMUNSON: Thank you. 7 CHAIRMAN HARKER: Okay. Just real 8 9 quick, sir --MR. INGEMUNSON: Sure 10 CHAIRMAN HARKER: -- just state your 11 name for the record. 12 MR. INGEMUNSON: Oh, I've got to write 13 14 in. CHAIRMAN HARKER: State your name real 15 16 quick. MR. INGEMUNSON: Boyd Ingemunson. I've 17 got to sign in here real quick, too. Thank you. 18 19 CHAIRMAN HARKER: Okay. Anybody present that would like to speak in favor of this 20 request? 21 22 (No response.) CHAIRMAN HARKER: Seeing none, anybody 23 here that would like to speak opposed to this 24

request?

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Come on up here.

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STACIE HAZLETT,

4 5 having been first duly sworn, testified from the podium as follows:

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MS. HAZLETT: Stacie Hazlett on behalf of Bridge Street Plaza at 101 South Bridge Street.

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Our concerns are when we asked about the intended use, it was supposed to be an upscale, I don't know, microbrewery type of an establishment, but then there was the disclaimer that of course that relies on the type of clientele that comes.

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Now, from our perspective as business owners, if we want a high class establishment, we're not going to say well, that depends on who wants to come into our establishment. We're going to set rules and regulations such that we maintain the level of clientele as we want to have.

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Beyond that, I've come to previous meetings, where the public happens to be absent from this time, and I'd like to call into the

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record those meetings where they didn't want the noise that would be coming from additional public venues, where we have additional parking issues, where we have additional noise issues, that the water -- if we have music venues, that that's going to be bouncing off of the river, and what time is the music going to stop playing because the residents want to sleep.

As you recall, these were all issues at previous Council meetings and I think that they need to be seriously considered.

Beyond the fact that this is just a liquor establishment, how many Yorkville liquor licenses do we want to establish for just the primary purpose of serving alcohol?

Most of the establishments existing in Yorkville already have a multi-purpose; they serve gasoline or they provide food pantry or -- not pantry, food service or -- whether it's grocery store or you're eating in there.

It seems dangerous to have a liquor license for an establishment that only offers alcohol and perhaps might make a relationship with Rowdy's or might make a relationship with

Rosati's, which isn't established at this point.

Not to mention that people probably shouldn't be drinking without some like -- how long should they be drinking in an establishment without taking a break and having something else to offer besides alcohol.

It just doesn't seem prudent based on the other objections of -- that have been raised at past meetings. Thank you.

CHAIRMAN HARKER: Thank you.

MS. NOBLE: Staff report has a lot of information in regards to the standards such as parking and traffic, noise, and adequate utilities and other establishments that have liquor licenses.

This is not the Liquor Commission, so tonight we're only considering special use; there will be another process for the liquor licensing portion of it.

This is the only property that is seeking a special use just to serve alcohol at the moment and that's why it is a special use in our zoning ordinance, so that we can have this public forum to address it.

As far as parking, the required parking for the former law office use was three parking spaces for the entire establishment, which they met with their on-street parking prior to the widening of 47.

With the current use, they would be required to have four parking spaces. That is accommodated with the common city parking lot behind the development. There's also another city lot down the street, and our zoning ordinance allows that parking can be within 1,000 feet of a use to consider it as available parking, so it meets that standard.

Let's see. So there is 20 parking stalls on the parking -- the established parking on the southeast corner of South Main Street and Van Emmon, and then their on-street parking on Van Emmon as well as parking in the rear, so they adequately meet the parking requirement.

As far as noise, the noise ordinance, which is in Section 4 of the Municipal Code which deals with the police section, uses of commercial in nature have a maximum decibel level of 70 during the day, and daytime hours are

7:00 a.m. to 10:00 p.m., and then no more than 55 decibels at any receiving residential land during the nighttime, between 10:01 and 6:59.

So the nearest residentially zoned and occupied property to this building is located about 350 feet away to the east at the southwest corner of East Van Emmon and Heustis Street.

The city is, however, in the process of reviewing and possibly revising our noise ordinance to take into consideration not only sound, but migration.

We've had other issues at other establishments in regard to that, and if those regulations are revised at any time, the proposed business owner -- the proposed business would be required to meet those requirements, and they stated to us that they were more than willing and capable of meeting those requirements.

The proposed use is consistent with our Comprehensive Plan, which is a commercial land use in nature, and as far as other establishments, I've listed all the establishments that have liquor licenses and serve liquor in some capacity within the city.

Right now we have one, two, three, four, five, six, seven, eight, nine, nine that have a Class A or Class A-1, R-1, C, B, G, and K, which have all different designations depending on what type of alcohol they're selling, packaged or whatever.

All of them meet the zoning requirement in either a restaurant, another type of land use, so not strictly a tavern, which this establishment is requesting, so they did not go through this process.

As far as the clientele of the establishment, zoning does not regulate that. We regulate, and my department particularly, is the form of the building, make sure that it's safe to inhabit, that it meets all the code criteria, and that it's an appropriate land use, so in regards to clientele, that's not the role of this committee.

CHAIRMAN HARKER: Excellent. Thank you.

Anybody else -- Anybody up here on the Commission have any questions for the petitioner?

MR. GALMARINI: I do. So three -- three

main questions, right? The first one talks in particular about, of course, the clientele.

First of all I want you to understand I am all in favor of new businesses coming in, and say but I understand your concern, so I'd like to understand your marketing plan.

What's your target audience and how are you going to do that, right? That's what I would like to understand, which segment of your demographic are you going for.

MR. INGEMUNSON: Well, I'm really targeting probably 30 to 70-year olds, the same type of kind of market that we're targeting with the music that we present at our festival.

That tends to be the demographic that lives in this area, and that's the one that I am targeting first and foremost, is the local community.

I think that there is -- especially in the suburbs there is really not any sort of offering for the type of music we're going to provide.

I'm not interested in having metal bands or hip hop or anything like that. I mean,

it's Americana music, it's usually -- mainly easy
listening.

I want to go to a place with friends that I am friends with, and people that I target as consumers are the people that kind of would I guess fall along the lines of my I guess likes and dislikes, so that's who I would be marketing towards.

MR. GALMARINI: Sure, So I think probably we need to make sure we have a good understanding of what your marketing plan is, right?

I understand what your assimilation group is and what you're trying to do there, but let me understand. I heard the word microbrewery.

Are you trying to make a microbrewery --

MR. INGEMUNSON: Well, I think that --

MR. GALMARINI: -- or are you going to

just serve wine --

MR. INGEMUNSON: That's a misconception

23 that --

MR: GALMARINI: -- or serve hard

alcohol?

MR. INGEMUNSON: That's a misconception that starts when newspapers report the wrong thing.

I never represented to anyone that we were going to do a brewery in that establishment. Ever.

The Beacon News as we know sometimes doesn't necessarily get the facts correct, and they reported that incorrectly, so I -- that's been never represented that I was going to do that type of use there, there is not enough room in there to house a brewery, so, I mean, we've -- we've taken -- we deconstructed the existing law office, I am utilizing a lot of the same decor from the existing law office into the new development and the build out.

It's going to be -- I mean, if it's a place that I'm going to put my reputation on, it's going to be geared towards middle income to upper middle income people.

MR. GALMARINI: Okay.

MR. INGEMUNSON: I can guarantee you

24 that.

MR. GALMARINI: Okay. The second part of my question has to do with your proposed arrangement with the downtown restaurants, right, which A, are local businesses. I like that. I like seeing cooperation with other local businesses.

But my question is are you going to inventory some of that food on-site or is it all going to be ordered and brought in as the customers order it?

MR. INGEMUNSON: Typically what we're probably going to do is similar to -- if you've been up to World of Beers up in Naperville, they have menus there that people can order food in and they just order literally to the establishment and say deliver the food here. That's one option.

Rowdy's being in close proximity,
we've already discussed with them having an
actual menu on-site, with a limited -- not their
full menu, but a limited amount of offerings,
that would be easy to eat, finger food, nothing
that would take utensils or anything else, where
they could package it in some sort of package and

just run it up the street.

How we convey those orders from the customer through Rowdy's, we have not actually figured out all the logistics of that yet, but I mean, that's what we're talking about now.

MR. GALMARINI: But there is a pending agreement in place with Rowdy's?

MR. INGEMUNSON: Oh, yeah. I mean, they're definitely more than happy to provide that for us and we are more than happy to have them provide it for us. I mean, they -- they definitely want to do it and we want them to do it.

MR. GALMARINI: Okay. I mean, I'm just concerned because I really want to make sure that there is food available to people.

MR. INGEMUNSON: And I plan on -- I'm a big fan of having -- kind of a throwback of having peanuts around, where people can throw peanuts on the floor. That's something you can do easily.

And I agree, I want -- as a business owner, I think having food be available, whether they order it or it could be bought off the

street, definitely is an attraction for people.

People don't go out typically just to go out and drink. People tend to go out, they have some food.

Now, our shows that we're going to be offering, people will go and they will have dinner across the street or they'll have dinner down at Rowdy's and they may come to our place after they have dinner, too, and so I don't necessarily see it as a place people are just going to come and skip dinner, and that's -- I don't typically see that people that we are targeting are going to be that irresponsible.

MR. GALMARINI: Okay. And then my final question is around your entertainment, right? Is your entertainment venue going to be -- you've already said the type of music.

Is it going to be inside or are you planning to use any of the outside?

MR. INGEMUNSON: No, no, it's all indoors. I mean, the only thing that we would consider possibly doing on a very limited basis, but it's very, very early stages, but in conjunction with our Summer Solstice Festival, we

obviously are working with all the business owners to provide outdoor entertainment as well as indoor entertainment in all the establishments downtown.

I thought in the long run potentially of having some outdoor entertainment around our business, but that's very, very early stages.

I mean, we're not planning on doing that this year at all, it would be something that would be down the road, and that would be something that clearly would be a different issue that would have to be worked out with the city independently.

MR. GALMARINI: Okay. Sorry, one follow-up. It's like four. I lied.

I'm looking at the picture; the main entrance to the venue will be off of Bridge Street or off of Van Emmon?

MR. INGEMUNSON: Van Emmon.

MR. GALMARINI: Okay.

MR. INGEMUNSON: It's kind of

interesting because --

MR. GALMARINI: Yeah, that's a little

risky there.

MR. INGEMUNSON: Well, yeah. I mean, the state widens the road and literally four and a half feet from my stoop is a speeding semi with no guardrail. It's rather dangerous to even utilize that, yeah.

MR. GALMARINI: I know I looked at -- that's what I was looking at, the pictures of --

MR. INGEMUNSON: No, I do not -- That is going to be an emergency exit only. I mean, it's very dangerous there. I keep everyone off of -- and I think that's the trend for most of the businesses on the east side and the west side, is to utilize the east side of the buildings.

MR. GALMARINI: Thank you. I don't have any more questions.

MR. INGEMUNSON: Thank you.

CHAIRMAN HARKER: Anybody else?

MR. KRAUPNER: Yeah. Just out of curiosity, you've got your layout here of what you're looking at putting in.

Where is the music? Where is the -- Is there a stage?

MR. INGEMUNSON: The stage is on the

Route 47 -- on the far wall: 1 2 MR. KRAUPNER: It's along the back wall --3 MR. INGEMUNSON: Yeah. 4 5 MR. KRAUPNER: -- where your emergency door will be? 6 7 MR. INGEMUNSON: Yep. MR. KRAUPNER: Okay. All right. 8 9 wasn't clear in the picture. Thanks. CHAIRMAN HARKER: Any further questions? 10 11 (No response.) 12 CHAIRMAN HARKER: Thank you. Thank you. 13 MR. INGEMUNSON: 14 CHAIRMAN HARKER: All right. Moving on to the next public hearing here, which is PC 15 16 2016-03, Unified Faith in Christ Church. 17 PASTOR WILL SHORE, having been first duly sworn, testified from the 18 podium as follows: 19 PASTOR SHORE: Good evening. 20 Pastor Will Shore of Unified Faith in Christ 21 22 Church. What we are proposing is to -- is the location of 210 Beaver Street to be zoned for 23 24 special use:

I know probably the question is why there and why Yorkville, those type of questions, and the reason we -- we came upon this location is our church currently is in Downers Grove and we share that with another church building, and after numerous years of doing that, we finally made a decision that we needed to have a place of our own, an opportunity to really serve in the community, to be able to establish ministries within the church such as Sunday school classes and so forth, and our congregation is a little bit strange, it's scattered all over the place.

We have people as far as DeKalb traveling to Downers Grove and from other -- some of the other surrounding communities, and this seemed to be a little bit more centralized for our congregation to gather.

The facility, when we came upon -when we came upon it, at first look from the
outside we thought it's simply a warehouse, but
once we entered the unit, you would probably see
from the floor plan that the unit is set up more
with offices.

There is one room, a larger room, not quite the size of this, that would be a gathering place for worship, but because of the classrooms, it was ideal for us to be able to hold our Sunday school classes, to have a little kid's zone for children to be able to play, we could set up a nursery and so forth.

It is actually an ideal setup for us as a church, and it would allow us to get settled into a community where we can really participate, and one of the things I want to tell you about our church is one, we are a benevolent church, and we are a church that does like to get involved in the community.

Come Christmas you'll find us at the local Aldi's buying groceries for unsuspecting shoppers. We like to do things, picnics and so forth. Now, it obviously isn't a place for picnics, but you have parks where we can gather and do things of that nature.

So this place was just simply ideal as far as location, setup and even the cost with it. We are a small congregation, so cost obviously was a consideration, too, so if you

have any questions whatsoever, I'd be more than
happy to answer those, any concerns.
CHAIRMAN HARKER: All right. Thank
you
Is anybody present tonight that
would like to speak in favor of this request?
(No response.)
CHAIRMAN HARKER: Seeing none, anybody
here that would like to speak in opposition to
this request?
(No response.)
CHAIRMAN HARKER: Seeing none, any
questions from the Plan Commissioners?
(No response.)
CHAIRMAN HARKER: Seeing none, all
right. Thank you.
Can I have a motion to close out of
the public hearing portion of this tonight's
meeting?
MS. HORAZ: Motion.
MR. KRAUPNER: I'll second.
CHAIRMAN HARKER: Can I get a roll call,
please?
MS. YOUNG: Galmarini.

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STATE OF ILLINOIS )

(COUNTY OF LASALLE )

I, Christine M. Vitosh, a Certified Shorthand Reporter, do hereby certify that I transcribed the proceedings had at the pubic hearing and that the foregoing, Pages 1 through 29, inclusive, is a true, correct and complete computer-generated transcript of the proceedings had at the time and place aforesaid.

I further certify that my certificate annexed hereto applies to the original transcript and copies thereof, signed and certified under my hand only. I assume no responsibility for the accuracy of any reproduced copies not made under my control or direction.

As certification thereof, I have hereunto set my hand this 1st day of March, A.D., 2016.

Illinois CSR No. 084-002883

Christine M. Vitosh, CSR

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To: Plan Commission From: Chris Heinen, Planner

CC: Bart Olson, City Administrator

Krysti J. Barksdale-Noble, Community Development Director

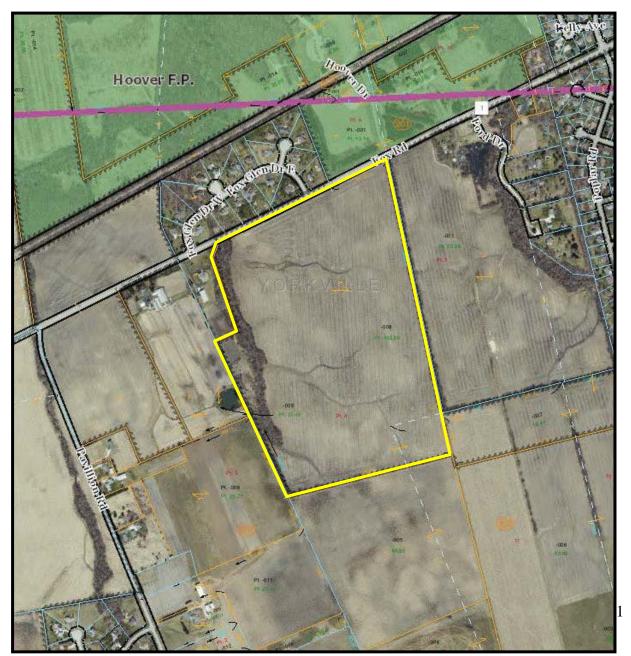
Date: March 30, 2016

Subject: Rezoning request of the Silver Fox development located on Fox

Road, between Pavilion Road and Ford Drive.

# **Background & Request:**

The petitioner, BBB Farms LLC, petitioner, has filed an application with the United City of Yorkville, Kendall County, Illinois, requesting rezoning approval from R-2, Single-Family Traditional Residence District to A-1, Agricultural District. The real property is located on Fox Road, between Pavilion Road and Ford Drive in Yorkville, Illinois.



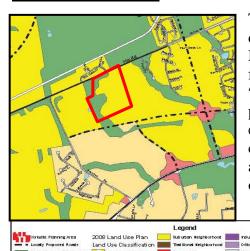
The property was annexed pursuant to an annexation agreement on August 8, 2006 to the City of Yorkville by the Midwest Development group by Ordinance 2006-69. The property was zoned R-2 Single Family Residence District and is known as the Silver Fox Development. The Silver Fox subdivision was approved for a 172-unit single-family residential development. The original developer, Development LLC, secured Concept Plan approval only for the approximately 102 acre property but was never granted Preliminary or Final Plat approval. The land has remained undeveloped since that time. In March of 2015, an application for a special use for an airsupported dome structure for indoor athletic recreation was submitted to the City for review. The petitioner has since withdrawn and was never formally approved by City Council.

The petitioner recently purchased the property and is looking to maintain the agricultural use. As part of the first amendment to the annexation agreement



dated May 26, 2015 by Ordinance 2015-28, the property was to repeal any and all cross contingencies and obligations which are now valid against developable area and remain within the R-2 zoning classification. Additionally, the current use, agricultural, shall be permitted to continue as a legal non-conforming use. This legal non-conforming use status would expire on August 7, 2026 and per the Zoning Ordinance, Section 10-15-4D, "any nonconforming use of land where no enclosed building is involved, or where the only buildings employed are accessory or incidental to such use, or where such use is maintained in connection with a conforming building, shall be removed after a period of two (2) years." This would require the petitioner to apply for an extension every two years in order to maintain the agricultural use. It is the intent of the petitioner to continue farming the property beyond the agreement time frame and is therefore requesting the rezoning to Agriculture.

### **Comprehensive Plan:**



Comprehensive Plan Update The City's 2008 has designated this parcel primarily "Suburban as Neighborhood" which is intended primarily for singlefamily detached residences. It is also designated as "Park/Open Space" which is intended to preserve existing public open spaces such as recreational areas (park lands), existing privately held open space properties such as cemeteries, while identifying environmentally sensitive areas to establish appropriate locations for new designated open spaces. It should be noted that a majority of the

subdivisions planned for this area were approved prior to the Comprehensive Plan being adopted in 2008. A majority of these uses within the Comp Plan

mimicked what was approved for a site or the existing zoning at the time of approval.

As part of the proposed Comprehensive Plan Update concurrently being revised by The Lakota Group, this area is intended to be designated as Estate/Conservation Residential. These neighborhoods are intended to provide flexibility for residential design in areas of Yorkville that can accommodate low density detached single family housing but also include sensitive environmental and scenic features that should be retained and enhanced. Such neighborhoods can be characterized by conventional development, such as detached housing on large lots, or conservation design by clustering homes together that leave undeveloped green pace for agriculture, preservation of historic and cultural resources, and open space for community use. In conservation design, generally 40 to 60 percent of a development site is set aside in conservation areas; therefore, homes may be built on smaller lots than in a conventional estate-type subdivision. Suitable locations for Estate/Conservation Residential neighborhoods include areas that serve as suitable transitions from Suburban Neighborhoods to agricultural zones, and places of identifiable scenic views, tree masses and environmental features. It should be noted that the update to the comp plan is currently being reviewed and has not been approved by City Council. Additionally, recommendations from the proposed Comp Plan update will include filling in existing subdivisions as a priority as the City has several years of inventory for single family detached homes. Due to the amount of inventory within the city, staff feels that this property would not develop within the next five to ten years and would remain agricultural in nature.

# **Existing Conditions:**

As you can see by the aerial on Page 1 of this memo, the subject property and surrounding properties are mainly agricultural in nature, with the exception of the Hoover Forest Preserve and the Fox Glen Subdivision. The existing zoning and land use for properties surrounding the subject property are as indicated below.

	Zoning	Land Use
North	Kendall County/Forest Preserve	County Residences & Forest Preserve
East	Kendall County	Vacant/Farm Land
South	Kendall County	Vacant/Farm Land
West	Kendall County	Farmstead/Farm Land

### **Amendment Criteria:**

Section 10-4-10B of the City's Zoning Ordinance establishes standards for proposed amendment requests. Where the purpose and effect of the proposed amendment are to change the zoning classification of a particular property, the plan commission shall make findings based upon the evidence presented to it in each specific case with respect to the following matters:

- 1. The existing uses and zoning of nearby property.
- 2. The extent to which the property values are diminished by the particular zoning restrictions.
- 3. The extent to which the destruction of property values of plaintiff promotes the health, safety, morals or general welfare of the public.

- 4. The relative gain to the public as compared to the hardship imposed upon the individual property owner.
- 5. The suitability of the subject property for the zoned purposes.
- 6. The length of time the property has been vacant as zoned considered in the context of land development in the area in the vicinity of the subject property.
- 7. The community need for the purposed use.
- 8. The care to which the community has undertaken to plan its land use development.

The applicant has provided written responses to these amendment standards as part of their application and requests inclusion of those responses into the public record.

# **Staff Comments:**

This petition was discussed at the March 1, 2016 Economic Development Committee meeting. There were no additional comments generated from this meeting. A recommendation from the Plan Commission will be forwarded to the City Council for consideration at the April 26, 2016 regularly scheduled meeting.

Staff will be available to answer any question the Plan Commission may have at Wednesday night's meeting.

# **Proposed Motion for Rezoning:**

In consideration of testimony presented during a Public Hearing on April 13, 2016 and discussions conducted at that meeting, the Plan Commission recommends approval to the City Council a request for rezoning approval from R-2, Single-Family Traditional Residence District to A-1, Agricultural District. The real property is located on Fox Road, between Pavilion Road and Ford Drive in Yorkville, Illinois, subject to staff recommendations and conditions in a memo dated March 30, 2016, and further subject to {insert any additional conditions of the Plan Commission}...

### **Attachments:**

- 1. Copy of Petitioner's Application
- 2. Ordinance 2006-69
- 3. Ordinance 2015-28
- 4. Section 10-15-4D of the Zoning Ordinance
- 5. Copy of Public Notice





# **United City of Yorkville**

800 Game Farm Road Yorkville, Illinois 60560 Telephone: 630-553-4350

Fax: 630-553-3436

# APPLICATION FOR REZONING

# Purpose of Application

An application for Map Amendment, or commonly referred to as "rezoning", is a request to reclassify a property from one zoning designation to within another zoning district. Requests for rezoning must not be merely arbitrary, but has to have validity as to the appropriate zoning classification for the existing or proposed land use in consideration of certain factors such as: the existing land use and zoning of the surrounding properties; suitability of the land use within the current zoning district; the trend of development in the general area; impact the proposed rezoning would have on traffic; the potential diminishment of property values due to the rezoning; and the promotion of public health, safety, morals or general welfare of the public as a result of the proposed rezoning.

This packet explains the process to successfully submit and complete an Application for Rezoning. It includes a detailed description of the process and the actual application itself (Pages 6 to 12). Please type the required information in the application on your computer. The application will need to be printed and signed by the applicant. The only item that needs to be submitted to the city from this packet is the application. The rest of the packet is to help guide you through the process unto completion.

For a complete explanation of what is legally required throughout the Rezoning Request process, please refer to "Title 10, Chapter 14, Section 7 Amendments" of the Yorkville, Illinois City Code.

# Procedure Flow Chart

Step 1
Submit Application, Fees, and All Pertinent Information to the
Community Development Department



Step 2

If Applicable
Plan Council Review
(Meets 2nd and 4th Thursday of the month)



Step 3
Plan Commission Public Hearing
(Meets 2nd Wednesday of the Month)



Step 4
City Council Public Hearing
(Meets 2nd and 4th Wednesday of the Month)

# **Application Procedure**

# Step 1

# **Application Submittal**

The following must be submitted to the Community Development Department:

- 2 original signed applications with legal description.
- 5 copies each of the application and exhibits, proposed drawings, location map, and site plan. Large items must be folded to fit in a 10" x 13" envelope.
- Appropriate filing fee. (See attached Fee Sheet on page 5)
- 1 CD containing an electronic copy (pdf) of each of the signed application (complete with exhibit), proposed drawings, location map, and site plan. A Microsoft Word document with the legal description is required on the CD.

Within one (1) week of submittal, the Community Development Department will determine if the application is complete or if additional information is needed. These materials must be submitted a minimum of 45 days prior to the targeted Plan Commission meeting. An incomplete submittal could delay the scheduling of the project.

Applicant will be responsible for payment of recording fees and public hearing costs, including written transcripts of the public hearing and outside consultant costs (i.e. legal review, land planner, zoning coordinator, environmental, etc.). The applicant will be required to establish a deposit account with the city to cover these fees. The Petitioner Deposit Account/Acknowledgement of Financial Responsibility form is attached to this document and must be submitted with the application.

# Step 2

# Plan Council (If Applicable)

Applicant may present the proposed request to the Plan Council. The Plan Council meets on the 2nd and 4th Thursday of the month. The members of the Council include the Community Development Director, City Engineer, the Building Department Official, the Public Works Director, the Director of Parks and Recreation, a Fire Department Representative, and a Police Department Representative. Upon recommendation by the Plan Council, applicant will move forward to the Plan Commission hearing.

# Step 3

# **Plan Commission**

Applicant will attend a public hearing conducted by the Plan Commission. The Plan Commission meets on the 2nd Wednesday of the Month at 7:00pm. Notice will be placed in the Kendall County Record by the United City of Yorkville. The applicant is responsible for sending certified public hearing notices to adjacent property owners within 500 feet of the subject property no less than 15 days and no more than 30 days prior to the public hearing date. Twenty Four (24) hours prior to the public hearing, a certified affidavit must be filed by the applicant with the Community Development Department containing the names, addresses and permanent parcel numbers of all parties that were notified. The Plan Commission will conduct a public hearing on the request, take public comments, discuss the request, and make a recommendation to City Council. The Certified Mailing Affidavit form is attached to this document and must be submitted prior to the scheduled Plan Commission meeting.

# **Application Procedure**

# Step 4

# City Council

Applicant will attend the City Council meeting where the recommendation of the rezoning request will be considered. The City Council meets on the 2nd and 4th Tuesdays of the month at 7:00pm. City Council will make the final approval of the rezoning request.

# **Dormant Applications**

The Community Development Director shall determine if an application meets or fails to meet the requirements stated above. If the Director determines that the application is incomplete it will become dormant under these circumstances:

- The applicant has been notified of such deficiencies and has not responded or provided a time line for completing the application within ninety (90) days from the time of notification.
- The applicant has not responded in writing to a request for information or documentation from the initial plan commission review within six (6) months from the date of that request.
- The applicant has not responded to a request for legal or engineering deposit replenishment for city incurred costs and fees within ninety (90) days from the date of the request.

If the Community Development Director has sent the required notice and the applicant has not withdrawn their application or brought it into compliance, then the director shall terminate the application. After termination, the application shall not be reconsidered except after the filing of a completely new application.

Withdrawal or termination of an application shall not affect the applicant's responsibility for payment of any costs and fees, or any other outstanding debt owed to the city. The balance of any funds deposited with the city that is not needed to pay for costs and fees shall be returned to the applicant. (Ord. 2011-34, 7-26-2011)

United City of Yorkville 800 Game Farm Road Yorkville, Illinois 60560 Telephone: 630-553-4350 630-553-7575 Fax:

# **INVOICE & WORKSHEET PETITION APPLICATION**

CONTACT: Craig Borneman			DEVELOPMENT/ PROPERTY: Silver Fox Development	
			Acreage: 101 acres  Date: 2-12-16	
	n Review: [] Yes an Review Deposit of \$5			\$
	[] Yes [] No ue for each: (Annexation		(PUD)	\$
Annexation:	[] Yes [] No \$250.00, plus \$10/acre # of acres:	for each acre over $5 = $ x	er 5. \$10 = + \$250	\$
Rezoning:	If annexing and rezonir	$5 = \frac{96}{\text{ng}} \times \frac{1}{1}$	\$10 = 960 + \$200	<sub>\$_1,160</sub>
Special Use:	[] Yes [] No \$250.00, plus \$10/acre # of acres:	for each acre ove 5 = x	er 5. \$10 =+ \$250	\$
	ance: \$85.00 Itants deposit of \$500.00		[] No	\$
Preliminary	Plan Fee: \$500.00	[] Yes	[] No	<b>S</b>
P.U.D. Fee:	\$500.00	[] Yes	[] No	<b>s</b>
Final Plat Fe	<b>e:</b> \$500.00	[] Yes	[] No	\$
Description 1 Less than 1 Description 1 acres 1 Over 10 acres 1 Over 40 acres 1 Over 4 O	Plan Review Deposit: acre = \$1,000 due and less than 10 acres = es and less than 40 acres es and less than 100 acre eres = \$20,000 due	\$2,500 due = \$5,000 due	[] No	\$
Legal, Land Pl Annexation, Su ] Less than 2 [] Over 2 acres [] Over 10 acres	sultants Deposit: anner, Zoning Coordinat bidivision, Rezoning, and acres = \$1,000 due s and less than 10 acres = es = \$5,000 due  OUNT DUE:	l Special Use:	[] No al Services	§ 1,000 § 2,160
	Dep. ARO/ Fee Sheet Wkst			

Application	on For Re-Zoning			
STAFF USE ONLY				
Date of Submission	PC#			
Development Name				
Beveropment rume				
Applicant Information				
Name of Applicant(s) BBB Farms LLC				
Business Address 12034 State Rt 71				
City Yorkville S	State Illinois ZIP 60560			
Business Phone	Business Fax			
Business Cell <b>630-973-8685</b>	Business E-mail cborneman@hotmail.com			
Property Information				
Name of Holder of Legal Title BBB Farms LLC				
If Legal Title is held by a Land Trust, list the names of all holders of any beneficial interest therein:				
Property Street Address 101 acres on Fox Road	Yorkville			
Description of Property's Physical Location				
1&1/2 miles west of Rt 47 on Fox Road south of Fo	ox Glen Subdivision			
Zoning and Land	Use of Surrounding Parcels			
North Yorkville: R-2; Kendall County	R-3 & A1-SU			
East Kendall County A-1; Yorkville F	२-2			
South Kendall County A-1				
West Kendall County A-1; Yorkville F	R-2			
Current Zoning Classification R2 One Family	Requested Zoning Classification A-1 Agricultural			
Comprehensive Plan Future Land Use Designation	on suburban Neighborhood & Park/Open Space Total Acreage 101			
Kendall County Parcel N	Number(s) Within Proposed PUD			
05-06-100-008	05-06-100-008			
05-06-100-008	05-06-100-008			
05-06-100-008	05-06-100-008			
05-06-100-008	05-06-100-008			
05-06-100-008	05-06-100-008			
05-06-100-008	05-06-100-008			

# Application For Rezoning **Property Information** List all governmental entities or agencies required to receive notice under Illinois law: N/A Is the property within City limits? Yes No Does a floodplain exist on the property? Yes Additional Contact Information Attorney Name Address ZIP City State Phone Fax E-mail Engineer Name Address ZIP City State Phone Fax E-mail Planner Name Address ZIP City State Phone Fax E-mail

# Rezoning Standards

Please state the existing zoning classification(s) and uses of the property within the general area of the proposed rezoned property:

The existing land uses and zoning surrounding the subject property are: single family residential (Fox Glen Subdivision) and Kendall County Forest Preserve to the north; rural agricultural land in unincorporated Kendall County and residentially zoned but undeveloped land to the east; unincorporated agriculturally zoned farm land to the south; and unincorporated agriculturally zoned farm land and residentially zoned but undeveloped land to the west.

Please state the trend of development, if any, in the general area of the property in question, including changes, if any, which have taken place since the day the property in question was placed in its present zoning classification:

The land use in general area of the subject property has remained primarily agriculture or open space for several decades, with the exception of the Fox Glen subdivision located directly to the north which was approved in --- by Kendall County. There was trend in the mid 2000's to rezone the subject property and surrounding agricultural property to single-family planned unit developments at the height of the housing boom. However, none of those developments were constructed or final platted and the subject property and surrounding lands remained agricultural.

Please state the extent to which property values are diminished by the particular zoning restrictions:

Since the rezoning request will not alter the existing land use of the subject property, there should be little, if any, change in property values of surrounding uses if the rezoning to agriculture is approved.

Please state the extent to which the destruction of property values of plaintiff promotes the health, safety, morals, and general welfare of the public:

As stated previously, there would be little, if any, destruction of property values as a result of the proposed rezoning of the subject property to A-1 Agriculture, which is consistent with the current land use. Therefore the effect on the public health, safety, morals and general welfare is neutral.

# Rezoning Standards

Please state the relative gain to the public as compared to the hardship imposed upon the individual property owner:

The relative gain to the general public, if the rezoning were to be approved, is the continued use of the subject property for agricultural purposes and provide for the protection, conservation and utilization of natural resources until such time redevelopment is warranted.

Please state the suitability of the subject property for the zoned purposes:

The existing agricultural use is consistent with the proposed A-1 Agricultural District.

Please state the length of time the property has been vacant as zoned considered in the context of land development in the area in the vicinity of the subject property:

The subject property was rezoned from A-1 Agricultural in 2006 as a 172-unit single-family residential development zoned R-2. Since that time, the property has remained vacant and continued to be utilized for agricultural proposes.

Please state the community need for the proposed land use:

The community need for the proposed agricultural land use remains the same as it did when previously rezoned in 2006.

# Rezoning Standards

With respect to the subject property, please state the care with which the community has undertaken to plan its land use development:

The subject property is designated as Suburban Neighborhood and Parks/Open Space in the 2008 Comprehensive Plan Update. The Suburban Neighborhood land use classification is intended to be residential area primarily compromised of single-family detached residences. The Parks/Open Space land use classification is intended to preserve existing public open spaces such as recreational areas (park lands). The City is currently in the process of revising the 2008 Comprehensive Plan and the preliminary recommendation is to designate the subject property for an agriculture land use.

Please state the impact that such reclassification will have upon traffic and traffic conditions on said routes; the effect, if any, such reclassification and/or annexation would have upon existing accesses to said routes; and the impact of additional accesses as requested by the petitioner upon traffic and traffic conditions and flow on said routes (Ord. 1976-43, 11-4-1976):

Since the land use will remain the same, agriculture, under the proposed rezoning, there should be no significant impact to traffic and traffic conditions surrounding the subject property.

# Attachments

Applicant must attach a legal description of the property to this application and title it as "Exhibit A".

Applicant must list the names and addresses of any adjoining or contiguous landowners within 500 feet of the property that are entitled notice of application under any applicable City Ordinance or State Statute. Attach a separate list to this application and title it as "Exhibit B".

# Agreement

I verify that all the information in this application is true to the best of my knowledge. I understand and accept all requirements and fees as outlined as well as any incurred administrative and planning consultant fees which must be current before this project can proceed to the next scheduled committee meeting.

I understand all of the information presented in this document and understand that if an application becomes dormant it is through my own fault and I must therefore follow the requirements outlined above.

Applicant Signature

BBB Farms, UC

Claight Barrenan, Mgr.

Owner hereby authorizes the applicant to persue the appropriate entitlements on the property.

Owner Signature

Date

Clay L. Bernary

THIS APPLICATION MUST BE NOTARIZED

PLEASE NOTARIZE IN THE SPACE BELOW:

OFFICIAL SEAL
ANDREA M WEINERT
NOTARY PUBLIC - STATE OF ILLINOIS
MY COMMISSION EXPIRES: 12/16/18



United City of Yorkville County Seat of Kendall County 800 Game Farm Road Yorkville, Illinois, 60560 Telephone: 630-553-4350

Fax: 630-553-7575 Website: www.yorkville.il.us

# Petitioner Deposit Account / Acknowledgment of Financial Responsibility

Development/Property Address:		Project No.: FOR CITY USE ONLY		Fund Account No.	: FOR CITY USE ONLY
Petition/Approval Typ	e: check appropria	te box(es) of approval requ	ested		
☐ Concept Plan Review	☐ Amendment (T	ext) (Annexation) (Plat)	☐ Annexation		
Rezoning	☐ Special Use		☐ Mile and ½ Revie	w	
☐ Zoning Variance	☐ Preliminary Pla	n	☐ Final Plans		
□ P.U.D.	☐ Final Plat				
Petitioner Deposit Acco	unt Fund:				
establish a Petitioner D requests. Typical reque review of development a legal fees, engineering coordination and consult provided in the INVOIO services related to the p Party will receive an inv ten percent (10%) of the funds equal to one-hund event that a deposit accomay be suspended until project, the city will refu Responsible Party to the	eposit Account Functs requiring the expression of the provals/engineering and other plan reversing fees. Each function fees. Each function fees. Each function request. For expression of the expression of the account is fully and the balance to the city by the 15th of fund checks will be	ville to require any petit d to cover all actual expessablishment of a Petition appermits. Deposit accountiews, processing of other account is established with account is established with the periodically throughout the charges made against the mount, the Financially Rof the initial deposit if suffer the periodically Responsible to the Financially Responsible the month in order for the made payable to the Financial payable payable payable payable to the Financial payable	enses occurred as a ner Deposit Account nt funds may also be governmental applith an initial deposit ATION. This initial ne project review/applaccount. At any time desponsible Party we be administrative all funds remain in the Party. A written reserved to be	result of processing sur Fund include, but are see used to cover costs for lications, recording feet the based upon the estimated deposit is drawn again proval process, the Final enterthe balance of the fundill receive an invoice re- test related to the project estaff, consultants, boars the deposit account at the equest must be submitted.	nch applications and not limited to, plan or services related to and other outside ated cost for services antitoto pay for these ancially Responsible ad account fall below equesting additional are required. In the rds and commissions he completion of the dby the Financially ted by the 15th of the
when the account was es		VLEDGMENT OF FINA	NCIAL RESPONS	IBILITY	
Name/Company Name:		ldress:	City:	State:	Zip Code:
Telephone:	Me	obile:	Fax:		E-mail:
Financially Responsib	alo Ponty:				
I acknowledge and under when requested by the later the sale or other disposit positive balance in the funds. Should the account	erstand that as the United City of York tion of the property fund account, unles nt go into deficit, all	Financially Responsible wille, I will provide additionable does not relieve the indives the United City of York City work may stop until	ional funds to maint ridual or Company/C kville approves a Cl the requested reple	tain the required account forporation of their obliques of Responsible Pa	nt balance. Further, gation to maintain a arty and transfer of
Print Name: Craig L B	orneman )	Ti	tle: mgr.	2016	
Signature*:	ga. Dome	Wille D	ate: February 10, 2	2010	
*The name of the indicorporate officer must	/ ividual and the p t sign the declarat	erson who signs this de tion (President, Vice-Pre	eclaration must be esident, Chairman	e the same. If a corpo , Secretary or Treasur	oration is listed, a rer)
		FOR CITY US	SE ONLY		
ACCOUNT CLOSURE	E AUTHORIZATIO	ON:			
Date Requested:			Completed	Inactive	
Print Name:			☐ Withdrawn ☐	Collections	
Signature:			Other		
DEPARTMENT ROUN	TING FOR AUTH	ORIZATION: Comm	Dev. Building	Engineering Finan	ce Admin.

THAT PART OF SECTION 6, TOWNSHIP 36 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF THE BURLINGTON NORTHERN RAILWAY COMPANY, WHICH POINT, PREVIOUSLY MONUMENTED BY A CONCRETE MONUMENT, IS REPORTED TO BE 50.54 FEET SOUTH 61 DEGREES 06 MINUTES 20 SECONDS WEST ALONG SAID RIGHT OF WAY FROM THE INTERSECTION OF SAID RIGHT OF WAY LINE AND NORTH LINE OF SECTION 6, THENCE SOUTH 61 DEGREES 06 MINUTES 20 SECONDS WEST ALONG THE SOUTHERLY RIGHT OF WAY LINE OF SAID RAILROAD, 1437.98 FEET, THENCE SOUTH 01 DEGREES 28 MINUTES 38 SECONDS EAST, 406.94 FEET, THENCE SOUTH 25 DEGREES 19 MINUTES 10 SECONDS EAST, 1326.82 FEET; THENCE SOUTH 24 DEGREES 50 MINUTES 33 SECONDS EAST, 1405.93 FEET; THENCE NORTH 75 DEGREES 51 MINUTES 51 SECONDS EAST 1556.19 FEET; THENCE NORTH 14 DEGREES 05 MINUTES 45 SECONDS WEST, 393.10 FEET, THENCE NORTH 77 DEGREES 27 MINUTES 51 SECONDS EAST, 11.20 FEET, THENCE NORTH 12 DEGREES 35 MINUTES 59 SECONDS WEST 2406.69 FEET TO THE CENTER LINE OF FOX ROAD, THENCE SOUTH 62 DEGREES 58 MINUTES 18 SECOND WEST ALONG SAID CENTER LINE 581.48 FEET; THENCE NORTH 21 DEGREES 46 MINUTES 09 SECONDS WEST 784.86 FEET TO THE POINT OF BEGINNING, (EXCEPT THAT PART IN FOX GLEN, BEING THAT PART OF THE FOREGOING NORTH OF THE CENTER LINE OF FOX ROAD), IN KENDALL TOWNSHIP, AND ALSO, (EXCEPT THAT PART OF THE NORTHWEST 1/4 OF SECTION 6, TOWNSHIP 36 NORTH, RANGE 7, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS, BEGINNING ON THE CENTER LINE OF FOX ROAD AT THE SOUTHWEST CORNER OF A SUBDIVISION KNOWN AS "FOX GLEN, KENDALL TOWNSHIP, KENDALL COUNTY, ILLINOIS," THENCE SOUTH 25 DEGREES 19 MINUTES 10 SECONDS EAST ALONG THE WEST LINE OF LOT 19 IN SAID SUBDIVISION EXTENDED, 835.57 FEET, THENCE NORTH 64 DEGREES 40 MINUTES 50 SECONDS EAST 217.38 FEET, THENCE NORTH 18 DEGREES 20 MINUTES 7 SECONDS WEST 708.61 FEET, THENCE NORTH 18 DEGREES 46 MINUTES 5 SECONDS EAST 138.95 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF FOX ROAD, THENCE NORTH 25 DEGREES 41 MINUTES 24 SECOND WEST 35.0 FEET TO SAID CENTER LINE; THENCE SOUTH 64 DEGREES 18 MINUTES 36 SECONDS WEST ALONG SAID CENTER LINE, 400.0 FEET TO THE POINT OF BEGINNING), IN KENDALL TOWNSHIP, KENDALL COUNTY, ILLINOIS. SITUATED IN THE COUNTY OF KENDALL, IN THE STATE OF ILLINOIS.

PIN	mailto_name	mailto_address1	mailto_address2	mailto_csz
05-06-376-011	WALZ GEORGE A TRUSTEE & WALZ EVELYN K TRUSTEE	6945 PAVILLION RD		YORKVILLE IL 60560
05-06-126-009	PEURA MICHAEL J & LISA A	8 FOX GLEN CT		YORKVILLE IL 60560
05-06-126-003	ALLEN DERVIN G & LINDA J	12 FOX GLEN CIR		YORKVILLE IL 60560
05-06-101-001	KALAS DANIEL F & PATRICIA L	45 W FOX GLEN DR		YORKVILLE IL 60560
05-06-126-001	FISCHER GREGORY R & JULIE R	17 FOX GLEN CIR		YORKVILLE IL 60560
05-06-376-008	GRAVES STEVEN E REV TR	P O BOX 229		MILLINGTON IL 60537
05-06-100-009	MILLER JAMES P TRUSTEE LIV TR & WILHELM SUSAN K REVOC LIV TR	11500 FOX RD		YORKVILLE IL 60560
05-06-126-002	STAUNTON PETER J & KATHLEEN M	15 FOX GLEN CIR		YORKVILLE IL 60560
05-06-400-007	MATLOCK DAVID G & CAROL H	7375 E HIGHPOINT RD		YORKVILLE IL 60560
05-06-127-001	BIESTERFELD DEVON	42 W FOX GLEN		YORKVILLE IL 60560
05-06-100-013	THEIS STEPEN G & KATHLEEN	11642 FOX RD		YORKVILLE IL 60560
05-06-400-006	MATLOCK DAVID G & CAROL H	7375 E HIGHPOINT RD		YORKVILLE IL 60560
05-06-100-012	CASTLE BANK BRUMMEL REALTY	1107D S BRIDGE ST		YORKVILLE IL 60560
05-06-400-005	GRAVES STEVEN E REV TR	P O BOX 229		MILLINGTON IL 60537
	HERRERA RAMON & NOEMI	36 W FOX GLENN DR		YORKVILLE IL 60560
05-06-127-003	KOTORA ERIC S & KATHERINE M	30 FOX GLEN DR		YORKVILLE IL 60560
05-06-127-004	CARPENTIER DANIEL J & MARCIE	26 E FOX GLEN DR		YORKVILLE IL 60560
05-06-276-001	FORD, WILMA & PAULINE DUGGAN	11284 FOX RD		YORKVILLE IL 60560
05-06-201-001	KENDALL COUNTY FOREST PRESERVE	110 W MADISON ST		YORKVILLE IL 60560
05-06-101-002	FOX DARREN & ERIN	51 FOX GLEN DR		YORKVILLE IL 60560
05-06-127-005	REED ROBERT W & ROBYN LYNN	18 FOX GLEN DR		YORKVILLE IL 60560
05-06-127-006	ELLIOTT STEVEN K REV TR	10 E FOX GLEN DR		YORKVILLE IL 60560
05-06-126-004	ROBINSON PAMELA J & ROSE SHARON M	29 E FOX GLEN DR		YORKVILLE IL 60560
05-06-126-006	GALBRAITH CHRISTINE A	3 FOX GLEN CT		YORKVILLE IL 60560
05-06-126-005	MCGUIRE DANIEL J & EMMA K	23 FOX GLEN DR		YORKVILLE IL 60560
05-06-126-011	TRUDO WILLIAM D & SUSAN K	5 E FOX GLEN D		YORKVILLE IL 60560
05-06-126-010	GAVIN DAVID A & TONIA J	2 FOX GLEN CT		YORKVILLE IL 60560

		Filed for Record in
STATE OF ILLINOIS	)	KENDALL COUNTY, ILLINOIS PAUL ANDERSON
	) ss	09-29-2006 At 02:31 pm.
COUNTY OF KENDALL	)	ORDINANCE 95.00
	<b>2</b> .0	RHSP Surcharse 10.00

# ORDINANCE NO. 2006- <u>69</u>

# AN ORDINANCE AUTHORIZING THE EXECUTION OF AN ANNEXATION AGREEMENT OF (Silver Fox)

WHEREAS, it is prudent and in the best interest of the UNITED CITY OF YORKVILLE, Kendall County, Illinois, that a certain Annexation Agreement pertaining to the annexation of real estate described on the Exhibit "A" attached hereto and made a part hereof entered into by the UNITED CITY OF YORKVILLE; and

WHEREAS, said Annexation Agreement has been drafted and has been considered by the City Council; and

WHEREAS, the legal owners of record of the territory which is the subject of said Agreement are ready, willing and able to enter into said Agreement and to perform the obligations as required hereunder; and

WHEREAS, the statutory procedures provided in 65 ILCS 11-15.1.1, as amended, for the execution of said Annexation Agreement has been fully complied with; and

WHEREAS, the property is presently contiguous to the City.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE UNITED CITY OF YORKVILE, KENDALL COUNTY, ILLINOIS, AS FOLLOWS;

Section 1: The Mayor and the City Clerk are herewith authorized and directed to execute, on behalf of the City, an Annexation Agreement concerning the annexation of the real estate described therein, a copy of which Annexation Agreement is attached hereto and made a part hereof.

Section 2: This ordinance shall be in full force and effect from and after its passage and approval as provided by law.

JAMES BOCK	4	JOSEPH BESCO	
VALERIE BURD	ň	PAUL JAMES	
DEAN WOLFER	<u> </u>	MARTY MUNNS	<b>)</b>
ROSE SPEARS	n	JASON LESLIE	
		Mayor Prochaska <u>u</u>	<del></del>
Approved by	me, as Mayor	of the United City of Yorkville, Kendall Co	unty,
Illinois, this 8th	Day of <u></u>	<u>ugust</u> , A.D. 2006.	
		Jetha Fish	skh
		MA	YOR/

Passed by the City Council of the United City of Yorkville, Kendall County,
Illinois this 8th day of Aug UST, A.D. 2006.
ATTEST:
CITY CLERK

Prepared by:

John Justin Wyeth City Attorney United City of Yorkville 800 Game Farm Road Yorkville, IL 60560

# ANNEXATION AGREEMENT SILVER FOX SUBDIVISION

THIS ANNEXATION AGREEMENT ("Agreement"), is made and entered as of the day of Aug, 2006 by and between MIDWEST DEVELOPMENT, LLC an Illinois Limited Liability Company (collectively, "OWNER/DEVELOPER"), and the UNITED CITY OF YORKVILLE, a municipal corporation organized and existing under and by virtue of the laws of the State of Illinois (hereinafter referred to as "CITY") by and through its Mayor and Aldermen ("Corporate Authorities"). OWNER/DEVELOPER and the CITY are sometimes hereinafter referred to individually as a "Party" and collectively as the "Parties".

# **RECITALS:**

- A. OWNER/DEVELOPER is the owner of record of certain parcels of real estate legally described and shown on the Plat of Annexation, attached hereto as <u>Exhibit "A"</u> (hereinafter referred to as "SUBJECT PROPERTY").
- B. OWNER/DEVELOPER desire to annex the SUBJECT PROPERTY to the CITY for the purposes of developing a residential known as Silver Fox. The SUBJECT PROPERTY is currently contiguous with the existing corporate limits of the CITY and is not within the boundary of any other city.
- C. OWNER/DEVELOPER desire to proceed with the development thereof for residential use in accordance with the terms and provisions of this Agreement.
- D. OWNER/DEVELOPER propose that the SUBJECT PROPERTY be rezoned under the R-2 Single-Family Residence District provisions of the City Zoning Ordinance ("Zoning Ordinance"), to be developed with detached single-family residences within the SUBJECT PROPERTY consisting of approximately one hundred (100) acres, legally described in Exhibit "A" attached hereto, all as depicted on the Preliminary Plat attached hereto and incorporated herein as Exhibit "B".
- E. All public hearings, as required by law, have been duly held by the appropriate hearing bodies of the CITY upon the matters covered by this Agreement. The Plan Commission conducted a public hearing regarding the requested zoning and conceptual site plan on February 17<sup>th</sup>, 2005. City Council conducted the public hearing on the annexation agreement on January 10<sup>th</sup>, 2006.
- F. The CITY and OWNER/DEVELOPER have given all appropriate notices due to be given pursuant to applicable provisions of the Illinois Compiled Statutes and the City Code.

- G. The Corporate Authorities, after due and careful consideration, have concluded that the Execution of the Annexation Agreement and Planned Unit Development Agreement subject to the terms and provisions of this Agreement, and the rezoning, subdivision and development of the SUBJECT PROPERTY as provided for herein, will inure to the benefit and improvement of the CITY in that it will increase the taxable value of the real property within its corporate limits, promote the sound planning and development of the CITY and will otherwise enhance and promote the general welfare of the people of the CITY.
  - H. (i) Each party agrees that it is in the best interests of the OWNER/DEVELOPER and the CITY to annex and develop the SUBJECT PROPERTY described in the attached Exhibit "A and B" in conformance with the United City of Yorkville Comprehensive Plan with open spaces totaling over approximately 22.42 acres interspersed throughout the development and through the provision of orderly flow of traffic within the development and to adjoining real property.
    - (ii) Each party agrees that it is in the best interest of the local governmental bodies affected and the OWNER/DEVELOPER to provide for performance standards in the development of the SUBJECT PROPERTY.
    - (iii) Each party agrees that a substantial impact will be placed on the services of the United City of Yorkville and other governmental agencies by development of said real property.
    - (iv) The SUBJECT PROPERTY is contiguous to the corporate boundaries of the CITY.
- I. It is the desire of the CITY, the OWNER/DEVELOPER that the development and use of the SUBJECT PROPERTY proceed as conveniently as may be, in accordance with the terms and provisions of this Agreement, and be subject to the applicable ordinances, codes and regulations of the CITY now in force and effect, except as otherwise provided in this Agreement.
- J. The OWNER/DEVELOPER and their representatives have discussed the proposed annexation and have had public hearings with the Plan Commission and the City Council, and prior to the execution hereof, notice was duly published and a public hearing was held to consider this Agreement, as required by the statutes of the State of Illinois in such case made and provided.

NOW, THEREFORE, in consideration of the foregoing preambles and mutual covenants and agreements contained herein, the Parties hereto agree to enter into this Agreement and to supplement the Petition for Zoning and Annexation and drawings submitted therewith, including the Preliminary Plat, attached hereto as Exhibit "B" and agree that the annexation, zoning and plan for the SUBJECT PROPERTY shall be approved by the

City Council upon the following terms and conditions and in consideration of the various agreements made between the parties:

- 1. <u>LEGAL CONFORMANCE WITH LAW</u>. This Agreement is made pursuant to and in accordance with the provisions of the CITY ordinances, as amended from time to time, and applicable provisions of the Illinois Compiled Statutes and the Illinois Constitution.
- 2. ANNEXATION AND ZONING. As soon as reasonably practicable following the execution of this Agreement, the Corporate Authorities shall adopt such ordinances as may be necessary and appropriate to annex and rezone the SUBJECT PROPERTY under the R-2 Single-Family Residence District provisions of the City Zoning Ordinance ("Zoning Ordinance") with 172 residences, all as shown on the Preliminary Plat attached hereto as Exhibit "B", provided that interim use of all or any portion of the SUBJECT PROPERTY as agricultural use shall be permitted as legal non-conforming uses of the SUBJECT PROPERTY until such portions are actually developed.

OWNER/DEVELOPER agree that the SUBJECT PROPERTY shall be developed in accordance with the ordinances of the CITY, as approved or subsequently amended, unless otherwise provided for herein, and agree to follow all of the policies and procedures of the CITY in connection with such development except as modified in this Agreement and the Preliminary Plat (Exhibit "B").

3. <u>UTILITIES</u>, <u>EASEMENTS</u> <u>AND PUBLIC IMPROVEMENTS</u>. OWNER/DEVELOPER agree that any extension and/or construction of the utilities and public improvements shall be performed in accordance with existing CITY subdivision regulations as varied by this Agreement. Any on-site work and the cost thereof shall be the responsibility of OWNER/DEVELOPER within their respective parcels (Utilities and Public Improvements) except as otherwise provided in this Agreement.

In addition, the CITY agrees that, at OWNER/DEVELOPER's request, the CITY shall exercise reasonable and best efforts to acquire off-site easements. All costs related to or associated with condemnation of property as well as the cost of acquisition of the real property for easement purposes only, and not as to acquisition of fee title, shall be the responsibility of OWNER/DEVELOPER. The CITY shall not be obligated to incur any acquisition cost not approved by OWNER/DEVELOPER.

# 4. POTABLE WATER SUPPLY, SANITARY SEWER, RECAPTURE, AND FUNDING MECHANISMS.

A. The CITY represents to OWNER/DEVELOPER that most of the potable water facilities needed to serve this development will be constructed by the CITY pursuant to this agreement such that potable water, fire flow and water storage facilities will have sufficient capacity to adequately serve the needs of the OWNER/DEVELOPER and occupants of the SUBJECT PROPERTY as developed pursuant to the terms of this

# Agreement.

B. With the respect to sanitary sewer treatment capacity, the CITY shall assist and cooperate with OWNER/DEVELOPER in their efforts to acquire adequate sanitary sewer treatment capacity from the Yorkville Bristol Sanitary District for use within their respective parcels in the SUBJECT PROPERTY as developed pursuant to this Agreement. Additionally, the CITY shall also assist and cooperate with OWNER/DEVELOPER in their efforts to obtain adequate means of delivery of such sanitary sewer capacity to the SUBJECT PROPERTY or, in the alternative, shall provide such means of delivery, subject, however, to the requirements of the Yorkville Bristol Sanitary District where appropriate. The CITY shall seek to obtain such governmental approvals and permits, but in the event that its best efforts are not successful, the CITY shall not be liable for any failure to provide adequate means of delivery of the sanitary sewer treatment capacity contemplated under this Subsection 5(B) arising from its inability to obtain such approvals and permits; and the CITY undertakes no duty to pay for the extension of sanitary sewer extensions to the SUBJECT PROPERTY.

# 5. <u>SECURITY INSTRUMENTS.</u>

- A. Posting Security. OWNER/DEVELOPER shall deposit, or cause to be deposited, with the CITY such irrevocable letters of credit or surety bonds in the forms prescribed by the ordinances of the CITY ("Security Instruments") to guarantee completion and maintenance of the public improvements to be constructed as a part of the development as are required by applicable ordinances of the CITY. The OWNER/DEVELOPER shall have the sole discretion, subject to compliance with Illinois law, as to whether an irrevocable letter of credit or surety bond will be used as the security instruments. The amount and duration of each Security Instrument shall be as required by applicable ordinances of the CITY. The City Council upon recommendation by the City Engineer, may from time to time approve a reduction or reductions in the Security Instruments by an amount not in excess of eighty-five percent (85%) of the value certified by the City Engineer of the completed work, so long as the balance remaining in the Security Instruments is at least equal to one hundred ten percent (110%) of the cost to complete the remaining public improvements for the Development.
- B. Acceptance of Underground Improvements and Streets. Upon completion and inspection of underground improvements, streets, and/or related improvements of Development, and acceptance by the City Council upon recommendation by the City Engineer, OWNER/DEVELOPER shall be entitled to a release or appropriate reduction of any applicable Security Instrument, subject to a maintenance Security Instrument remaining in place for a one year period from the date of acceptance by the CITY, in conformance with the City Subdivision Control Ordinance.

The CITY shall exercise good faith and due diligence in accepting said public improvements following OWNER/DEVELOPER's completion thereof for the Development in compliance with the requirements of said ordinance, and shall adopt the resolution

accepting said public improvements not later than ninety (90) days of completion of the punchlist.

- C. <u>Transfer and Substitution</u>. Upon the sale or transfer of any portion of their respective parcels within the SUBJECT PROPERTY, OWNER/DEVELOPER shall be released from the obligations secured by its Security Instruments for public improvements upon the submittal and acceptance by the CITY of a substitute Security Instrument approved by the CITY, securing the costs of the improvements set forth therein.
  - 6. AMENDMENTS TO ORDINANCES. All ordinances, regulations, and codes of the CITY, including, without limitation those pertaining to subdivision controls, zoning, storm water management and drainage, comprehensive land use plan, and related restrictions, as they presently exist, except as amended, varied, or modified by the terms of this Agreement, shall apply to the SUBJECT PROPERTY and its development for a period of five (5) years from the date of this Agreement. Any amendments, repeal, or additional regulations, which are subsequently enacted by the CITY, shall not be applied to the development of the SUBJECT PROPERTY except upon the written consent of OWNER/DEVELOPER during said five (5) year period. The CITY shall give the OWNER/DEVELOPER a six (6) month grace period from the date they are notified of any changes to the ordinances, regulations, and codes of the CITY in order to comply with the new regulations. After said five (5) year period, the SUBJECT PROPERTY and its development will be subject to all ordinances, regulations, and codes of the CITY in existence on or adopted after the expiration of said five (5) year period, provided, however, that the application of any such ordinance, regulation or code shall not result in a reduction in the number of residential building lots herein approved, alter or eliminate any of the ordinance variations provided for herein, nor result in any subdivided lot or structure constructed within the SUBJECT PROPERTY being classified as non-conforming under any ordinance of the CITY. The foregoing to the contrary notwithstanding, in the event the CITY is required to modify, amend or enact any ordinance or regulation and to apply the same to the SUBJECT PROPERTY pursuant to the express and specific mandate of any superior governmental authority, such ordinance or regulation shall apply to the SUBJECT PROPERTY and be complied with by OWNER/DEVELOPER, provided, however, that any so-called "grandfather" provision contained in such superior governmental mandate which would serve to exempt or delay implementation against the SUBJECT PROPERTY shall be given full force and effect.

If, during the term of this Agreement, any existing, amended, modified or new ordinances, codes or regulations affecting the zoning, subdivision, development, construction of any improvements, buildings, appurtenances, or any other development of any kind or character upon the SUBJECT PROPERTY, other than those upon which site plan approval may be based, are amended or modified to impose less restrictive requirements on development or construction upon properties situated within the CITY'S boundaries, then the benefit of such less restrictive requirements shall inure to the benefit of the OWNER/DEVELOPER, and anything to the contrary contained herein notwithstanding, the OWNER/DEVELOPER may proceed with development or construction upon the SUBJECT

PROPERTY pursuant to the less restrictive amendment or modification applicable generally to all properties within the CITY.

# 7. **BUILDING CODE; BUILDING PERMITS.**

- A. The CIFY has adopted the International Building Code, which is updated approximately every three years. The building codes for the CITY in effect as of the date of building permit application will govern any and all construction activity within the Subject Property.
- B. The CITY shall act upon each application for a building permit for which OWNERS/DEVELOPER, or their duly authorized representatives, shall apply, within fourteen (14) calendar days of the date of application therefore or within fourteen (14) calendar days of receipt of the last of the documents and information required to support such application, whichever is later, provided the applicable improvements for which the building permit applies will be constructed and installed in accordance with the approved final plat and approved final engineering for the development within the SUBJECT PROPERTY. If the application is disapproved, the CITY shall provide the applicant with a statement in writing specifying the reasons for denial of the application including a specification of the requirements of law that the applicant and supporting documents fail to meet. The CITY agrees to issue such building permits upon the compliance with those legal and documentary requirements so specified by the CITY.
- C. Subject to any other necessary governmental regulatory approval, the CITY shall permit OWNER/DEVELOPER, and their duly authorized representatives, to install temporary waste water holding tanks and temporary water facilities to serve sales offices or similar temporary structures, and model buildings constructed on the SUBJECT PROPERTY provided that each such temporary tank and temporary water facility shall be removed and disconnected within ten (10) days after said structures shall be connected to the sewer or other permitted waste disposal systems, and water mains, at OWNERS/DEVELOPER's sole cost, subject to force majeure. The use of such temporary facilities shall be subject to all health and safety codes of the CITY and CITY shall inspect such facilities on a periodic basis.
- D. Subject to the provisions of Section 11 hereof, no permit fees, plan review fees or inspection fees which are not generally and uniformly applicable throughout the CITY shall be imposed by the CITY against the SUBJECT PROPERTY.
- 8. <u>FUTURE FINAL PLATS AND FINAL ENGINEERING</u>. The CITY shall act upon any final plat and final engineering submitted to it for approval within a reasonable time of its receipt of such final plat, final engineering and all necessary supporting documentation and information. The plat review and consideration by the CITY shall not exceed the limitations set out in 65 ILCS 5/11-12-8 (2002).

All proposed Final Plat units for this development shall contain a minimum of 40 dwelling units.

### 9. FEES AND CHARGES.

- A. During the first five (5) years following the date of this Agreement, the CITY shall impose upon and collect from the OWNER/DEVELOPER, and their respective contractors and suppliers, only those permit, license, tap-on and connection fees and charges, and in such amount or at such rate, as are in effect on the date of this Agreement and as are generally applied throughout the CITY, except as otherwise expressly provided for in this agreement on the Fee Schedule attached hereto and made a part hereof as Exhibit "C". At the expiration of this five (5) year term, the CITY shall give the OWNER/DEVELOPER a one (1) year grace period from the date they are notified of any changes to the permit, license, tap on and connection fees and charges in order to comply with the new regulations.
- B. To the extent that any fees charged by the CITY or other governmental agency by reason of this Agreement or City Ordinance are not frozen by the specific terms contained in this Agreement, such fees may be prepaid as follows:
  - (i) If the CITY increases any fees that are not prohibited from being increased by the terms of this Agreement and are applicable to the SUBJECT PROPERTY, the CITY will provide OWNER/DEVELOPER with notice thereof and OWNER/DEVELOPER will be permitted the right to prepay the fees as they existed prior to such increase at any time within thirty (30) days after receipt of the notice of the increase of the fees from the CITY.
  - (ii) OWNER/DEVELOPER's right to prepay will apply to all fees or only certain fees applicable to their respective parcels within the SUBJECT PROPERTY as selected by OWNER/DEVELOPER and prepayment of a particular fee will prevent the increase in such fee from being applicable to that portion of the SUBJECT PROPERTY for which such fee was prepaid. For fees charged on a per residential unit basis, OWNER/DEVELOPER may estimate the number of residential units and pay such fees based on such estimated number of units or may prepay for only a certain number (determined by OWNER/DEVELOPER) of units. Once the calculation is made, no refund of any portion of any prepayment made will be allowed.
- C. The CITY represents and warrants to OWNER/DEVELOPER that no part of the SUBJECT PROPERTY is currently subject to nor is there pending any request to subject any part of the SUBJECT PROPERTY to any special service area or special assessment district that will result in any special taxes or assessments for any portion of the SUBJECT PROPERTY, other than the SSA described in Section 19 of this agreement and any charges to existing drainage districts of record, if any.

### 10. CONTRIBUTIONS.

The CITY shall not require the OWNER/DEVELOPER to donate any land or money to the CITY, or any other governmental body, except as otherwise expressly provided in this Agreement.

### 11. SCHOOL AND PARK DONATIONS.

DEVELOPER shall be responsible for making the contributions as outlined below to the Yorkville Community School District #115 ("School District"), the City of Yorkville Park Department ("Park Department") and the CITY for the estimated impact and donation that is projected to be experienced by said entities as a result of the development in the manner provided for under this Agreement.

# Yorkville Parks and Recreation Department:

Land Donation: 3.00 Acres as depicted on the Planned Unit Development Plan

Cash Donation:. Payable at the time of issuance of each building permit at the rate of \$1,604.65 per detached single family home

# Yorkville Community School District:

Land Cash Fee: Owner/Developer agrees to pay, in lieu of land, a cash donation of \$822,242.56 in satisfaction of the land cash fee to the School District per the ordinances. Said contribution shall be paid 100% at the time of issuance of each building permit in the amount of \$4,780.48 per single family dwelling.

### 12. PROJECT SIGNS.

Following the date of this Agreement and through the date of the issuance of the final occupancy permit, OWNER/DEVELOPER shall be entitled to construct, maintain and utilize offsite subdivision identification, marketing and location signs at not more than two (2) locations at any time within the corporate limits of the CITY as OWNER/DEVELOPER may designate (individually an "Offsite Sign" and collectively the "Offsite Signs") subject to sign permit review and issuance by the CITY. Offsite Signs will not be located on public right-of-way. OWNER/DEVELOPER shall be responsible, at its expense, for obtaining all necessary and appropriate legal rights for the construction and use of each of the Offsite Signs. Each Offsite Sign may be illuminated subject to approval by the CITY. In addition to the Offsite Signs, OWNER/DEVELOPER shall be permitted to construct, maintain and utilize signage as identified in Exhibit "D" attached hereto and shall be permitted as a permanent sign at the entry of residential neighborhood.

# 13. MODEL HOMES, PRODUCTION UNITS AND SALES TRAILERS.

During the development and build out period (subsequent to final plat approval), OWNER/DEVELOPER, and such other persons or entities as OWNER/DEVELOPER may authorize, may construct, operate and maintain model homes and sales trailers staffed with OWNER/DEVELOPER's, or such other person's or entity's, sales and construction staff, and may be utilized for sales offices for Silver Fox. The number of such model homes and sales trailers and the locations thereof shall be as from time to time determined or authorized by DEVELOPER.

Off-street parking shall be required for model homes when more than five (5) model homes are constructed on consecutive lots in a model home row. Three (3) off-street spaces will be required for each model home in a model home row, with combined required parking not to exceed thirty (30) off-street spaces. A site plan showing the location of the parking areas and walks will be submitted for review and approval by the CITY.

No off-street parking shall be required for individual model homes or sales trailers that are not part of a model home row other than the driveway for such model home/sales trailer capable of parking two (2) cars outside of the adjacent road right-of-way. Building permits for model homes, sales trailers and for up to five (5) dwelling units, shall be issued by the CITY upon proper application thereof prior to the installation of public improvements (provided a gravel access road is provided for emergency vehicles and upon proof to the CITY the OWNER has demonstrated to the Bristol Kendall Fire Protection District fire hydrants within 300 feet of the dwelling units are operational) A final inspection shall be conducted prior to the use of a model home and water service shall be made available within 300' of the model home. Any fire hydrants that are not in service within 30 days of installation shall be marked or bagged by the OWNER. There shall be no occupation or use of any model homes or production dwelling units until the binder course of asphalt is on the street, and no occupation or use of any production dwelling units until the water system and sanitary sewer system needed to service such dwelling unit are installed and operational or until temporary service is available, whichever is earlier. Use of models as a model unit only shall not be deemed to be "occupancy" thereof and may be made prior to connection to a sanitary sewer or water system, so long as temporary waste water holding tanks and temporary water facilities are installed to serve them.

OWNER/DEVELOPER may locate temporary sales and construction trailers during the development and build out of said property, provided any such sales trailer shall be removed within two (2) weeks of issuance of the final building permit in that unit where the trailer is located. A building permit will be required by the CITY for any trailer that will be utilized as office space. Prior to construction of the sales trailer the OWNER/DEVELOPER shall submit an exhibit of the model trailer site with landscaping and elevations for the CITY's approval.

OWNER/DEVELOPER hereby agrees to indemnify, defend and hold harmless the CITY and the Corporate Authorities (collectively "Indemnities") from all claims, liabilities,

costs and expenses incurred by or brought against all or any of the Indemnities as a direct and proximate result of the construction of any model homes or production dwelling units prior to the installation of the public street and water improvements required to service such dwelling unit and shall execute and deliver to the CITY a hold harmless and indemnification agreement in form and content reasonably satisfactory to the CITY, so providing, prior to the commencement of construction of any model homes. OWNER/DEVELOPER shall be permitted to obtain building permits in the same manner for additional model homes and for initial production dwelling units as the Final Plat and Final Engineering is approved by the CITY.

## 14. CONTRACTORS' TRAILERS.

The CITY agrees that from and after the date of execution of this Agreement, contractor's and subcontractor's supply storage trailers may be placed upon such part or parts of the SUBJECT PROPERTY as required and approved by OWNER/DEVELOPER for development purposes. Said trailers shall be removed respectively, within thirty (30) days after issuance of the last occupancy permit for each such parcel, subject to force majeure. A building permit will be required by the CITY for any trailer that will be utilized as office space. All contractor's trailers and supply trailers shall be kept in good working order and the area will be kept clean and free of debris. No contractor's trailers or supply trailers will be located within dedicated right-of-way.

## 15. CERTIFICATES OF OCCUPANCY.

- The CITY shall issue certificates of occupancy for buildings and dwelling A. units constructed on the SUBJECT PROPERTY within five (5) working days after proper application therefor or within five (5) working days after the receipt of the last of the documents or information required to support such application, whichever is later. If the application is disapproved, the CITY shall provide the applicant within five (5) working days after receipt of the application and all documentation or information required to support such application, with a statement in writing of the reasons for denial of the application including specification of the requirements of law which the application and supporting documents fail to meet. The CITY agrees to issue such certificates of occupancy upon the applicant's compliance with those requirements of law so specified by the CITY. The CITY, at its expense, shall retain the services of such consultants and/or hire such employees as may be necessary to ensure that the CITY is able to fulfill its obligations under this Subsection. The foregoing, however, shall not negate the obligation of OWNER/DEVELOPER to pay all fees otherwise payable for services rendered in connection with the issuance of certificates of occupancy under applicable CITY ordinances.
- B. Notwithstanding the foregoing, certificates of occupancy shall be issued by the CITY for buildings and dwelling units whose driveway and/or sidewalk paving and grading improvements have not been completely finished due to adverse weather conditions subject to the following understanding: if a certificate of occupancy is issued for such a building or dwelling unit and a party fails to complete the driveway and/or sidewalk paving

or grading improvements for such building or dwelling unit as soon as weather permits but in any event by the first day of summer, the CITY shall have the right to withhold the issuance of further building permits to such party until such exterior work has been completed; Notwithstanding the foregoing, if the provision above applies but if the party that failed to complete the driveway and/or sidewalk paving or grading improvements posts Security with the CITY in the amount of one hundred fifty percent (150%) of the amount estimated by the CITY to be needed to complete such improvements or to effect such corrections, the CITY shall not withhold the issuance of such building permits or certificates of occupancy. Under no circumstances shall the failure of Commonwealth Edison or another utility company to energize street lights installed by OWNER/DEVELOPER on the SUBJECT PROPERTY constitute a basis for the CITY denying the issuance of building permits or a certificate of occupancy for buildings and dwelling units constructed or to be constructed within the SUBJECT PROPERTY.

16. <u>LIMITATIONS</u>. In no event, including, without limitation, the exercise of the authority granted in Chapter 65, Section 5/11-12-8 of the <u>Illinois Compiled Statutes</u> (2002) ed., shall the CITY require that any part of the SUBJECT PROPERTY be dedicated for public purposes, except as otherwise provided in this Agreement or identified on the Concept Plan.

## 17. COMMENCEMENT OF IMPROVEMENTS.

- A. The CITY shall issue permits to OWNER/DEVELOPER to authorize the commencement of construction of utility improvements on the SUBJECT PROPERTY or any Parcel thereof at the sole risk and cost of OWNER/DEVELOPER prior to: (i) approval of a final plat of subdivision; (ii) prior to construction of the CITY utility improvements provided: (1) such construction is undertaken at the risk of the party seeking to undertake such work; (2) approved engineering plans for such improvements have been approved by the CITY that are sufficient in detail for the CITY to determine the nature and scope of the improvements being constructed; (3) the preliminary subdivision plat upon which the improvements are being constructed has been approved by the CITY; (4) the IEPA and the sanitary district that will serve the SUBJECT PROPERTY, as and if applicable, have issued permits for the construction of sanitary sewer and water lines. The CITY agrees to review and, where appropriate, execute IEPA sewer and water permit applications separate and apart from the review of final engineering plans so that the IEPA will be in a position to issue such permits prior to CITY approval of final engineering plans. The OWNER/DEVELOPER acknowledges that the CITY's signature on the IEPA water and sanitary sewer permit application does not constitute final plat or plan approval; and (5) the construction complies with the CITY'S then existing soil erosion ordinances. OWNER/DEVELOPER shall indemnify the CITY against any claims, actions or losses the CITY may suffer, sustain or incur because another governmental agency takes action against the CITY after OWNER/DEVELOPER undertake development activities on either of their respective parcels pursuant to the provisions of this Subsection 17 (B).
  - B. The CITY shall issue permits to OWNER/DEVELOPER to authorize the

commencement of mass earthwork and grading on their respective parcels of the SUBJECT PROPERTY or any Parcel thereof prior to acceptance of a final plat of subdivision and final engineering by the CITY, provided, that OWNER/DEVELOPER has submitted and the CITY has approved mass grading and erosion control plans at least thirty (30) days prior to the commencement of such mass earthwork and grading and complies with the erosion control ordinance of the CITY. All earthwork activities shall comply with Illinois EPA requirements and City of Yorkville ordinances.

C. Notwithstanding the foregoing, the SUBJECT PROPERTY or any portion thereof may continue to be used for agricultural and nursery uses as interim uses until the relevant portion of the SUBJECT PROPERTY is actually developed. Such uses shall constitute legal, non-conforming uses of the SUBJECT PROPERTY.

## 18. COVENANTS.

In lieu of any architectural control ordinances adopted by the CITY, the OWNER/DEVELOPER agrees to impose covenants, conditions and restrictions relating to façade materials, accessory structures and other building restrictions at the time of final plat submittal for each unit.

OWNER/DEVELOPER shall include provisions in the covenants to provide that the Homeowners Association shall be responsible for the maintenance of landscaping within the perimeter landscaping easements, signage provided, and other obligations as determined at the time of final platting and as referenced in this Agreement.

## 19. ESTABLISHMENT OF SPECIAL SERVICE AREA AS PRIMARY FUNDING MECHANISM FOR INSTALLATION OF PUBLIC IMPROVEMENTS.

OWNERS', DEVELOPER's and the CITY agree to establish a special service area ("SSA") as a primary funding mechanism for installation of on-site and off-site public improvements, including, without limitation, potable water, fire flow and/or water storage facilities, roads, storm water facilities (i.e., storm water sewers, collection and conveyance improvements, detention ponds if they benefit off-site properties), sanitary sewer facilities and other public improvements.

The CITY, OWNERS and/or DEVELOPER shall cooperate in good faith to identify and agree on the appropriate structure for the financing, which the CITY and DEVELOPER currently believe will consist of one or more SSA's pursuant to 35 ILCS 200/27-5 et seq., but which may be authorized and implemented under other legal frameworks acceptable to the CITY, OWNERS and/or DEVELOPER. However, CITY, OWNERS and/or DEVELOPER hereby expressly agree that the form of Special Tax or other Revenue Bond shall be the form of bond which requires a payment at the time of sale of a developed lot, or the time of issuance of a building permit, otherwise known as the "pay down" bond.

The burden of the assessment is limited to and shall be paid by only those future property owners within the SUBJECT PROPERTY, and the other properties joining in the SSA for the areas generally referred to as the "Southwest Infrastructure Developments" described in Section 20 of this agreement.

20. CROSS-CONTINGENCIES FOR INFRASTRUCTURE IMPROVEMENTS INCLUDING GREENBRIAR ROAD EXTENTION (SOUTHWEST INFRASTRUCTURE DEVELOPMENTS)

A. CROSS CONTINGENCIES. OWNERS, DEVELOPER and CITY agree that this agreement shall be cross contingent with the CITY's approval of Annexations with 5 Developments commonly referred to as the "Southwest Infrastructure Developments." A list of the developments and the funding required on behalf of each of the developments is attached hereto as Exhibit BBB. These developments are related in that they all will derive special benefit from infrastructure improvements to be financed through the issuance of Special Revenue Bond(s) payable from special taxes levied in one or more special service areas to fund the extension of infrastructure to and through the developments.

B. SSA FUNDING. Upon all Southwest Infrastructure Developments entered into individual annexation agreements, CITY, OWNERS and DEVELOPERS agree to establish individual Special Service Areas (SSA's) within each of the subdivisions listed on Exhibit BBB. City shall then take action to issue Special Revenue Bonds in and amount sufficient to fund the infrastructure extension by January 15, 2007 otherwise the DEVELOPERS shall have right to intervene. OWNER shall have the right to opt-out of participating in the SSA by providing written notice to the CITY of its intention to independently fund OWNER'S pro rata share of the infrastructure improvement costs as set forth on Exhibit "AAA-2". Written notice of OWNER'S intent to opt-out of the SSA must be provided in accordance with the Notice provisions of this Agreement and by thirty (30) days prior to (i) January 15, 2007, or (ii) actual issuance of the bond(s), whichever is later. OWNER will pay its pro rata share of the costs no later than the date of the bond issuance in readily available funds. OWNER'S failure to provide notice within the required time period shall be deemed to be its consent to participate in the SSA.

The formation of The SSA's and issuance of Special Revenue Bonds is intended to render the following results:

1. All areas will be within the SSA's, and all real property will become subject	٥t
to the Special Tax. It is anticipated that each development will enact an individual	
SSA's, and that all SSA's will issue one mutual Special Tax Bond for payments of the	
improvements.	

2.	The special	tax shall be	available to	fund the	repayment	of up to \$	(this will
be the pro r	ata amount o	wed by this	developmen	t)	million in	special tax	k bonds.

- 3. The special tax revenue bonds shall be used to construct infrastructure as described on Exhibit "AAA".
- C. COST CONTAINMENT, OVERRUNS. In order to reduce the risk of cost overruns, OWNERS and/or DEVELOPERS agree that the amount of bonds sold should not be determined until bids have be received by the City for construction of the Southwest Infrastructure. Since final engineering must be completed prior to seeking bids, OWNERS and/or DEVELOPER agree to front fund the amount indicated on Exhibit "BBB" and to receive reimbursement for said sum from the sale of the Revenue Bonds. OWNERS and/or DEVELOPERS shall be allowed to comment regarding the determination of the amount of bonds sold, and the amount of contingency for cost overruns. CITY will respond in writing to all OWNER and DEVELOPER comments and justify said overruns. All DEVELOPERS shall be responsible for contribution, based upon the same ratios and rational used in Exhibit "AAA" if the cost to complete the Southwest Infrastructure exceeds the amount of the Bonds with the additional contribution capped at \$1,000,000 per developer.
- D. PROCEEDS OF BONDS TO BE USED TO EXTEND GREEN BRIAR DRIVE. OWNERS and/or DEVELOPER agrees that traffic ultimately originating from this development, as well as all "Southwest Infrastructure Developments" will give rise to the need for the Green Briar Drive extension to Pavillion Road. One of the first uses of the Special Tax Bonds shall be the acquisition of right-of-way of the Green Briar Drive Extension. The City deems the construction of Green Briar as a high priority and agrees to proceed with construction as funding is available. In addition, OWNER'S and/or DEVELOPERS agree to route all construction traffic along state Route 71 to Pavillion or High Point Road and then to the development, and not allow construction traffic to travel along Fox Road from Rt 47 to the development.
- E. RECAPTURE/RECOVERY OF INFRASTRUCTURE IMPROVEMENTS
  The CITY shall, in accordance with Chapter 65, Section 5/9-5-1 et.seq. of the Illinois
  Compiled Statutes, 2002 Edition, enter into agreements for recapture/recovery
  ("Recapture/Recovery Agreement") with DEVELOPER providing for the
  recapture/recovery by DEVELOPER of a portion of the cost of certain improvements as
  identified on Exhibit "AAA", constructed by DEVELOPER which the CITY has
  determined may be used for the benefit of property ("Benefited Property") not located
  within the Subject Property which connect to said improvements. The Benefited Property
  is identified on said Exhibit "DDD" attached hereto. Recapture for the Green Briar Drive
  improvement may include an increase of the normal and customary road fee for the
  Benefited Properties and therefore require the CITY to consider increasing this fee for the
  Benefited Properties via the annexation agreements for the Benefited Properties. Each
  Recapture Agreement shall be substantially in the form as attached hereto and made a
  part hereof as Exhibit "EEE".

## 21. HOMEOWNERS ASSOCIATION AND DORMANT SPECIAL SERVICE AREA (DSSA).

- A. Homeowners Association. OWNER/DEVELOPER shall establish through a declaration of covenants, conditions and restrictions, a Homeowners Association ("Association") of all lot owners and a mandatory membership of all lot owners in the Association. The Association shall have the primary responsibility and duty to carry out and pay for the maintenance of Common Facilities (defined below) through assessments levied against all dwelling units. A maintenance easement shall be established over all of the Common Facilities located on the final plat for the Association that undertakes responsibility for the Common Facilities Maintenance. The Association will be responsible for the regular care, maintenance, renewal and replacement of the Common Facilities including stormwater detention areas and other open spaces. The maintenance described herein shall include, without limitation, the mowing and fertilizing of grass, pruning and trimming of trees and bushes, removal and replacement of diseased or dead landscape materials, and the repair and replacement of fences and monument signs, so as to keep the same in a clean, sightly and first class condition, and shall otherwise comply with the CITY's Property Maintenance Standards and Landscape Ordinance.
- B. <u>Dormant Special Service Area</u>. DEVELOPER agrees to the CITY enacting at the time of final plat approvals a Dormant Special Service Area (DSSA) to act as a back up in the event that the Homeowner's Association fails to maintain the private common areas, detention ponds, perimeter landscaping features, and entrance signage.

## 22. ONSITE EASEMENTS AND IMPROVEMENTS.

In the event that during the development of the SUBJECT PROPERTY, OWNER/DEVELOPER determine that any existing utility easements and/or underground lines require relocation to facilitate the completion of their obligation for their respective parcels of the SUBJECT PROPERTY in accordance with the Preliminary Plat, the CITY shall fully cooperate with OWNER/DEVELOPER in causing the vacation and relocation of such existing easements and/or utilities, however, all costs incurred in furtherance thereof shall be borne by the OWNER/DEVELOPER. If any easement granted to the CITY as a part of the development of the SUBJECT PROPERTY is subsequently determined to be in error or located in a manner inconsistent with the intended development of the SUBJECT PROPERTY as reflected on the Preliminary Plat and in this Agreement, the CITY shall fully cooperate with OWNER/DEVELOPER in vacating and relocating such easement and utility facilities located therein, which costs shall be borne by OWNER/DEVELOPER, as the case may be. Notwithstanding the foregoing, and as a condition precedent to any vacation of easement, OWNER/DEVELOPER shall pay for the cost of design and relocation of any such easement and the public utilities located on their respective parcels unless the relocation involves overhead utilities.

## 23. **DISCONNECTION.**

OWNER/DEVELOPER shall develop the SUBJECT PROPERTY as a development to be commonly known as Silver Fox in accordance with the final plat and final engineering approved by the CITY in accordance with the terms hereof, and shall not, as either the OWNER/DEVELOPER of said property, petition to disconnect any portion or all of said property from the CITY or from any service provided by the CITY.

## 24. CONFLICT IN REGULATIONS.

The provisions of this Agreement shall supersede the provisions of any ordinance, code, or regulation of the CITY which may be in conflict with the provisions of this Agreement.

## 25. CITY ASSISTANCE.

The CITY agrees to cooperate and provide any reasonable assistance requested by OWNER/DEVELOPER in applying for and obtaining any and all approvals or permits necessary for the development of the SUBJECT PROPERTY, including, but not limited to those required from the Illinois Environmental Protection Agency, the Army Corps of Engineers, the Federal Emergency Management Agency, the United States Environmental Protection Agency, IDOT, the Illinois Department of Natural Resources, Kendall Township, the United City of Yorkville Park Board and Yorkville Community Unit School District 115. The CITY further agrees to reasonably cooperate with OWNER/DEVELOPER in obtaining all permits and approvals required by the applicable sanitary district, the County of Kendall and all other governmental units in connection with the contemplated development of the SUBJECT PROPERTY.

## 26. ADDRESSES.

Within fourteen (14) days after the final plat of subdivision is approved, CITY will provide OWNER/DEVELOPER with the addresses of all lots for the purpose of expediting the process of obtaining utility installations by the applicable utility company or companies.

## 27. SUBSEQUENT AMENDMENTS.

It is understood and agreed that subsequent amendments of this Agreement, may be obtained solely by the owner of any portion of the SUBJECT PROPERTY and the CITY as to such portion without any action or approval of the owners of other portions of the SUBJECT PROPERTY if such amendments do not affect the rights, duties or obligations of the owners of the balance of the SUBJECT PROPERTY not included in the aforedescribed amendments without any action or approval of the owners of other portions of the SUBJECT PROPERTY. Rezoning may be applied for and processed by the CITY without requiring an amendment of this Agreement.

## 28. "RIGHT TO FARM" LANGUAGE.

The OWNER/DEVELOPER of the property acknowledges that Kendall County has a long, rich tradition in agriculture and respects the role that farming continues to play in shaping the economic viability of the county (zoning indicator A-1 or Ag Special Use), normal agricultural practices may result in occasional smells, dust, sights, noise and unique hours of operation that are not typical in other zoning areas. The OWNER/DEVELOPER of the property agree to incorporate the "Right to Farm" language on the Final Plat of Subdivision and incorporate similar language within such other documents governing the subdivision if any property adjacent thereto is used or operated as a farm.

## 29. RESPONSIBILITIES OF OWNER/DEVELOPER.

The CITY agrees that the OWNER/DEVELOPER is exculpated from any personal liability or obligation to perform the commitments and obligations set forth herein for the SUBJECT PROPERTY for which they do not act as developer and that the CITY will look solely to the party who develops for such performance.

## 30. GENERAL PROVISIONS.

- A. <u>Enforcement</u>. This Agreement shall be enforceable in the Circuit Court of Kendall County by any of the parties or their successors or assigns by an appropriate action at law or in equity to secure the performance of the covenants and agreements contained herein, including the specific performance of this Agreement. This Agreement shall be governed by the laws of the State of Illinois.
- B. <u>Successors and Assigns</u>. This Agreement shall inure to the benefit of and be binding upon the OWNER/DEVELOPER and their successors in title and interest, and upon the CITY, and any successor municipalities of the CITY. It is understood and agreed that this Agreement shall run with the land and as such, shall be assignable to and binding upon each and every subsequent grantee and successor in interest of the OWNER/DEVELOPER, and the CITY. The foregoing to the contrary notwithstanding, the obligations and duties of OWNER/DEVELOPER hereunder shall not be deemed transferred to or assumed by any purchaser of a empty lot or a lot improved with a dwelling unit who acquires the same for residential occupation, unless otherwise expressly agreed in writing by such purchaser.
- C. <u>All Terms and Conditions Contained Herein</u>. This Agreement contains all the terms and conditions agreed upon by the parties hereto and no other prior agreement, regarding the subject matter hereof shall be deemed to exist to bind the parties. The parties acknowledge and agree that the terms and conditions of this Agreement, including the payment of any fees, have been reached through a process of good faith negotiation, both by principals and through counsel, and represent terms and conditions that are deemed by the parties to be fair, reasonable, acceptable and contractually binding upon each of them.
- D. <u>Notices</u>. Notices or other materials which any party is required to, or may wish to, serve upon any other party in connection with this Agreement shall be in writing and shall be deemed effectively given on the date of confirmed telefacsimile transmission, on the date delivered personally or on the second business day following the date sent by certified or registered mail, return receipt requested, postage prepaid, addressed as follows:

(I) If to OWNER DEVELOPER:

Midwest Development, LLC Yorkville, Illinois 60560

Fax: (630) 553-3024

with copies to:

Law Offices of Dallas C. Ingemunson,

226 S. Bridge Street Yorkville, Illinois 60560

Attention: Gregg Ingemunson

Fax: (630) 553-7958

(II) If to CITY:

United City of Yorkville

Attn: City Clerk 800 Game Farm Road Yorkville, IL 60560

Fax: (630) 553-7575

or to such other persons and/or addresses as any party may from time to time designate in a written notice to the other parties.

- E. <u>Severability</u>. This Agreement is entered into pursuant to the provisions of Chapter 65, Sec. 5/11-15.1-1, et seq., <u>Illinois Compiled Statutes</u> (2002 ed.). In the event any part or portion of this Agreement, or any provision, clause, word, or designation of this Agreement is held to be invalid by any court of competent jurisdiction, said part, portion, clause, word or designation of this Agreement shall be deemed to be excised from this Agreement and the invalidity thereof shall not effect such portion or portions of this Agreement as remain. In addition, the CITY and OWNER/DEVELOPER shall take all action necessary or required to fulfill the intent of this Agreement as to the use and development of the SUBJECT PROPERTY.
- F. Agreement. This Agreement, and any Exhibits or attachments hereto, may be amended from time to time in writing with the consent of the parties, pursuant to applicable provisions of the City Code and <u>Illinois Compiled Statutes</u>. This Agreement may be amended by the CITY and the owner of record of a portion of the SUBJECT PROPERTY as to provisions applying exclusively thereto, without the consent of the owner of other portions of the SUBJECT PROPERTY not effected by such Agreement.
- G. <u>Conveyances</u>. Nothing contained in this Agreement shall be construed to restrict or limit the right of the OWNER/DEVELOPER to sell or convey all or any portion of the SUBJECT PROPERTY, whether improved or unimproved.
- H. <u>Necessary Ordinances and Resolutions</u>. The CITY shall pass all ordinances and resolutions necessary to permit the OWNER/DEVELOPER, and their successors or assigns, to develop the SUBJECT PROPERTY in accordance with the provisions of this Agreement, provided said ordinances or resolutions are not contrary to law. The CITY

agrees to authorize the Mayor and City Clerk to execute this Agreement or to correct any technical defects which may arise after the execution of this Agreement.

- I. <u>Term of Agreement</u>. The term of this Agreement shall be twenty (20) years from the date of execution of this Agreement. In the event construction is commenced within said twenty-year period all of the terms of this Agreement shall remain enforceable despite said time limitation, unless modified by written agreement of the CITY and OWNER/DEVELOPER.
- J. <u>Captions and Paragraph Headings</u>. The captions and paragraph headings used herein are for convenience only and shall not be used in construing any term or provision of this Agreement.
- K. Recording. This Agreement shall be recorded in the Office of the Recorder of Deeds, Kendall County, Illinois, at OWNER/DEVELOPER's expense.
- L. <u>Recitals and Exhibits</u>. The recitals set forth at the beginning of this Agreement, and the exhibits attached hereto, are incorporated herein by this reference and shall constitute substantive provisions of this Agreement.
- M. <u>Counterparts</u>. This Agreement may be executed in counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same document.
- N. <u>No Moratorium</u>. The CITY shall not limit the number of building or other permits that may be applied for due to any CITY imposed moratorium and shall in no event unreasonably withhold approval of said permits or approval for the final plat of the subdivision. Nothing contained herein shall affect any limitations imposed as to sanitary sewer or water main extensions by the Illinois Environmental Protection Agency, Yorkville-Bristol Sanitary District, or any other governmental agency that preempts the authority of the United City of Yorkville.
- O. <u>Time is of the Essence</u>. Time is of the essence of this Agreement and all documents, agreements, and contracts pursuant hereto as well as all covenants contained in this Agreement shall be performed in a timely manner by all parties hereto.
- P. <u>Legal Challenges</u>. If for any reason and at any time, the annexation of the SUBJECT PROPERTY to the CITY is legally challenged by any person or entity by an action at law or in equity, the CITY shall: (i) cooperate with OWNER/DEVELOPER in the vigorous defense of such action through all proceedings, including any appeals; and (ii) take such other actions as may then or thereafter be possible pursuant to the Illinois Municipal Code to annex the SUBJECT PROPERTY and/or other properties to the CITY so that the annexation of the SUBJECT PROPERTY to the CITY can be sustained and/or effected.

- Q. Major and Minor Modifications. Any modification to any approved preliminary or final plats of subdivision and engineering plans, which are deemed to be minor modifications, may be approved by the CITY Administrator (following review and approval by the CITY Engineer) without requiring a public hearing and without formal amendment to the Planned Development approved for the SUBJECT PROPERTY or this AGREEMENT. Modifications necessary to solve engineering, layout and/or design problems shall be deemed to be minor modifications so long as such modifications do not change the essential character of the preliminary or final plats of subdivision or engineering plans or increase the total number of dwelling units allowed on the SUBJECT PROPERTY. Any revisions to a preliminary or final plat of subdivision or engineering plan, which if determined by the CITY to be major modifications, shall require review by the CITY's Planning Commission and approval by the CITY Council. In no event shall such major modification require an amendment to this AGREEMENT.
- R. <u>Exculpation</u>. It is agreed that the CITY is not liable or responsible for any restrictions on the CITY's obligations under this Agreement that may be required or imposed by any other governmental bodies or agencies having jurisdiction over the SUBJECT PROPERTY, the CITY, the OWNER/DEVELOPER, including, but not limited to, county, state or federal regulatory bodies.
- S. <u>Effectiveness</u>. This Agreement shall be subject to and shall take effect immediately.

[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, the parties hereto have set their hands and seals to this Agreement as of the day and year first above written.

**OWNERS:** 

Midwest Development, LLC

CITY:

v: Brille Music Nam

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UNITED CITY OF YORKVILLE, an Illinois municipal corporation

By: Title: Mayor

Attesting on and Colors

## **LIST OF EXHIBITS**

EXHIBIT "A": Legal Description EXHIBIT "B: Preliminary Plat EXHIBIT "C": Fee Schedule

EXHIBIT AAA: Overall Infrastructure Funding Summary
EXHIBIT BBB: Front Funding Distribution Summary

EXHIBIT CCC: SSA Summary of Terms

EXHIBIT DDD: Recapture/Recovery Area – Benefited Properties

EXHIBIT EEE: Recapture/Recovery Agreement

THAT PART OF SECTION 6, TOWNSHIP 36 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF THE BURLINGTON. NORTHERN RAILWAY COMPANY, WHICH POINT, PREVIOUSLY MONUMENTED BY A CONCRETE MONUMENT, IS REPORTED TO BE 50.54 FEET, SOUTH 61 DEGREES 06 MINUTES 20 SECONDS WEST ALONG SAID RIGHT OF WAY FROM THE INTERSECTION OF SAID RIGHT OF WAY LINE AND THE NORTH LINE OF SAID SECTION 6; THENCE SOUTH 61 DEGREES 06 MINUTES 20 SECONDS WEST ALONG THE SOUTHERLY LINE OF SAID RAILROAD, 1437.98 FEET; THENCE SOUTH 01 DEGREES 28 MINUTES 38 SECONDS EAST, 406,94 FEET; THENCE SOUTH 25 DEGREES 19 MINUTES 10 SECONDS EAST, 1326.82 FEET; THENCE SOUTH 24 DEGREES 50 MINUTES 33 SECONDS EAST, 1405.93 FEET; THENCE NORTH 75 DEGREES 51 MINUTES 51 SECONDS EAST, 1556,19 FEET; THENCE NORTH 14 DEGREES 05 MINUTES 45 SECONDS WEST, 393.10 FEET; THENDE NORTH 77 DEGREES 27 MINUTES 51 SECONDS EAST, 11.20 FEET; THENCE NORTH 12 DEGREES 35 MINUTES 59 SECONDS WEST 2406.69 FEET TO THE CENTER LINE OF FOX ROAD; THENCE SOUTH 62 DEGREES 58 MINUTES 18 SECONDS WEST, ALONG SAID CENTER LINE, 581.48 FEET; THENCE NORTH 21 DEGREES 46 MINUTES 09 SECONDS WEST, 784.86 FEET TO THE POINT OF BEGINNING, (EXCEPT THAT PART IN FOX GLEN, BEING THAT PART OF THE FOREGOING NORTH OF THE CENTER LINE OF FOX ROAD, AND EXCEPT THAT PART OF THE NORTHWEST QUARTER OF SECTION 6, TOWNSHIP 36 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE CENTER LINE OF FOX ROAD AT THE SOUTHWEST CORNER OF A SUBDIVISION KNOWN AS "FOX GLEN, KENDALL TOWNSHIP, KENDALL COUNTY, ILLINOIS; THENCE SOUTH 25 DEGREES 19 MINUTES 10 SECONDS EAST ALONG THE WEST LINE OF LOT 19 IN SAID SUBDIVISION EXTENDED, 835.57 FEET; THENCE NORTH 64 DEGREES 40 MINUTES 50 SECONDS EAST 217.38 FEET: THENCE NORTH 18 DEGREES 20 MINUTES 07 SECONDS WEST 708.61 FEET; THENCE NORTH 18 DEGREES 46 MINUTES 05 SECONDS EAST 138.95 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF SAID FOX ROAD; THENCE NORTH 25 DEGREES 41 MINUTES 24 SECONDS WEST 35.00 FEET TO SAID CENTER LINE; THENCE SOUTH 64 DEGREES 18 MINUTES 36 SECONDS WEST ALONG SAID CENTER LINE, 400.00 FEET TO THE POINT OF BEGINNING) IN THE TOWNSHIP OF KENDALL, KENDALL COUNTY, ILLINOIS, AND CONTAINING 102.75 +/- ACRES.

## PRELIMINARY ENGINEERING PLANS PREPARED FOR

SMITH ENGINEERING CONSULTANTS, INC

SILVER FOX SUBDIVISION

YORKVILLE, ILLINOIS KENDALL TOWNSHIP, KENDALL COUNTY SECTION 6, TOWNSHIP 36 NORTH, RANGE 7 EAST **EXISTING ZONING - (KENDALL COUNTY, A-1)** PROPOSED ZONING - (CITY OF YORKVILLE, R-2)

## PLANS PREPARED FOR:

MIDWEST DEVELOPMENT, LLC P.O. Box 7415 ROMEOVILLE, ILLINOIS 60446

## PROJECT CONTACT:

MR. BRUCE SPERLING PHONE: (315) 577-2250 FAX: (815) 577-2251

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## SMITH ENGINEERING CONTACTS

METAN I MINNEM P.E. CONCICO OF CARCE CHEMATICAS (630) 553-7560

DAYO & SCHUTZ P.E., CYL EKSMEET M (830) 553-7566

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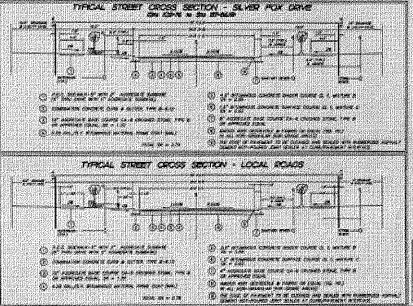
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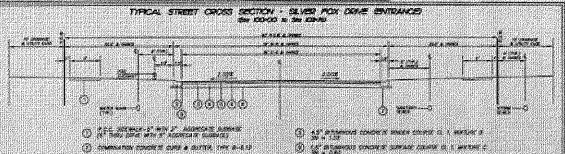


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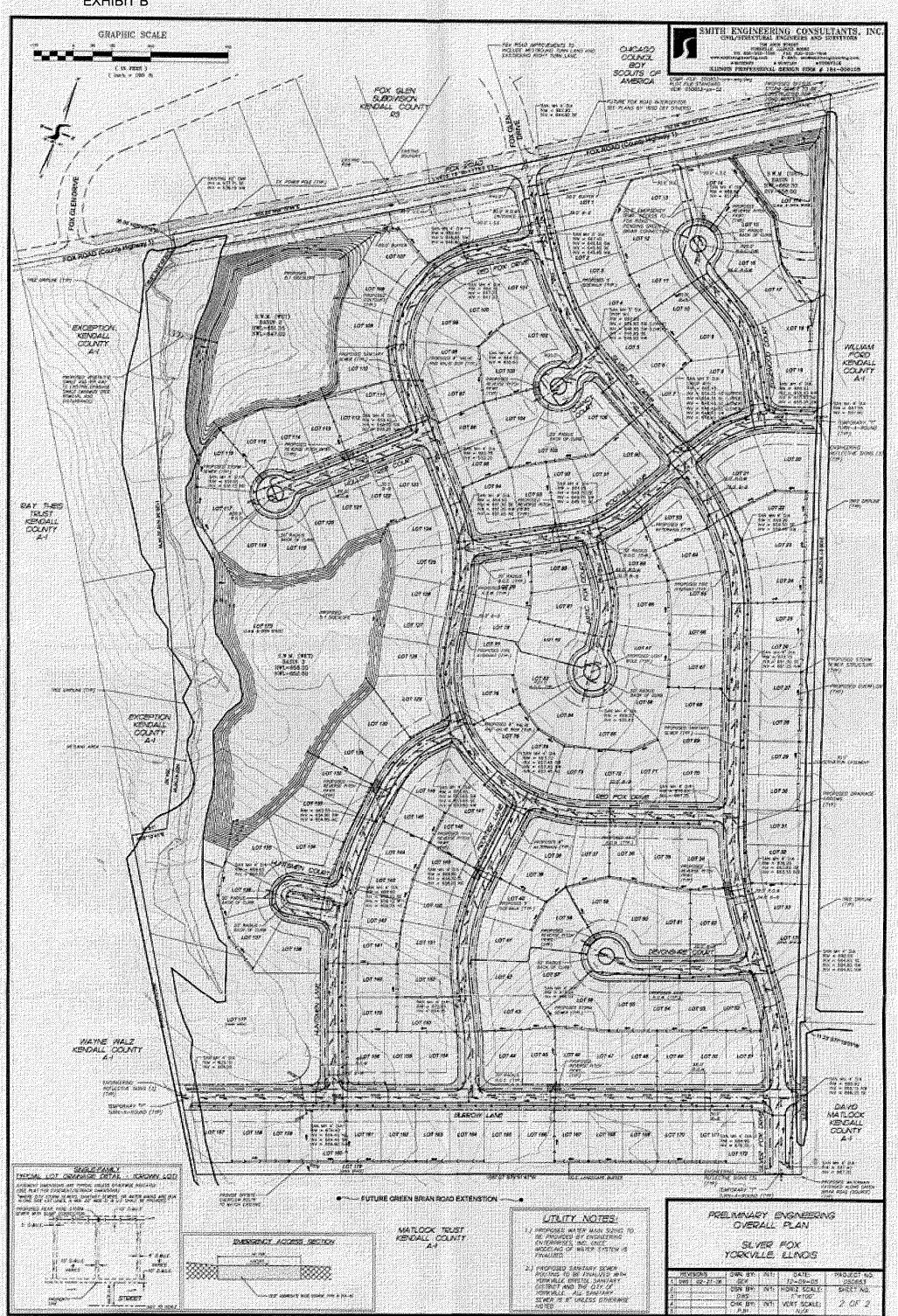
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EX	HIBIT C		
	Name of Fee	Amount	Time of Payment
1	School District Transition Fee	\$3,000 per unit	Paid to School District Office prior to application for building permit
		\$1,400 per unit	At time of building permit, paid at City Hall with separate check made out to YBSD
3	Yorkville Bristol Sanitary District Annexation Fee Yorkville Bristol Sanitary District Infrastructure	\$3,523 per acre	Paid for entire development, at time of annexation to sanitary district
4	Fee	\$3,523 per acre \$650 + \$.0.20 per	PAID BY SPECIAL TAX PROCEEDS
. 5	Building Permit Fee	square foot	Building Permit
6	Water Connection Fee	\$3,700 per unit	PAID BY SPECIAL TAX PROCEEDS
7	Water Meter Cost (not applicable to fee lock)	\$390 per unit	Building Permit
8	City Sewer Connection Fee	\$2,000 per unit	PAID BY SPECIAL TAX PROCEEDS
9	Water and Sewer Inspection Fee	\$25 per unit	Building Permit
10	Public Walks and Driveway Inspection Fee	\$35 per unit	Building Permit
11a	Public Works (Development Impact Fee)	\$700 per unit	Building Permit
11b	Police (Development Impact Fee)	\$300 per unit	Building Permit
11c	Municipal Building (Development Impact Fee)	see "time of payment"	Municipal Building Fee is set up as \$5,509 per unit if paid at time of permit, or \$3,288 per unit if paid in a lump sum for all residential units at the time of final plat approval or within 90 days of when all City infrastructure is available to the development, whichever is later.
11d	Library (Development Impact Fee)	\$500 per unit	Building Permit
11e	Parks and Rec (Development Impact Fee)	\$50 per unit	Building Permit
11f	Engineering (Development Impact Fee)	\$100 per unit	Building Permit
11g	Bristol Kendall Fire District (Development Impact Fee)	\$1,000 per unit Calculated by	Building Permit
12	Parks Land Cash Fee	ordinance, \$80,000 per acre	Building Permit or Final Plat, depending on annexation/development agreement and land/cash donations negotiated
13	School Land Cash Fee	Calculated by ordinance, \$80,000 per acre	Building Permit or Final Plat, depending on annexation/development agreement and land/cash donations negotiated
14	Road Contribution Fund	\$107 per unit	\$1,893 (per unit) PAID BY SPECIAL TAX PROCEEDS
15	County Road Fee	\$875 per unit, escalating each calendar year at a rate determined by ordinance	\$674 (per unit) PAID BY SPECIAL TAX PROCEEDS
	Weather Warning Siren	\$75 per acre	Final Plat
	Administration Review Fee	1.75% of Approved Engineer's Estimate of Cost of Land Improvements	
	Engineering Review Fee	1.25% of Approved Engineer's Estimate of Cost of Land Improvements	
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Exhibit AAA - 1: Overall Infrastructure Funding Summary SW INFRASTRUCTURE FUNDING United City of Yorkville, Kendall Co., IL

							Total
	Construction		Engineeering	eering		Total	Front
	Estimate	Preliminary	Design	Construction	Subtotai	Cost	Funding
Water							
F.1 - Well No. 13	\$ 704,000	\$	\$ 40,000	\$ 62,000	\$ 102,000	\$ 806,000	\$ 40,000
F.2 - Well No. 13 WTP	\$ 2,893,880	•	\$ 190,000	\$ 175,000	\$ 365,000	\$ 3,258,880	\$ 190,000
F.3 - Green Briar Drive Water Main Extension	\$ 591,375	- \$	\$ 44,353	\$ 44,353	\$ 88,706	\$ 680,081	\$ 44,353
F.4 - 2.0 MG EWST	\$ 3,564,000	- \$	\$ 105,000	\$ 116,500	\$ 221,500	\$ 3,785,500	\$ 105,000
F.5 - BP/PRV Station (Chally Farm)	\$ 500,500	\$	\$ 40,000	\$ 35,000	\$ 75,000	\$ 575,500	\$ 40,000
Additional Consultation, Surveying & Testing	- \$	, \$	\$ 70,000	- &	\$ 70,000	\$ 70,000	\$ 70,000
Water Subtotal:	\$ 8,253,755	- \$	\$ 489,353	\$ 432,853	\$ 922,206	\$ 9,175,961	\$ 489,353
Transportation							
Green Briar Road R.O.W. Acquisition	\$ 672,000	\$ 20,000	- \$	- \$	\$ 20,000	\$ 692,000	\$ 20,000
F.8 - Fox Road Resurfacing	\$ 504,260	\$	\$ 30,000	\$ 40,000	\$ 70,000	\$ 574,260	\$ 30,000
Pavillion Road Improvements	\$ 1,187,549	- \$	\$ 95,004	\$ 95,004	\$ 190,008	\$ 1,377,557	\$ 95,004
Additional Consultation, Surveying & Testing	\$	\$ 5,000	\$ 10,000	\$ 47,502	\$ 62,502	\$ 62,502	\$ 15,000
Transportation Subtotal:	\$ 2,363,809	\$ 25,000	\$ 135,004	\$ 182,506	\$ 342,510	\$ 2,706,319	\$ 160,004
Sanitary Sewer							
Contract No. 1 & 2	\$ 5,161,080	\$	\$ 325,000	\$ 341,500	\$ 666,500	\$ 5,827,580	\$ 325,000
Sanitary Sewer Subtotal:	\$ 5,161,080	;	\$ 325,000	\$ 341,500	\$ 666,500	\$ 5,827,580	\$ 325,000
Stormwater							
SW Planning Area Stormwater Study	- \$	\$ 33,800	- \$	- \$	\$ 33,800	\$ 33,800	\$ 33,800
Stormwater Subtotal:	÷	\$ 33,800	-	· *	\$ 33,800	\$ 33,800	\$ 33,800
TOTAL (Water, Trans., San., & Storm):	\$ 15,778,644	\$ 58,800	\$ 949,357	\$ 956,859	\$ 1,965,016	\$ 17,743,660	\$ 1,008,157

G:PubliciVorkville/2004/VO3402 Fox Road Water System Extension Analysis/Eng/SSA Tables/WO MB and GB - W City Funding/Development Funding Summary (WO MB & W City Funding).xis/Project Sum.

## Exhibit AAA - 2: Funding Distribution Summary SW INFRASTRUCTURE FUNDING United City of Yorkville, Kendall Co., IL

Funding Entity Acreage		The state of the s	The second secon										
Acreage	Total Single			Water Impr.	npr.	Transportation Impr.	on Impr.	Sanitary Impr.	mpr.	Stormwater Planning	Planning	TOTAL ALL	ALL
Acreage	2	Density	Percent of	Subtotal	Cost /	Subtotal	Cost/	Subtotal	Cost /	Subtotal	Cost/	Total	Cost/
	Units (DU)	(DU/Acre)	Total DU	Cost	D.U.	Cost	D.U.	Cost	D.C.	Cost	D.C.	Cost	o.c.
orkville	·	,	:	\$ 1,990,881	1	;	1	;	1		1	\$ 1,990,881	1
Silver Fox 103	172	1.67	19.7%	19.7% \$ 1,412,381 \$ 8,212 \$ 441,364 \$ 2,566 \$ 1,084,910 \$ 6,308	\$ 8,212	\$ 441,364	\$ 2,566	\$ 1,084,910	\$ 6,308	\$ 5,691	£S	33 \$ 2,944,346 \$ 17,118	\$ 17 118
Face	77	1.57	8.8%	\$ 632,287	632,287 \$ 8,212	\$458,488	\$458,488 \$ 5,954	\$ 496,339 \$ 6,446	\$ 6,446	\$ 2,715 \$		35 \$ 1,589,830 \$ 20,647	\$ 20,647
afee	217	1.72	24.8%	\$ 1,781,900 \$ 8,212	\$ 8,212	\$756,945	\$ 3,488	\$756,945 \$ 3,488 \$ 1,356,178 \$ 6,250	\$ 6,250	\$ 6,982 \$		32 \$ 3,902,005 \$ 17,982	\$ 17,982
╁	224	145	П	\$ 1,839,381 \$ 8,212 \$	\$ 8.212	\$ 574,799	\$ 2,566	574,799 \$ 2,566 \$ 1,484,251 \$ 6,626	\$ 6,626	\$ 8,533 \$		38 \$ 3,906,964 \$ 17,442	\$ 17,442
Estates	185	1.04	Π	\$ 1,519,131	\$ 8,212	\$ 474,723	\$ 2,566	\$ 1,519,131 \$ 8,212 \$ 474,723 \$ 2,566 \$ 1,405,901 \$ 7,599	\$ 7,599	\$ 9,880	↔	53 \$ 3,409,635 \$ 18,430	\$ 18,430
Total	875	1.43	100.0%	100.0% \$ 9,175,961	*	\$ 2,706,319	1	\$ 5,827,580	-	\$ 33,800	1	\$ 15,752,779	;

The second second second second second	A CONTRACTOR		* MAXIME	MIRECAPTURE/RECOVERY OR ADDITIONAL FEES (NEGATIVE NUMBER) SUMMARY	RERE	COVERY	OR ADD	ITIONAL FE	ES (NE	GATIVE	<b>JUMBER)</b> S	IMMARY			<b>建筑</b> 12	の動物を含むで	
		Total Single				Water Impr.	ă	Transp	Fransportation Impr.	tmpr.	Sanita	Sanitary Impr.	Stormwat	Stormwater Planning	6	TOTAL ALL	T.
		ů.	Density	Percent of	<u> </u>	Subtotal	Cost/	Subtotal	⊢	Cost/	Subtotal	Cost /	Subtotal	Cost		Subtotal	Cost /
Funding Entity	Acreage	Units (DU)	(DU/Acre)	Total DU	٥	Cost	D.O.	Cost		3	cost	j	2003		Ŧ	200	i
United City of Yorkville	:	ı	l	;	ტ •	\$ 1,990,881	1		:	i	-				<i>\$</i> } ⊹	\$ 1,990,881	
Silver Fov	103	172	1.67	19.7%	- ×	75,981	5 4,512	\$ (18,	436) \$	(107)	\$ 775.981 \$ 4,512 \$ (18,436) \$ (107) \$ 379,098 \$ 2,204 \$	\$ 2,20	4 \$	€9	<b>4</b> Э	- \$ 1,155,079 \$ 6,716	\$ 6,71
Evergreen Farm	49	7.2	1.57	8.8%	8	47,387	5 4,512	\$ (41	\$ (689)	(541)	\$ 347.387 \$ 4.512 \$ (41,689) \$ (541) \$ 169,712 \$ 2,204 \$	\$ 2,2(	4 \$	€	44	\$ 517,099 \$ 6,715	\$ 6.71
Access Didos Estatos	136	217	1.72	24.8%	65 65	79,000	4.512	\$ (117	488) \$	(541)	979,000 \$ 4,512 \$ (117,488) \$ (541) \$ 478,280 \$ 2,204 \$	\$ 2,20	\$	s	<b>€</b> \$	- \$ 1,457,280 \$ 6,716	\$ 6.71
Chally Farm	5.5	224	1.45	П	\$ 1.0	10.581	4,512	\$ (24	010)	(107)	\$ 1,010,581 \$ 4,512 \$ (24,010) \$ (107) \$ 493,709 \$ 2,204 \$	1 \$ 2,20	\$	€>	٠	- \$ 1,504,289 \$ 6,716	\$ 6.71
York Wood Estates	178	185	1.04	21.1%	69	34,631	\$ 4,512	\$ (19,	\$ (628)	(107)	\$ 834,631 \$ 4,512 \$ (19,829) \$ (107) \$ 407,751 \$ 2,204 \$	\$ 2,20	74 35	↔	٠,	- \$ 1,242,382 \$ 6,716	\$ 6.71
Total	610	875	1.43	100.0%	\$ 5,9	\$ 5,938,461		. \$ (221,451)	,451)	;	\$ 1,928,550	-	\$	69	€9	- \$ 7,867,011	1

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	of Control of Control	Total Single			Wate	Water Impr.	Fransportation Impr.	tion Impr.	Sanitary Impr.	Impr.	Stormwater Planning	Planning	TOTAL ALL	ALL
		g	Density	Percent of	Subtotal	Cost/	Subtotal	Cost/	Subtotal	Cost/	Subtotal	Cost /	Subtotal	Cost /
Funding Entity	Acreage	Units (DU)	(DU/Acre)	Total DU	Cost	D.O.	Cost	n.d.	rost	; 2	1803		1800	
United City of Yorkville	;	;	1	;	<del>S</del>	,	!	;	ı	ı	į	:	٠ ج	*
Silver Env	103	172	1.67	19.7%	\$ 636,40	0 \$ 3,700	636,400 \$ 3,700 \$ 459,800 \$ 2,673 \$ 705,812 \$ 4,104 \$	\$ 2,673	\$ 705,812	\$ 4,104	\$ 5,691 \$		33 \$ 1,807,702 \$ 10,510	\$ 10,510
Everyteen Farm	49	77	1.57	8.8%	\$ 284,90	3,700	284,900 \$ 3,700 \$ 500,177 \$ 6,496 \$ 326,627 \$ 4,242 \$	\$ 6,496	\$ 326,627	\$ 4,242	\$ 2,715 \$		35 \$ 1,114,419 \$ 14,473	\$ 14,473
Acres Didge Estates	126	217	1.72	24.8%	\$ 802.90	3,700	802.900 \$ 3.700 \$ 874,433 \$ 4,030 \$ 877,898 \$ 4,046 \$	\$ 4,030	\$ 877,898	\$ 4,046	\$ 6,982 \$		32 \$ 2,562,212 \$ 11,807	\$ 11,807
Chally Farm	154	224	1.45	25.6%	1	3,700	828,800 \$ 3,700 \$ 598,809 \$ 2,673 \$ 990,542 \$ 4,422 \$	\$ 2,673	\$ 990,542	\$ 4,422	\$ 8,533 \$		38 \$ 2,426,684 \$ 10,833	\$ 10,833
York Wood Estates	178	185	1.04	21.1%	\$ 684,50	0 \$ 3,700	684,500 \$ 3,700 \$ 494,552 \$ 2,673 \$ 998,151 \$ 5,395 \$	\$ 2,673	\$ 998,151	\$ 5,395	\$ 9,880	69	53 \$ 2,187,082 \$ 11,822	\$ 11,822
Total		875	1.43	100.0%	100.0% \$ 3,237,500	0	- \$ 2,927,770	-	- \$ 3,899,030		\$ 33,800	;	\$ 7,885,768	;

GIPOLOGICYOAKIGAZOAHYOQAQZ Fox Rosa Vater System Extension AnalysisiEngISSA Tables(Development Funding Summary (IV BP-PRV Recapt),Life)Dev. Sum.

Notes:
The acreage and unit counts are estimates; Once the final acreage and unit counts have been established, the calculation methodology will be reran and the values will be adjusted accordingly.

# Exhibit AAA - 3: Water Works System Improvements Funding Distribution SW INFRASTRUCTURE FUNDING United City of Yorkville, Kendall Co., IL

## WATER DISTRIBUTION FUNDING SUMMARY

		Total Single			Water Distr.	Wate	Additional Supply,	Total Fees	Water
		Family	Density	Percent of	Funding	Connection Fee	Treatment & Storage	For Water	Improvement
Funding Entity	Acreage	Units (DU)	(DU/Acre)	Total DU	At \$1,435 / DU	At \$3,700 / DU	At \$3,077 / DU	Improvements	Cost per DO
Inited City of Yorkville	ţ	1	ı	1	l	1	1	\$1,990,881	_
	103	172	1.67	19.7%	\$246,811	\$636,400	\$529,170	\$1,412,381	\$8,212
Colver Fox	Q	77	1.57	8.8%	\$110,491	\$284,900	\$236,896	\$632,287	\$8,212
TIO LINE DISALI	2		2,20	24.8%	£311 384	\$802,900	\$667,616	\$1,781,900	\$8,212
Aspen Kidge Estates	97	,12	7,7	22.02				200.000	0.00
Chally Farm	154	224	1.45	25.6%	\$321,429	\$828,800	\$689,152	41,039,381	717'C@
York Wood Estates	178	185	1.04	21.1%	\$265,465	\$684,500	\$569,166	\$1,519,131	\$8,212
Total / Averane	610	875	1.43	100.0%	\$1,255,581	\$3,237,500	\$2,691,999	\$9,175,961	-
OKTION I MICH									

GNPUNELYOINNIBAXXXXIVOXIX Fox Road Water System Extension Analysis/EnglSSA Tables/Davelopment Funding Summary (M BP-PRV Recapt),xis/Mater

# POTENTIAL MAXIMUM RECAPTURE/RECOVERY AMOUNT SUMMARY

		Less Water	Less	Махітит	Recovery
Off-site Water Main Project /	Total	Conn. Fee	City	Recoverable	per
Infrastructure Item	Project Cost	At 3,700 / DU	Confr.	Amount (Dev.)	D.U.
Well No. 13	\$806,000				
Well No. 13 WTP	\$3,298,880				
2.0 MG EWST	\$3,815,500				
Supply, Treatment, & Storage Sublotal:	\$7,920,380	\$3,237,500	\$1,990,861	\$2,691,999	\$3,077
Green Briar Road WM	\$680,081	-		\$680,081	\$777
BP / PRV Station	\$575,500	-		\$575,500	\$658
Distribution Subtotal:	\$1,255,581	1		\$1,255,581	\$1,435
Total:	\$9,175,961	\$3,237,500	\$1,990,881	\$3,947,580	\$4,512

	Total Single	Recovery	Maximum
Development	Family Units (DU)	per D.U.	Recoverable Amount
United City of Yorkville	1	1	\$1,990,881
Silver Fox	172	\$4,512	\$775,981
Evergreen Farm	2.2	\$4,512	\$347,387
Aspen Ridge Estates	217	\$4,512	\$979,000
Chally Farm	224	\$4,512	\$1,010,581
York Wood Estates	185	\$4,512	\$834,631
Total / Average	875	\$4,512	\$5,938,461

# Exhibit AAA - 4: Transportation Improvements Funding Distribution SW INFRASTRUCTURE FUNDING United City of Yorkville, Kendall Co., IL

## TRANSPORTATION FUNDING SUMMARY

					Transportation	Transportation
		Total Single	Density	Percent of	Infrastructure Fee	Improvement
Funding Entity	Acreage	Family Units (DU)	(DU/Acre)	Total DU	At \$2,000 / DU	Cost per DU
Silver Fox	103	172	1.67	19.7%	\$344,000	\$2,000
Evergreen Farm	49	77	1.57	8.8%	\$154,000	\$2,000
Aspen Ridge Estates	126	217	1.72	24.8%	\$434,000	\$2,000
Chally Farm	154	224	1.45	25.6%	\$448,000	\$2,000
York Wood Estates	178	185	1.04	21.1%	\$370,000	\$2,000
Total / Average	610	875	1.43	100.0%	\$1,750,000	:

G:PublictYorkvijel209ctYC0002 Fox Road Water System Extension Analysis/EngiSSA Tablas/WCO MB and GB - W City Funding/Development Funding Summary (WO MB & W City Funding).xis/Transportation

POTENTIAL MAXIMUM RECAPTURE/RECOVERY AMOUNT SUMMARY	UKE/KECOVEK	AMOUN! SOME	ARK	
		Portion Of	Remaining	
		Transpor,	Transpor.	Fees
Transportation	Total	Impact Fee	impact	per
Improvement	Project Cost	At 2,000 / DU	Fee	D.U.
Green Briar Road R.O.W. Acq.	\$702,000	_	949	-
Fox Road Resurfacing	\$574,260		1	
Subtotal:	\$1,276,260	\$1,276,260		\$1,459
Pavillion/Fox Road Improvements:	\$1,430,059	***	-	a.e.
Less County Impact Fee Contribution:	(\$589,097)	**	Ī	1
Pavillon Local Funding Subtotal:	\$840,962		+	1
Pavilion Road (30% Regional Share)	\$252,289	\$252,289	ı	\$434
Payilion Road (70% Adjacent Share)	\$588,673	ı	ı	1
Total (Silver, Chally, York):	\$1,099,725	\$1,162,000	(\$62,275)	(\$107)
Total (Evergreen):	\$405,648	\$154,000	(\$41,689)	(\$541)
Total (Aspen):	\$610,849	\$434,000	(\$117,488)	(\$541)
tal (Aspen):	\$610,849	3434,000		(\$117,488)

Development	Total Single Family Dwelling Units (DU)	Remaining Fees per DU	Remaining Transpor. Impact Fees
Silver Fox	172	(\$107)	(\$18,436)
Evergreen Farm	77	(\$541)	(\$41,689)
Aspen Ridge Estates	217	(\$541)	(\$117,488)
Chally Farm	224	(\$107)	(\$24,010)
York Wood Estates	185	(\$107)	(\$19,829)
Total:	875		(\$221,451)

- 70% of the Pavillion Road Improvement cost is applied to Aspen Ridge and Evergreen Farms; 30% (assumed regional portion of the improvement) is applied to the remaining subdivisions
  - It is assumed Evergreen Farm and Aspen Ridge do not recover dollars from their Pavillion Road investment
- Of the four legs of the Pavillion Road Improvement with reference to the Fox and Pavilion intersection, the cost breakout for the 70% of the total portion that is applied to Evergreen Farms and Aspen Ridge
- is as follows: North and East 100% Evergreen Farms, West 100% Aspen Ridge, South 50% each

   The total cost for the regional (Non-County impact Fee eligible) improvements is less than the total amount of money that will be collected for the \$2,000 / D.U. impact fee, The remaining portion of the impact fee will be due at building permit.

   Since Evergreen Farm and Aspen Ridge are not funding the "Regional Share" of Pavillion Road (they are funding the adjacent share), their transportation impact fee does not count against that portion of the improvement.

# Exhibit AAA - 5: Sanitary Conveyance Improvements Funding Distribution SW INFRASTRUCTURE FUNDING United City of Yorkville, Kendall Co., IL

## SANITARY CONVEYANCE FUNDING SUMMARY

					YBSD	Č	Additional	Total Fees	Sanitary
Funding Entity	Acreage	Total Single Family Units (DU)	Density (DU/Acre)	Percent of Total DU	Infrastructure Fee At \$3,523 / Acre	Connection Fee At \$2,000 / Unit	Funding Required At \$2,204 / DU	For Sanitary Improvements	Improvement Cost per DU
Silver Fox	103	172	1.67	19.7%	\$361,812	\$344,000	\$379,098	\$1,084,910	806,308
Evergreen Farm	49	77	1.57	8.8%	\$172,627	\$154,000	\$169,712	\$496,339	\$6,446
Aspen Ridge Estates	128	217	1.72	24.8%	\$443,898	\$434,000	\$478,280	\$1,356,178	\$6,250
Chally Farm	154	224	1.45	25.6%	\$542,542	\$448,000	\$493,709	\$1,484,251	\$6,626
York Wood Estates	178	185	1.04	21.1%	\$628,151	\$370,000	\$407,751	\$1,405,901	\$7,599
Total / Average	610	875	1.43	100,0%	\$2,149,030	\$1,750,000	\$1,928,550	\$5,827,580	1

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## POTENTIAL MAXIMUM RECAPTURE AMOUNT SUMMARY

	Estimated	1.655	ress	Maximum	Recovery
Sanitary Interceptor	Project	YBSD Infr. Fee	City Conn. Fee	Recoverable	per
Contract	Cost	At \$3,523 / Acre	At \$2,000 / DU	Amount	D.U.
Contract Nos. 1 + 2	\$5,827,580	\$2,149,030	\$1,750,000	\$1,928,550	\$2,204
Total / Average	\$5.827.580	\$2.149.030	\$1,750,000	\$1,928,550	\$2,204

Development	Total Single Family Dwelling Units (DU)	Recovery per D.U.	Maximum Recoverable Amount
Sliver Fox	172	\$2,204	8379,098
Evergreen Farm	77	\$2,204	\$169,712
Aspen Ridge Estates	217	\$2,204	\$478,280
Chally Farm	224	\$2,204	\$493,709
York Wood Estates	185	\$2,204	\$407,751
Total / Average	875	-	\$1,928,550

## Exhibit BBB: Front Funding Distribution Summary SW INFRASTRUCTURE FUNDING United City of Yorkville, Kendall Co., IL

		Total Single			Wate	Water Impr.	Transp	Transportation Impr.	L	Sanitary Impr.	pr.	Stormwate	Stormwater Planning	_	TOTAL ALL	L
Funding Entity	Acreage	Family Dwelling Density Percent (Units (DU) (DU/Acre) Total DI	Density (DU/Acre)	Percent of Total DU	Subtotal Cost	Front Funding Subtotal Amount Cost	g Subtotal Cost	Front Funding Subtotal Front Funding Amount Cost Amount	ig Subto Cos	tal Fron	r Funding mount	Subtotal F Cost	Front Funding Amount	Total Cost		Front Funding Amount
Silver Fox	103	172	1.67	19.7%	\$ 1,412,381 \$		\$ 441,36	96,193 \$ 441,364 \$ 26,094 \$ 1,084,910 \$ 60,505 \$	\$ 1,084	910 \$	60,505	\$ 6,644 \$	ŀ	6,644 \$ 2,945,299 \$	\$ 667	189,436
Evergreen Farm	49	7.2	1.57	8.8%	\$ 632,287 \$	\$ 43,063	\$458,488	8 \$ 27,10	27,107 \$ 496,339 \$	339 \$	27,680 \$	\$ 2,974 \$		2,974 \$ 1,590,089 \$	\$ 680	100,825
Aspen Ridge Estates	126	217	1,72	24.8%	\$ 1,781,900	\$ 1,781,900 \$ 121,360	\$756,945 \$		44,752 \$ 1,356,178 \$	178 \$	75.633 \$	\$ 8,382 \$		8,382 \$ 3,903,406 \$	\$ 901	250,127
Chally Farm	154	224	1.45	25.6%	\$ 1,839,381	\$ 1,839,381 \$ 125,274 \$ 574,799 \$	\$ 574,79	8 33,983	3 \$ 1,484,251 \$	,251 \$	82,776	\$ 8,653 \$	\$ 8,653	\$ 3,907,083 \$	83	250,686
York Wood Estates	178	185	1.04	21.1%	\$ 1,519,131	\$ 103,460	\$ 474.72	\$ 1,519,131 \$ 103,463 \$ 474,723 \$ 28,067 \$ 1,405,901 \$	7 \$ 1,405	\$ 106,	78,406 \$	\$ 7.146 \$	\$ 7,146	\$ 3,406,902 \$	302 \$	217,082
Total	610	875	1,43	100.0%	\$ 7,185,080	\$ 489,353	\$ 2,706,31	\$ 7,185,080   \$ 489,353   \$ 2,706,319   \$ 160,004   \$ 5,827,580   \$ 325,000   \$ 33,800   \$	\$ 5,827	\$ 085	325,000	\$ 33,800		33,800 \$ 15,752,779 \$	\$ 622	1,008,157

C:Pubbal/orknakuskostrOodd2 Fu. Reas Water System Estenban AnalysalEngSSA TabbeWO MB and GB - W City Funding/Coverbymus Funding Summary (NO MB & W City Funding) and Funding Summary (NO MB & W City Funding) and Funding Summary (NO MB & W City Funding) and Funding Summary (NO MB & W City Funding) and Funding Summary (NO MB & Section 1) and Section 1)

Notes:
The acreage and unit counts are estimates; Once the final acreage and unit counts have been established, the calculation methodology will be reran and the values will be adjusted accordingly.
The Front Funding Amount for each infrastructure component is computed by using the proportional share of the Subtotal Cost multiplied by the total front funding amount required.

## **DRAFT**

## UNITED CITY OF YORKVILLE, ILLINOIS KENDALL COUNTY, ILLINOIS SPECIAL SERVICE AREAS SERIES 2007 – PAYDOWN BONDS

(Southwest Interceptor Project including Pavillion Road)

## **Summary of Proposed Terms**

**ISSUER:** 

United City of Yorkville, Illinois (the "City")

BOND TYPE:

Special Tax Revenue Bonds

**PUBLIC IMPROVEMENTS:** 

The proceeds of the Bonds will be used by the City to construct certain off-site Public Improvements benefiting the Special Service Areas (the "Areas"). Improvements include roadways (including Pavillion Road) sanitary sewer facilities, water facilities, costs for land and easement acquisitions relating to any of the foregoing improvements and certain soft costs associated with the Public Improvements.

THE AREAS:

The City will form five separate special service areas (the "Areas"), each of which will have a separate and distinct tax based on the number of acres and dwelling units. As currently contemplated, the special service areas will be:

	Acreage*	<u>Units</u> *
Silver Fox	103	172
Evergreen Farms	49	77
Aspen Ridge Estates	126	217
Chally Farm	154	224
York Wood Estates	178	185

<sup>\*(</sup>subject to change)

SECURITY:

- A first lien on all Special Taxes imposed upon all property within each Special Service Area.
- A Reserve Fund equal to 10% of the initial par amount of the
- the Special Service Areas will not be cross-collateralized

**USE OF PROCEEDS:** 

The proceeds of the Bonds will be used to 1) purchase and/or construct certain Public Improvements; 2) fund a debt service reserve equal to 10% of par; 3) to pay capitalized interest for up to 25 months; and, 4) pay costs of issuance.

**COUPON:** 

TBD

**FINAL MATURITY:** 

March 1, 2017

**AMORTIZATION:** 

Amortization will be in years 2014 through 2017.

## **EXHIBIT CCC**

## **DRAFT**

## STRUCTURE:

Pursuant to a Special Tax Roll, the Special Service Area Tax from each special service area will be due and payable in full upon the transfer of title on the property. Effectively, this structure will mandate the Special Tax be prepaid once the Developer no longer owns the property (i.e., prior to the time a homeowner takes possession). At each closing, the payoff amount would be deposited with the bond trustee and the City would issue a lien release. Quarterly, the Trustee would use all prepayments to redeem bonds. See "Special Mandatory Redemption from Property Owner Prepayment."

Beginning in 2009, each owner will be required to make special tax payments based on interest only for the special service area debt allocable to their property. Beginning with the June 2014 special tax payment, the special service area debt will begin to amortize for any unsold units.

## AVERAGE ESTIMATED SPECIAL TAX PAYMENTS: (per unit)

## **Average Estimated Tax Payments**

<u>Year</u>	Amount <sup>(1)</sup>
2009	\$1,196
2010	1,196
2011	1,196
2012	1,196
2013	6,485
2014	6,485
2015	6,485
2016	4,185

- (1) includes principal and interest
  - assumes an average debt of \$22,955/unit
  - assumes title does not transfer
  - assumes no prepayment and an average Debt Service Reserve Credit of \$2,295/unit

## ESTIMATED SOURCES AND USES OF FUNDS:

## Sources:

\$20,086,000
(200,860)
1,990,880
619,480
22,495,500
17,743,660
2,008,600
2,301,520
441,720
22,495,500

<sup>(1)</sup> In order to allow for prepayment at any time without penalty, the bond purchasers will require a 1% discount on the bonds at the time of issuance.

<sup>(2)</sup> Interest is earned on the unspent bond proceeds held by the bond trustee.

<sup>(3)</sup> The Debt Service Reserve is required by bondholders and will be returned pro rata at the time of each lot payoff. See "Debt Service Reserve."

<sup>(4)</sup> Interest is capitalized through March 1, 2009. The first tax bill will be June 2009.

<sup>(5)</sup> Costs of issuance are estimates and subject to change.

## **EXHIBIT CCC**

## **DRAFT**

DEBT SERVICE RESERVE:

A Debt Service Reserve equal to 10% of the par amount of the Bonds will be required by the bondholders. A pro rata amount of the Debt Service Reserve will be used to reduce the payoff amount (see "Payoff") at the time the lien is released (the "Debt Service Reserve Credit"). The Debt Service Reserve Credit will not be available to any property owner that is delinquent in their special tax payments.

PAYOFF:

Based on a \$20,086,000 bond issue, the payoff figure per parcel would be:

Project	Fee per DU	Bond Costs	Total Tax per DU	DSR Credit	Payoff Amount <sup>(1)</sup>
City of Yorkville			1,990,880		
Silver Fox	17,118	4,709	21,827	2,183	19,644
Evergreen Farm	20,647	5,680	26,327	2,633	23,694
Aspen Ridge Estates	17,982	4,946	22,928	2,293	20,635
Chally Farm	17,442	4,798	22,240	2,224	20,016
York Wood Estates	18,430	5,070	23,500	2,350	21,150

<sup>(1)</sup> Difference between "Payoff Amount" and "Fee per DU" equals each unit's per share cost of the Costs of Issuance and the Capitalized Interest.

ANNEXATION AGREEMENT:

It is contemplated that each developer will agree in its Annexation Agreement to the formation of the special service area on its property and the imposition of the special tax. In order to assure an adequate number of units is included and the resultant special tax is acceptable, all annexations would need to occur simultaneously.

METHOD OF SALE:

Limited Offering

**DENOMINATION:** 

\$100,000 with increments of \$1,000 in excess thereof.

**ROND FORM:** 

Book-entry Only through DTC

ANTICIPATED RATING:

None

TAXATION:

Exempt from federal taxes; not subject to AMT; not exempt from State of Illinois income taxes.

INTEREST PAYMENT

DATES:

March 1 and September 1, commencing September 1, 2007

PRINCIPAL PAYMENT

March 1, commencing March 1, 2014

DATES:

**OPTIONAL REDEMPTION:** 

The Bonds are subject to mandatory redemption by the City prior to

maturity.

SPECIAL MANDATORY REDEMPTION FROM PROPERTY OWNER PREPAYMENT: The Bonds are subject to mandatory redemption on any Interest Payment Date, in par, from prepayments of Special Taxes made in accordance with the Ordinance of the City establishing the Area (the "Establishing Ordinance") and deposited into the Special

Redemption Account of the Bond Fund, at a redemption price of par,

together with accrued interest on such Bonds to the date of

**EXHIBIT CCC** 

## **DRAFT**

redemption. The Bonds will be called in order of maturity.

When the amount on deposit in the Special Redemption Account equals \$1,000, such amount shall be used to redeem Bonds on the next Interest Payment Date at the redemption prices set forth above.

**ACCELERATION:** 

The Indenture does not permit the acceleration of the principal of the

Bonds upon the occurrence of an Event of Default under the

Indenture.

ABATEMENT:

Annually on or before the last Tuesday in December, the City shall adopt an abatement ordinance abating the Special Tax to the extent monies are on deposit in the Principal and Interest Account of the Bond Fund and to adjust the levy for prepayment that occurred

during the year.

**BOND COUNSEL:** 

Foley & Lardner

**UNDERWRITER:** 

William Blair & Company

TRUSTEE:

Bank of New York

BILLING AND

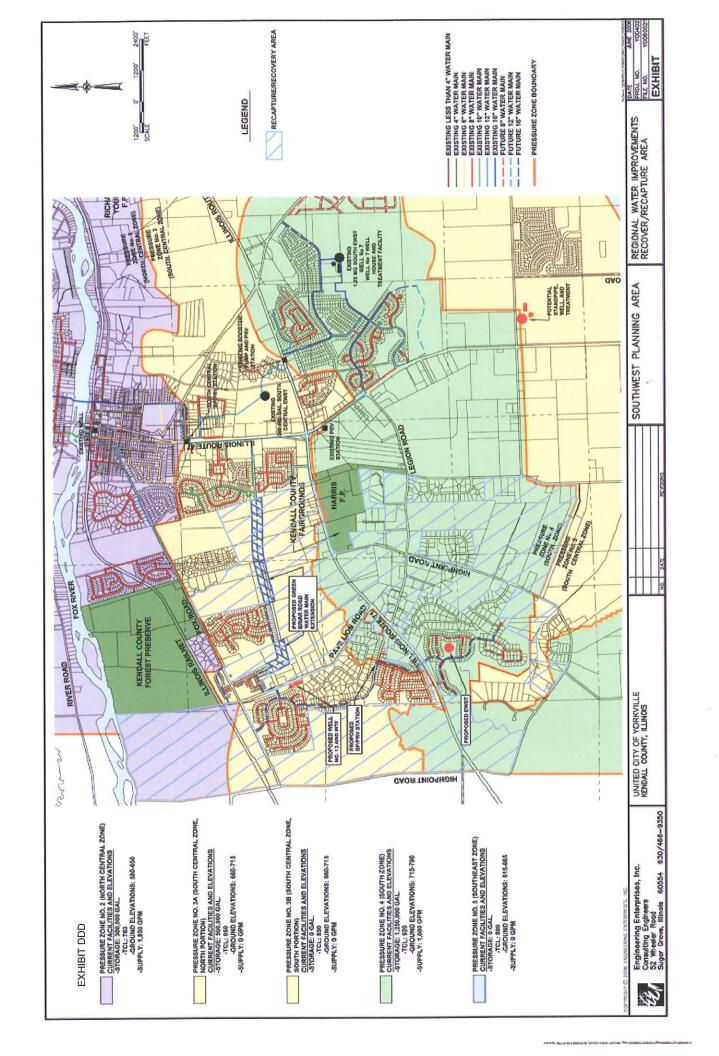
COLLECTING:

The County will bill and collect the special service area tax.

ADMINISTRATOR:

The City will hire David Taussig & Associates as the special service area administrator (the "Administrator") to assist the City in the

levy, abatement and collection process.



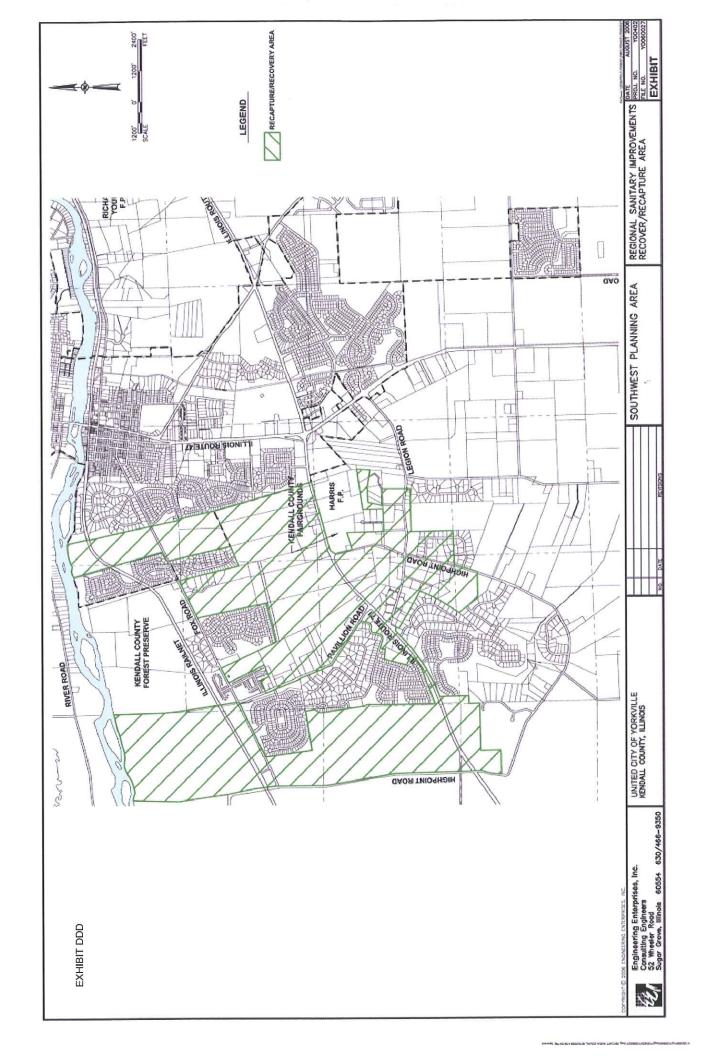


EXHIBIT 'EEE'

## **RECAPTURE AGREEMENT**

THIS RECAPTURE AGREEMENT ("Agreement"), is made and entered as of the day of, 200_, by and between the UNITED CITY OF YORKVILLE, an Illinois municipal corporation ("CITY") and ("DEVELOPER").
RECITALS:
A. DEVELOPER is the OWNER and DEVELOPER of that certain real estate development located within the corporate limits of the CITY and commonly known as ("Subdivision").
B. DEVELOPER and the CITY have heretofore entered into that certain Annexation Agreement dated, 2006 ("Annexation Agreement") pertaining to the annexation and development of the Subdivision within the CITY.
C. DEVELOPER desires to recapture an allocable share of the costs of constructing certain of the public improvements for the Subdivision ("Recapture Items") which will provide benefit to other properties ("Benefited Properties") from the OWNERs of the Benefited Properties ("Benefited OWNERs").
D. DEVELOPER and the CITY are desirous of entering into this Agreement to provide for the fair and allocable recapture by DEVELOPER of the proportionate costs of the Recapture Items from the Benefited OWNERs, subject to the terms and conditions set forth in this Agreement.
NOW, THEREFORE, in consideration of the foregoing recitals and the mutual covenants hereinafter set forth, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by the parties hereto, the parties hereby agree as follows:
1. <b>RECAPTURE ITEMS</b> . The Recapture Items, being elements of the public improvements to be constructed as a part of the development of the Subdivision, are identified in Attachment "A" attached hereto ("Recapture Schedule"). The Recapture Schedule identifies each Recapture Item and the estimated cost to construct each Recapture Item ("Estimated Cost"). DEVELOPER shall cause each of the Recapture Items to be constructed in compliance with the provisions of the Annexation Agreement and to be accepted and conveyed to the CITY in accordance with applicable ordinances of the CITY.
2. <u>BENEFITED PROPERTIES</u> . The Benefited Properties are legally described in the Recapture Schedule attached hereto as Attachment "B". Each parcel of real estate contained within the Benefited Properties is referred to herein individually as a "Benefited Parcel". There are a total of () Benefited Parcels as identified in the Recapture Schedule.

- 3. <u>RECAPTURE COSTS</u>. The Recapture Item(s) which the Corporate Authorities of the CITY have determined will benefit a Benefited Parcel, and the prorata share of the Estimated Cost of each such Recapture Item to be allocated to such Benefited Parcel are set forth in the Recapture Schedule. The aggregate amount of the proportionate share of the Estimated Cost for each of the Recapture Items allocable to a Benefited Parcel is referred to herein as the "Recapture Costs". The Recapture Costs for each of the Benefited Parcels shall be as identified in the Recapture Schedule. Interest shall accrue on the Recapture Costs for the benefit of DEVELOPER at the rate of six percent (6 %) per annum from the date the Recapture Item is completed until the Recapture Cost is paid. All references to Recapture Costs herein shall include accrued interest owed thereon.
- 4. <u>COLLECTION OF RECAPTURE COSTS</u>. The CITY shall assess against and collect from the Benefited OWNER of a Benefited Parcel, or any portion thereof, his successors and assigns, the Recapture Cost, calculated under Paragraph 3 of this Agreement for such Benefited Parcel. At such time as a Benefited OWNER, or its agent or representative, annexes and/or subdivides a Benefited Parcel, or any portion thereof, or subdivides the Benefited Parcel from a larger parcel of land, or applies to the CITY for issuance of a permit for connection to all or any of the Recapture Items, whichever shall first occur, the CITY shall collect from such Benefited OWNER, or its agent or representative, the applicable Recapture Costs, owed hereunder by such Benefited Parcel. No Benefited Parcel which is a part of a subdivision (whether by plat or division by deed) shall be approved or recognized by the CITY or be issued a connection permit to a Recapture Item by the CITY until such Benefited Parcel has fully paid the applicable Recapture Costs, owed by such Benefited Parcel under this Agreement.
- 5. PAYMENT OF RECAPTURE COSTS. Any Recapture Costs, collected by the CITY pursuant to this Agreement shall be paid to DEVELOPER, or such other person or entity as DEVELOPER may direct by written notice to the CITY, within thirty (30) days following collection thereof by the CITY. It is understood and agreed that the CITY's obligation to reimburse DEVELOPER shall be limited to funds collected from the Benefited OWNERs as provided herein, and payments made hereunder shall be made solely out of said funds. This Agreement shall not be construed as creating any obligation upon the CITY to make payments from its general corporate funds or revenue.
- 6. <u>CITY'S OBLIGATION</u>. The CITY and its officers, employees and agents shall make all reasonable efforts to make the aforesaid collections of the Recapture Costs, for each Benefitted Parcel. Neither the CITY or any of its officials shall be liable in any manner for the failure to make such collections, and DEVELOPER agrees to hold the CITY, its officers, employees and agents, harmless from the failure to collect said fees. In any event, however, DEVELOPER and/or the CITY may sue any Benefited OWNER owing any Recapture Costs, hereunder for collection thereof, and in the event DEVELOPER initiates a collection lawsuit, the CITY agrees to cooperate in DEVELOPER's collection attempts hereunder by allowing full and

free access to the CITY's books and records pertaining to the subdivision and/or development of the Benefited Parcel and the collection of any Recapture Costs therefore. In the event the CITY and any of its agents, officers or employees is made a party defendant in any litigation rising out of or resulting from this Agreement, DEVELOPER shall defend such litigation, including the interest of the CITY, and shall further release and hold the CITY harmless from any judgment entered against DEVELOPER and/or the CITY and shall further indemnify the CITY from any loss resulting therefrom, except to the extent such loss results from the grossly negligent or willfully wrongful act or conduct of the CITY or any of its agents, officers or employees.

- 7. <u>CITY'S COLLECTION OF OTHER FEES AND CHARGES</u>. Nothing contained in this Agreement shall limit or in any way affect the rights of the CITY to collect other fees and charges pursuant to CITY ordinances, resolutions, motions and policies. The Recapture Costs provided for herein for each Benefited Parcel is in addition to such other CITY fees and charges.
- 8. <u>TERM</u>. This Agreement shall remain in full force and effect for a period of twenty (20) years from the date hereof, unless sooner terminated by the mutual agreement of the parties hereto or by the completion of all duties to be performed hereunder. In the event no portion of a Benefited Parcel is a part of a subdivision approved or recognized by the CITY and no connection permit as aforesaid is issued by the CITY for such Benefited Parcel within ten years following the date of this Agreement, this Agreement, and each and every duty and undertaking set forth herein pertaining to such Benefited Parcel, shall become null and void and of no further force and effect as to such Benefited Parcel.
- 9. <u>LIEN</u>. The recordation of this Agreement against the Benefited Properties shall create and constitute a lien against each Benefited Parcel, and each subdivided lot hereafter contained therein, in the amount of the Recapture Costs, plus interest, applicable hereunder to such Benefited Parcel.

## 10. MISCELLANEOUS PROVISIONS.

- A. <u>Agreement</u>: This Agreement may be amended upon the mutual consent of the parties hereto from time to time by written instrument and conformity with all applicable statutory and ordinance requirements and without the consent of any other person or corporation owning all or any portion of the Benefited Properties.
- B. <u>Binding Effect</u>: Except as otherwise herein provided, this Agreement shall inure to the benefit of and be binding upon the successors and assigns of DEVELOPER and any successor municipal corporation of the CITY.
- C. <u>Enforcement</u>: Each party to this Agreement, and their respective successors and assigns, may either in law or in equity, by suit, action, mandamus, or other proceeding in force and compel performance of this Agreement.

- D. <u>Recordation</u>: A true and correct copy of this Agreement shall be recorded, at DEVELOPER's expense, with the Kendall County Recorder's office. This Agreement shall constitute a covenant running with the land and shall be binding upon the Benefited Properties in accordance with the terms and provisions set forth herein.
- E. <u>Notices</u>: Any notice required or desired to be given under this Agreement, unless expressly provided to the contrary herein, shall be in writing and shall be deemed to have been given on the date of personal delivery, on the date of confirmed telefacsimile transmission provided a hard copy of such notice is deposited in the U.S. mail addressed to the recipient within twenty-four hours following the telefacsimile transmission, or on the date when deposited in the U.S. Mail, registered or certified mail, postage prepaid, return receipt requested, and addressed as follows:

If to CITY:

United CITY of Yorkville

Attn: CITY Clerk 800 Game Farm Road Yorkville, II 60560 Fax: (630) 553-4350

with a copy to:

John Wyeth, Esq. 800 Game Farm Road Yorkville, Il 60560 Fax: (630) 553-4350

## If to OWNER

- F. <u>Severability</u>: The invalidity or unenforceability of any of the provisions hereof, or any charge imposed as to any portion of the Benefited Properties, shall not affect the validity or enforceability of the remainder of this Agreement or the charges imposed hereunder.
- G. <u>Complete Agreement</u>: This Agreement contains all the terms and conditions agreed upon by the parties hereto and no other prior agreement, excepting the Annexation Agreement, regarding the subject matter of this Agreement shall be deemed to exist to bind the parties. This Agreement shall be governed by the laws of the State of Illinois.
- H. <u>Captions and Paragraph Headings</u>: Captions and paragraph headings incorporated herein are for convenience only and are not part of this Agreement, and further shall not be used to construe the terms hereof.

- I. <u>Recitals and Exhibits</u>: The recitals set forth at the beginning of this Agreement and the exhibits attached hereto are hereby incorporated into this Agreement and made a part of the substance hereof.
- J. Enforceability: This Agreement shall be enforceable in the Circuit Court of Kendall County by any of the parties hereto by an appropriate action of law or in equity to secure the performance of the covenants herein contained.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals as of the date first above written.

DEVELOPER:	CITY:
	UNITED CITY OF YORKVILLE, an Illinois municipal corporation
By:	By:
Title: President	Attest:
Dated:	CITY Clerk



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GILLETTE KENDALL COUNTY, IL

RECORDED: 9/24/2015 3:06 PM ORDI: 59.00 RHSPS FEE: 10.00 PAGES: 14

## UNITED CITY OF YORKVILLE KENDALL COUNTY, ILLINOIS

## ORDINANCE NO. 2015-28

AN ORDINANCE OF THE UNITED CITY OF YORKVILLE, KENDALL COUNTY, ILLINOIS, APPROVING THE FIRST AMENDMENT TO AN ANNEXATION AGREEMENT BY AND BETWEEN THE UNITED CITY OF YORKVILLE, KENDALL COUNTY, ILLINOIS AND JUSTINE BRUMMEL

This is the first amendment to the Annexation Agreement for the Silver Fox Subdivision recorded as Document #200600031425.

Passed by the City Council of the United City of Yorkville, Kendall County, Illinois This 26<sup>th</sup> day of May, 2015

Prepared by and Return to: United City of Yorkville 800 Game Farm Road Yorkville, IL 60560

Published in pamphlet form by the authority of the Mayor and City Council of the United City of Yorkville, Kendall County, Illinois on September 24, 2015.

## Ordinance No. 2015-<u>28</u>

# AN ORDINANCE OF THE UNITED CITY OF YORKVILLE, KENDALL COUNTY, ILLINOIS, APPROVING THE FIRST AMENDMENT TO AN ANNEXATION AGREEMENT BY AND BETWEEN THE UNITED CITY OF YORKVILLE, KENDALL COUNTY, ILLINOIS AND JUSTINE BRUMMEL

**WHEREAS**, the United City of Yorkville, Kendall County, Illinois (the "City") is a duly organized and validly existing non home-rule municipality created in accordance with the Constitution of the State of Illinois of 1970 and the laws of the State; and,

WHEREAS, the City and Midwest Development, LLC entered into an Annexation Agreement dated August 8, 2006 (the "Original Agreement") which provided, among other things, for the annexation into the City and the development of approximately 100 acres (the "Subject Property") in accordance with an R-2 Single Family Residence District to be known as "Silver Fox"; and,

WHEREAS, the Subject Property was never developed, nor any other area included in any one of four (4) additional developments, all five collectively defined as the "Southwest Infrastructure Developments," and all of the parties in interest, or their successors in interest, now desire to unwind any and all of the cross contingencies and obligations of the Southwest Infrastructure Developments; and,

WHEREAS, the City desires to amend each of the annexation agreements as executed by each member of the Southwest Infrastructure Developments to remove all cross contingencies and obligations on the condition that all five owners of the Southwest Infrastructure Developments agree to such amendments; and,

WHEREAS, all notices required by law relating to an amendment to the Original Agreement have been given to the persons or entities entitled thereto, pursuant to the applicable provisions of the Illinois Compiled Statutes; and,

WHEREAS, as required by the Illinois Municipal Code, the Mayor and City Council of the City duly fixed the time and the place for a public hearing on the amendment to the Original Agreement, and pursuant to legal notice, held said hearing on May 12, 2015 all as required by the provisions of the Illinois Compiled Statutes and the City's Ordinances.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and City Council of the United City of Yorkville, Kendall County, Illinois, as follows:

Section 1. The above recitals are incorporated and made a part of this Ordinance.

Section 2. The First Amendment To An Annexation Agreement By And Between The United City Of Yorkville, Kendall County, Illinois And Justine Brummel, attached hereto

and made a part hereof, is hereby approved and the Mayor and City Clerk are hereby authorized and directed to execute and deliver said First Amendment on behalf of the City.

Section 3. This Ordinance shall be in full force and effect upon its passage, approval, and publication in pamphlet form as provided by law.

Passed by the City Council of the I	United City of Yorkville, Kendall County, Illinois this
26 day of May	, A.D. 2015.  Bette Waner
	CITY CLERK
CARLO COLOSIMO  JACKIE MILSCHEWSKI  CHRIS FUNKHOUSER  DIANE TEELING	KEN KOCH LARRY KOT JOEL FRIEDERS SEAVER TARULIS
Approved by me, as Mayor of the U	United City of Yorkville, Kendall County, Illinois, this, A.D. 2015.
	MAYOR
Attest: Seth Wanen CITY CLERK	
Published in pamphlet form:	

SEPTEMBER 15 , 2015

# FIRST AMENDMENT TO AN ANNEXATION AGREEMENT BY AND BETWEEN THE UNITED CITY OF YORKVILLE, KENDALL COUNTY, ILLINOIS AND JUSTINE BRUMMEL

This First Amendment to an Annexation Agreement dated August 8, 2006 (the "Original Agreement") by and between the United City of Yorkville, Kendall County, Illinois, a municipal corporation (the "City"), and Midwest Development, LLC (the "Original Owner") is made and entered into this \_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_ SEPTEMBER\_\_\_\_\_\_\_, 2015, by and between the City and Justine Brummel of 12565 Fox Road, Yorkville, Illinois 60560 ("Successor Owner").

WHEREAS, the City and the Original Owner entered into the Original Agreement which provided, among other things, for the annexation into the City and the development of approximately 100 acres (the "Subject Property") in accordance with an R-2 Single Family Residence District to be known as "Silver Fox"; and,

WHEREAS, the Original Agreement further provided for the development of 172 single-family residences as shown on a Preliminary Plat attached thereto as *Exhibit B*; the establishment of a Special Service Area as the primary funding mechanism for the installation of the necessary public improvements; and obligated the City to issue "Special Revenue Bonds" payable from special taxes levied on several service areas, contingent upon the annexation of four (4) additional developments (all five collectively defined therein as the "Southwest Infrastructure Developments"); and, the execution of recapture/recovery agreements to reimburse the Developer for improvements constructed by the Developer which benefitted property other than the Subject Property; and,

WHEREAS, the Subject Property was never developed, nor any other area included in any one of the Southwest Infrastructure Developments and all of the parties in interest, or their

successors in interest, now desire to unwind any and all of the cross contingencies and obligations of the Southwest Infrastructure Developments; and,

WHEREAS, the City desires to amend each of the annexation agreements as executed by each member of the Southwest Infrastructure Developments to remove all cross contingencies and obligations on the condition that all five owners of the Southwest Infrastructure Developments agree to such amendments.

**NOW, THEREFORE**, in consideration of the foregoing mutual covenants, agreements and conditions herein set forth, the City and the Successor Owner agree as follows:

Section 1. The Original Agreement is hereby repealed in its entirety and replaced with this First Amendment.

Section 2. Zoning. The Subject Property has been classified in the R-2 Single Family Residence Zoning District in accordance with the United City of Yorkville Zoning Ordinance and the Successor Owner of the Subject Property shall have the right to develop the Subject Property pursuant to said Zoning Ordinance, the City's Subdivision Ordinance and all other ordinances applicable to R-2 Single Family Residence development, as in effect at the time of the development of the Subject Property.

Portions of the Subject Property are presently being used for agricultural purposes and, notwithstanding any provision of the City Code now in effect or adopted during the Term (as hereinafter defined) of this First Amendment, and notwithstanding the City's zoning of the Subject Property, the current uses shall be permitted to continue as a legal non-conforming use.

Section 3. Annexation to Sanitary District.

On or before the development of the Subject Property, the Successor Owner hereby agrees to file any necessary petitions and agreements to request annexation thereof to the

Yorkville Bristol Sanitary District ("YBSD") for the purpose of extending and connecting to the sanitary sewer lines and treatment facilities of YBSD. The City shall fully cooperate with the Successor Owner in obtaining such permits as may be required from time to time by both federal and state law, including, without limitation, the Illinois Environmental Protection Act, in order to permit the construction and connection of sanitary sewer lines to the YBSD facilities to serve the Subject Property.

Section 4. Sanitary Sewer and Water Improvements.

A. Successor Owner's Obligation. At its sole cost and expense, upon development of the Subject Property, the Successor Owner shall be obligated to construct all on-site sanitary sewer collection lines and all other on-site improvements as approved by the City for the collection of sanitary sewage generated by the Subject Property (the "Sewer Improvements") and all on-site water mains, distribution lines, and other improvements as approved by the City for the provision of potable water to the Subject Property (the "Water Improvements"), in accordance with the City Code. Should the City determine that a well and water treatment facility to be located on the Subject Property or a water tower is required, such improvements shall be considered an off-site improvement to be performed by the City at the cost of the Successor Owner. In the event the City determines a need for off-site Sewer Improvements, such off-site Sewer Improvements shall be performed by the City at the cost of the Successor Owner.

B. *Dedication*. Upon completion of construction or installation of the Sewer Improvements and Water Improvements, the Successor Owner shall dedicate to the City those portions of the Sewer Improvements and Water Improvements that are required to be dedicated in accordance with the City Code (the "*Public Sewer and Water Improvements*").

Section 5. Storm Water Improvements.

A. Successor Owner's Obligation. Upon development of the Subject Property at its own cost, the Successor Owner shall be obligated to construct all storm sewers, detention systems, and compensatory storage facilities as approved by the City for storm water drainage from the Subject Property ("Storm Water Improvements") in accordance with the City Code.

B. *Dedication*. Upon completion of construction, all Storm Water Improvements shall be owned and maintained by the Successor Owner. The Successor Owner shall dedicate a maintenance easement or easements to the City allowing the City to maintain the Storm Water Improvements.

Section 6. Repeal of all Cross Contingencies and Cross Obligations of the Southwest Infrastructure Developments. The Successor Owner and City agree that the enforceability of this First Amendment is contingent upon the approval, execution and recordation of amendments to the original annexation agreements for each of the other members of the Southwest Infrastructure Developments, namely: Chally Farm, Aspen Ridge, Yorkwood Estates and Evergreen Farm. Upon approval, execution and recordation of this First Amendment and amendments to all of the annexation agreements for each of the Southwest Infrastructure Developments, the Original Agreement shall be repealed and deemed to be null and void.

Section 7. Security Instruments. As required by City Code, the Owner Successor shall deposit, or cause to be deposited with the City such letters of credit or surety bonds ("Security Instruments") on the standard forms of the City, to guarantee completion and maintenance of improvements (as defined in the City's Subdivision Control Ordinance) to be constructed as a part of the development of the Subject Property. The Successor Owner may use either irrevocable letters of credit or surety benefits for its Security Instruments, as permitted by City

ordinance. The amount and duration of each Security Instrument shall be as required by applicable ordinances of the City at the time of development of the Subject Property.

Section 8. City Ordinances.

The Successor Owner agrees that the future development of the Subject Property shall be in accordance with the requirements of all applicable city ordinances as in effect as of the date all required development approvals are issued by the City, including but not limited to the following:

- (a) Procedures for acceptance of public improvements constructed as a part of the development of all or a portion of the Subject Property;
- (b) Signage;
- (c) Appearance code;
- (d) Permits;
- (e) Fees, charges and contributions;
- (f) School and park contributions with land or cash in lieu of land; and,
- (g) Building codes.

Section 9. Remedies.

Without limiting any of the remedies otherwise available at law or in equity to the Successor Owner or the City as a result of the breach of this First Amendment, the parties agree as follows:

A. This First Amendment shall be enforceable in any court of competent jurisdiction in the State of Illinois by the parties and their successors and assigns. Enforcement may be sought by an appropriate action at law or in equity to secure performance of the covenants,

agreements, conditions and obligations contained herein, including specific performance of this First Amendment. This First Amendment shall be governed by the laws of the State of Illinois.

- B. No action taken by any party pursuant to the provisions of this or any other section of this First Amendment shall constitute an election of remedies, and all remedies set forth in this First Amendment, as well as any remedies at law or in equity, shall be cumulative and shall not exclude any other remedy.
- C. Unless otherwise expressly provided herein, in the event of a material breach of this First Amendment, the parties agree that the defaulting party shall have thirty (30) days after written notice of said breach to correct the same prior to the non-breaching party's seeking of any remedy provided for herein. If such breach cannot be corrected within thirty (30) days, the non-breaching party shall not seek to exercise any remedy provided for herein as long as the defaulting party has initiated the cure of said breach and is diligently prosecuting the cure of said breach.
- D. In the event the performance of any covenant to be performed hereunder by any party is delayed for causes which are beyond the reasonable control of the party responsible for such performance (which causes shall include, but not be limited to, acts of God; inclement weather conditions; strikes; material shortages; lockouts; the revocation of, suspension of, or inability to secure any necessary governmental permit or license; or/and any similar cause), the time for such performance shall be extended by the amount of time of such delay.
- E. The failure of the parties to insist upon the strict and prompt performance of the terms, covenants, agreements, and conditions herein contained, or any of them, upon any other party imposed, shall not constitute or be construed as a waiver or relinquishment of any party's

right thereafter to enforce any such term, covenant, agreement, or condition, but the same shall continue in full force and effect.

Section 10. Partial Invalidity of Agreement. This First Amendment is entered into pursuant to the provisions of the Illinois Municipal Code, Section 11-15.1-1 et seq. (65 ILCS 5/11-15.1-1 et seq.). If any provision of this First Amendment or its application to any person, entity, or property is held invalid, such provision shall be deemed to be excised here from and the invalidity thereof shall not affect the application or validity of any other terms, conditions and provisions of this Amendment and, to that end, any terms, conditions and provisions of this First Amendment are declared to be severable. In addition, the City and Successor Owner shall take all action necessary or required to fulfill the intent of this First Amendment as to the development of the Subject Property.

Section 11. Notices.

All notices shall be in writing and shall be delivered personally or by a nationally recognized overnight courier, prepaid, or shall be sent by registered or certified mail, return receipt requested, postage prepaid, at the following addresses:

Successor/Owner : Justine Brummel

12565 Fox Road

Yorkville, Illinois 60560

With a copy to : Kelly A. Helland

1107A South Bridge Street Yorkville, Illinois 60560

To the City : United City of Yorkville

800 Game Farm Road Yorkville, Illinois 60560 With a copy to

Kathleen Field Orr, City Attorney

Kathleen Field Orr & Associates

53 West Jackson Blvd.

Suite 964

:

Chicago, Illinois 60604

Service shall be deemed to be upon delivery unless delivery is rejected and then service shall be deemed to have occurred upon such rejection.

Section 12. General Provisions.

A. Entire Agreement. This First Amendment contains all the terms and conditions

agreed upon by the parties hereto and no other prior agreement regarding the subject matter

hereof shall be deemed to exist to bind the parties. The parties acknowledge and agree that the

terms and conditions of this First Amendment have been reached through a process of good faith

negotiation, both by principals and through counsel, and represent terms and conditions that are

deemed by the parties to be fair, reasonable, acceptable and contractually binding upon each of

them.

B. Amendment. This First Amendment may be amended from time to time in writing

with the consent of the parties, pursuant to applicable provisions of the City Code and the laws of

the State of Illinois in force from time to time. The City and the then owner of record of any

portion of the Subject Property, even if not the Successor Owner named herein, may agree (only

in writing) to amend or modify this First Amendment as to such portion(s) of the Subject

Property without the consent of the owner(s) of other portion(s) of the Subject Property, so long

as such amendment or modification does not alter the rights, obligations or remedies provided in

this First Amendment for any owner or any other portion of the Subject Property which is owned

by such owner of record.

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- C. No Third Party Beneficiaries. No provision of this First Amendment is intended to benefit, nor shall any provision of this First Amendment benefit, any party, individual or entity other than a party to this First Amendment or its respective successor or assign.
- D. Effective Date. The date on which this First Amendment becomes effective (the "Effective Date") shall be the date on which it has been approved and executed by all parties hereto.
- E. Term of First Amendment. This First Amendment shall be effective from its Effective Date and terminate as of August 7, 2026, being the termination date of the Original Agreement (the "Term); provided, however, that if any action is filed or any claim is made challenging the legality, validity or enforceability of this First Amendment, the period during which such action or claim is pending or unresolved shall not be included as part of the Term of this First Amendment.
- F. Counterparts. This First Amendment may be executed in counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same document.

#### Section 13. Successors and Assigns.

A. This First Amendment shall inure to the benefit of and be binding upon the Successor Owner and its successor(s) in title and interest, and upon the City, and any successor municipalities of the City. It is specifically agreed that the Successor Owner shall have the right to sell, transfer, lease, and assign all or any part of the Subject Property to other persons, firms, partnerships, corporations, or other entities for building or development purposes (as well as for occupancy) and that such persons, firms, partnerships, corporations, or other entities shall be

entitled to the same rights and have the same obligations as the Successor Owner has under this First Amendment.

- B. It is understood and agreed that this First Amendment constitutes a covenant running with the land and as such, shall be assignable to and binding upon each and every subsequent grantee and successor in interest of the Successor Owner and the City.
- C. Nothing contained in this First Amendment shall be construed to restrict or limit the right of the Successor Owner to sell or convey all or any portion of the Subject Property, whether improved or unimproved.

IN WITNESS WHEREOF, the parties hereto have caused this First Amendment to be executed by their duly authorized officers on the above date at Yorkville, Illinois.

United City of Yorkville, an Illinois Municipal Corporation

 $\mathbf{R}_{\mathbf{V}}$ 

Mayor

Attest:

City Clerk

Justine Brummel

v: / //

#### **Legal Description of Subject Property**

THAT PART OF SECTION 6, TOWNSHIP 36 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF THE BURLINGTON NORTHERN RAILWAY COMPANY, WHICH POINT, PREVIOUSLY MONUMENTED BY A CONCRETE MONUMENT, IS REPORTED TO BE 50.54 FEET SOUTH 61 DEGREES 06 MINUTES 20 SECONDS WEST ALONG SAID RIGHT OF WAY FROM THE INTERSECTION OF SAID RIGHT OF WAY LINE AND NORTH LINE OF SECTION 6: THENCE SOUTH 61 DEGREES 06 MINUTES 20 SECONDS WEST ALONG THE SOUTHERLY RIGHT OF WAY LINE OF SAID RAILROAD, 1437.98 FEET; THENCE SOUTH 01 DEGREES 28 MINUTES 38 SECONDS EAST, 406.94 FEET; THENCE SOUTH 25 DEGREES 19 MINUTES 10 SECONDS EAST, 1326.82 FEET; THENCE SOUTH 24 DEGREES 50 MINUTES 33 SECONDS EAST, 1405.93 FEET; THENCE NORTH 75 DEGREES 51 MINUTES 51 SECONDS EAST 1556.19 FEET; THENCE NORTH 14 DEGREES 05 MINUTES 45 SECONDS WEST, 393.10 FEET; THENCE NORTH 77 DEGREES 27 MINUTES 51 SECONDS EAST, 11.20 FEET; THENCE NORTH 12 DEGREES 35 MINUTES 59 SECONDS WEST 2406.69 FEET TO THE CENTER LINE OF FOX ROAD: THENCE SOUTH 62 DEGREES 58 MINUTES 18 SECOND WEST ALONG SAID CENTER LINE 581.48 FEET; THENCE NORTH 21 DEGREES 46 MINUTES 09 SECONDS WEST 784.86 FEET TO THE POINT OF BEGINNING, (EXCEPT THAT PART IN FOX GLEN, BEING THAT PART OF THE FOREGOING NORTH OF THE CENTER LINE OF FOX ROAD), IN KENDALL TOWNSHIP, AND ALSO, (EXCEPT THAT PART OF THE NORTHWEST 1/4 OF SECTION 6, TOWNSHIP 36 NORTH, RANGE 7, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING ON THE CENTER LINE OF FOX ROAD AT THE SOUTHWEST CORNER OF A SUBDIVISION KNOWN AS "FOX GLEN, KENDALL TOWNSHIP, KENDALL COUNTY, ILLINOIS;" THENCE SOUTH 25 DEGREES 19 MINUTES 10 SECONDS EAST ALONG THE WEST LINE OF LOT 19 IN SAID SUBDIVISION EXTENDED, 35.57 FEET; THENCE NORTH 64 40 MINUTES 50 SECONDS EAST 217.38 FEET; THENCE NORTH 18 DEGREES 20 MINUTES 7 SECONDS WEST 708.61 FEET; THENCE NORTH 18 DEGREES 46 MINUTES 5 SECONDS EAST 138.95 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF FOX ROAD; THENCE NORTH 25 DEGREES 41 MINUTES 24 SECOND WEST 35.0 FEET TO SAID CENTER LINE; THENCE SOUTH 64 DEGREES 18 MINUTES 36 SECONDS WEST ALONG SAID CENTER LINE, 400.0 FEET TO THE POINT OF BEGINNING), IN KENDALL TOWNSHIP, KENDALL COUNTY, ILLINOIS.

Permanent Index No.: 05-06-100-008

# 10-15-4: ELIMINATION OF NONCONFORMING BUILDINGS, STRUCTURES AND USES:

The period of time during which the following nonconforming uses, buildings, or structures may continue or remain nonconforming shall be limited from March 28, 1974, or when any use, building or structure is rendered nonconforming by a subsequent amendment to this title. Every such nonconforming use, building or structure shall be completely eliminated or removed from the premises at the expiration of the period of time specified below:

- A. Any nonconforming use of a building or structure having an assessed valuation not in excess of five hundred dollars (\$500.00) shall be removed after two (2) years.
- B. All nonconforming advertising devices, such as pennants, flags, movable signs or portable outdoor displays in any business district shall be removed after two (2) years.
- C. Any nonconforming signs and any and all billboards and outdoor advertising structures shall be removed after five (5) years.
- D. Any nonconforming use of land where no enclosed building is involved, or where the only buildings employed are accessory or incidental to such use, or where such use is maintained in connection with a conforming building, shall be removed after a period of two (2) years.
- E. In all residence districts uses permitted only in the B-2 and B-3 districts or the manufacturing districts, and which use is located in a building, all or substantially all of which is designed or intended for a residential accessory purpose, shall be entirely discontinued and shall thereafter cease operation in accordance with the following amortization schedule:

TABLE 10.15.01 AMORTIZATION PERIODS

Description Of Use	Amortization Period
Uses permitted in the B-2 and B-3 districts	15 years
Uses permitted only in the manufacturing districts	15 years

F. Requests for extensions to the elimination period may be sought before the city council. In no case shall an extension be granted for a period longer than two (2) years. (Ord. 2014-73, 11-25-2014)

# PUBLIC NOTICE NOTICE OF PUBLIC HEARING BEFORE THE UNITED CITY OF YORKVILLE PLAN COMMISSION PC 2016-05

NOTICE IS HEREWITH GIVEN THAT BBB Farms LLC, petitioner, has filed an application with the United City of Yorkville, Kendall County, Illinois, requesting rezoning approval from R-2, Single-Family Traditional Residence District to A-1, Agricultural District. The real property is located on Fox Road, between Pavilion Road and Ford Drive in Yorkville, Illinois.

The legal description is as follows:

THAT PART OF SECTION 6, TOWNSHIP 36 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF THE BURLINGTON NORTHERN RAILWAY COMPANY, WHICH POINT, PREVIOUSLY MONUMENTED BY A CONCRETE MONUMENT, REPORTED TO BE 50.54 FEET, SOUTH 61 DEGREES 06 MINUTES 20 WEST ALONG SAID RIGHT OF WAY FROM INTERSECTION OF SAID RIGHT OF WAY LINE AND THE NORTH LINE OF SAID SECTION 6: THENCE SOUTH 61 DEGREES 06 MINUTES 20 SECONDS WEST ALONG THE SOUTHERLY LINE OF SAID RAILROAD, 1,437.98 FEET; THENCE SOUTH 01 DEGREES 28 MINUTES 38 SECONDS EAST, 406.94 FEET; THENCE SOUTH 25 DEGREES 19 MINUTES 10 SECONDS EAST, 1,326.82 FEET; THENCE SOUTH 24 DEGREES 50 MINUTES 33 SECONDS EAST, 1,405.93 FEET; THENCE NORTH 75 DEGREES 51 MINUTES 51 SECONDS EAST, 1,556.19 FEET; NORTH 14 DEGREES 05 MINUTES 45 SECONDS WEST, 393.10 FEET; THENCE NORTH 77 DEGREES 27 MINUTES 51 SECONDS EAST, 11.20 FEET; THENCE NORTH 12 DEGREES 35 MINUTES 59 SECONDS WEST 2,406.69 FEET TO THE CENTER LINE OF FOX ROAD; THENCE SOUTH 62 DEGREES 58 MINUTES 18 SECONDS WEST, ALONG SAID CENTER LINE, 581.48 FEET; THENCE NORTH 21 DEGREES 46 MINUTES 09 SECONDS WEST, 784.86 FEET TO THE POINT OF BEGINNING, (EXCEPT THAT PART IN FOX GLEN, BEING THAT PART OF THE FOREGOING NORTH OF THE CENTER LINE OF FOX ROAD, AND EXCEPT THAT PART OF THE NORTHWEST OUARTER OF SECTION 6, TOWNSHIP 36 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE CENTER LINE OF FOX ROAD AT THE SOUTHWEST

CORNER OF A SUBDIVISION KNOWN AS "FOX GLEN, KENDALL TOWNSHIP, KENDALL COUNTY, ILLINOIS; THENCE SOUTH 25 DEGREES 19 MINUTES 10 SECONDS EAST ALONG THE WEST LINE OF LOT 19 IN SAID SUBDIVISION EXTENDED, 835.57 FEET; THENCE NORTH 64 DEGREES 40 MINUTES 50 SECONDS EAST 217.38 FEET; THENCE NORTH 18 DEGREES 20 MINUTES 07 SECONDS WEST 708.61 FEET; THENCE NORTH 18 DEGREES 46 MINUTES 05 SECONDS EAST 138.95 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF SAID FOX ROAD; THENCE NORTH 25 DEGREES 41 MINUTES 24 SECONDS WEST 35.00 FEET TO SAID CENTER LINE; THENCE SOUTH 64 DEGREES 18 MINUTES 36 SECONDS WEST ALONG SAID CENTER LINE, 400.00 FEET TO THE POINT OF BEGINNING) IN THE TOWNSHIP OF KENDALL, KENDALL COUNTY, ILLINOIS.

The application materials for the proposed Rezoning are on file with the City Clerk.

NOTICE IS HEREWITH GIVEN THAT the Plan Commission for the United City of Yorkville will conduct a public hearing on said application on Wednesday, April 13, 2016 at 7 p.m. at the United City of Yorkville, City Hall, located at 800 Game Farm Road, Yorkville, Illinois 60560.

The public hearing may be continued from time to time to dates certain without further notice being published.

All interested parties are invited to attend the public hearing and will be given an opportunity to be heard. Any written comments should be addressed to the United City of Yorkville City Clerk, City Hall, 800 Game Farm Road, Yorkville, Illinois, and will be accepted up to the date of the public hearing.

By order of the Corporate Authorities of the United City of Yorkville, Kendall County, Illinois.

BETH WARREN City Clerk

BY: Lisa Pickering Deputy Clerk



### Memorandum

To: Plan Commission From: Chris Heinen, Planner

CC: Bart Olson, City Administrator

Krysti Barksdale-Noble, Community Development Director

Date: March 31, 2016

Subject: PC 2016-06 Trade Schools (Text Amendment)

#### **Background:**

As the Plan Commission will recall, the Zoning Ordinance was adopted on November 25, 2014 and placed into effect on January 1, 2015. Since that time, staff has been approached by a citizen looking to incorporate a private, non-profit alternative school within an M-1 zoning classified property. Our zoning ordinance currently does not allow trade schools or commercial schools within a manufacturing district. Staff researched several surrounding municipalities (see chart below) and found that several of them either permitted trade schools as an outright allowable use or required a special use in manufacturing districts. Staff felt that allowing trade schools in the Manufacturing Districts as a special use is consistent with current zoning trends and would allow, on a case-by-case basis, additional review of surrounding land uses, site layout, parking, utilities, and traffic.

	Trade School Uses in Mar	nufacturing	Districts	
Municipality	Use	Permitted	Special Use	Not Permitted
Plainfield	Trade school, music school, dance school.			X
Oswego	Schools; music, dance, business, commercial or trade.		X	
Plano	Schools of dance, music, business or trade.		X	
Montgomery	Personal and Business Services.	X		
Naperville	Vocational and trade schools.	X		
Aurora	Technical, trade, and other specialty schools.	X		
Sugar Grove	Schools, commercial or trade.	X		

The City of Yorkville currently defines Trade schools only and is defined as, "A school established to provide for the teaching of industrial, clerical, managerial, or artistic skills. This definition applies to schools that are owned and operated privately for profit and that do not offer a complete educational curriculum (e.g., beauty school, modeling school). Staff researched other definitions similar to trade schools and found the following:

• *Montgomery* - Personal & Business Services: An establishment that provides services to consumers (for example, insurance, salon, attorney, veterinarian, teaching facilities for trades, gymnastics, martial arts etc., consulting and contracting firms etc.).

- *Sugar Grove* SCHOOL, VOCATIONAL: A secondary or higher education facility primarily teaching usable skills that prepare students for jobs in a trade and meeting Illinois' requirements as a vocational facility.
- *Naperville* SCHOOL, TRADE OR VOCATIONAL: A school which offers career based instruction in skilled subjects such as computer repair, network development, graphic design, multimedia, arts, shorthand, carpentry, drafting and automobile mechanics as part of a certificate or degree program.

While all of these definitions are similar in nature, there is a growing trend that will need to be addressed in alternative schools. Currently, Yorkville only allows schools, public or private, in residentially zoned districts. This creates a burden on smaller, alternative schools. Finding a location and building a new school is economically unfeasible for these uses. It is also not a permitted home occupation, so a single family dwelling would not be able to be have a school. A majority of these alternative schools are typically operated in business areas or manufacturing areas. The City currently has a few schools operating under the trade school definition that are located in business zoned properties and staff feels that expanding them into the manufacturing districts seems to be a logical trend.

#### **Staff Recommendation Summary:**

Staff has worked with the City Attorney to revise the definition of trade schools to add commercial school and allow such schools as a special use in the M-1 & M-2 zoning classifications. The following proposed text amendments would be:

- 1. Chapter 2: Rules and Definitions in the Zoning Ordinance to revise the definition of trade school to include commercial school and define it as "A school established to provide for the teaching of academic, industrial, clerical, managerial, artistic skills, or alternative education. This definition applies to schools that are owned and operated privately for profit or non profit and that may offer a complete education curriculum."
- 2. Chapter 6: Permitted and Special Uses in the Zoning Ordinance to identify Commercial school, trade school as special uses in the M-1 Limited Manufacturing and M-2 General Manufacturing districts.

This item was discussed at the April 5, 2016 Economic Development Committee meeting. The committee had some concern that it may be better suited in the M-1 zoning district only and not a special use in the M-2 zoning district. Staff would like the input from the Plan Commission regarding this concern. Staff will be available to answer any questions the Plan Commission may have regarding the proposed text amendment. A recommendation from Plan Commission will be forwarded to City Council for consideration at the April 26, 2016 regularly scheduled meeting.

#### **Proposed Motion for Amendment:**

In consideration of testimony presented during a Public Hearing on April 13, 2016 and discussions conducted at that meeting, the Plan Commission recommends approval to the City Council a request for a text amendment to Chapter 6: Permitted and Special Uses in the Zoning Ordinance to identify Commercial school, trade school as special uses in the M-1 Limited Manufacturing and M-2 General Manufacturing districts and proposing a text amendment to Chapter 2: Rules and Definitions in the Zoning Ordinance to redefine the

definition of trade school to "A school established to provide for the teaching of academic, industrial, clerical, managerial, artistic skills, or alternative education. This definition applies to schools that are owned and operated privately for profit or non profit and that may offer a complete education curriculum." This text amendment will provide regulations for the establishment and operation of such uses in these zoning districts, subject to staff recommendations and conditions in a memo dated March 31, 2016, and further subject to {insert any additional conditions of the Plan Commission}...

#### **Attachments:**

- 1. Current Chapter 6 of the United City of Yorkville's Municipal Zoning Ordinance.
- 2. Research on Trade Schools.
- 3. Copy of Public Notice.

# **CHAPTER 6**

## **Permitted and Special Uses**

Key

P = Permitted Use

S = Special Use

- = Not Permitted Use

						ole 10.06 idential											
								Zonin	g Districts	5							
Use Category	Ag	Open	Space			Resid	lential					Business	;		Manufa	Manufacturing	
	A-1	1 OS-1 OS-2 E-1 R-1 R-2 R-2 D R-3 R-4 O B-1 B-2 B-3 B-4 N								M-1	M-2						
Mobile Home Park	-	-	-	-	-	-	-	S¹	S¹	-	-	-	-	-	-	-	
Dwelling, Duplex	-	-	-	-	-	-	Р	Р	Р	-	-	-	-	-	-	-	
Dwelling, Multi-Family	-	-	-	-	-	-	-	Р	Р	-	P <sup>2</sup>	S <sup>2</sup>					
Dwelling, Single-Family	Р	-	-	Р	Р	Р	Р	Р	Р	-	-	-	-	-	-	-	
Dwelling, Townhouse	-	-	-	-	-	-	-	Р	Р	-	-	-	-	-	-	-	

<sup>&</sup>lt;sup>1</sup> 10 Acre Minimum

<sup>&</sup>lt;sup>2</sup> Apartments above the first floor in a building used for business or as live/work space above a manufacturing use shall be permitted up to a maximum of two (2) apartments.

Table 10.06.02  Institutional Uses																
								Zoning	Districts							
Use Category	Ag	Open	Space			Resid	lential					Business	,		Manufa	acturing
	A-1	OS-1	OS-2	E-1	R-1	R-2	R-2 D	R-3	R-4	0	B-1	B-2	B-3	B-4	M-1	M-2
Cemetery	S	S	S	S	S	S	S	S	S	-	-	-	-	-	-	-
Religious Institution, Large	S	-	-	S	S	S	S	S	S	Р	Р	Р	Р	Р	S	S
Religious Institution, Small	S	-	-	S	S	S	S	S	S	Р	Р	Р	Р	Р	S	S
Philanthropic Institution	S	-	-	S	S	S	S	S	S	-	-	-	-	-	-	-
Hospital	S	-	-	S	S	S	S	S	S	-	Р	Р	Р	Р	-	-
Library	-	-	-	-	-	-	-	-	-	Р	Р	Р	Р	Р	-	-
Nursing Home/Rest Home	S	-	-	S	S	S	S	S	S	-	Р	Р			-	-
College, University or Junior College	S	-	-	S	S	S	S	S	S	Р	Р	Р	Р	Р	-	-
School, Public or Private	-	-	-	Р	Р	Р	Р	Р	Р	-	-	-	-	-	-	-

business uses																
							Z	oning Dis	tricts							
Use Category	Ag	Ope	n Space			Reside	ential					Business	;		Manuf	acturing
	A-1	OS-1	OS-2	E-1	R-1	R-2	R-2 D	R-3	R-4	0	B-1	B-2	B-3	B-4	M-1	M-2
Adult Daycare Facility	-	-	S	S	S	S	S	S	-	S	S	S	S	S	S	S
Adult Oriented Uses	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	S
Advertising Agency	1	-	-	-	-	-	-	-	-	Р	Р	Р	Р	Р	-	-
Agricultural Implement Sales, Storage and Services of Agriculturally Products (see Section 10-6-1: Special Conditions)	S	-	-	-	-	-	-	-	-	1	-	,	S	Р	-	-
Agricultural Uses	Р	S	S	-	-	-	-	-	-	-	-	-	-	-	-	-
Amphitheater	-	-	Р	-	-	-	-	-	-	-	S	S	S	S	S	S
Amusement Park	S	-	S	-	-	-	-	-	-	-	-	-	S	S	S	S
Animal Feed, Storage Preparation, Mixing and Wholesale and Retail																
Animal Hospital	S	-	-	-	-	-	-	-	-	1	-	1	S		-	-
Antique Sales	1	-	-	S	-	S	-	S	S	1	Р	Р	Р	Р	-	-
Apiaries	Р	-	-	-	-	-	-	-	-	1	-	1	-	-	-	-
Appliance - Service	-	-	-	-	-	-	-	-	-	-	-	-	Р	Р	-	-
Art Galleries/Art Studio	-	-	-	-	-	-	-	-	-	-	-	Р	Р	Р	Р	Р
Auction House	Р	-	-	-	-	-	-	-	-	-	-	-	-	Р	-	-
Automobile Parts/Accessories Sales	-	-	-	-	-	-	-	-	-	-	-	Р	Р	Р	-	-
Automobile Rental	-	-	-	-	-	-	-	-	-	-	-	Р	Р	Р	-	-
Automobile Repair	-	-	-	-	-	-	-	-	-	-	-	-	Р	Р	Р	Р
Automobile Sales and Service/Open Sales Lot	-	-	-	-	-	-	-	-	-	-	-	-	Р	Р	-	-
Bakery, Retail	1	-	-	-	-	-	-	-	-	1	Р	Р	Р	Р	S <sup>3</sup>	S <sup>3</sup>
Bank with Drive Through Facilities	-	-	-	-	-	-	-	-	-	Р	Р	Р	Р	Р	-	-
Barber/Beauty Shop	-	-	-	-	-	-	-	-	-	Р	Р	Р	Р	Р	-	-
Bed and Breakfast Inn	S	-	-	S	S	-	-	-	-	-	S	S	S	-	-	-

<sup>&</sup>lt;sup>3</sup> Appurtenant to Wholesale

Zoning Districts																
							Z	oning Dis	tricts							
Use Category	Ag	Ope	n Space			Reside	ential					Business	;		Manuf	acturing
	A-1	OS-1	OS-2	E-1	R-1	R-2	R-2 D	R-3	R-4	0	B-1	B-2	B-3	B-4	M-1	M-2
Bicycle Shop/Repair	-	-	-	-	-	-	-	-	-	-	-	Р	Р	Р	-	-
Billiard Parlor	-	-	-	-	-	-	-	-	-	-	S	Р	Р	Р	-	-
Boat Sales and Rental	-	S	S	-	-	-	-	-	-	-	Р	Р	Р	Р	ı	-
Boat Storage	-	S	S	-	-	-	-	-	-	1	S	S	S	S	S	S
Bookkeeping Service	-	-	-	-	-	-	-	-	-	Р	Р	Р	Р	Р	ı	-
Bookstore	-	-	-	-	-	-	-	-	-	1	Р	Р	Р	Р	ı	-
Bowling Alley	-	-	-	-	-	-	-	-	-	1	-	Р	Р	Р	ı	-
Building Material Sales	-	-	-	-	-	-	-	-	-	-	-	-	Р	Р	-	-
Building equipment, building materials, lumber, coal, sand and gravel yards, and yards for contracting equipment of public agencies, or public utilities, or materials or equipment of similar nature, ready mix batch plants, and asphalt manufacturing plants	1	-	-	-	-	-	-	1	-	-	-	-	-	-	S	S
Campground	S	-	S	-	-	-	-	-	-	-	-	-	-	-	-	-
Car Wash without mechanical repair	-	-	-	-	1	-	-	1	-	1	-	-	Р	Р	Р	Р
Carpet and Rug Cleaning	1	-	ı	-	ı	-	-	1	-	1	-	-	-	-	Р	Р
Catering Service	-	-	-	-	-	-	-	-	-	1	-	-	Р	Р	ı	-
Clothes - Pressing and Repair	-	-	-	-	-	-	-	-	-	1	Р	Р	Р	Р	ı	-
Club/Lodge, Private (see Section 10-6-1: Special Conditions)	S	-	-	-	-	-	-	-	-	Р	Р	Р	Р	Р	-	S
Coffee Shop	-	-	-	-	-	-	-	-	-	Р	Р	Р	Р	Р	-	-
Commercial Feeding of Fish, Poultry, Livestock	S	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Commercial Laboratory	-	-	-	-	-	-	-	-	-	Р	Р	Р	Р	Р	-	-
Commercial School, Trade School - offering training in classroom study	-	-	-	-	-	-	-	-	-	Р	Р	Р	Р	Р	-	-
Community Center	-	-	Р	-	-	S	S	S	S	-	Р	Р	Р	Р	S	S

							Z	oning Dis	tricts							
Use Category	Ag	Ope	n Space			Reside	ntial					Business			Manuf	acturing
	A-1	OS-1	OS-2	E-1	R-1	R-2	R-2 D	R-3	R-4	0	B-1	B-2	B-3	B-4	M-1	M-2
Contractor Facilities with Outdoor Storage	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	S
Contractor Offices	-	-	-	-	-	-	i	-	-	-	-	-	-	-	Р	Р
Cultivation of non-food crops and seeds used of cellulosic biofuels production	Р	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Dance Hall	-	-	-	-	-	-	-	-	-	-	-	Р	Р	Р	-	-
Daycare Facility and Preschools	S	-	S	S	S	S	S	S	-	S	S	S	S	S	S	S
Department Store	-	-	-	-	-	-	-	-	-	-	-	Р	Р	Р	-	-
Detective Agency	-	-	-	-	-	-	-	-	-	Р	Р	Р	Р	Р	-	-
Dressmaker - Seamstress	-	-	-	-	-	-	-	-	-	-	Р	Р	Р	Р	-	-
Dry Cleaning Establishment	-	-	-	-	-	-	-	-	-	S	Р	Р	Р	Р	-	-
Dry Cleaning Plant	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	S
Employment Office	-	-	-	-	-	-	-	-	-	Р	Р	Р	Р	Р	-	-
Farming	Р	S	S	-	-	-	1	1	-	-	-	-	-	-	-	-
Fertilizer Sales with Storage and Mixture	S	-	1	-	-	-	1	1	-	1	-	-	-	-	-	-
Forestation	Р	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Funeral Home/Mortuary/Crematorium	-	-	-	-	-	-	-	-	-	-	Р	Р	Р	Р	-	-
Furniture Repair and Refinishing	-	-	-	-	-	-	-	-	-	-	-	-	Р	Р	-	-
Gasoline Service Station	-	-	-	-	-	-	-	-	-	-	-	S	S	S	S	S
Golf Course (see Section 10-6-1: Special Conditions)	S	-	S	Р	Р	Р	Р	Р	Р	-	-	-	-	-	-	-
Golf Course, Miniature	S	-	-	-	-	-	-	-	-	-	-	-	Р	Р	-	-
Golf Driving Range	S	-	S	-	-	-	-	-	-	-	-	-	Р	Р	-	-
Grain Elevators and Storage	Р	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Grocery Store	-	-	-	-	-	-	-	-	-	-	Р	Р	Р	Р	-	-
Health Club or Gymnasium	-	-	-	-	-	-	-	-	-	-	-	Р	Р	Р	-	-

							Z	oning Dis	tricts							
Use Category	Ag	Ope	n Space			Reside	ential					Business			Manuf	acturing
	A-1	OS-1	OS-2	E-1	R-1	R-2	R-2 D	R-3	R-4	0	B-1	B-2	B-3	B-4	M-1	M-2
Heavy Machinery and Equipment Rental	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Р	Р
Hotel/Motel/Motor Lodges/Tourist Courts	-	-	-	-	-	-	-	-	-	-	-	Р	Р	Р	-	-
Indoor Shooting Gallery/Gun Range (see Section 10-6-1: Special Conditions)	-	-	-	-	-	-	-	-	-	-	S	S	S	S	S	S
Interior Decorating Studio	-	-	-	-	-	-	-	-	-	-		Р	Р	Р	-	-
Kennel, Commercial or Private Dog Kennels	S	-	-	-	-	-	-	-	-	1	-	-	Р	Р	-	-
Liquor Store	-	-	-	-	-	-	-	-	-	1	Р	Р	Р	Р	-	-
Locksmith	-	-	-	-	-	-	-	-	-	1	-	Р	Р	Р	-	-
Massage Establishment	-	-	-	-	-	-	-	-	-	1	Р	Р	Р	Р	-	-
Medical Clinic	-	-	-	-	-	-	-	-	-	Р	Р	Р	Р	Р	-	-
Microbrewery/Brew Pub (see Section 10-6-1: Special Conditions)	-	-	-	-	1	-	-	-	-	1	S	S	S	S	Р	Р
Milk Processing and Distribution (see Section 10-6-1: Special Conditions)	S	-	-	-	-	-	-	-	-	-	-	-	-	-	Р	Р
Motorcycle Sales and Service	-	-	-	-	-	-	-	-	-	-	-	-	Р	Р	-	-
Musical Instrument Sales/Repair	-	-	-	-	-	-	-	-	-	-	-	Р	Р	Р	-	-
Newspaper Publishing	-	-	-	-	-	-	-	-	-	-	-	Р	Р	Р	Р	Р
Nursery/Greenhouses	S	-	-	-	-	-	-	-	-	-	-	-	Р	Р	-	-
Outdoor Music Venues	-	-	Р	-	-	-	-	-	-	-	S	S	S	S	S	S
Off-Track Betting (OTB) Establishments	-	-	-	-	-	-	-	-	-	-	-	S	-	-	-	-
Parks	-	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	-	-
Pawnbrokers/Pawnshops	-	-	-	-	-	-	-	-	-	-	Р	Р	Р	Р	-	-
Pet Stores/Pet Supply	-	-	-	-	-	-	-	-	-	-	-	Р	Р	Р	-	-
Photography Studio/Camera Repair Shop	-	-	-	-	-	-	-	-	-	-	Р	Р	Р	Р	-	-
Playground	-	Р	Р	Р	Р	Р	Р	Р	Р	-	Р	Р	Р	Р	-	-
Post Office/Retail Mail or Package Service	-	-	-	-	-	-	-	-	_	-	Р	Р	Р	Р	-	-

							Z	oning Dis	tricts							
Use Category	Ag	Ope	n Space			Reside	ential					Business			Manuf	acturing
	A-1	OS-1	OS-2	E-1	R-1	R-2	R-2 D	R-3	R-4	0	B-1	B-2	B-3	B-4	M-1	M-2
Public Storage Facilities/Miniwarehouse Storage (see Section 10-6-1: Special Conditions)	1	-	-	-	-	-	-	1	-	1	-	-	-	-	S	S
Professional Services/Offices	-	-	-	-	-	-	-	-	-	Р	Р	Р	Р	Р	-	-
Radio and Television Studios	-	-	-	-	-	-	-	-	-	-	Р	Р	Р	Р	1	-
Recreation Center	-	-	Р	-	-	-	-	-	-	-	Р	Р	Р	Р	Р	Р
Recreational Camp - Private	S	-	S	-	-	-	-	-	-	-	-	-	-	-	1	-
Recreational Vehicle Sales and Service	-		-	-	-	-	-	-	-	-	-	-	Р	Р	1	-
Repair of Household or Office Machinery or Equipment	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Р	Р
Resale Dealers	-	-	-	-	-	-	-	-	-	-	Р	Р	Р	Р	-	-
Restaurant, Convenience and Fast Food	-	-	-	-	-	-	-	-	-	-	Р	Р	Р	Р	-	-
Retail Store includes Pharmacy/Drugstore	-	-	-	-	-	-	-	-	-	S	Р	Р	Р	Р	S	-
Riding Academies with Stables	S	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Roadside Stand	Р	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Salvage Yard	S	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S
Shoe and Hat Repair	-	-	-	-	-	-	-	-	-	-	Р	Р	Р	Р	-	-
Skating Rink	-	-	S	-	-	-	-	-	-	-	-	-	Р	Р	-	-
Stables or Paddocks	Р	-	S	-	-	-	-	-	-	-	-	-	-	-	1	-
Stadium	-	-	S	-	-	-	-	-	-	-	-	-	S	S	S	S
Swimming Pool - Indoor	-	-	S	-	-	-	-	-	-	-	Р	Р	Р	Р	-	-
Tattoo and Body Piercing Establishment	1	-	1	-	1	-	-	ı	-	1	Р	Р	Р	Р	Р	Р
Tavern - Nightclub or Lounge	-	-	-	-	-	-	-	-	-	-	S	S	S	S	S	S
Taxidermist	-	-	-	-	-	-	-	-	_	-	-	Р	Р	Р	-	-
Theater	-	-	-	-	-	-	-	-	-	-	-	Р	Р	Р	-	-
Trailer Camp/Park	S	-	-	-	-	-	-	-	-	-	Р	Р	Р	Р	1	-

Table 10.06.03
<b>Business Uses</b>

	Zoning Districts															
Use Category	Ag	Ope	n Space			Reside	ential					Business			Manuf	facturing
	A-1	OS-1	OS-2	E-1	R-1	R-2	R-2 D	R-3	R-4	0	B-1	B-2	B-3	B-4	M-1	M-2
Treatment Center	-	-	-	-	-	-	-	-	-	-	Р	Р	Р	Р	-	-
Truck and Trailer Rental	-	-	-	-	-	-	-	-	-	-	-	-	S	Р	-	-
Truck, truck tractor, truck trailer, car trailer or bus storage yard - not include motor freight terminal	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Р	Р
Upholstery Shop	-	-	-	-	-	-	-	-	-	-	-	-	Р	Р	-	-
Veterinary Clinic	-	-	-	-	-	-	-	-	-	-	-	-	Р	Р	-	-
Watch and Clock Sales and Repair	-	-	-	-	-	-	-	-	-	-	-	Р	Р	Р	-	-
Weaving and Mending - Custom	-	-	-	-	-	-	-	-	-	-	-	Р	Р	Р	-	-

Table 10.06.04
Manufacturing Uses

							Z	oning Dis	tricts								
Use Category	Ag	Ope	n Space		Residential							Business					
	A-1	OS-1	OS-2	E-1	R-1	R-2	R-2 D	R-3	R-4	0	B-1	B-2	B-3	B-4	M-1	M-2	
Any Assembly, Production, Manufacturing, Testing, Repairing or Processing that can and does operate in compliance with Performance Standards (see Section 10-6-1: Special Conditions)	-	-	-	-	-	-	-	-	1	1	1	-	-	-	Р	Р	
Bakery (Wholesale - Retail Component Special Use)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Р	Р	
Manufacturer of Firearms and Ammunition	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Р	Р	
Medical Cannabis Cultivation Center & Dispensaries (see Section 10-6-1: Special Conditions)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	S	
Research Laboratories	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Р	Р	
Aggregate Materials Extraction, Processing and Site Reclamation (Stone and Gravel Quarries)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	
Welding Shop	S	-	-	-	-	-	-	-	-	-	-	-	-	-	Р	Р	
Wholesaling and Warehousing - Local Cartage Express Facilities - not including motor freight terminal	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Р	Р	

Table 10.06.05
Transportation Uses

					anoport	at										
		Zoning Districts														
Use Category	Ag	Open	Space	Residential							E	Manufacturing				
	A-1	OS-1	OS-2	E-1	R-1	R-2	R-2 D	R-3	R-4	0	B-1	B-2	B-3	B-4	M-1	M-2
Airport	S	-	-	-	-	-	-	-	-	-	-	-	-	-	S	S
Bus or Truck Storage Yard	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Р	Р
Bus or Truck Garage or Streetcar House	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Р	Р
Marina	-	-	S	-	-	-	-	-	-	-	-	S	S	S	S	S
Motor Freight Terminals	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	S
Railroad Passenger Station	S	-	-	S	S	S	S	S	S	S	S	S	S	S	S	S
Railroad Repair Shops, Maintenance Buildings and Switching Yards	S	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S
Taxicab Business	-	-	-	-	-	-	-	-	-	-	-	-	Р	Р	S	S

Table 10.06.06
Utility Uses

						•										
	Zoning Districts															
Use Category	Ag	Open	Space	Residential							[	Manufacturing				
	A-1	OS-1	OS-2	E-1	R-1	R-2	R-2 D	R-3	R-4	0	B-1	B-2	B-3	B-4	M-1	M-2
Communications Use	S	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Electric Substation	S	S	S	S	S	S	S	S	S	-	Р	Р	Р	Р	Р	Р
Filtration Plant	S	-	-	S	S	S	S	S	S	-	-	-	-	-	Р	Р
Fire Station	S	-	-	S	S	S	S	S	S	Р	Р	Р	Р	Р	Р	Р
Police Station	S	-	-	S	S	S	S	S	S	Р	Р	Р	Р	Р	Р	Р
Public Utility - Electric substations and dis- tribution centers, gas regulation centers and underground gas holder stations	S	S	S	-	-	-	-	-	-	-	-	-	-	-	Р	Р
Other Public Utility Facilities	S	-	S	Р	Р	Р	Р	Р	Р	-	-	-	-	-	Р	Р
Radio and Television Towers - Commercial	S	-	-	S	S	S	S	S	S	-	-	-	-	-	Р	Р
Sanitary Landfill	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	S

Table 10.06.06
Utility Uses

	Zoning Districts															
Use Category	Ag	Open	Space			Reside	ntial		ı	Business	Manufacturing					
	A-1	OS-1	OS-2	E-1	R-1	R-2	R-2 D	R-3	R-4	0	B-1	B-2	B-3	B-4	M-1	M-2
Sewage Treatment Plant	-	-	-	S	S	S	S	S	S	-	-	-	-	-	Р	Р
Solid Waste Disposal Site	-	-	-	-	-	-	-	-	-	S	S	S	S	S	Р	Р
Utility Company Maintenance Yard	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Р	Р
Utility Service Yard or Garage	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Р	Р
Watchman Quarters (Dwelling Units)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Р	Р

# Table 10.06.07 Alternative Energy Uses

							7	Zoning Di	stricts								
Use Category	Ag	Open	Space		Residential							Business					
	A-1	OS-1	OS-2	E-1	R-1	R-2	R-2 D	R-3	R-4	0	B-1	B-2	B-3	B-4	M-1	M-2	
Wind Farm	S	-	S	-	-	-	-	-	-	S	-	-	-	-	-	-	
Freestanding Wind Energy System (FWES)	S	S	S	S	S	S	-	-	-	S	-	-	-	-	S	S	
Building Mounted Wind Energy System (BWES)	S	-	Р	S	S	S	S	S	S	S	S	S	S	S	S	S	
Solar Farm	S	S	S	-	-	-	-	-	-	S	-	-	-	-	-	-	
Building Mounted Solar Energy Systems (BSES)	S	-	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	
Freestanding Solar Energy Systems (FSES)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	

#### Table 10.06.08 Miscellaneous Uses

	Zoning Districts															
Use Category	Ag	Open Space Residential										Manufacturing				
	A-1	OS-1	OS-2	E-1	R-1	R-2	R-2 D	R-3	R-4	0	B-1	B-2	B-3	B-4	M-1	M-2
Accessory Building/Use and Structures	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р
Planned Unit Development (PUD)	S	-	-	S	S	S	S	S	S	S	S	S	S	S	S	S

#### **10-6-1 Special Conditions**

#### A. Agricultural Implementation Sales, Storage and Service of Agriculturally Oriented Products:

1. Sales yards, wholesale or retail, for agricultural products in A-1 Agricultural District refer to Section 10-9-3 Special Uses.

#### B. Club/Lodge, Private:

1. Private clubs or lodges in A-1 Agricultural District refer to 10-9-3 Special Uses.

#### C. Golf Courses:

- 1. Regulation size golf courses are permitted provided that no clubhouse or accessory building shall be nearer than five hundred (500) feet to any dwelling on an adjacent zoning lot.
- 2. Golf courses, miniature golf courses and driving ranges in A-1 Agricultural District refer to 10-9-3 Special Uses.

#### D. Indoor Shooting Galleries/Gun Ranges:

- 1. When located in a multiple-tenant building shall only be located in an end unit and with the gallery/range not adjacent to an adjoining unit.
- 2. The minimum building setback for indoor shooting gallery/gun range facilities shall be fifty (50) feet from any property line that abuts a residentially zoned property.
- 3. The retail operations of any indoor shooting gallery/gun ranges shall occupy not more than twenty five percent (25%) of the total floor area.

#### E. Manufacturing Uses:

- 1. All business, production, servicing and processing shall take place within completely enclosed buildings unless otherwise specified. Within one hundred and fifty (150) feet of a residence district, all storage shall be in completely enclosed buildings or structures, and storage located elsewhere in the Manufacturing Districts may be open to the sky but shall be enclosed by solid walls or fences (including solid doors or gates thereto) at least eight (8) feet high, but in no case lower in height than the enclosed storage and suitably landscaped.
- 2. However, open off-street loading facilities and open off-street parking of motor vehicles under one and one-half tons' capacity may be unenclosed throughout the Manufacturing Districts, except for such screening of parking and loading facilities as may be required under provisions of Chapter 16 of this title.

#### F. Medical Cannabis Cultivation Center:

1. Cultivation Center and Medical Cannabis Dispensing Organization in compliance with the Compassionate Use of Medical Cannabis Pilot Program Act (410 ILCS 130/1 et seq.) provided that the distance requirements set forth in that Act are also required for public parks and religious institutions for such use.

#### **G.** Microbrewery:

- 1. Microbreweries/brewpubs, where if off premises consumption is allowed, all sales must be in a hand capped, sealed container with a total maximum production of fifteen thousand (15,000) barrels per calendar year inclusive of on premises and off premises sales.
- 2. Microbrewery/brewpub operations will be ancillary to a restaurant or eating establishment, and the brewing component of the facility shall be no more than twenty-five percent (25%) of the total floor area.

#### H. Public Storage Facilities/Mini Warehouse Storage:

- 1. Whenever a special use is granted for miniwarehouse storage under this M-1 zoning district or any other permitted zoning district, the following restrictions shall apply:
  - A. If the facility is within one hundred fifty feet (150') of a residential district, all storage shall be in completely enclosed buildings or structures, and storage located elsewhere in this district may be open to the sky, but shall be enclosed by solid walls or fences (including solid doors or gates thereto) at least eight feet (8') high, but in no case lower in height than the enclosed storage buildings and suitably landscaped consistent with the city's landscape ordinance.
  - B. A minimum of three (3) parking spaces shall be provided.
  - C. There shall be a minimum of twenty feet (20') between buildings.

#### I. Salvage Yards

1. Salvage Yards in A-1 Agricultural District refer to Section 10-9-3 Special Uses.

PLANO

Variety store.

Watch and clock sales and repair.

Wearing apparel store.

Weaving and mending, custom. (Ord. 1979-7, 6-25-1979; amd. Ord. 2006-50, 6-26-2006)

#### 5-8A-1: USES PERMITTED:

The following uses are permitted:

#### A. Manufacturing Type Uses:

Advertising displays.

Apparel and other products manufactured from textiles.

Art needle work and hand weaving.

Automobile painting, upholstering, repairing, reconditioning and body and fender repairing, when done within the confines of a structure.

Awnings, venetian blinds.

Bakeries.

Beverages, nonalcoholic; bottling and distributing.

Blacksmith shop.

Books, hand binding and tooling.

Bottling works.

Brushes and brooms.

Building equipment, building materials, lumber, coal, sand and gravel yards, and yards for contracting equipment of public agencies, or public utilities, or materials or equipment of similar nature.

Cameras and other photographic equipment and supplies.

Canning and preserving. Canvas and canvas products. Carpet and rug cleaning. Carting, express hauling or storage yards. Ceramic products such as pottery and small glazed tile. Cleaning and dyeing establishments when employing facilities for handling more than one thousand five hundred (1,500) pounds of dry goods per day. Clothing. Contractor or construction shops, such as: Air conditioning. Building. Cement. Electrical. Heating and ventilating. Masonry. Painting. Plumbing. Refrigeration. Roofing. Cosmetics and toiletries. Creameries and dairies. Drugs. Electrical appliances such as lighting fixtures, irons, fans, toasters and television receivers and home movie equipment, but not including electrical machinery. Electrical supplies, manufacturing and assembly such as wire and cable assembly switches, lamps, insulation and dry cell batteries.

Food products, processing and combining of (except meat and fish); baking, boiling, canning, cooking, dehydrating, freezing, frying, grinding, mixing and pressing.

Fuel sales, no retail sales and no gas station uses.

Fuel sales with storage of fuel oils, gasoline and otherflammable products limited to one hundred twenty thousand (120,000) gallons per tank, with the total storage on a zoning lot not to exceed five hundred thousand (500,000) gallons.

Fur goods, not including tanning and dyeing.

Glass products, from previously manufactured glass.

Hosiery.

House trailers, manufacture.

Ice, dry and natural.

Ink mixing and packing and inked ribbons.

Laboratories; medical, dental, research, experimental and testing, provided there is no danger from fire or explosion nor of offensive noise, vibration, smoke, dust, odors, heat, glare or other objectionable influences.

Laundries.

Leather products, including shoes and machine belting, but not including tanning and dyeing.

Luggage.

Machine shops for tool, die and pattern making.

Meat products.

Metal finishing, plating, grinding, sharpening, polishing, cleaning, rustproofing and heat treatment.

Metal stamping and extrusion of small products such as costume jewelry, pins and needles, razor blades, bottle caps, buttons and kitchen utensils.

Musical instruments.

Orthopedic and medical appliances such as artificial limbs, braces, supports and stretchers.

Paper products, small; such as envelopes and stationery, bags, paper boxes, tubes and wallpaper printing.

Perfumes and cosmetics.

Pharmaceutical products.

Plastic products, but not including the processing of the raw materials.

Precision instruments such as optical, medical anddrafting.

Printing and newspaper publishing including engraving and photoengraving.

Products from finished materials; plastic, bone, cork, feathers, felt, fiber, paper, fur, glass, hair, horn, leather, precious and semiprecious stones, rubber, shell or yarn.

Public utility electric substations and distribution centers, gas regulation centers and underground gas holder stations.

Repair of household or office machinery or equipment.

Rubber products, small, and synthetic treated fabrics, (excluding all rubber and synthetic processing) such as washers, gloves, footwear, bathing caps and atomizers.

Signs.

Silverware, plate and sterling.

Soap and detergents, packaging only.

Soldering and welding.

Sporting and athletic equipment such as balls, baskets, cues, gloves, bats, rackets and rods.

Statuary, mannequins, figurines and religious and church art goods, excluding foundry operations.

Storage and sale of trailers, farm implements and other similar equipment on an open lot.

Storage of flammable liquids, fats or oil in tanks each of fifty thousand (50,000) gallons or less capacity, but only after the locations and protective measures have been approved by local governing officials.

Storage of household goods.

Textiles; spinning, weaving, manufacturing, dyeing, printing, knit goods, yarn, thread and cordage, but not including textile bleaching.

Tool and die shops.

Tools and hardware such as bolts, nuts and screws, doorknobs, drills, hand tools and cutlery, hinges, house hardware, locks, nonferrous metal castings and plumbing appliances.

Toys.

Truck, truck tractor, truck trailer, car trailer or bus storage yard, when all equipment is in operable condition, but not including a truck or motor freight terminal.

- B. Wholesaling And Warehousing Uses: Local cartage express facilities (but not including motor freight terminals).
- C. Public And Community Service Uses:

Bus terminals, bus garages, bus lots, street railway terminals or streetcar houses.

Electric substations.

Fire stations.

Municipal or privately owned recreation buildings or community centers.

Parks and recreation areas.

Police stations.

Sewage treatment plants.

Telephone exchanges.

Water filtration plants.

Water pumping stations.

Water reservoirs. (Ord. 1979-7, 6-25-1979; amd. Ord. 2002-20, 5-28-2002)

D. Residential Uses: Dwelling units for watchmen and their families when located on the premises where they are employed in such capacity. However, no residential use, including dwelling units for watchmen and their families, shall be permitted at sexually oriented businesses, as defined in section <u>5-17-3</u> of this title.

### E. Miscellaneous Uses:

Accessory uses.

Radio and television towers.

Sexually oriented businesses as defined in section 5-17-3 of this title.

Temporary buildings for construction purposes, for a period not to exceed the duration of such construction. (Ord. 2000-34, 12-11-2000)

### 5-8A-2: CONDITIONS OF PERMITTED USES:

All permitted uses are subject to the following conditions:

#### A. Performance Standards:

- 1. Any production, processing, cleaning, servicing, testing, repair or storage of goods, materials or products shall conform with the performance standards set forth in section <u>5-8-1</u> of this chapter.
- 2. Uses established after the effective date hereof shall conform fully to the performance standards set forth in section <u>5-8-1</u> of this chapter for the district.
- B. Enclosure Of Use, Screening Requirements: All business, production, servicing and processing shall take place within completely enclosed buildings unless otherwise specified. Within one hundred fifty feet (150') of a residence district, all storage shall be in completely enclosed buildings or structures, and storage located elsewhere in this district may be open to the sky but shall be enclosed by solid walls or fences (including solid doors or gates thereto) at least eight feet (8') high, but in no case lower in height than the enclosed storage and suitably landscaped.

However, open off street loading facilities and open off street parking of motor vehicles under one and one-half  $(1^1/2)$  ton capacity may be unenclosed throughout the district, except for such screening of parking and loading facilities as may be required under the provisions of <u>chapter 10</u> of this title.

C. Nonconforming Uses: Uses established on the effective date hereof and by the provisions continued herein are rendered nonconforming, shall be permitted to continue, subject to the regulations of <a href="mailto:chapter9">chapter 9</a> of this title. (Ord. 1979-7, 6-25-1979)

# 5-8A-3: SPECIAL USES PERMITTED:

The following uses may be allowed by special use permit in accordance with the provisions of section 5-12-7 of this title:

All uses permitted under section 5-7E-2, "B-5 Service Business District", of this title.

Any use which may be allowed as a special use in the B-5 business district.

Airport or aircraft landing fields.

Auction houses.

Motor freight terminals.

Planned development, industrial.

Sanitary landfill.

Slaughtering; poultry, rabbits, livestock.

Stadiums, auditoriums and arenas.

Theaters, outdoor drive-in. (Ord. 1979-7, 6-25-1979; amd. Ord. 1991-35, 11-25-1991; Ord. 1993-2, 3-22-1993)

### 5-7C-2: USES PERMITTED:

The following uses are permitted: All uses permitted in the B-2 district. Appliances, sales. Army/navy surplus sales. Art gallery, art studio sales. Auditorium. Automatic food service. Automobile accessory store where there is no driveway entrance across the sidewalk. Automobile and motorcycle accessory and parts store, provided there is no on site repair, machining or service. Bicycle shop, sales and repair. Billiard parlor/pool hall. Blueprint and photostat shop. Bookbinding. Bowling alley. Business machines store. Carpet and rug stores. Carryout food service. Catalog sales office. China and glassware stores. Clothing store, all types. Coin and philatelic stores. Costume rental shop.

Currency exchanges.

Dance hall.

Department store.
Discount store.
Drapery store.
Dry goods store, retail.
Employment agency, public and private.
Exterminating shops.
Financial institutions.
Floor covering sales.
Furniture sales, new.
Furrier, retail.
Garden supplies/seed stores.
Hardware store.
Health club or gymnasium.
Hotel.
Interior decorating studio/store.
Junior department store.
Leather goods.
Loan offices.
Locksmith.
Luggage stores.
Mirror and glazing shop.
Motels.
Motion picture theater.

Music, instrument and record store; repair and retail. Newspaper publishing office. Notions store. Office equipment, supplies and stationery. Orthopedic and medical appliance stores. Paint/wallpaper store. Pawnshop. Personal loan agency. Pet store, not including animal hospitals. Physical culture and health services. Picture frame store. Radio and television studios, no towers. Record shop. Reducing salon, masseur and steam bath. Schools of dance, music, business or trade. Sewing machine sales and service. Sporting goods. Stationery. Tack shop. Taxidermist. Theater, indoor only. Toy store. Trading stamp store. Transit and transportation facilities. Typewriter, sales and repair.

# ARTICLE C. - I INDUSTRIAL DISTRICT

#### SECTION:

### 6-8C-2: - PERMITTED USES:

No building, structure, or parcel of land shall be used and no building or structure shall be erected, altered, or enlarged which is arranged, intended, or designed for other than one of the following uses:

- 1. Abrasive manufacture.
- Bakeries.
- 3. Banks and financial institutions.
- 4. Boot and shoe manufacture.
- Bottling companies.
- 6. Building materials and products sales and storage.
- 7. Offices—Business or professional.
- 8. Offices/clinics—Medical or dental.
- 9. Cartage and express facilities.
- 10. Civic buildings established prior to August 7, 2007. Civic buildings established after August 7, 2007, shall comply with Section 6-2-29 (Public Assembly Uses) of this Code.
- 11. Contractor and construction offices, shops, and yards.
- 12. Dairy products processing.
- 13. Dry cleaning establishments and laundries employing more than ten (10) persons.
- 14. Electronic and scientific precision instruments manufacture.
- 15. Electroplating.
- 16. Food manufacture, packaging, and processing.
- 17. Freight terminals, including air, motor, and railroad.
- 18. Furniture, bedding, and carpet manufacture.
- 19. General manufacturing.
- 20. Glass products production and sales.
- 21. Light machinery production.
- 22. Lithographing.
- 23. Machine shop.
- 24. Paper products manufacture.
- 25. Parking lots and garages, principal.
- 26. Plastics processing.
- 27. Pottery and ceramics manufacture.
- 28. Printing and publishing establishments.
- 29. Radio and television stations and studios.
- 30. Vocational and trade schools established prior to August 7, 2007. Vocational and trade schools which are established after August 7, 2007, shall comply with Section 6-2-29 (Public Assembly Uses) of this Code.

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- 31. Sexually oriented business.
- 32. Warehouses, storage, and distribution facilities.
- 33. Warehouse, self-storage.
- 34. Wearing apparel manufacture.
- 35. Woodworking.
- 36. Other uses which are of the same general character as the other permitted uses as determined by the Zoning Administrator.
- 37. Pet care establishments, when the principal use of the building, structure or premises. All activity shall be conducted completely within any building or structure; outdoor areas shall be prohibited.
- 38. Fitness facility.
- 39. Automobile repair facility and car washes used in conjunction with an automobile repair facility.
- 40. Medical cannabis dispensing organization per Section 6-2-32 of this Title.
- 41. Sleep clinics.

(Ord. No. 80-5, 1-21-1980; Ord. No. 80-98, 10-6-1980; Ord. No. 95-67, 4-5-1995; Ord. No. 07-187, 8-6-2007; Ord. No. 08-018, 1-15-2008; Ord. No. 08-035, 2-19-2008; Ord. No. 10-073, § 1, 6-15-2010; Ord. No. 13-082, § 4, 8-20-2013; Ord. No. 13-162, § 5, 12-17-2013; Ord. No. 15-190, § 2, 12-1-2015)

### 6-8C-3: - CONDITIONAL USES:

The following conditional uses may be permitted in specific situations in accordance with the procedures outlined in Section 6-3-8 and Chapter 4 of this Title, as appropriate:

- 1. Airports and heliports.
- 2. Air, motor, and railroad freight terminals.
- 3. Asphalt products manufacture.
- 4. Automobile service stations and car washes used in conjunction with an automobile service station.
- 5. Boiler and tank manufacturing.
- 6. Brick and structural clay products manufacture.
- 7. Bulk storage of petroleum products.
- 8. Car washes.
- 9. Chemical and process manufacture.
- 10. Concrete mixing plants.
- 11. Eating and drinking establishments.
- 12. Feed mills.
- 13. Foundries and forge plants.
- 14. Fuel and ice sales.
- 15. Grain storage and processing.
- 16. Heavy machinery production.
- 17. Junkyards and automobile graveyards.
- 18. Leather tanning and processing.
- 19. Meatpacking.
- 20. Metal reduction and refinement.

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- 21. Metal stamping.
- 22. Mining operations.
- 23. Motor vehicle sales, when in conjunction with a development petition for a planned unit development as outlined in Chapter 4 of this Title.
- 24. Petroleum products processing and storage.
- 25. Petroleum refining.
- 26. Planned unit developments.
- 27. Public and private utility facilities.
- 28. Recreation and social facilities, excluding nursery schools, preschools, daycare centers, and learning centers unless accessory to a permitted use and excluding those uses defined as public assembly uses in Section 6-2-29 of this Title.
- 29. Rubber processing and manufacture.
- 30. Stadiums.
- 31. Steel manufacture.
- 32. Stone products manufacture.
- 33. Telecommunications facilities as required by Chapter 13 of this Title.
- 34. Public assembly uses per Section 6-2-29 of this Title.
- 35. Pet care establishments, when the principal use of the building, structure or premises. Outdoor areas may be permitted. All outdoor activity shall be conducted as described in Section 6-2-25, "Veterinary Office And Pet Care Establishment," of this Title.
- 36. Medical cannabis cultivation center per Section 6-2-29 of this Title.

(Ord. No. 80-5, 1-21-1980; Ord. No. 06-225, 9-19-2006; Ord. No. 07-187, 8-6-2007; Ord. No. 08-035, 2-19-2008; Ord. No. 08-078, 4-15-2008; Ord. No. 09-017, 2-17-2009; Ord. No. 13-082, § 4, 8-20-2013; Ord. No. 13-162, § 5, 12-17-2013; Ord. No. 14-175, § 2, 11-18-2014)

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#### 6-2-29: - PUBLIC ASSEMBLY USES:

- 1. Purpose: It is the intent of this Section to provide regulations specific to public assembly uses located within the industrial districts provided for in Chapter 8 of this Title, specifically the RD, ORI, and I districts. It is further the intent of this Section to create greater opportunities for the location of said public assembly uses in instances where the City Council determines that said use shall not result in a detrimental impact to the intent of this Title and/or policies adopted through the City's comprehensive planning documents. Public assembly uses shall be ancillary and complementary to uses customarily permitted in Chapter 8, "Industrial Districts", of this Title.
- 2. Applicability: These regulations shall apply to all public assembly uses seeking approval of a conditional use through Chapter 8, "Industrial Districts", of this Title on or after August 7, 2007, which is the date following adoption hereof. Public assembly uses, as defined under Subsection 6-2-29.4 of this Section, established in accordance with the provisions of this Title prior to August 7, 2007, shall not be impacted by this Section and shall remain legal uses.
- 3. Process: Public assembly uses shall be processed as a conditional use in the respective industrial districts (RD, ORI, and I) in accordance with Section 6-3-8, "Conditional Uses", of this Title and Subsections 6-2-29.5 and 6-2-29.6 of this Section.
- 4. Definitions: For the purposes of this Section, public assembly uses shall be classified as the following noncommercial uses which are operated on a not for profit basis:
  - 4.1. Clubs/lodges.
  - 4.2. Religious uses.
  - 4.3. Schools, trade or vocational.
  - 4.4. Colleges/universities.
  - 4.5. Community centers.
  - 4.6. Performing arts center.
  - 4.7. Civic buildings.
  - 4.8. Cultural institutions.
  - 4.9. Other similar uses as determined by the Zoning Administrator.
- 5. Public Assembly Use Components: In determining compliance with Section 6-3-8, "Conditional Uses", of this Title, the following components of the public assembly use shall be evaluated based on the entirety of the circumstances affecting the particular property in the context of the existing and intended future use of the properties:
  - 5.1. Total square footage of the proposed use.
  - 5.2. Size of the parcel.
  - 5.3. Peak hours of operation and impact on adjacent uses.
  - 5.4. Primary and accessory uses of the operation.
  - 5.5. Parking demand and available private parking supply.
  - 5.6. Traffic generation and adjacent roadway capacity.
  - 5.7. Maximization of the highest and best use for the subject property and/or building.
  - 5.8. Preservation and enhancement of tax generating potential of the zoning district.
  - 5.9. Extent to which the proposed use, structure, and site design results in an efficient and

creative use of the subject property.

- 5.10. Other criteria determined to be necessary to assess compliance with Section 6-3-8 of this Title.
- 6. Compliance With All Other Applicable Code Requirements: The public assembly use shall comply with all applicable Code requirements, including, but not limited to, landscaping, building design guidelines, and performance standards.

(Ord. 07-187, 8-6-2007)

AURORA

	P	E	R-1	R-2	R-3	R-4	R-4A	R-5	R-5A	B-1	B-2	B-3	0	DC	ORI	M-1	M-2	Additional Regulations
5250 Gun Clubs and shooting ranges														S				Otherwise complying with Article V of Chapter 8 of the Aurora Municipal Code
5260 Poolrooms									N/ES	I	ı	P		P		P	P	Otherwise complying with
										I	<b>I</b>							Division 4 of Article IV of Chapter 8 of the Aurora Municipal Code
5270 Juice bars, dry cabarets, teenage cabarets, and other non-alcoholic bars											S	S		S		S	S	
5400 Natural and other recreational parks	P	P	P	P	P	P	P	P	P	S	S	S	S	P	S	S	S	
5410 Amusement or theme park or fair												S				S	S	Otherwise complying with Article II of Chapter 8 of
																		the Aurora Muncipal Code
6000 Education, public admin., health care, and other inst.		-	**	-	-	•	-	-	-	-	-	-	•		-		-	
6100 Educational services	S	S	S	S	S	S	S	S	S	S	S	S	S	P	S	S	S	
6110 Technical, trade, and other specialty schools										S	P	P	P	P	S	P	P	
6200 Public facilities and services		S	S	S	S	S	S	S	S	P	P	P	P	P	P	P	P	
6210 Correctional institutions																S	S	
6300 Health and human services		S	S	S	S	S	S	S	S	S	P	P	S	P	P	P	P	
6310 Day care		S	S	S	S	S	S	S	S	S	P	P	S	S	S	P	P	
6320 Nursing, supervision, and other rehabilitative services						S	S	S	S	S	S	S						
6330 Hospital or sanatoria		S	S	S	S	S	S	S	S	S	S	s	S	S	S	S	S	

## 11-10-2: USES:

### A. Permitted uses:

Administrative buildings.

Adult uses (if in compliance with the requirements of chapter 15 of this title).

Assembly, with or without fabrication of parts.

Automobile body shops.

Beverage distribution.

Boat builder.

Bottling works.

Business machine manufacturing.

Carpet and rug cleaners.

Cartage, express and parcel delivery.

Clothing manufacturing.

Contractor's yard.

Electrical motor and generator manufacturing.

Electronic component manufacturing.

Fabrication, processing, production or manufacturing of materials, goods or products.

Freight warehousing and distribution.

Impound yard, subject to additional standards and criteria in subsection D2 of this section.

Laboratories and research firms involved in the research, experimentation or testing of materials, goods, or products.

Lumberyards.

Machine shops.

Photo processing (nonretail).

Plastic processing.

Police headquarters and stations.

Pottery and ceramics manufacturing.

Printing, publishing or lithography establishments.

Public works buildings and facilities.

Recycling center.

Research and development laboratories.



Schools, commercial or trade, including those teaching business, commercial or technical subjects.

Schools teaching dance, music, performance, and martial arts, subject to the additional standards and criteria in subsection D1 of this section.

Sheet metal fabrication.

Village halls.

Wholesale and warehousing.

Woodworking and wood products manufacturing. (Ord. 2007-03-06A, 3-6-2007; amd. Ord. 2007-08-21A, 8-21-2007; Ord. 2014-07-15, 7-15-2014; Ord. 2014-08-05E, 8-5-2014)

# B. Special uses:

Aerial lift sales, rental, and service.

Airport and heliports.

Bakeries, exceeding five thousand (5,000) square feet of building area.

Bottled gas dealer.

Brick and structural clay products manufacturing.

Chemical processing.

Concrete and clay works.

Dairy products processing.

Food manufacturing, packaging and processing.

Furniture display, sales, and repair.

Gymnasiums and health clubs.

Heavy machinery manufacturing.

Mining, loading and hauling of sand, gravel, topsoil or other aggregate or minerals, including equipment, building or structure for screening, crushing, mixing, washing or storage, provided that:

- 1. No open pit or shaft is less than three hundred feet (300') from any public road or one hundred feet (100') from any side or rear property line.
- All buildings or structures used for the crushing, washing, mixing or storage of mined materials are located not less than two hundred feet (200') from any property line.
- 3. A plan of development or the reclamation of the land is provided as part of the application for special use. This plan of development shall be accompanied by a written agreement between the owner or his agent and village and by a performance bond in an amount equal to the cost of the reclamation of the land, as set forth in the development plan.

Miniwarehouses, including watchman's quarters.

Paint and wallpaper manufacturing.

Paper products manufacturing.

Pharmaceutical and cosmetic manufacturing.

Planned developments.

Plastic manufacturing.

Public utility, governmental and service uses, including, but not limited to:

1. Essential services, including, fully automated gas regulating stations; telephone exchanges; and electric substations.

- 2. Towers and antennas, commercial, for radio, television and telephone transmitting, receiving or relay stations.
- 3. Wastewater treatment plant.
- 4. Waterworks, reservoirs, pumping stations, filtration plants and wells.

Radio, cellular and television towers.

Railroad yards.

Refuse company.

Stone products manufacturing.

Structural steel manufacturing.

Truck sales. (Ord. 2013-09-17A, 9-17-2013)

- C. Permitted accessory uses: Please refer to section <u>11-4-7</u> of this title. (Ord. 2011-07-05B, 7-5-2011)
- D. Additional standards and criteria for specific uses:
  - 1. Schools Teaching Music, Dance, Performance, And Martial Arts:
    - a. Shall not be located in the same building or on the same lot with any use permitted in the district that involves assembly, fabricating, production, processing or manufacturing activities;
    - b. Performances on the premises shall not occur without the written approval of the community development director. (Ord. 2014-07-15, 7-15-2014)
  - 2. Impound Yard:
    - a. A principal building shall be located on the lot.
    - b. The towing service operator(s) utilizing the impound yard shall provide the village a copy of the operator's valid registration with the Illinois commerce commission.
    - c. If proposed to be located on a lot owned by an entity other than the impound yard operator, the impound yard operator shall provide the village with written authorization from the property owner.

- d. If proposed to be located on a lot with other uses, the impound yard operator shall provide the village proof of notification to the other uses.
- e. The impound yard shall not include vehicle repair or any salvage operations; may include a towing service on site.
- f. No vehicle shall be stored longer than one hundred eighty (180) days on site.
- g. The impound yard operator shall have an independent and qualified consultant perform an assessment and evaluation annually to determine that pollutants from stored vehicles have not leaked into the soil or sewers, or if they have, that they have been properly remediated.
- h. The impound yard shall comply with the commercial outdoor storage requirements in section 11-4-7 of this title.
- i. The impound yard shall comply with the fence requirements in section <u>11-4-13</u> of this title, with a minimum fence height of six feet (6'). (Ord. 2014-08-05E, 8-5-2014)

#### SECTION 9.00 - MANUFACTURING DISTRICTS

### 9.01 M-1 LIMITED MANUFACTURING DISTRICT

- A. <u>Conditions of Use</u>. All permitted uses are subject to the following conditions:
  - 1. Any production, processing, cleaning, servicing, testing, repair or storage of goods, materials or products shall conform with the performance standards set forth in Section 9.03.
  - 2. All business, production, servicing and processing shall take place within completely enclosed buildings unless otherwise specified. Within one hundred and fifty (150) feet of a Residence District, all storage shall be in completely enclosed buildings or structures, and storage located elsewhere in this district may be open to the sky but shall be enclosed by solid walls or fences, including solid doors or gates thereto, at least eight (8) feet in height and suitably landscaped. If items in storage exceed eight (8) feet in height, an applicant may submit to the Plan Commission and the Village Board for a waiver to allow for fence in excess of eight (8) feet, but not to exceed fifteen (15) feet in height. However, open off-street loading facilities and open off-street parking of motor vehicles under one and one-half (1½) ton capacity may be unenclosed throughout the district, except for such screening of parking and loading facilities as may be required under the provisions of Section 12.00.
  - 3. Uses established on the effective date of this amended Ordinance and by its provisions are rendered non-conforming, shall be permitted to continue, subject to the regulations of Section 5.00.
  - 4. Uses established after the effective date of this amended Ordinance shall conform fully to the Performance Standards hereinafter set forth for the district.
- B. <u>Permitted Uses</u>. The following uses are permitted:
  - 1. Miscellaneous uses as follows:
    - Accessory uses.
    - b. Radio and television towers.
    - c. Temporary buildings for construction purposes for a period not to exceed the duration of such construction.
  - 2. Off-street parking and loading as permitted or required in Section 12.00.
  - Production, Processing, Cleaning, Testing or Repair, limited to the following uses and products:
    - a. Advertising displays.

- b. Apparel and other products manufactured from textiles.
- c. Art needle work and hand weaving.
- d. Automobile painting, upholstering, repairing, reconditioning and body and fender repairing, when done within the confines of a structure.
- e. Awnings, venetian blinds.
- f. Bakeries.
- g. Beverages.
- h. Books hand binding and tooling.
- i. Bottling works.
- Brushes and brooms.
- k. Building equipment, building materials, lumber, coal, sand and gravel yards, and yards for contracting of equipment of public agencies, or public utilities, or materials or equipment of similar nature.
- 1. Cameras and other photographic equipment and supplies.
- m. Canning and preserving.
- Canvas and canvas products.
- o. Carpet and rug cleaning.
- Carting, express hauling or storage yards.
- q. Ceramic products, such as pottery and small glazed tile.
- r. Cleaning and dyeing establishments when employing facilities for handling more than fifteen hundred (1,500) pounds of dry goods per day.
- s. Clothing.
- Cosmetics and toiletries.
- Creameries and dairies.
- v. Dentures.
- w. Drugs.
- x. Electrical appliances, such as lighting fixtures, irons, fans, toasters and electric toys.
- y. Electrical equipment assembly, such as home radio and television receivers and home movie equipment, but not including electrical machinery.

- z. Electrical supplies, manufacturing and assembly of such wire and cable assembly, switches, lamps, insulation, and dry cell batteries.
- aa. Food products, processing and combining of (except meat and fish) baking, boiling, canning, cooking, dehydrating, freezing, frying, grinding, mixing and pressing.
- bb. Fur goods, not including tanning and dyeing.
- cc. Glass products from previously manufactured glass.
- dd. Hat bodies of fur and wool felt.
- ee. Hosiery.
- ff. House trailers, manufacture.
- gg. Ice, natural.
- hh. Ink mixing and packaging and inked ribbons.
- ii. Jewelry.
- jj. Laboratories; medical, dental, research, experimental, and testing, provided there is no danger from fire or explosion nor offensive noise, vibration, smoke, dust, odors, heat, glare, or other objectionable influences.
- kk. Laundries.
- ll. Leather products, including shoes and machine belting, but not including tanning and dyeing.
- mm. Luggage.
- nn. Machine shops for tool, die, and pattern making.
- oo. Metal finishing, plating, grinding, sharpening, polishing, cleaning, rust proofing and heat treatment.
- pp. Metal stamping and extrusion of small products, such as costume jewelry, pins and needles, razor blades, bottle caps, buttons and kitchen utensils.
- qq. Musical instruments.
- rr. Orthopedic and medical appliances, such as artificial limbs, braces, supports and stretchers.
- ss. Paper products, small, such as envelopes and stationery, bags, boxes, tubes and wallpaper printing.
- tt. Perfumes and cosmetics.

- uu. Pharmaceutical products.
- vv. Plastic products, but not including the processing of the raw materials.
- ww. Precision instruments, such as optical, medical and drafting.
- xx. Products from finished materials; plastic, bone, cork, feathers, felt, fiber, copper, fur, glass, hair, horn, leather, precious and semi-precious stones, rubber, shell or yarn.
- yy. Printing and newspaper publishing, including engraving, photoengraving.
- zz. Public utility electric substations and distribution centers, gas regulation centers and underground gas holder stations.
- aaa. Repair of household or office machinery or equipment.
- bbb. Rubber products, small, and synthetic treated fabrics (excluding all rubber and synthetic processing), such as washers, gloves, footwear, bathing caps and atomizers.
- ccc. Signs, as regulated by Section 11.00.
- ddd. Silverware, plate and sterling.
- eee. Soap and detergents, packaging only.
- fff. Soldering and welding.
- ggg. Sporting and athletic equipment, such as balls, baskets, cues, gloves, bats, racquets, and rods.
- hhh. Statuary, mannequins, figurines and religious and church art goods, excluding foundry operations.
- iii. Storage of household goods.
- jjj. Storage and sale of trailers, farm implements and other similar equipment on an open lot.
- kkk. Storage of flammable liquids, fats or oil in tanks each of fifteen thousand (15,000) gallons or less capacity, but only after the locations and protective measures have been approved by local governing officials.
- Ill. Textiles; spinning, weaving, manufacturing, dyeing, printing, knit goods, yarn, thread, and cordage, but not including textile bleaching.
- mmm. Tool and die shops.
- nnn. Tools and hardware, such as bolts, nuts and screws, doorknobs, drills, hand tools and cutlery, hinges, house hardware, locks, non-ferrous metal castings and plumbing appliances.

- ooo. Toys.
- ppp. Truck, truck tractor, truck trailer, car trailer, or bus storage yard, when all equipment is in operable condition, but not including a truck or motor freight terminal, which are treated under Section 9.02.
- qqq. Umbrellas.
- rrr. Upholstering (bulk), including mattress manufacturing, rebuilding, and renovating.
- sss. Vehicles, children's; such as bicycles, scooters, wagons and baby carriages.
- ttt. Watches.
- uuu. Wood products, such as furniture, boxes, crates, baskets, and pencils and cooperage works.
- vvv. Any other manufacturing establishment that can be operated in compliance with the Performance Standards of Section 9.03 without creating objectionable noise, odor, dust, smoke, gas, fumes, or vapor; and that is a use compatible with the use and occupancy of adjoining properties.
- Professional and Business Offices.
- 5. Public and Community Service Uses as follows:
  - a. Bus terminals, bus garages, bus lots, street railway terminals, or street car houses.
  - b. Electric substations.
  - c. Fire stations.
  - d. Municipal or privately owned recreation buildings or community centers.
  - e. Parks and recreation areas.
  - f. Police stations.
  - g. Sewage treatment plants.
  - h. Telephone exchanges.
  - i. Water filtration plants.
  - j. Water pumping stations.
  - k. Water reservoirs.

- 6. Retail and services as follows:
  - a. Automobile service station for the retail sale of gasoline and oil for motor vehicles, and for minor services which may be conducted out of doors.
  - b. Contractor or construction such as building, cement, electrical, refrigeration, masonry, plumbing, roofing, air conditioning, heating and ventilating, fuel oil, with a storage of fuel oils, gas and other flammable products limited to twelve thousand (12,000) gallons per tank, with a total storage on zoning lots not to exceed fifty thousand (50,000) gallons.
  - c. Health Clubs and Spas provided the property provides the adequate number of parking spaces per Section 12.00 of this Code.

(Ord. 12-57, 9/7/2012)

- 7. Wholesaling and Warehousing. Local cartage express facilities (but not including motor freight terminals).
- 8. Leasing or renting of real estate, household goods or office products.
- 9. Leasing commercial, industrial machinery, and equipment.
- C. <u>Special Uses</u>. The following uses may be allowed by Special Use Permit in accordance with the provisions of Section 13.08.
  - Adult uses.
    - a. <u>Additional Buffers</u>. A 0.3 opacity bufferyard with a minimum twenty (20) feet width shall be provided on all lot sides.
    - b. Separation.
      - i. The use shall be a minimum of one thousand seven hundred sixty (1,760) feet from any place of worship, school, or daycare center.
      - ii. The use shall be a minimum of one thousand seven hundred sixty (1,760) feet from any residential zoning district.
      - iii. The use shall be a minimum of one hundred fifty (150) feet from any zoning district other than M-1 or M-2.
    - c. Spacing. The minimum spacing between adult uses shall be on (1) mile.
    - d. Lot Size. The use shall be minimum one (1) acre.
    - e. <u>Access</u>. The use shall take access from an interior street in the manufacturing development not from an exterior roadway.
    - f. <u>Signage</u>. In height and shall have an area of no more than sixty (60) percent of the district standard. At the entrance to the building a notice

- shall be posted indicating that this is an adult use which may involve activities or materials that do not meet community decency standards.
- g. <u>Alcohol</u>. Adult uses shall not serve alcohol or allow the consumption of alcohol anywhere on the property.
- Airport or aircraft landing fields.
- 3. Any use permitted in the B-3 Business District, provided the Performance Standards of Section 9.03 can be met in their entirety.
- 4. Any use which may be allowed as a Special Use in the B-3 Business District, but not including house trailer (mobile homes) camps or parks.
- 5. Body Piercing establishments.
- 6. Motor freight terminals.
- 7. Pet Boarding.
- 8. Planned Developments, industrial.
- 9. Power Generating Facilities.
  - a. <u>Purpose and Intent</u>. It is the purpose and intent of this Section to protect and preserve the health safety, and welfare of the Village by regulating power generating facilities, as defined in Section 3.02 of this Ordinance, within the Village.
  - b. General Standards.
    - A separate Special Use Permit, including an approved site development plan, must be issued for each power generating facility, as defined in Section 3.02 of the Oswego Zoning Ordinance, which is proposed to be located within the Village.
    - ii. A petition submitted for approval of a power generating facility Special Use Permit shall include but is not limited to, the following information:
      - a) The name and address of the record owner of the subject property;
      - b) The name and address of the firm proposing to construct and/or operate the facility;
      - c) A legal description and survey of the subject property prepared by an Illinois Licensed Surveyor;

- d) A location map depicting the location of the subject property and the area surrounding it for a distance of ½ mile;
- e) Detailed information regarding soil type, vegetation, wetlands, floodplain, ground water features, topography of undeveloped land, and other natural resource features present on and within 200 feet of the subject property;
- f) A detailed site development plan depicting how the property will be developed with the facility, including the location of proposed buildings and structure, setback distances for proposed buildings and structures, and lot coverage;
- Architectural renderings depicting the proposed appearance of the facility, including length, width, and height of proposed structures; and
- h) Detailed information regarding the environmental impact of the facility on the subject site and adjacent land parcel, including information pertaining to noise, and the pollution of air, soil, and ground water (This information should include a Permit application, an air dispersion modeling study for NOx, CO, SO2PM, and VOMS; a noise study including existing ambient noise levels for the site, and a detailed noise abatement plan).
- iii. Criteria and factors used by the Plan Commission and Village Board to determine the appropriateness of the power generating facility Special Use Permit and whether to approve it, shall consist of, but not be limited to, the following:
  - a) The compatibility of the proposed facility with existing zoning land use in the surrounding area.
  - b) The impact of the facility on adjoined land uses and the property value of adjoining lands.
  - c) The impact of the facility on the owner of the subject site and the ability to use said site.
  - d) The impact of the facility on the area transportation systems and infrastructure, including the ability to be served by local utilities.
  - e) The need for increased building setbacks based on the height of the facility and surrounding zoning and land use.

- f) The need to buffer and/or screen adjoining uses from the facility.
- g) Whether pollution generated by the proposed use creates health, safety, and nuisance risks.
- h) Days and hours of operation of the facility and whether the use operates on a year-round or seasonal basis.
- i) The means of access to the facility, including easements and/or ownership of land necessary to operate said facility.
- j) The availability of alternative sites within and around the Village for a facility and whether a public and /or community need is met by it.
- k) Location of the proposed facility relative to supportive services and facilities, including but not limited to natural gas lines and electric transmission lines, and its ability to utilize underground utility lines for support purposes.
- 1) The noise impact from the proposed facility experienced on surrounding properties and land uses.
- m) The visual impact of the proposed power generating facility, when considered in the context of the surrounding properties.
- iv. The individual and relative weight to be accorded each of these criteria and factors listed in Section 9.01C above may vary depending upon the facts presented in each petition and it shall be the province of the Plan Commission to make that determination in each case.
- 10. Sanitary land fills.
- 11. Stadiums, auditoriums and arenas.
- Tattoo establishments.
- D. <u>Yard Areas.</u> No building or structure shall hereafter be erected or structurally altered unless the following yards are provided and maintained in connection with such building.
  - 1. <u>Front Yard</u>. On every zoning lot a front yard of not less than twenty-five (25) feet in depth shall be provided. However, where lots within the same block and comprising forty (40) percent of the frontage on the same street are already developed on the effective date of this Ordinance with front yards with an average depth of less than twenty-five (25) feet, then such average depth shall be the required front yard depth for such frontage in said block.

- 2. <u>Side Yards</u>. On every zoning lot a side yard shall be provided along each side lot line. Each side yard shall be not less in width than ten (10) percent of the lot width, but need not exceed twenty (20) feet in width.
- 3. Rear Yard. On every zoning lot a rear yard shall be provided and maintained of not less than twenty (20) feet in depth, except that the inner ten (10) feet may be used for off-street parking.
- E. <u>Lot Coverage</u>. Not more than sixty (60) percent of the area of a lot may be covered by buildings or structures, including accessory buildings.
- F. Floor Area Ratio. Not more than 0.8.

#### 8.03 B-3 COMMUNITY SERVICE AND WHOLESALE DISTRICT

### A. Permitted Uses

- 1. Any use permitted in the B-1 Neighborhood Business District and in the B-2 Community Shopping District.
- 2. Agricultural implement sales and services when conducted wholly within an enclosed building.
- 3. Air conditioning and heating sales and service.
- 4. Animal hospitals and veterinarian offices.
- Art galleries and studios.
- 6. Automobile sales and service, but not including automobile body repair and rebuilding, or painting of automobiles.
- 7. Automobiles and truck (under one and one-half (1½) ton capacity) minor motor repair and service shops, but not including body repair and rebuilding or painting.
- 8. Automobile service stations.
- 9. Battery and tire service stations.
- 10. Beverage, non-alcoholic, bottling and distributing.
- 11. Bicycle and motorcycle sales and repair.
- 12. Billiard and pool rooms, bowling alleys, dance halls and gymnasiums.
- 13. Blueprinting and Photostatting establishments.
- 14. Boat showrooms.
- 15. Book binding.
- 16. Building materials sales, when conducted wholly within a building.
- 17. Catering establishments.
- 18. Clubs and fraternal organizations.
- 19. Contractors' offices and shops where no fabricating is done on the premises and where all storage of material is within a building.
- Costume rental shops.
- 21. Dwelling units provided they are located above the first floor and above a permitted business use. Dwelling units shall not be permitted on the ground floor of a business or in the rear of business buildings or in the rear of business establishments on the ground floor.

- 22. Employment agencies.
- 23. Exterminating shops.
- 24. Feed and seed stores, wholesale.
- 25. Garages, public, for storage of private passenger automobiles and commercial vehicles under one and one half (1 ½) ton capacity.
- 26. Glass cutting and glazing establishments.
- 27. Greenhouse, wholesale growers.
- 28. Household appliance repair shops.
- 29. Laboratories, commercial (medical, dental, research, experimental and testing), provided no production or manufacturing of products takes place).
- 30. Orthopedic and medical appliance stores, but not including the assembly or manufacturing of such articles.
- 31. Parcel delivery station.
- 32. Pawn shops.
- Pet shops, kennels or animal hospitals when conducted wholly within an enclosed building.
- 34. Photograph developing and processing.
- 35. Plumbing showrooms, heating and roofing supply shops.
- 36. Poultry and rabbit killing for retail sale on premises only.
- 37. Printing, publishing and issuing of newspapers, periodicals, books, stationery and other reading matter.
- 38. Public auction rooms.
- 39. Radio and television broadcasting stations.
- 40. Restaurants; drive-in, car service.
- Riding academics.
- \$2. Schools; music, dance, business, commercial or trade.
  - 43. Second-hand stores and rummage shops.
  - 44. Silver plating and repair shops.
  - 45. Smoking and processing of meat products.
  - 46. Taverns.

- 47. Theatres, indoor.
- 48. Undertaking establishments.
- 49. Wholesale business, excluding a building, the principal use of which is for a storage warehouse.
- 50. Leasing or renting of real estate, household goods or office products.
- 51. Leasing commercial, industrial machinery, and equipment.

### B. Special Uses

- 1. Other uses similar to the above permitted uses.
- Amusement establishments; bowling alleys, billiard parlors, gymnasiums, ice skating rinks, swimming pools, clubs and recreation centers containing one or more of the above uses.
- Automobile laundries.
- 4. Cigar, cigarette and/or tobacco stores.
- 5. Day care center
- 6. Garages, public including painting, body and fender work and motor rebuilding.
- 7. Liquor store, packaged goods only.
- 8. Open sales lots.
- 9. Outdoor Entertainment, including but not limited to, live performances by groups and/or individuals, karaoke, etc. A Special Use Permit shall be established when a business has more than four (4) separate occurrences in any twelve (12) month period, and each occurrence shall not exceed four (4) consecutive days.
- 10. Public utility and governmental service uses.
- 11. Processing or assembly limited to the following, provided that space occupied in a building does not exceed six thousand (6,000) square feet of total floor and basement space, not including stairwells, or elevator shafts; and provided such processing or assembly can be conducted without noise, vibration, odor, dust or any other condition which might be disturbing to occupants of adjacent buildings. When manufacturing operations of the same or similar products demand space exceeding six thousand (6,000) square feet, they shall then be located in the M-1 Limited Manufacturing District:
  - Advertising displays.
  - b. Awnings, Venetian blinds and window shades.
  - c. Bakeries, wholesale.

- d. Brushes and brooms.
- e. Cosmetics, drugs and perfumes.
- f. Electrical equipment appliances.
- g. Food processing, packaging and distribution.
- h. Jewelry.
- i. Medical and dental supplies.
- j. Optical goods and equipment.
- k. Pattern-making.
- Products from finished materials such as bond, plastic, cloth, cork, feathers, felt, fiber, paper, fur, glass, hair, horn leather, precious or semi-precious stone, rubber, shell or yarn.
- m. Scientific and precision instruments.
- 12. Radio and television towers, receiving and transmitting.
- 13. Accessory uses to the above conditional uses including, but not limited to: off-street parking and off-street loading as regulated in Section 12.00.
- C. <u>Yards</u>. Same as required in the B-1 Neighborhood Business District.
- D. Floor Area Ratio. Not to exceed 1.5.
- E. <u>Off-Street Parking and Loading</u>. Off-street parking and loading facilities shall be provided as required or permitted in Section 12.00.

MONTLOMERY

# 11.02 MANUFACTURING ZONING STANDARDS, BULK REGULATIONS AND USE TABLES

Zoning Standards and Bulk Regulations Table

Zoning	Front Yard	Side/ Corner	Rear Yard	Transitional	Floor	Maximum
District	Setback*	Side Yard	Setback*	Yard	Area	Building
		Setback*		Setback*+	Ratio	Height
M-I	Min 25 ft	Min 10% of lot width but no greater than 20 ft/ 25 ft	Min 20 ft	Min 30 ft	1.5	45 ft**
M-2	Min 25 ft	Min 10% of lot width but no greater than 20 ft/ 25 ft	Min 20 ft	Min 30 ft	3.0	45 ft**

<sup>\*</sup>All yard setbacks shall be landscaped and meet the Village's landscaping requirements except that curb cuts/drive entrances are permitted from the street and between lots for cross access. Parking/pavement areas and structures are prohibited in all yard setbacks except that the inner ten feet of the rear yard setback can be used for parking.

+A Transitional Yard shall be defined as a yard that abuts a residential use at the time of plan review and approval.

\*\*Table of Maximum Building Height Restrictions in Manufacturing Districts.

Zoning District	Within 500 feet of a Residential or Commercial zoned parcel (setback measured at the base of the structure)	Beyond 500 feet of a Residential or Commercial zoned parcel (setback measured at the base of the structure)
M-I	45 feet	65 feet
M-2	45 feet	100 feet, for buildings higher than 100 feet the setback is 500 feet plus two (2) feet per each one (1) foot above 100 feet.

OFF-STREET PARKING AND LOADING FACILITIES. Off-street parking and loading facilities shall be provided as permitted or required in Section 13.00.

### PERMITTED & SPECIAL USES.

Permitted, Special and Prohibited Use Table
P=Permitted Use S=Special Use X=Prohibited Use

Land Use Types M-I M-2 Accessory Uses P P Agricultural Uses S S Distribution Uses S S Drive Through/In Establishment X X Entertainment Uses S X Adult Business Uses - subject to Montgomery Code of X S

Ordinances		
Finance Service	Р	X
Currency Exchanges	X	X
Food Sales	X	X
Ground Mounted Solar Energy Systems in accordance with Section	Р	Р
4.06(11)		
Health Services	Р	X
Tattoo Parlor	Р	X
Manufacturing Uses	P	Р
Concrete or Asphalt Batching Plants including mining, loading	X	S
and hauling of sand, gravel, topsoil or other aggregate		
Fuel manufacturing/production/storage/sales	X	S
Food Processing	Р	Р
Miscellaneous	X	X
Construction Trailer – temporary during construction	Р	Р
Distribution Uses (Distribution Uses are Permitted Uses,	Р	Р
except a Distribution Use shall be a Special Use when	(S if access is	(S if access is
access to the proposed site is through an area zoned	through	through
residential.)	Residential)	Residential)
Sanitary Landfill/Waste Transfer Station/Recycling Facility	X	S
Sewage Treatment Plants (permitted as an accessory use)	X	S
Sewage Pre-Treatment System	P	P
Motor Vehicle Service	P	P
Gas Station	S	S
Office Uses	P	P *
Outdoor Sales accessory to principle use	S	S
Outdoor Use/Service accessory to principle use	S	S
Alternative Surfaces	S**	S**
	S	S
Outdoor Storage accessory to principle use	S**	S**
Alternative Surfaces	S	S
Outdoor Sales/Use/Service/Storage (Principle Use)	S**	S**
Alternative Surfaces	P P	1551
Personal & Business Services		X
Planned Unit Development	S	S
Private Schools and Universities	X	X
Private Utilities	P	P
Public Uses	Р	Р
Large Active Park	S	S
Recreation, Commercial	S	S
Religious Use/Service	Х	X
Residential Uses	X	X
Retail Sales	P	X
Pawnbroker	S	X
Sign: Off Premises/Billboard (subject to the requirements below in	P	X
note d.)		
Transportation Services	P	X
Utility Scale Solar Energy Systems in accordance with Section	S	S
4.06(11)		
Warehouse Uses	Р	P

Self Service Storage Warehouse	S	S
Wholesale Establishment	P	Р
Fuel Sales	S	S

<sup>\*</sup> Where a given use can fit in more than one category, the more specific category shall regulate and control said use.

#### Standards:

Outdoor storage areas for materials, products, and equipment that are not vehicles or piece of equipment offered for sale shall comply with the following requirements:

- I. The owner or operator is required to submit a detailed plan describing the intended purpose of the use. This plan shall include but is not limited to the following: type and weight of vehicles, items to be stored on the surface, average daily vehicle trips conducted on the surface, other operations conducted on the site and dust mitigation activities.
- 2. Storage spaces or areas, drives and aisles shall be constructed of a minimum of 10 inches of material uniformly compacted to a minimum of ninety-five (95) percent standard proctor density or methods approved by the Village Engineer. Specified material shall be approved by the Village Engineer. Additional material depth may be required based on the use of the site subject to Village Engineer approval.
- 3. The owner or operator is required to engage in periodic dust control measures, including treating the alternative surface with calcium chloride on an as needed basis.
- 4. The owner or operator shall provide the Village an access easement over all areas utilizing an alternative surface pursuant to these provisions. In accordance with said easement, the Village will conduct periodic reviews of the site's dust control and to perform any mitigation actions it deems necessary. Prior to engaging in site remediation, the Village will provide the owner or operator with written notice identifying the violation and the owner or operator will be afforded seventy-two (72) hours to resolve. To the extent that the owner or operator fails to adequately address said violation to the satisfaction of the Village, thereby requiring Village to remediate said nuisance, the Village will deduct all applicable funds from the owner or operator's deposit. The owner or operator will be required to replenish said deposit within fifteen (15) days of receiving notice so that the account remains its proper balance of \$5,000.00.
- 5. The alternative surface cannot be located closer than 250 feet from a public right of way.
- The alternative surface cannot be located closer than 250 feet from commercial or residential zoned property.
- 7. The alternative surface shall be maintained by the owner or operator to the satisfaction of the Director of the Community Development Department or other designee of the Village Administrator, including re-grading or restoration as needed due to traffic use, or storm related degradation. In the event that the alternative surface material degrades to a point

<sup>\*\*</sup> A special use for Alternative Surfaces may only be granted in conjunction with a special use for the category that it is a subset of.

that increases the nuisance occurrences the material shall be removed and replaced with fresh material.

### New Compatible Uses:

The Director of Community Development, or appointed designee, may allow a land use to be considered as a permitted or special use which, though not identified by name in a zoning district list of permitted or special uses, is deemed to be similar in nature, and clearly compatible with the listed uses. The officer shall consult the North American Industry Classification System (NAICS) to determine similarity or compatibility. However, such non-listed uses shall not be approved until the application for such use has been reviewed by the village attorney.

b. Addition of Non-listed Uses to Zoning Ordinance:

All non-listed uses that may be approved may be added to the appropriate use list at the time of periodic updating and revision. The officer shall, upon approving a use not specifically listed in this title, notify the planning commission and village board of trustees.

c. Adult Business Uses Restrictions:

Dispersion restriction:

No regulated use hereunder shall be located within 1000 feet of any other such use.

#### Location restriction:

No regulated use shall be permitted to operate on a parcel of land of which any portion of that parcel falls within three hundred feet (300') of the right-of-way line of Route 30, Route 31, and Orchard Road.

The structure in which is located any regulated use hereunder shall be located at least 1100 feet from the nearest property line of any land in any residential zone, or of any public, private or parochial school, park, playground, or church, convent, monastery, synagogue or similar place of worship, in any other zone.

However, the prohibition of this section shall be specially waived in any particular case upon the presentment to the village clerk and verification of a validated petition requesting such waiver signed by 51 percent of those persons owning real property, or otherwise residing or operating a business, within 1100 feet of the proposed location of the regulated use hereunder.

- d. Sign: Off Premises/Billboard must meet the following requirements:
  - must be within 100 feet of an on/off ramp leaving a limited access highway owned or controlled by the State of Illinois or The United States of America (roads or highways owned or controlled by a County, Township or Municipality do not satisfy this provision), an
  - 2) Must be more than 950 feet away from any property zoning Residential (R) District, and
  - Must be a non-electronic static sign (the sign is allowed to be illuminated in a manner that
    does not impair automobile driver's vision or is broadcasted toward residential structures),
    and

- 4) Must be separated from any other Off Premises/Billboard sign by at least 1,000 feet that is within the Village jurisdiction and is on the same side of the right of way that the proposed sign is on, and
- 5) Overall Size: Max 300 sq ft. and Minimum 200 sq. ft, and
- 6) Overall Height: Max 35 ft., and
- 7) Max. Allowable Surface Display Area: 300 sq. ft.

### 11.03 ADDITIONAL LAND USE DEFINITIONS

- The definitions below are intended to provide an understanding and scope of each
  general land use category listed above. The definitions are not all inclusive and the zoning
  enforcement officer has the discretion to review and deny a use if in their opinion it does
  not meet the intent of the definition.
  - a. Alternative Surfaces: Acceptable alternative surfaces that will be considered are Crushed Limestone Aggregate meeting the IDOT standard gradation CA-I or CA-7. Other materials may be considered for use as alternative surfaces subject to Village engineer approval.
  - b. Agricultural Uses: Any use which includes farming, plowing, tillage, cropping, installation of best management practices, seeding, cultivating, or harvesting for the production of food and fiber products such as fruits, vegetables, grains, trees, sod, landscape plants etc. This uses excludes animal husbandry, the use of animals for production of food or fiber products, grazing and raising of livestock or any other use involving animals.
  - c. Distribution Uses: A building, structure, parcel of land, or portion therefore in which:
     I) freight is shipped by airplane, motor truck or railroad: or 2) freight is received, assembled, sorted and/or rerouted for local, intrastate, or interstate shipment.
  - d. Drive Through/In Establishment: An establishment or part thereof in which patrons order commodities or process transactions at a window or electronic device used for communication or are served while still in their vehicles (for example, fast food restaurants, banks, pharmacies etc.).
  - e. Entertainment Uses: An establishment which provides indoor entertainment on site (for example, bowling alley, arcades, skate rinks, clubs etc).
  - f. Financial Services: An establishment which provides financial services (for example, banks, credit unions, savings and loans, etc.).
  - g. Food Sales: Any food service use that sells or serves foodstuff articles directly to patrons on site or off site for human consumption (for example, restaurant, grocery store, alcoholic beverages, etc). This excludes off-site catering services and manufacturing and distribution facilities of food products.

- h. Health Services: An establishment that provides health care services to people, not animals (for example, hospitals, emergency rooms, clinics, doctor offices, etc.).
  - I. Tattoo Parlor: An Establishment whose principal business activity, either in terms of operation or as held out to the public, is the practice of placing designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles of other instruments designed to contact or puncture the skin.
- i. Manufacturing Use: Any manufacturing use or process including assembling, fabricating, altering, converting, finishing, processing, treating and packaging, except any use or process hereinafter specifically excluded, and providing that such use will not be hazardous, offensive or objectionable by reason of odor, dust, cinders, gas, fumes, noise, vibrations, radiation, refuse matter or water-carried waste.
  - Food Processing: The preparation, processing, or canning and packaging of food products. Examples of activities included are bakeries and meat, poultry, and seafood canning curing and byproduct processing (not including facilities that also slaughter animals).
- j. Motor Vehicle Service/Gas Station: An establishment that services, sells, buys, trades or rents motor vehicles on site (for example, gas station, service of oil, brakes, tires, mufflers, transmissions, body shops, car sales/rental, car washes, etc.). All vehicles under service by a body shop shall be kept indoors at all times.
- k. Office/Service Uses: An establishment that uses space for conducting the affairs of a business, profession, service industry or government.
- Outdoor Sales/Service/Use: Any use that has outdoor sales or service/processing areas
  or any use that is not fully enclosed within a building on site and is accessory to the
  principle use on site.
  - ii. Outdoor Sales/Use/Service/Storage as a Principle Use: Any use which the primary purpose is to sell, use, service, and/or store products or activities outdoors, without any other principle use.
- m. Outdoor Storage: An establishment that stores products or goods outdoors on site and is accessory to the principle use; this excludes vehicles used as part of the business operation (for example, dump trucks, backhoes, bulldozers etc.).
- n. Personal & Business Services: An establishment that provides services to consumers (for example, insurance, salon, attorney, veterinarian, teaching facilities for trades, gymnastics, martial arts etc., consulting and contracting firms etc.).
- o. Planned Unit Development: As defined in Section 3.02.
- p. Private Schools and Universities: Any school or teaching institution that is not an Illinois public school as defined under Illinois State law (for example, parochial schools, private universities, excluding businesses teaching martial arts, ballot, gymnastics, trades etc.).

- q. Private Utilities: Facilities or their apparatus that provide transmission, transfer, and distribution of utility services that are owned and operated by non-public entities (for example, ComEd electrical substation, Nicor gas utility, AT&T phone utility, Comcast cable utility, radio, cellular and television towers etc.).
- r. Public Uses: Any local, state, or federal agency, office or service (for example, Village Hall, Police Station, Fire Station, Library, Post Office, Public School, public utility etc.).
- s. Recreation, Commercial: Any commercial enterprise which receives a fee in return for the provision of some recreational activity including but not limited to: indoor and outdoor athletic training facilities, paintball courses, and batting cages, but not including entertainment uses.
- t. Religious Use/Service: An establishment that provides religious or spiritual services for worship and congregation including administrative offices and other meeting rooms (for example, churches, parishes, rectories, temples, etc.).
- u. Residential Uses: An establishment that permit persons on premises to sleep on site or use as a permanent or semi-permanent residence (for example, apartment, loft, condo, nursing home, bed & breakfast, etc.).
- v. Retail Sales: An establishment that sells or rents goods and commodities to consumers (for example, clothing, pharmacy, home goods etc.).
- w. Sewage Pre-Treatment System: A system that reduces, eliminates or alters the nature or amount of pollutants or its properties prior to or in lieu of introducing such pollutants into the Publically Owned Treatment Works (POTW). This reduction or alteration can be obtained by physical, chemical or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.
- x. Transportation Service: An establishment that offers transportation services directly to the consumer (for example, livery, taxi, limousine, bus, train, ambulance etc.).
- y. Warehouse Uses: Any use which stores manufactured goods and products in completely enclosed buildings; this excludes self-service storage warehouses/facilities.
- z. Wholesale Establishment: An establishment or business that primarily engages in selling and/or distributing merchandise to retailers, industrial, commercial, institutional, or professional business users or to other wholesalers or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individual or companies; sales to individual consumers is permitted but should not be the primary use of the business.

Sec. 9-13. - Uses.

- (1) Table of permitted and special uses. Table II-1 (Permitted and Special Uses in All Zoning Districts) of this article lists the uses that are permitted as-of-right, by special uses approval, and by revocable permit approval for each zoning district. The table is divided by general land use categories (e.g., residential, commercial). These general land use categories are subdivided into groups of similar land uses (e.g., eating and drinking establishments) and these groups are subdivided into the specific land uses (e.g., the eating and drinking establishment group lists café, restaurant, and tavern).
- (2) Permitted uses. Uses identified with a "P" in Table II-1 are permitted as of right in the subject district, provided the uses comply with all other applicable standards of this ordinance. No building or parcel of land shall be devoted to any use other than a use permitted in the zoning district in which it is located, except for:
  - a. Uses lawfully established prior to the effective date of this zoning ordinance in accordance with Article XII, Nonconformities, of this ordinance.
  - b. Special uses allowed in accordance with section 9-37, Special uses, and paragraph (2) of this section.
  - c. Uses permitted by revocable permit in accordance with section 9-61(9)(g), Standards for the B Districts, and paragraph (2) of this section.
- (3) Special uses. Uses identified with an "S" in Table II-1 are considered special uses and may be permitted in the subject district only after review and approval in accordance with section 9-37, Special Uses, of this Ordinance.
- (4) Uses permitted by revocable permit. Uses identified with an "R" in Table II-1 may be permitted in the subject district only after review and approval in accordance with section 9-61(9)(g), Standards for the B Districts, of this ordinance.
- (5) Prohibited uses. Uses identified with a "-" in Table II-1 are expressly prohibited in the subject district. Uses that are not listed may also be prohibited; determination of whether an unlisted use may be permitted shall be made by the village planner in accordance with section 9-25, Interpretation.
- (6) Notes. A note within a cell in the table, e.g., "(1)", indicated that the use may be allowed under certain conditions. The explanation or reference is found at the bottom of the table.

Table II-1. Permitted and Special Uses in All Zoning Districts

Use Category							Zon	ing Dis	strict						
	Resid	dential								Busi	ness		Indu	strial	
	RE	R-1	R-1 O	R-2	R-3	R-4	CV	TN	B-1	B-3	B-5	ВТ	I-1	1-2	AG
RESIDENTIAL		1		1		ł		l,		L					
Household living															
Single-family dwelling	Р	Р	Р	Р	Р	Р	Р	Р				Р			Р
Duplex				Р	Р	Р	Р	Р							
Townhouse					Р	Р	Р	Р							
Multi-family dwelling						Р					S				(1)
Group living															
Assisted living facility	S	S	S	S	S	S	S	S	S	S					
Group home	S	S	S	S	S	S	S	S	S	S					
Nursing home	S	S	S	S	S	S	S	S	S	S					
Transitional shelter	S	S	S	S	S	S	S	S	S	5					
Group living not otherwise classified	S	S	S	S	S	S	S	S	S	S					
COMMERCIAL															
Adult use														Р	
Animal services															
Animal grooming sales and service									Р	Р	Р				
Animal hospital/veterinarian									Р	Р					
Animal shelter/kennel									S	S			Р	Р	S
Artist studio								S	Р	Р	Р	Р	Р	Р	
Auction house										S					
Bakery, retail								S	Р	Р	Р				
Building maintenance service									S	.P	S				
Business support service									Р	Р	Р				

Communications sales and service									P	Р	Р				
Construction sales and service					1										
Building material sales										Р					-
Construction/contractor storage yard										Р			Р	Р	
Drive-through facility									S	S	S				
Dry cleaning, laundry pickup, and plant serving not more than one retail outlet								S	Р	Р	Р				
Dry cleaning plant serving more than one retail outlet										S			Р	Р	
Eating and drinking establishments															
Brew-pub									Р	Р	Р				
Microbrewery									Р	Р	Р				
Cafe, coffee shop, soda fountain								S	Р	Р	Р	S			
Restaurant									Р	Р	Р	S			
Specialty food shop/carry-out									Р	Р	Р	S			
Tavern									Р	Р	Р				
Entertainment and recreation			,												
Arcade, amusement, billiard/pool hall										Р	S				
Camp, day or youth										S			S		
Health club										Р	S		Р		
Recreation facility, private	S	S	5	S	5	S	S	S	S	Р	S		S		
Stable	S	S	S							Р					Р
Theater									S	Р	S				
Financial services															
Bank, credit union, savings and loan								S	Р	Р	Р				
Brokerage or financial advising									Р	Р	Р				
Currency exchange										Р					
Flea market									S	Р	S				
Food and beverage retail sales															
Convenience store								5	S	Р	Р				
Grocery store								S	Р	Р	Р				
Liquor store (package goods)									S	Р	Р				
Liquor store (as accessory use)								S	S	Р	Р			İ	
Supermarket										Р					
Funeral and internment services									'				'		
Cemetery	S	S	S	S	S	S	S	S		S					
Cremating									S	Р			Р		
Funeral home or undertaking								S	S	Р		S			

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Garden center									Р	Р	Р				
Home occupations	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)							
Lodging					•										
Bed and breakfast	S	S	S	S	S	S	S	S				S			S
Campground													S		
Hotel/motel									S	Р	S				
Youth hostel									S	S	S	5			
Medical clinic or service, massage therapy								S	Р	Р	Р	Р	Р		
Newspaper printing presses										Р			Р		
Office (except as more specifically regulated)															
GFA less than/equal to 10,000 sq. ft.								S	Р	Р	Р	Ρ.	Р		
GFA over 10,000 sq. ft.										Р	S		Р		
Outdoor sales display (except as otherwise permitted, see <u>section 9-61</u> )									S	S	S	S			
Outdoor uses within public right-of-way											Р				
Parking															
Garage as principle use									S	P	S		S		
Non-accessory parking lot									Р	Р	Р		Р	Р	
Personal services															
Barber shop/hair salon								S	Р	Р	Р	Р		23	
Beauty, nail, or tanning salon								S	Р	Р	Р	Р			
Body art service										Р					
Fortune telling service										Р					
Repair service, consumer									Р	Р	Р	Р			
Retail sales and service (except as more specifically regulated)			,											,	
GFA less than 15,000 sq. ft.								S	Р	Р	Р	S			
GFA 15,000—24,999 sq. ft.										Р	Р				
GFA 25,000 or more sq. ft.										Р					
Services, consumer						,	'								
Car and light truck rental										Р		S			
Car wash										Р			Р		
Catering									Р	Р	Р				
Laundromat								S	Р	Р	Р				
Taxidermist									S	Р	S		Р		
Service station, automotive									S	Р	5		Р		
Vehicle sales and service			/		-	- 1									
Auto body and/or repair	-									S			Р		

about:blank 3/3/2016

Auto supply or auto accessory									Р	Р	Р			
Auto/light truck sales and service										Р				
Boat/RV sales, service or storage										Р				
Heavy equipment sales or service										Р		Р		
Motorcycle sales or service										Р				
Vehicle storage and towing										Р		Р		
Wholesale establishments										Р				
INDUSTRIAL														
Asphalt plant													Р	
Brewery												Р	Р	
Concrete plant—Indoor													Р	
Concrete plant—Outdoor													S	
Hazardous material storage/disposal													S	
Incinerator													S	
Industry and manufacturing														
Light												Р	Р	
Medium												S	Р	
Heavy										+			Р	
lunk/salvage yard					100							S	Р	
Recycling facility												S	Р	
Warehouse, storage, and freight transportation														
Freight terminal, truck												S	S	
Freight terminal, rail or intermodel												S	S	
Moving and storage												Р	S	
Outdoor storage, contained material										S		Р	S	
Outdoor storage, uncontained raw materials												S	S	
Self-storage facilities										S		S		
Warehouse												Р	Р	
PUBLIC, CIVIC, EDUCATIONAL, OTHER														
Agriculture														
Dairy farm including processing														
Farming on lot 40 or more acres	Р	Р	Р	Р	Р	Р	Р	Р						
Farming, field and garden crops, less than 0.5—40 acres	Р	Р	Р	Р	Р	Р	Р	Р				Р	Р	
Farm stand														
Feedlot														1
Grain storage														,

Greenhouse, commercial										Р			Р	Р	Р
Hatchery, poultry															Р
Roadside market										Р					Р
Child care facilities															
Child care facility other than day care home and foster home	S	S	S	S	S	S	S	S	Р	S	Р				
Preschool	S	S	S	S	5	S	S	S	Р	5	Р				
Day care home and foster home	Р	P	Р	Р	Р	Р	Р	Р	P	Р	Р				Р
Community center	S	S	S	S	S	S	S	S	Р	Р	Р				
Donation box(es)									(3)	(3)	(3)		(3)	(3)	
Educational facility			,									La meatre			
College and university								S	S	S	S				
School, kindergarten thru high school	S	S	S	S	S	S	S	S	S		S				
Trade school, music school, dance school								S	S	Р	S				
Heliport									S	S	S		S	S	S
Hospital													S	S	
Library	S	S	S	S	S	S	S	S	S	S	S				
Lodge, fraternal and civic assembly								S	Р	Р	S				
Parks and playgrounds	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р				
Police and fire stations	S	S	S	S	S	S	S	S	Р	Р	Р		Р	Р	
Postal service	S	S	S	S	S	S	S	S	S	S	S		S	S	
Planned development	S	S	S	S	S	S	S	S	S	S	S	S	S	S	
Religious use															
Religious assembly	S	S	S	S	S	S	S	S	S	S	S	S	S		
Religious institution	S							S	S	S	S	S	S		
Utilities															
As part of subdivision plat	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р
Not as part of subdivision plat	S	S	S	S	S	S	S	S	S	S	S	S	Р	Р	S
Cannabis															
Cannabis dispensaries										S			S	S	
Cannabis cultivation centers													S	S	

#### Notes

- (1) Only if an accessory use to agriculture.
- (2) Permitted, subject to provisions of section 9-19.
- (3) Permitted, subject to provisions of section 9-16(8).

 $(Ord.\ No.\ 2848, \S\ I,\ 3\text{-}16\text{-}09;\ Ord.\ No.\ 3165, \S\ 2(Exh.A),\ 7\text{-}7\text{-}14;\ Ord.\ No.\ 3216, \S\ I,\ 6\text{-}1\text{-}15)$ 

about:blank 3/3/2016

# PUBLIC NOTICE NOTICE OF PUBLIC HEARING BEFORE THE UNITED CITY OF YORKVILLE PLAN COMMISSION PC 2016-06

NOTICE IS HEREWITH GIVEN THAT the United City of Yorkville, Kendall County, Illinois, petitioner, is proposing a text amendment to Chapter 6: Permitted and Special Uses in the Zoning Ordinance to identify Commercial school, trade school as special uses in the M-1 Limited Manufacturing and M-2 General Manufacturing districts and proposing a text amendment to Chapter 2: Rules and Definitions in the Zoning Ordinance to redefine the definition of trade school to "A school established to provide for the teaching of academic, industrial, clerical, managerial, artistic skills, or alternative education. This definition applies to schools that are owned and operated privately for profit or non profit and that may offer a complete education curriculum." This text amendment will provide regulations for the establishment and operation of such uses in these zoning districts.

NOTICE IS HEREWITH GIVEN THAT the Plan Commission for the United City of Yorkville will conduct a public hearing on said application on Wednesday, April 13, 2016 at 7 p.m. at the United City of Yorkville, City Hall, located at 800 Game Farm Road, Yorkville, Illinois 60560.

The public hearing may be continued from time to time to dates certain without further notice being published.

All interested parties are invited to attend the public hearing and will be given an opportunity to be heard. Any written comments should be addressed to the United City of Yorkville City Clerk, City Hall, 800 Game Farm Road, Yorkville, Illinois, and will be accepted up to the date of the public hearing.

By order of the Corporate Authorities of the United City of Yorkville, Kendall County, Illinois.

BETH WARREN City Clerk

BY: Lisa Pickering Deputy Clerk





To: Plan Commission From: Chris Heinen, Planner

CC: Bart Olson, City Administrator

Krysti J. Barksdale-Noble, Community Development Director

Date: March 31, 2016

Subject: PC 2016-07 - Self Storage Facility (Special Use Amendment) -

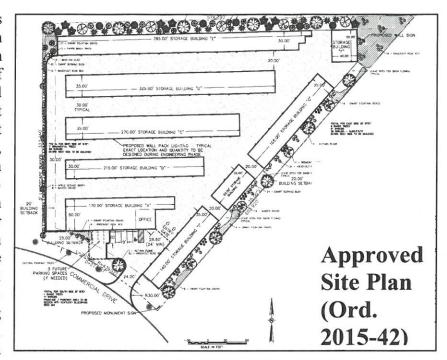
**Lot 19 Commercial Drive** 

#### **Background & Request:**

The petitioner, Terry Richards, petitioner, has filed an application with the United City of Yorkville, Kendall County, Illinois, requesting to amend a special use approved for a public storage facility pursuant to Chapter 6, Table 10.06.03 of the Yorkville Zoning Ordinance. The amendments to the special use include relocation of the buildings on the property, increasing the number of buildings on the property and increasing the landscape materials, all as shown on a new site plan for the development of the property. The real property is located at 147 Commercial Drive in Yorkville, Illinois.

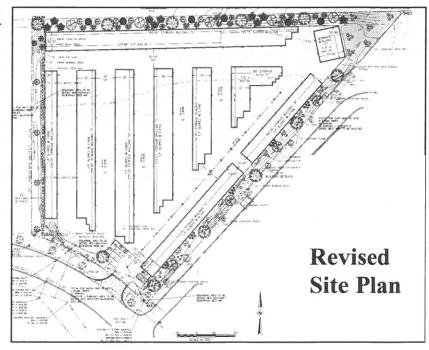


The property was annexed pursuant to an annexation agreement on March 23, 1995 to the City of Yorkville by the Inland Land Appreciation Fund, L.P as part of a larger land development plan subsequently zoned R-2, B-3 and M-1. The property in question fell under the B-3 zoning classification upon annexation. The petitioner originally submitted plans in storage facility. During these petitions, City Council approved the following: Ordinance 2015-41, rezoning the property from B-3 to M-1; Ordinance 2015-42, granting a



special use for the public storage facility; Ordinance 2015-44, granting a lot coverage variance. Since the original approval, the petitioner has been working on completing the final engineering for the site. Upon reviewing the final engineering plans, staff noticed that the layout of the buildings and the number of buildings had changed from the approved plans. This change brought forth the petition before you for a special use amendment.

The petitioner is looking to construct ten (10) self storage buildings. The main entrance will be located on Commercial Drive. The petitioner is proposing five (5) parking stalls, which includes one (1) handicapped accessible stall. The plan also indicates an additional three (3) parking stalls for the future, if needed. The property will be secured by fencing and an entry gate that will be accessible by the Fire Department via a Knox Box. The overall lot coverage, which includes buildings pavement, has decreased from approximately 80% in the



original plan to 79% in this current plan. The 20 foot landscape buffer along the northern property line will remain the same as the original plan. Additional buffering/landscaping is proposed along the eastern and western property lines as part of the new site layout.

#### **EXISTING CONDITIONS:**

The existing zoning and land use for properties surrounding the subject property are as indicated below:

	Zoning	Land Use
North	Kendall County	County Residences
East	B-3, General Business District	Vacant/Commercial Building
South	B-3, General Business District	Vacant/Commercial Building
West	M-1, Limited Manufacturing	Vacant Parcel

#### **SPECIAL USE CRITERIA:**

Section 10-4-9F of the City's Zoning Ordinance establishes standards for special use requests. No special use shall be recommended by the plan commission unless said commission shall find that:

- 1. The establishment, maintenance or operation of the special use will not be unreasonably detrimental to or endanger the public health, safety, morals, comfort or general welfare.
- 2. The special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, nor substantially diminish and impair property values within the neighborhood.
- 3. The establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.
- 4. Adequate utilities, access roads, drainage or other necessary facilities have been or are being provided.
- 5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
- 6. 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 city council pursuant to the recommendations of the plan commission.

The applicant has provided written responses to these special use and amendment standards as part of their application and requests inclusion of those responses into the public record.

#### **Staff Comments:**

The proposed change in the site layout of the property is supported by staff. The buildings located along the northern and eastern property lines are consistent with the previously approved plans. Additionally, the landscaping along the northern property line will remain the same, which was a condition as part of the previous plan. This was a concern with the property owner to the north and will be maintained. This petition was reviewed at the Economic Development Committee on April 5, 2016. A recommendation from the Plan Commission will be forwarded to the City Council for consideration at the April 26, 2016 regularly scheduled meeting. Staff will be available to answer any question the Plan Commission may have at Wednesday night's meeting.

#### **Proposed Motion for Special Use:**

In consideration of testimony presented during a Public Hearing on April 13, 2016 and discussions conducted at that meeting, the Plan Commission recommends approval to the City Council a request to amend a special use approved for a public storage facility pursuant to Chapter 6, Table 10.06.03 of the Yorkville Zoning Ordinance. The amendments to the special use include relocation of the buildings on the property, increasing the number of buildings on the property and increasing the landscape materials, all as shown on a new site plan for the development of the property. The real property is located at 147 Commercial Drive in Yorkville, Illinois, subject to staff recommendations and conditions in a memo dated March 31, 2016, and further subject to {insert any additional conditions of the Plan Commission}...

#### **Attachments:**

- 1. Copy of Petitioner's Application w/exhibits.
- 2. Copy of Public Notice.



# **United City of Yorkville**

800 Game Farm Road Yorkville, Illinois 60560 Telephone: 630-553-4350 Fax: 630-553-3436

### APPLICATION FOR SPECIAL USE

### Purpose of Application

The purpose of the zoning code is based upon the authority of the city to divide its land into districts by use, bulk, location of building and structures, in a substantially uniform manner. It is recognized that while some uses are permitted under the zoning code to keep uniformity, a case-by-case analysis must be conducted for certain permitted uses to discover the impact of those uses on neighboring land and of the public need for the particular use at the particular location. In these cases a special use must be granted.

This packet explains the process to successfully submit and complete an Application for Special Use. It includes a detailed description of the process and the actual application itself (Pages 6 to 10). Please type the required information in the application on your computer. The application will need to be printed and signed by the applicant. The only item that needs to be submitted to the city from this packet is the application. The rest of the packet is to help guide you through the process unto completion.

For a complete explanation of what is legally required throughout the Special Use process, please refer to "Title 10, Chapter 4, Section 9 Special Uses" of the Yorkville, Illinois City Code.

### **Application Procedure**

### Procedure Flow Chart

Step 1
Submit Application, Fees, and All Pertinent Information to the Community Development Department



Step 2
Plan Council Review
(Meets 2nd and 4th Thursday of the month)



Step 3
Plan Commission Public Hearing
(Meets 2nd Wednesday of the Month)



Step 4
City Council Public Hearing
(Meets 2nd and 4th Tuesday of the Month)

### **Application Procedure**

#### Step 1

#### **Application Submittal**

The following must be submitted to the Community Development Department:

- 2 original signed applications with legal description.
- 5 copies each of the application and exhibits, proposed drawings, location map, and site plan. Large items must be folded to fit in a 10" x 13" envelope.
- Appropriate filing fee. (See attached Fee Sheet on page 5)
- 1 CD containing an electronic copy (pdf) of each of the signed application (complete with exhibit), proposed drawings, location map, and site plan. A Microsoft Word document with the legal description is required on the CD.

Within one (1) week of submittal, the Community Development Department will determine if the application is complete or if additional information is needed. These materials must be submitted a minimum of 45 days prior to the targeted Plan Commission meeting. An incomplete submittal could delay the scheduling of the project.

Applicant will be responsible for payment of recording fees and public hearing costs, including written transcripts of the public hearing and outside consultant costs (i.e. legal review, land planner, zoning coordinator, environmental, etc.). The applicant will be required to establish a deposit account with the city to cover these fees. The Petitioner Deposit Account/Acknowledgement of Financial Responsibility form is attached to this document and must be submitted with the application.

#### Step 2

#### Plan Council

Applicant must present the proposed plan to the Plan Council. The Plan Council meets on the 2nd and 4th Thursday of the month. The members of the Council include the Community Development Director, City Engineer, the Building Department Official, the Public Works Director, the Director of Parks and Recreation, a Fire Department Representative, and a Police Department Representative. Upon recommendation by the Plan Council, applicant will move forward to the Plan Commission hearing.

#### Step 3

#### Plan Commission

Applicant will attend a public hearing conducted by the Plan Commission. The Plan Commission meets on the 2nd Wednesday of the Month at 7:00pm. Notice will be placed in the Kendall County Record by the United City of Yorkville. The applicant is responsible for sending certified public hearing notices to adjacent property owners within 500 feet of the subject property no less than 15 days and no more than 30 days prior to the public hearing date. Twenty Four (24) hours prior to the public hearing, a certified affidavit must be filed by the applicant with the Community Development Department containing the names, addresses and permanent parcel numbers of all parties that were notified.

The Plan Commission will conduct a public hearing on the request, take public comments, discuss the request, and make a recommendation to City Council. No special use shall be recommended by the Plan Commission unless it follows the standards (page 8 and 9) set forth in city's zoning code.

### **Application Procedure**

#### Step 4

#### City Council

Applicant will attend the City Council meeting where the recommendation of the special use will be considered. The City Council meets on the 2nd and 4th Tuesdays of the month at 7:00pm. City Council will make the final approval of the special use.

#### **Dormant Applications**

The Community Development Director shall determine if an application meets or fails to meet the requirements stated above. If the Director determines that the application is incomplete it will become dormant under these circumstances:

- The applicant has been notified of such deficiencies and has not responded or provided a time line for completing the application within ninety (90) days from the time of notification.
- The applicant has not responded in writing to a request for information or documentation from the initial plan commission review within six (6) months from the date of that request.
- The applicant has not responded to a request for legal or engineering deposit replenishment for city incurred costs and fees within ninety (90) days from the date of the request.

If the Community Development Director has sent the required notice and the applicant has not withdrawn their application or brought it into compliance, then the director shall terminate the application. After termination, the application shall not be reconsidered except after the filing of a completely new application.

Withdrawal or termination of an application shall not affect the applicant's responsibility for payment of any costs and fees, or any other outstanding debt owed to the city. The balance of any funds deposited with the city that is not needed to pay for costs and fees shall be returned to the applicant. (Ord. 2011-34, 7-26-2011)

United City of Yorkville 800 Game Farm Road Yorkville, Illinois 60560 Telephone: 630-553-4350

Fax: 630-553-7575

#### INVOICE & WORKSHEET **PETITION APPLICATION**

CONTACT:			DEVELOPMENT/PROPE	
			Acreage: 3.60 Date: 3/9/16	
	n Review: [] Ye lan Review Deposit of \$			\$
	: [] Yes [] Nue for each: (Annexation		) (PUD)	\$
Annexation:	[] Yes [] No \$250.00, plus \$10/acre # of acres:	for each acre ov	ver 5. x \$10 = + \$250	s
Rezoning:	If annexing and rezoni	e for each acre ov - 5 = x ng, charge only	± \$10 = + \$200	s
Special Use:	[] Yes [] No \$250.00, plus \$10/acre # of acres:	for each acre ov	er 5. \$10 =+ \$250	s
	<b>ance:</b> \$85.00 Itants deposit of \$500.00		[] No	\$
Preliminary	Plan Fee: \$500.00	[] Yes	[] No	<b>S</b>
P.U.D. Fee:	\$500.00	[] Yes	[] No	S
Final Plat Fe	<b>e:</b> \$500.00	[] Yes	[ ] No	S
Dess than 1 a lover 1 acre Over 10 acre Over 40 acre	Plan Review Deposit: acre = \$1,000 due and less than 10 acres = es and less than 40 acres es and less than 100 acre res = \$20,000 due	\$2,500 due = \$5,000 due	[ ] No	S
Legal, Land Pla  Annexation, Sus  Less than 2 a	anner, Zoning Coordinate bdivision, Rezoning, and acres = \$1,000 due and less than 10 acres =	Special Use:	[] No al Services	S
TOTAL AMO	DUNT DUE:			\$

	Applicatio	n For Special Use	•								
STAFF USE ONLY											
Date of Submission		PC#									
Development Name	Development Name										
Applicant Information											
Name of Applicant(s) Terry	Richards										
Business Address 1975 Buc	ktail Lane		5 <del>- 1</del>								
City Sugar Grove	S	tate Illinois		ZIP 60554							
Business Phone 630-466-71	15	Business Fax									
Business Cell 630-330-80		Business E-mail									
Property Information											
Name of Holder of Legal Title	Urness Land Co	ompany II.C		- V							
			hanafiaial	interest therein							
If Legal Title is held by a Land Trust, list the names of all holders of any beneficial interest therein:											
Property Street Address Lot	19 Commerical Dr	ive Verkville II 6056	80								
Description of Property's Phys		ive, Torkville, IL 0030									
Description of Property's Phys	ical Location										
	Zoning and Land I	Use of Surrounding Pa	rcels								
North R2		8		0.0 856	7						
East M1											
South B3											
West B3											
Current Zoning Classification B-3 Business District											
Kendall County Parcel Number(s) of Property											
02-17-277-003											
02-16-15	53-001										
					-						
					1						
					]						
				***************************************	J						

# Application For Special Use Additional Contact Information Attorney Name Kelly A. Helland Address 1107A. Bridge Street City Yorkville ZIP |60560 State Illinois Phone | 630-553-9500 Fax 630-553-5764 E-mail kkramer@dankramerlaw.com Engineer Name John Tebrugge Address | 146 Hunstman Drive City Plano ZIP 60545 State Illinois Phone | 630-552-4390 Fax 630-552-4392 E-mail |tebruggeengineering@comcast.net Land Planner/Surveyor Name Address City State ZIP Phone Fax E-mail Attachments Applicant must attach a legal description of the property to this application and title it as "Exhibit A". Applicant must list the names and addresses of any adjoining or contiguous landowners within 500 feet of the property that are entitled notice of application under any applicable City Ordinance or State Statute. Attach a separate list to this application and title it as "Exhibit B".

### Application For Special Use

#### Special Use Standards

Please state how the establishment, maintenance or operation of the special use will not be unreasonably detrimental to or endanger the public health, safety, morals, comfort or general welfare:

The project will not be detrimental to the public health as it will be constructed in an Industrial Park. Furthermore the Petitioner proposes to construct a fence around the lot so that the self storage buildings and units are not accessible by the public. The Petitioner furthermore is constructing a gate so that only patrons can access the self storage facility.

Please state how the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, nor substantially diminish and impair property values within the neighborhood:

The project will not be detrimental to the public health as it will be constructed in an Industrial Park. Furthermore the Petitioner proposes to construct a fence around the lot so that the self storage buildings and units are not accessible by the public. The Petitioner furthermore is constructing a gate so that only patrons can access the self storage facility. Additionally there is a landscape berm proposed on the rear north line of the subject property.

Please state how the establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district:

The surrounding properties in the Industrial Park are primarily industrial uses. The construction of a self storage facility will not impede the normal and orderly development an improvement of the surrounding properties for permitted uses in the District as individuals do not access their self storage units on a daily basis. The Petitioner hereby contends that the establishment of the Special Use to allow for the construction of a self storage facility is complimentary to the Industrial uses currently established in the Industrial Park.

Please state how adequate utilities, access roads, drainage or other necessary facilities have been or are being provided:

The subject property is located on a cul-de-sac and would be destination point for a customer. The utilities currently servicing the Industrial Park along with the roadways accessing the Industrial Park are adequate for the intended customers of the self storage facility. The Industrial Park is accessible from Route 47 and there currently exists a stop light to allow patrons of the Industrial Park and patrons and employees of the subject facility to access Route 47 after leaving the Industrial Park.

### Application For Special Use

#### Special Use Standards

Please state how adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets:

The Petitioner does not believe that approving the M-1 Special Use to construct a self storage facility will cause any traffic congestion on public streets. Patrons of a self storage facility are not at the facility on a daily basis typically.

Please state how 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 City Council pursuant to the recommendations of the Plan Commission:

A self storage facility is a Special Use in the M-1 Zoning District and therefore necessitates an approval for the Special Use. The Petitioner will conform with the balance of the Regulations and Codes contained in the united City of Yorkville Zoning Code.

#### Agreement

I verify that all the information in this application is true to the best of my knowledge. I understand and accept all requirements and fees as outlined as well as any incurred administrative and planning consultant fees which must be current before this project can proceed to the next scheduled committee meeting.

I understand all of the information presented in this document and understand that if an application becomes dormant it is through my own fault and I must therefore follow the requirements outlined above.

Applicant Signature

Date

3/8/2016

THIS APPLICATION MUST BE NOTARIZED PLEASE NOTARIZE IN THE SPACE BELOW:

Subsailed and Swam before the one the end day of March, 2016

Kely A. Hillard

"OFFICIAL SEAL"
KELLY A. HELLAND
NOTARY PUBLIC, STATE OF ILLINOIS
MY COMMISSION EXPIRES 8/3/2019

#### Exhibit A

#### **Legal Description of Subject Property**

Lot 19 Final Plat of Subdivision Yorkville Business Center Unit 3 being a part of the west half of Section 16 and part of the east half of Section 17, all in the Township 37 North, Range 7 East of the Third Principal Meridian according to the plat thereof recorded May 21, 2001 as Document 200100008620 in Kendall County, Illinois.

PIN 02-17-277-003 and 02-16-153-001

# ENGINEERING PLANS

# **LOT 19 YORKVILLE BUSINESS CENTER**

SECTION 17, TOWNSHIP 37 NORTH, RANGE 7 EAST

147 COMMERCIAL DRIVE YORKVILLE, IL 60560 KENDALL COUNTY FEBRUARY, 2016



#### INDEX TO SHEETS

- 1. COVER SHEET
- 2. EXISTING CONDITIONS & DEMOLITION PLAN
- 3. STORMWATER POLLUTION & PREVENTION PLAN 1
- 4. STORMWATER POLLUTION & PREVENTION PLAN 2
- 5. CIVIL SITE PLANS
- 6. GENERAL NOTES & DETAILS



THE SECTION OF THE PROPERTY OF THE SECTION OF THE S

PROFESSIONAL ENGINEER'S CERTIFICATION STATE OF ILLINOIS, COUNTY OF KENDALL

VEN UNDER MY HAND & SEAL THIS \_\_IST\_\_ DAY OF \_\_FEBRUARY\_\_\_\_\_



ILMOIS REOISTERED PROFESSIONAL ENGINEER NO. 0062-041828 EXPIRES NOV. 30, 2017

COPYINGST D 2014 BY TERRUDGE FROMERENIO. ALL RONGTS RESERVEL NO PART O'THESE CANL ENGINEERING PLANS MAY DE REPRODUCCO, DISTREMITED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, INCLUDING PROTOCOPYING, RECORDING, OR O'THER ELECTRONIC OR MECHANICAL METHODS, WITHOUT THE PRIOR WRITTEN

LOCATION MAP

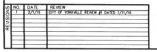
#### BENCHMARKS:

- CHISELED 'X' ON NORTHEAST BOLT OF FIRE HYDRANT LOCATED ON NORTH-SIDE OF COMMERCIAL DRIVE NEAR INTERSECTIONS OF LOT 18 & 19
   NAVD 88 DATUM ELEVATION = 645,99
- CHISELED 'X' ON NORTHEAST BOLT OF FIRE HYDRANT LOCATED ON EAST SIDE OF COMMERCIAL DRIVE NEAR THE NORTHWEST CORNER OF DETENTION POND.

NAVD 88 DATUM ELEVATION = 641.55

PLANS PREPARED FOR: TERRY & ADAM RICHARDS PO BOX 432 SUGAR GROVE, IL PHONE: (630) 330-8003

CIVIL ENGINEER:
TEBRUGGE ENGINEERING
P. O. BOX 38, 146 HUNTSMAN DR.
PLANO, IL 60545
(630) 552.4390
(630) 552.4392
TEBRUGGEENGINEERING GOOMCAST.NET
WWW.TEBRUGGEENGINEERING.RET



 $\nabla$ 

CHISELED MARK

SOIL BORING

----- FLOW DIRECTION

OVERLAND RELIEF

**LEGEND** 

PROPERTY BOUNDARY
EXISTING CONTOUR LINE

EXISTING TELEPHONE

EXISTING SPOT SHOT

HYDRANT

INLET-CURB

FLARED END SECTION

UTIL PEDESTAL

TRAFFIC SIGNAL

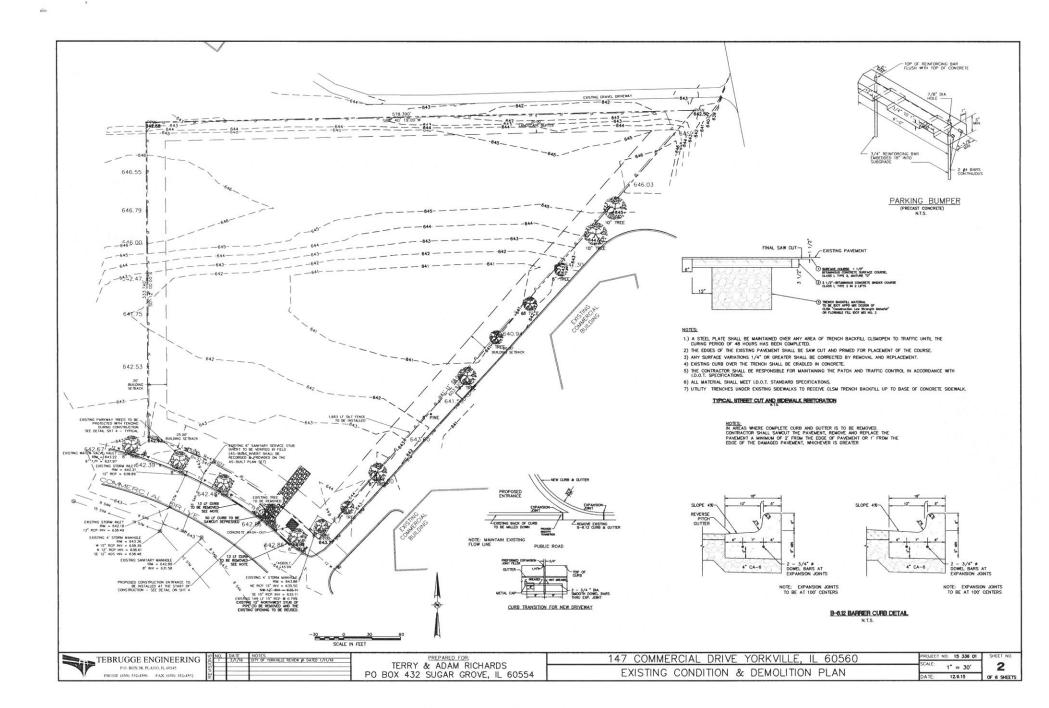
ELECTRIC VAULT

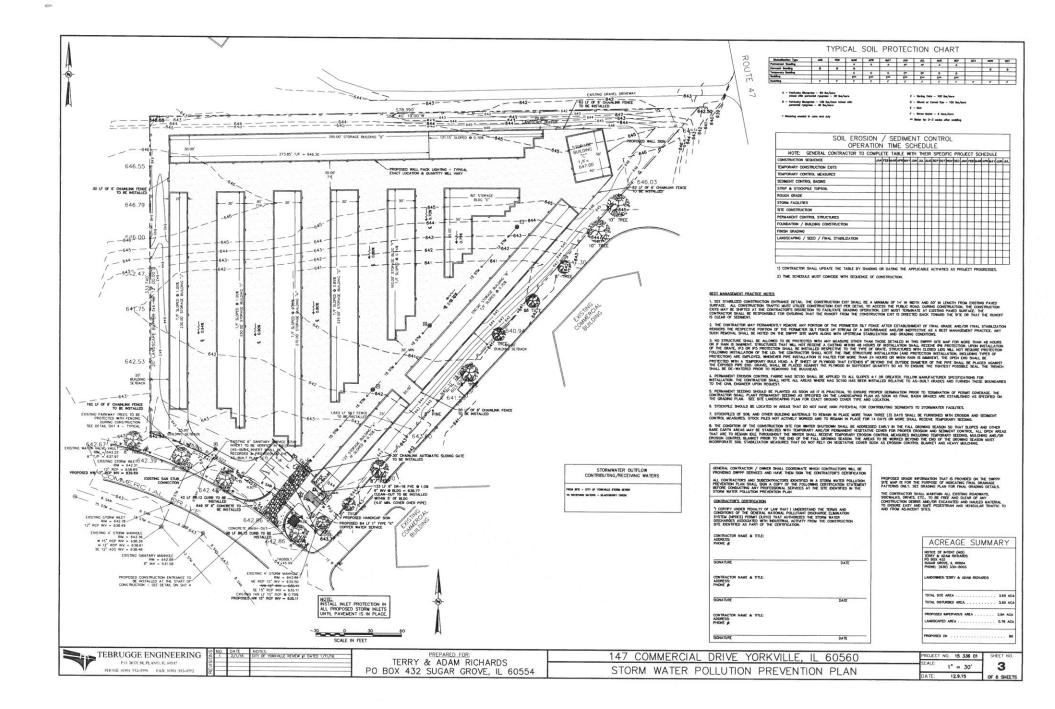
LIGHT POLE

GAS VALVE

FYISTING SANITARY SEWER LINE

EXISTING UNDERGROUND ELECTRIC
EXISTING OVERHEAD ELECTRIC





#### L. SENERAL HOTES & DESCRIPTIONS

The Sterm Meter Publician Presention Flow (SSEPV) Indiades, but is not invited to the Create and Describe Trans-holded in the Engineering Flower with the Create Sheet, the Institute of Internet, Freet Angeleristics, Sizer Services, Sizer of Presentions, Air resemb of Impaction and existing which are a created during the source of the project, selection and Services part of this SEPP on the proceedings of the SEPP. Create, medications, creations, additions, and selections are selected as the selection of the SEPP of the processing of the SEPP of th

All Contractors and sub-contractors that are responsible for implementing and resource of the 395°FF result be literative and executing this 595°FF by alphay the 595°FF certification in occordance with Part IV.O (Clipsday, Regularmants) of the ARTO Perry,

gred certifications must be topt with the SWFF documents and be evaluate for impaction.

Permit Information: The Owner has maked the Owner-algoed IRS form and the Initial yearly the of \$000 to the oddress licted below. The Contractor will be responsible for authoriting much subsequent \$500 yearly fax, if applicable A copy of the signed IRS from will be supplied for the Contractor.

Unless notified by the Mincle Endronmental Protection Agency (EPA) to the contrary, construction activities may begin in accordance with this SMPPP and the ERIO is 30 days following the peak mark date of the MO. Treader Information: It is perties of the property is said, that new Owner may about that own general permit by advantable, a sequent MCI. The rights BCI may bee his anothlise by ne-advantable to still space or support of the second of second or select the second of the second of second or select the second of the second of second or select the second of the second of second or select the second of the second of second or select the second of the second of second or select the second of the second of second or select the second of the second of second or select the second of the second of second or seco

UNITED CITY OF YORKWILE 800 GAME FARM ROAD YORKWILE, IL 80580 Phone: (630) 553-8526

PUBLIC POSTRIO
 Reference Securities will be expelled to the assistance and must be prested on the Entrance Stap in a Terrelection (BOT): public skeeling until terrelection of parent coverage has been obtained by Sting the Motion of Terrelection (BOT):

Notice of Intent algored in accordance with ERYO.
 Permit Authorization from the Bhole Environmental Agency (EPA).
 Construction Size Hotilice.

The location of the SWPP must be clearly visible.

C. RETURNOR OF RECORDS.

A secondary may of the SEPPP, hoteleng capies of di lespection resorts, plan recident, etc., must be related of the project side at all times during the duration of the project (set) RCT is Stal) and late! in the previoused, services and the secondary of the secondary o

CONTRACTOR/SUB-CONTRACTOR LEST
The Controller must provide somes and addresses of all sub-contractors working on this project size still be-nervised with the major construction activities that disturb alto eat. This internation must be kept with the Statement of the contractor of the c

E CONTRACTOR/BUS-CONTRACTOR CENTE/CATION FUNE.

Distribution and all sub-contractors booked with ground disturbing or bestalledom and maintenance of any first contractor. The behaviorable made to be set of the Scientific Contractor. The behaviorable made to be set of the Scientific Contractor.

A delegation of authority letter authorizing the Contractor Compliance Officer to eign the Inspection forms will also excepted to the Contractor.

See Section VI on this sheet for further reporting requirements.

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H. DISCHANCE OF PETROLEIAN PRODUCTS OR HAZARDOUS SUBSTANCES.

Discharge of Petroleian products or other househous advances bnd extern societ or the stamm under (stamm and petroleian). But does not present personally also seattles VERS at the SEMPS for State and both products on reporting water.

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This SEPP Includes the elements necessary to comply with the natural beseits general permit for necessarily excitation administrated by the UE Understand Protection Appear (UPA) under the included Protection Chaptering Combination System (19932) purposes, the 19932 Service in the AURIO to the State of Strook, and of Local governing opency requirements. This SEPPP must be implemented at the start of construction.

Construction phone published neurons milliopied at the late are detailed (burn) and, white finds and labelunds, controlled membrated with findfilling accentration, on the finding materials. When despute control there is a polarish for each type of polarist to be transported by aftern under materials. When it was also provide is a polarish for polarism with the polarism of the polarism and the polarism is published.

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orbied below are the major construction solitation that are subject of this SEPTP. Also included in the assumance SEP involutions exclude that most take piece prior to construction cutotics. NOTIC Down obey protection more most design bit in place before self is delimined. Activities are presented in the order (collection) than a

Upon implementation and businessian of the following areas: business, particip, by down, porto-porty, wheel week, conserves excellent, messor's cover, had and meterial stange consistence, selfd waste conclubers, etc. immediately female Start or the STM Mage and rules any changes in location as May count throughout the constitution or Typical Stage of Construction, Renne shall be added or deleted as needed for each individual project.

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12. Fine with.

13. Initial appropriate intel protection deviews for powed cross as such progresses.

14. Complete grading and institution or permisent stabilization over all areas including evolute.

15. Cell Engineer for the set as quested to be 4.4 yet additionable for inspection.

16. Minimize all temporary areason and septiment control devices other appropriate of the Copinser and attailable stabilization.

MOTE: The Contractor may complete construction—related activities concurrently only if all preceding Ball's have been completely testaled. The extual exhedule for implementing pollutent control measures will be determined by project construction progress and recorded by the Contractor on the Soll Evalent Auditorial Countril Control in the Sollands on the Evalent and Sediment Countril Pleas. Down stope protective measures usual starges be in a stope before and in distriction.

#### S. DITE DESCRIPTION

She description Child conditions activities consist of general wits clearing of losses and shurses, general grading of the property, similarcities of utilities, storage buildings, paving, finish graving and tendeceping.

Communication sequence of work shall be: a general site clearing b. building paid construction c. utility helitable.

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3 Total area of eite = 3.00 ourse Table disturbed area on eite = 3.60 ourse

Colompted also recell coefficient after construction artistics are associate (No. )

Site drainage is received by BLACKBERRY CREEK

#### S. STORM WATER POLICEON PREMENTION MEASURES AND CONTROL

A verterly of eterm under polarized controls are recommended for this project. Some controls are intended for function temperatry and will be used an excellent professor during the construction period. These includes temperary submitted inserting and period period to the professor of the professor and the baselone to emproyery administration and is a compression of the professor of the professor of the professor of the compressor of the professor of the profess EROSIGN AND SEDMENT CONTROLS

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 in product a protection cover of green, powersent, or building structure.

h) Permonent sering or sensors.

1) Permonent families or disoling — All oreas at fivel grote must be maded or undere either 14 days other completion of work to any even. The softwells must have permonent expectate some excludined in all mass such convertely by infrareduce of the completion of set and disolution southless on this Concept for multi-resident, sender owns should generally be prelateded with makes or a rotate evaluate control product. All oreas to be seeded with horse imposed more disonal demandations, appealed more disonal demandations, or appealed more disonal demandations or appealed more disonal demandations.

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b) Construction Cult — All occores points from the public street into the construction site shall include a construction site construction site shall necessare of a smart screen as the construction site in the construction of the construction of the construction of the construction states from the construction which construction which construction of the constr

c) Storm Stever that Protection — Outs and grated below are protected from the bitration of endowert Prospection in the control of the con

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e) All products will be aloned in and used from the original container with the original product label. f) All products will be used in strict compliance with instructions on the product label.

g) The disposal of excess or used products will be in strict compliance with instructions on the product inhal-

Long Term Published Controls
 Statement and the Controls of the Control 
C. CONSTRUCTION PHASE "BEST MANAGEMENT PRACTICES" (BMPs)
During the construction phases, the Contractor shall implement the following measures.

2. The Contractor shall designate arrow on the Site Map for applyment destring, molntenence, and repoir. The Contractor or the Contractor of the Contract 3. Use of determine for torge acole woulding to probbited (i.e. vehicles, buildings, powerest, surfaces, etc.)

4. Describeds, polinits, polentis, brillipres, and oliver tools network through overall in velocity of the state of the folion tools of the contract in velocities. Except surface, application, the containers, the containers will be least to treate or within stronger tendfices. Recent concluding the contract of the

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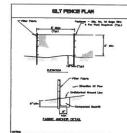
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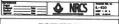
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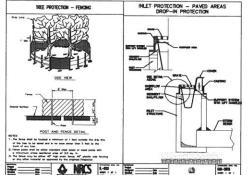
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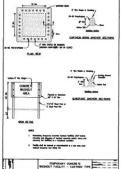
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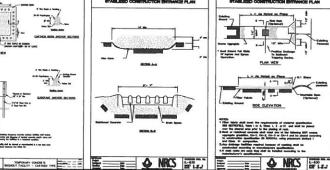


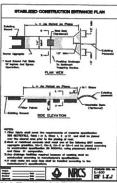
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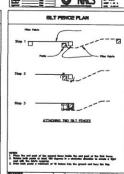








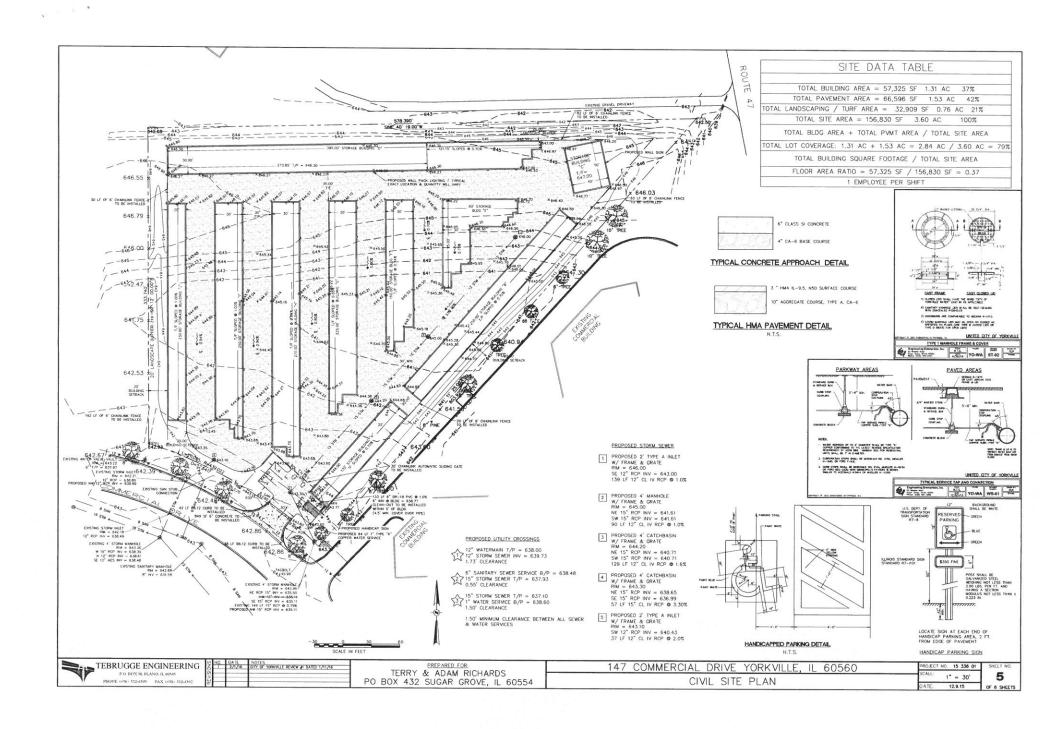




TEBRUGGE ENGINEERING S NO. DATE NOTES 1 127/76 OFF OF TORKINGLE SEWEY AT DATED 1/21/76 PHONE (630) 552-43-90 FAX (630) 552-43-92

PREPARED FOR: TERRY & ADAM RICHARDS PO BOX 432 SUGAR GROVE, IL 60554 147 COMMERCIAL DRIVE YORKVILLE, IL 60560 STORM WATER POLLUTION PREVENTION PLAN

NRCS L-AZO(N) PROJECT NO. 15 336 01 SCALE: 4 NTS 12.9.15



I. ALL CATHVERS, ROLENAY MORE, OR MALE MORE OR STON STREET WERE SALL BE FREDRIGG UITLINE LATERALS IN MERCHOS IN STREET ACCORDANCE AND THE BLADES CENTRATION OF TRANSPORTATION "STREAMED SPECIFICATION STREAMS DESCRIZATIONS FOR AND MAD SERVICE CONTRICTION". LATEST EXTENS A WILL AS IN E STANDARD DETAIL STREET, TATACHO TO THESE PLANS, ALL MERCHAND LATERAL TO SERVICE AND STREET AND STREET AND STREET ATTACHOS TO THE MERCHAND.

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10. ALL FELD THE ENCOUNTED DURNER CONTRICTION OFFENDING SHALL BE CONNECTED TO THE PROPOSED STORM OF MEDICAL TO CLICK WITH A PROPOSED PROMISE ME.F. IF THIS CONNECTE ALL CONNECTED TO THE SHALL BE STANDED CONTRICTION OF THE CONTRICTION OF THE SHALL BE STANDED CONTRICTION OF THE PROPERTY OF THE CONTRICTION OF THE PROPERTY OF THE PROPERTY OF THE CONTRICTION OF THE PROPERTY OF THE WORD SHALL BY CONDICIONED AS

II. IT SHALL BE THE RESPONSIBILITY OF EACH RESPECTIVE CONTRACTOR TO REMOVE FROM THIS SITE ANY AND ALL MATERIALS AND DEBRIS MHOW RESULT FROM HIS CONSTRUCTION OPERATIONS AT NO ADDITIONAL EXPENSE TO THE OWNER.

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#### UNDERGROUND LITELITIES

1. ALL UTLITY THENCHES BENEATH PROPOSED ON ENSING UTLITIES, PROPOSED OR EXISTING PARKMENT, DRIVE MAYS SENSE OF THE ACCORDANCE OF THE FEET ON DIVINE SEC OF SAME ACCOUNT MESTERS ELSE SHOWN ON THE COMPACTED IN ACCORDANCE WITH THE EXISTINGMENT PACTORIAL DRIVE ACCORDANCE OF ACCORDANCE OF THE EXISTINGMENT PACTORIAL DRIVE ACCORDANCE.

UNLESS ORIEFMEX MODILATED ON THE PLANS, STORM STWEN PIPE SHALL BE REDWORLD CONCRETE CALMENT PIPE OF TO CLASS AS ROBICATED ON THE PLANS, AND CONFORMED TO ASTRE C-78. ADMITS SHALL THYRILLY BE A "TERMEL APPLIED" BEHAMODY MARTER COMPANIES ON ASTREAM C-443). LOCATIONS WERE THE STORM STWEN CROSSES WATERMAND AN TO"-BIND OWN IN ACCORDINATE ON ASTREAM C-443). LOCATIONS WERE THE STORM STWEN CROSSES WATERMAND AN TO"-BIND OWN IN ACCORDINATE WITH ASTREAM C-454.

S. STORM SERTE MANHOLES SHALL BE PRECAST STRUCTURES, WITH THE DIAMETER DEPENDENT ON THE PIPE SIZE AND WITH APPROPRIATE FRAME AND LIDS (SEE CONSTRUCTION STANDARDS). LIDS SHALL BE IMPRINTED "STORM SEMEN".

5. ALL STORM SEMERS AND MATERNAMS SHALL HAVE COMPACTED CA-7 GRANDLAR BEDDING, A MINIBUM OF 4" BELOW THE BOTTOM OF THE PIPE FOR THE FULL LENGTH. BEDDING SHALL LETTING TO THE SPRING UNE OF THE PIPE. COST FOR THE BEDDING SHALL BE INCLUDED WHIT THE UNE THE CESO FOR THE PIPE.

6. THE UNDERGROUND CONTRACTOR SHALL BE RESPONSIBLE FOR DEWATERING ANY EXCAVATION FOR THE INSTALLATION OF THE SEMER OR WATER SYSTEMS. ANY DEWATERING ENCOUNTERED SHALL BE INCIDENTAL TO THE PESPECTIVE UNDERGROUND UTLIFF. 7. ALL STRUCTURES SHALL HAVE A MAXIMUM OF B" OF ADJUSTING RINGS, UNLESS OTHERWISE NOTED.

E. ALL TOP FRAMES FOR STORM AND VALVE VALAT COVERS AND 8-BODES AND TO BE ADJUSTED TO MEET FRAM, FINDED CAMED CONTRIBUTION OF FRENCH DIAGNOCK AND FAIR AND PROTECTION. THIS ADJUSTMENT IS DIS MAKE BY THE LARCESPOON AND PROMISED AND THE STREET OF THE LARCESPOON AND THE STREET OF 
9. ALL FLOOR DRAINS AND FLOOR DRAIN SUMP PUMPS SHALL DISCHARGE INTO THE SANITARY SCHOOL 10. ALL DOWNSPOUTS, FOOTING DRAINS AND SUBSURFACE STORM WATERS SHALL DISCHARGE INTO THE STORM SEMER OR ONTO THE CROWNS AND BE DIRECTED TOWARDS A STORM SEWER STRUCTURE.

12. THE CONTRACTOR SHALL PISTALL A 2"44"ME POST ADJACENT TO THE TERMINAS OF THE SANITARY SERVICE, WATERMAN SERVICE, SANITARY MANURLES, SIGNIU STRUCTURES, AND WATER VILLUES. THE POST SHALL EARTHON A MEMBAR OF 4 FT. ADDRC THE GROOMS. SHAP DOS SHALL BE PANDED AS FOLIORS. SANITARY—ORDER, WATER-BLUE, AND STORM—AND 13. IT SHALL BE THE RESPONSIBILITY OF THE UNDERGROUND CONTRACTOR TO REMOVE FROM THE SITE ANY AND ALL MATERIALS AND DEBRIS WHICH RESULT FROM HIS CONSTRUCTION OPERATIONS AT NO ADDITIONAL EXPENSE TO THE OWNER.

ALL EARTHWORK OPERATIONS SHALL BE IN ACCORDANCE WITH SECTION 200 OF THE LO.G.T. SPECIFICATION THE CONTRACTOR SHALL PROTECT ALL PROPERTY PHS AND SLEVEY MORAMENTS AND SHALL RESTORE ANY WHICH ARE DISTURBED BY HIS OPERATIONS AT NO ADDITIONAL COST TO THE CONTRACT.

3. If IS THE CONTRACTOR'S RESPONSIBILITY TO DETERMINE ALL MATERIAL DUANTITIES AND APPRIES HANSELY OF ALL SITE CONDITIONS. THE CONTRACT PRICE SISSENTITE BY THE CONTRACTOR SHALL BE CONSIDERED AS LIMP SIM FOR THE COMPLET PROJECT. NO CLAMB FOR LETTIA WORN HALL BE RECORDED UNIESS DIGITIED IN HISTING BY THE COMPLET.

2. THE CHARGE OPERATIONS ARE TO BE CLOSELY SUPERVISED AND RESPECTED, PARTICILARLY DURING THE REMOVAL REPORT OF THE PROPERTY 
THE GRADING AND CONSTRUCTION OF THE SITE IMPROVEMENTS SHALL NOT CAUSE POHONIG OF STORM WATER. ALL AREAS ADJACENT TO THESE IMPROVEMENTS SHALL BE GRADED TO ALLOW POSITIVE DRAWAGE.

7. THE PROPOSED CRADING ELEVATIONS SHOWN ON THE PLANS ARE FINISH GRADE. A WINMAN OF SIX NICHES (6") OF TOPSOL IS TO BE PLACED BEFORE FINISH GRADE ELEVATIONS ARE ACHIEVED. 8. THE SELECTED STRUCTURAL FILL INITIDAL SHALL BE PLACED IN LEVEL UPSTORM LAYERS SO THAT THE COMPACTED DESCRIPTION FORWARDS AND PROPOSED THE SHAPES (6%) IF COMPACTED COMPACT AS THE PROPOSES.
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3. DERMONANT MATERY WHITE ROUDING PARISE (LI), AND DIVER STRETURAL CLAY FILL APLAS SMALL BE COMPACTED.

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10. EMBARKMENT MATERIAL (RANDOM FEL) WITHIN NON-STRUCTURAL FEL AREAS SHALL BE COMPACTED TO A MINIMAN OF MINETY PERCENT (80%) OF MASHUM DENSITY IN ACCORDANCE WITH ASTN. SPECIFICATION D-157 (MODIFED PROCTOR METHOD). 11. THE SUB DRADE FOR PROPOSED STREET AND PANEMENT AREAS SHALL BE PROOF-ROLLED BY THE CONTRACTOR AND ANY UNISTABLE AREAS ENCOUNTERED SHALL BE REMOVED AND REPLACED AS DIRECTED BY THE SOLLS ENGAGER.

12. SOR BORROW REPORTS, A AVAILABLE, AND SOCILY FOR THE INFORMATION AND GROWNED OF THE COMPACIONS. THE OWNER AND DISSECTE WARE TO REPORT AT THE OWNER AND DISSECTE WARE TO REPORT AT THE OWNER AND THE OWNER OF THE OWNER AND THE

13. If shall be the responsibility of the excavation contractor to remove from the site any and all materials and debris which result from his construction operations at no additional expense to the owner. PAYING & WALKS

1. WORK UNDER THIS SECTION SHALL ENCLIDE FRAM. SUBGRADE SHAPING AND PREPARATION. FORWING, JOHNING, PLACEMONT OF ROADWAY AND PAYMENT BASE, COXERS MANTENAS AND SUBSECULUTE BEFORE AND/OW SURFACE COURSES, PLACEMONT, PRESENCE AND CLUTTER OF COMPOSITE, FRAM CLUAT—HE, AND ALL RELATED WIDE. 2. ALL PAYING AND SDEWALK WORK SHALL BE DONE IN ACCORDANCE WITH THE STANDARD SPECIFICATIONS (LD.G.T.) AND PER LOCAL REGULATIONS.

A. THE PROPOSED PAYMENT SHALL CONSTIT OF THE SIR-BASIC COURSE, BITAMANDS ADDREATE BASY COURSE, BITAMANDS ADDREATE BASY COURSE, BY THE PROPOSES AND MATERIALS AS SYCORED ON THE CONSTITUCTION PRACE, STRAM COURSE, AND BASK AND SHAPPED, SHAPPED OR SHAPPED AND SHAPPED OR SHAPPED AND SHAPPED OR SHAPPED

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B. CURING AND PROTECTION OF ALL EXPOSED CONCRETE SUBFACES SHALL BE IN ACCORDANCE WITH THE STANDARD SPECIFICATIONS.

B. SACKFILING ALONG PAVEMENT SHALL BE THE RESPONSIBILITY OF THE EARTHWORK CONTRACTOR. 9. IT SHALL BE THE RESPONSIBILITY OF THE PANNS CONTRACTOR TO REMOVE FROM THE SITE ANY AND ALL MATERIAL AND DEBRIS, WHICH RESILLES FROM HIS CONSTRUCTION OPERATIONS AT NO ADDITIONAL EXPENSE TO THE DWINER. IN TESTING OF THE SUB-LAKE, BACK COURSE, SHEEKE COURSE, SHEFACE COURSE AND CONCRETE WORK SHALL BE REQUIRED IN ACCORDANCE WITH DESCRIPTION ADDRESS SPECIFICATION OF THE OWNER AND SHEEKE CONSTRUCTION CURRENT ESTIMAL AND IN ACCORDANCE WITH THE SPECIFIC REQUIREDING OF THE CONSTRUME SHAPPAULT, AS CAUSED STRUMENT MAY SHALL BE SHAPPOTED BY THE OWNER TO PREPORT THE REQUIREDING THE CONSTRUMENT SHAPPAULT, AS CAUSED STRUMENT SHAPPAULT SHAPPA

 PAINTED PAYEMENT MARKINGS AND SYMBOLS, OF THE TYPE AND COLOR AS NOTED ON THE CONSTRUCTION PLANS, SHALL BE INSTALLED IN ACCORDANCE WITH SECTION T-502 OF SAME SPECIFICATIONS. 12. PARIED PAYEMENT MARKINGS AND SYMBOLS SHALL BE INSTALLED ONLY WICH THE AMBENT AIR TEMPERATURE IS 40 DEGREES FAINEMENT AND THE FORECAST CALL FOR RIGHN TEMPERATURES.

THE CITY OF YORKVILLE REQUIRES THAT ALL STORM SEWER BE TELEVISED AS PART OF THE PROJECT CLOSE—OUT.

#### CITY OF YORKWILE MATER MAIN CONSTRUCTION NOTES

- ALL WATER MAIN CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE "STANDARD SPECIFICATIONS FOR MATER AND SERVER MAIN CONSTRUCTION IN LIMOUS", LATEST IDITION, AND REVISIONS INJERTIO, THE MOTES AND ON THE PLANS, AND IN ACCORDANCE WITH COORS AND GROWNLASTED OF BC CITY OF TOWNLALL BLANDS.
- ALL WATER MAIN SHALL BE DUCTLE BON PIPE CLASS 52 LINESS SHOWN DIFFERENTLY ON THE PLANS WITH EITHER MECHANICAL OR PURPLON JOINTS AND SHALL CONFORM TO AND AZIST-90, AWAR CIST AND AND AZI,11-00, AWAR CITT. PIPE SHALLS OR MANUFACTURED SHITE WITHOUT STATES.
- ALL HITTINGS SHALL BE COMPACT DUCTLE IRON AND SHALL CONFORM TO AWMA/ANS CISS/A21.53\_00. FITTINGS SHALL BE ULL LISTED CLASS 350, TYLER, GRETIN, OR APPROVED EQUAL, FITTINGS SHALL BE MANUFACTURED IN THE UNRITO STATES. ALL PIPE AND FITTINGS SHALL BE CEMENT LINED IN ACCORDANCE WITH AWAYANS C104/A21.4-95.
- ALL TITINGS SHALL BE MECHANICAL JOINT AND INSTALLED WITH RETAINER GLANDS UNLESS OTHERWISE SHOWN ON THE
- ALL MECHANICAL JOINT FITTINGS, VALVES AND HIDRANTS SHALL BE RESTRAINED WITH RETAINER GLANDS. RETAINER GLANDS SHALL BE AN UNI-FLANCE SERIES 1400 WEDGE ACTION RETAINER GLAND OR APPROVED EQUAL.
- ALL WATER MAIN SHALL BE WRAPPED WITH POLYETHYLENE IN ACCORDANCE WITH AWMA/ANSI C105/A21.5-99.
- E. ALL CATE VALVES SHALL HAVE A NON-RISING STEM, SHALL HAVE A STANDARD OPERATING MIT AND SHALL DPEN IN A COUNTRY-CLOCKWEE DIRECTION CATE VALVES SHALL BE QUIN ON WINTEROUS RESILENT MEDGE GATE VALVE IN ACCOMPANCE WITH AWAR CODIO-05 STANDARD. CATE VALVES SHALL BE WALVE VALVES WATER
- ALL VILLY BODGS SHALL BY CAST FOR MITH THO PRICE SK SHAFTS. ALL VALVE BOYES SHALL EITHER BY THROUGH SHAFTS WAS A ST AN ARCHITECTURE AND A ST AN ARCHITECTURE. A PRICE ST AN ARCHITECTURE ST AN ARCHITECTURE ST AND ARCHITECTURE ST AND ARCHITECTURE. A STAFF SHAFTS S
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- 29. WATER VALVES AND THE HIDRANTS SHALL ONLY BE OPERATED BY CITY OF YORKVELE WATER DEPARTMENT PERSONNE PLEASE CONTACT THE YORKVELE WATER DEPARTMENT AT \$30/553-4572.

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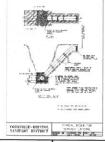
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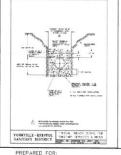
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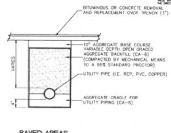
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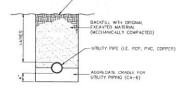












PAVED AREAS

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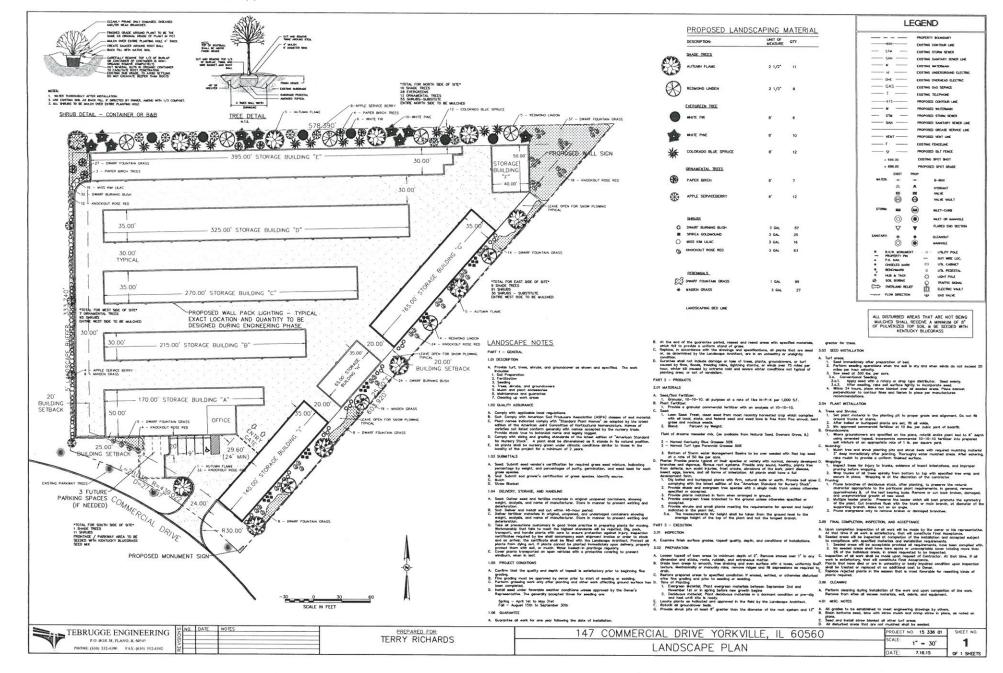
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TERRY & ADAM RICHARDS PO BOX 432 SUGAR GROVE, IL 60554 147 COMMERCIAL DRIVE YORKVILLE, IL 60560 GENERAL NOTES & DETAILS

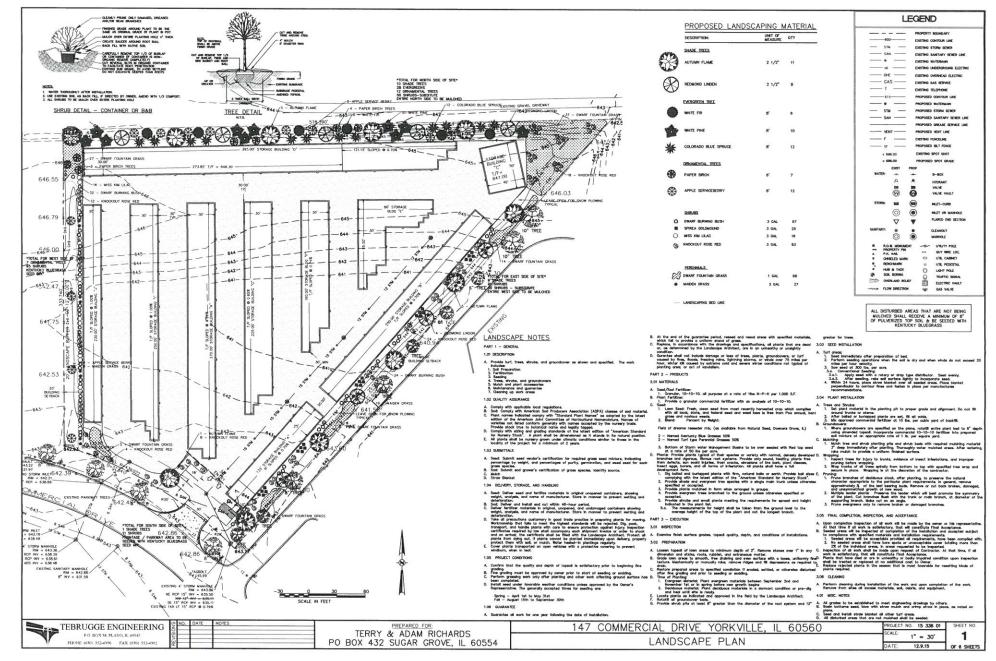
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PROJECT NO. 15 336 01 SHEET NO NTS 6 12.9.15 OF 6 SHEETS

# Approved Site Plan



# Revised Site Plan





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# UNITED CITY OF YORKVILLE KENDALL COUNTY, ILLINOIS

#### **ORDINANCE NO. 2015-41**

AN ORDINANCE OF THE UNITED CITY OF YORKVILLE, KENDALL COUNTY, ILLINOIS, APPROVING THE REZONING TO THE M-1 LIMITED MANUFACTURING DISTRICT OF THE PROPERTY LOCATED AT 147 COMMERCIAL DRIVE (Lot 19 of Unit 3 Yorkville Business Center Subdivision)

Passed by the City Council of the United City of Yorkville, Kendall County, Illinois This 28<sup>th</sup> day of July, 2015

Prepared by and Return to: United City of Yorkville 800 Game Farm Road Yorkville, IL 60560

Published in pamphlet form by the authority of the Mayor and City Council of the United City of Yorkville, Kendall County, Illinois on August 11, 2015.

## Ordinance No. 2015-

# AN ORDINANCE OF THE UNITED CITY OF YORKVILLE, KENDALL COUNTY, ILLINOIS, APPROVING THE REZONING TO THE M-1 LIMITED MANUFACTURING DISTRICT OF THE PROPERTY LOCATED AT 147 COMMERCIAL DRIVE (Lot 19 of Unit 3 Yorkville Business Center Subdivision)

**WHEREAS**, the United City of Yorkville (the "City") is a duly organized and validly existing non home-rule municipality created in accordance with the Constitution of the State of Illinois of 1970 and the laws of the State; and,

WHEREAS, Urness Land Company, LLC (the "Applicant") is the owner (the "Owner") of a vacant parcel located at 147 Commercial Drive, Yorkville, Illinois, (the "Subject Property") legally described in Section 2, and is seeking rezoning of the Subject Property from the B-3 General Business District to the M-1 Limited Manufacturing District; and,

WHEREAS, the Plan Commission convened and held a public hearing on the 8th day of July, 2015, to consider the rezoning after publication of notice and notice to property owners within five hundred (500) feet of the Subject Property; and,

WHEREAS, the Plan Commission reviewed the standards set forth in Section 10-4-10B.4 and made findings of fact and recommendation to the Mayor and City Council (the "Corporate Authorities") for approval of the rezoning.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and City Council of the United City of Yorkville, Kendall County, Illinois, as follows:

Section 1: The above recitals are incorporated herein and made a part of this Ordinance.

**Section 2:** That the Corporate Authorities hereby approve the rezoning of the Subject Property, legally described as:

Lot 19 Final Plat of Subdivision Yorkville Business Center Unit 3 being a part of the west half of Section 16 and part of the east half of Section 17, all in the Township 37 North, Range 7 East of the Third Principal Meridian according to the plat thereof recorded May 21, 2001 as Document 200100008620 in Kendall County, Illinois,

PIN 02-17-277-003 and 02-16-153-001,

from B-3 General Business District to the M-1 Limited Manufacturing District.

**Section 3:** This Ordinance shall be in full force and effect upon its passage, approval, and publication as provided by law.

Passed by the City Council of the United	City of Yorkville, Kendall Cour	nty, Illinois this
28 day of July, 2015.	Beth War	nen
CARLO COLOSIMO	KEN KOCH	4
JACKIE MILSCHEWSKI	LARRY KOT	
CHRIS FUNKHOUSER	JOEL FRIEDERS	1
DIANE TEELING	SEAVER TARULIS	
Approved by me, as Mayor of the United	City of Yorkville, Kendall Cou	nty, Illinois, this
11 day of AUGUST, 2015.		
	Hungh John	

#### **Legal Description of Subject Property**

Lot 19 Final Plat of Subdivision Yorkville Business Center Unit 3 being a part of the west half of Section 16 and part of the east half of Section 17, all in the Township 37 North, Range 7 East of the Third Principal Meridian according to the plat thereof recorded May 21, 2001 as Document 200100008620 in Kendall County, Illinois.

PIN 02-17-277-003 and 02-16-153-001



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# UNITED CITY OF YORKVILLE KENDALL COUNTY, ILLINOIS

#### ORDINANCE NO. 2015-42

AN ORDINANCE OF THE UNITED CITY OF YORKVILLE, KENDALL COUNTY, ILLINOIS, APPROVING A SPECIAL USE FOR A PUBLIC STORAGE FACILITIES/MINIWAREHOUSE STORAGE (Lot 19 of Unit 3 Yorkville Business Center Subdivision)

Passed by the City Council of the United City of Yorkville, Kendall County, Illinois This 28<sup>th</sup> day of July, 2015

Prepared by and Return to: United City of Yorkville 800 Game Farm Road Yorkville, IL 60560

Published in pamphlet form by the authority of the Mayor and City Council of the United City of Yorkville, Kendall County, Illinois on August 11, 2015.

# Ordinance No. 2015-42

# AN ORDINANCE OF THE UNITED CITY OF YORKVILLE, KENDALL COUNTY, ILLINOIS, APPROVING A SPECIAL USE FOR A PUBLIC STORAGE FACILITIES/MINIWAREHOUSE STORAGE (Lot 19 of Unit 3 Yorkville Business Center Subdivision)

WHEREAS, the United City of Yorkville (the "City") is a duly organized and validly existing non home-rule municipality created in accordance with the Constitution of the State of Illinois of 1970 and the laws of the State; and,

WHEREAS, under section 11-13-1.1 of the Illinois Municipal Code (65 ILCS 5/1-1-1, et seq.), the Mayor and City Council of the City (collectively, the "Corporate Authorities") may provide for the classification of special uses it its zoning ordinances; and,

WHEREAS, pursuant to the United City of Yorkville Zoning Ordinance (the "Zoning Code"), any person owning or having an interest in property may file an application to use such land for one or more of the special uses provided for in the zoning district in which the land is situated; and,

WHEREAS, Urness Land Company, LLC ("the Owner") is the owner of the property located at 147 Commercial Drive, legally described in Section 2 of this Ordinance (the "Subject Property"); and,

WHEREAS, under the authority of the Zoning Code, the Subject Property is located in a designated M-1 Limited Manufacturing District, and public storage facilities/miniwarehouse storage is allowed in this district under a special use permit; and,

WHEREAS, the Corporate Authorities have received a request from the Owner for a special use permit for the Subject Property to allow public storage facilities/miniwarehouse storage; and,

WHEREAS, a legal notice of publication regarding a public hearing before the Plan Commission on the proposed special use permit was duly published in a newspaper of general circulation in the City, not more than thirty (30) nor less than fifteen (15) days prior to the public hearing; and,

WHEREAS, notice to property owners within 500 feet of the Subject Property identified for the special use permit was delivered by certified mail; and,

**WHEREAS**, the Plan Commission convened and held a public hearing on the 8th day of July, 2015, on the question of the special use application; and,

**WHEREAS,** the Plan Commission reviewed the standards set forth in Section 10-4-9(F) of the Zoning Code; and,

WHEREAS, upon conclusion of said public hearing, the Plan Commission recommended the approval of the special use for the Subject Property for a public storage facilities/miniwarehouse storage use on the Subject Property.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and City Council of the United City of Yorkville, Kendall County, Illinois, as follows:

**Section 1**: The above recitals are incorporated herein and made a part of this Ordinance.

**Section 2:** That the Corporate Authorities hereby approve a special use of the Subject Property, legally described as:

Lot 19 Final Plat of Subdivision Yorkville Business Center Unit 3 being a part of the west half of Section 16 and part of the east half of Section 17, all in the Township 37 North, Range 7 East of the Third Principal Meridian according to the plat thereof recorded May 21, 2001 as Document 200100008620 in Kendall County, Illinois,

PIN 02-17-277-003 and 02-16-153-001,

for use as a public storage facilities/miniwarehouse storage.

**Section 3:** That the special use granted herein shall be constructed, operated and maintained in accordance with the following plans, diagrams and conditions:

- A. Final engineering review and approval including compliance with comments in the May 27, 2015 review letter from Engineering Enterprises, Inc.
- B. Final landscape approval.

**Section 4:** This Ordinance shall be in full force and effect upon its passage, approval, and publication in pamphlet form as provided by law.

Passed by the City Council of the United City of Yorkville, Kendall County, Illinois this

28 day of July, 2015.

Bett Warren
CITY CLERK

CARLO COLOSIMO

KEN KOCH

JACKIE MILSCHEWSKI

CHRIS FUNKHOUSER

DIANE TEELING

SEAVER TARULIS

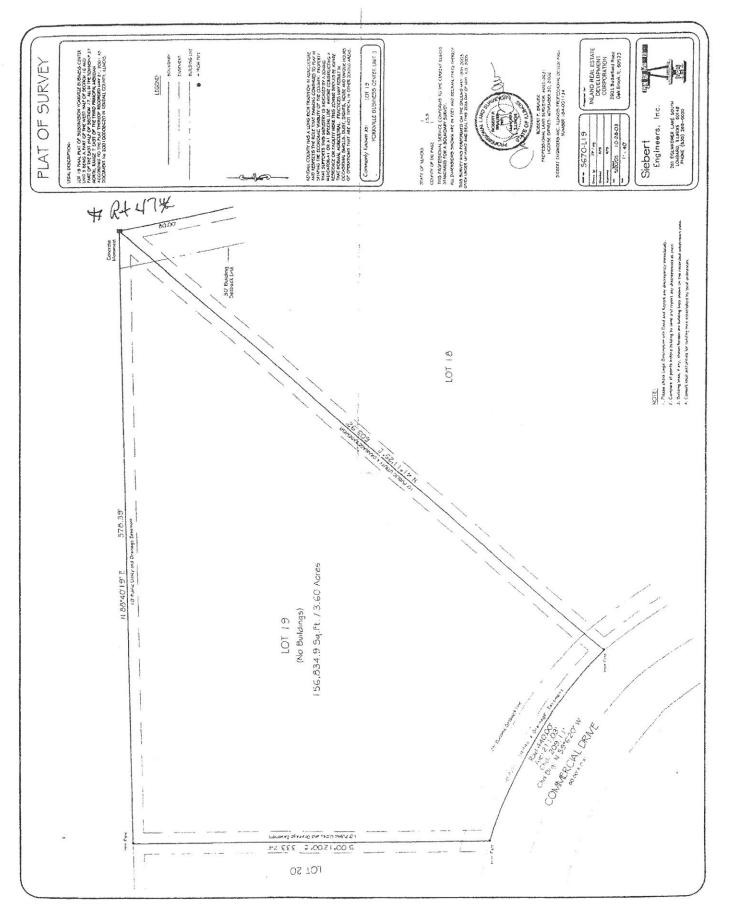
Approved by me, as Mayor of t	he United City of	Yorkville, Kendal	l County,	Illinois,	this
11 day of AUGUST	, 2015.				
		99	1 0001	7	

# Exhibit A

# **Legal Description of Subject Property**

Lot 19 Final Plat of Subdivision Yorkville Business Center Unit 3 being a part of the west half of Section 16 and part of the east half of Section 17, all in the Township 37 North, Range 7 East of the Third Principal Meridian according to the plat thereof recorded May 21, 2001 as Document 200100008620 in Kendall County, Illinois.

PIN 02-17-277-003 and 02-16-153-001



# PUBLIC NOTICE NOTICE OF PUBLIC HEARING BEFORE THE UNITED CITY OF YORKVILLE PLAN COMMISSION PC 2016-07

NOTICE IS HEREWITH GIVEN THAT Terry Richards, petitioner, has filed an application with the United City of Yorkville, Kendall County, Illinois, requesting to amend a special use approved for a public storage facility pursuant to Chapter 6, Table 10.06.03 of the Yorkville Zoning Ordinance. The amendments to the special use include relocation of the buildings on the property, increasing the number of buildings on the property and increasing the landscape materials, all as shown on a new site plan for the development of the property. The real property is located at 147 Commercial Drive in Yorkville, Illinois.

The legal description is as follows:

LOT 19 FINAL PLAT OF SUBDIVISION YORKVILLE BUSINESS CENTER UNIT 3 BEING A PART OF THE WEST HALF OF SECTION 16 AND PART OF THE EAST HALF OF SECTION 17, ALL IN THE TOWNSHIP 37 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT THEREOF RECORDED MAY 21, 2001 AS DOCUMENT 200100008620 IN KENDALL COUNTY, ILLINOIS.

The application materials for the proposed Special Use are on file with the City Clerk.

NOTICE IS HEREWITH GIVEN THAT the Plan Commission for the United City of Yorkville will conduct a public hearing on said application on Wednesday, April 13, 2016 at 7 p.m. at the United City of Yorkville, City Hall, located at 800 Game Farm Road, Yorkville, Illinois 60560.

The public hearing may be continued from time to time to dates certain without further notice being published.

All interested parties are invited to attend the public hearing and will be given an opportunity to be heard. Any written comments should be addressed to the United City of Yorkville City Clerk, City Hall, 800 Game Farm Road, Yorkville, Illinois, and will be accepted up to the date of the public hearing.

By order of the Corporate Authorities of the United City of Yorkville, Kendall County, Illinois.

BETH WARREN City Clerk

BY: Lisa Pickering Deputy Clerk

# Memorandum



To: Plan Commission From: Chris Heinen, Planner

CC: Bart Olson, City Administrator

Krysti J. Barksdale-Noble, Community Development Director

Date: March 31, 2016

Subject: PC 2016-08 – Grace Holistic Center for Education (Special Use)

# **Background & Request:**

The petitioner, Tairi Grace, petitioner, has filed an application with the United City of Yorkville, Kendall County, Illinois, requesting special use permit approval for a Commercial/Trade School for a private, non-profit school with an emphasis on holistic health education within the M-1, Limited Manufacturing District pursuant to Chapter 6, Table 10.06.02 of the Yorkville Zoning Ordinance. The real property is located at 319 E. Van Emmon Road, in Yorkville, Illinois.



Currently, a commercial/trade school is not allowed within the Manufacturing districts. The City has begun the process of amending the zoning ordinance to allow Commercial/Trade Schools as a special use in the manufacturing districts. Staff researched several surrounding municipalities and found that several of them either permitted trade schools as an outright allowable use or required a special use in manufacturing districts. Staff felt that allowing trade schools in the Manufacturing Districts as a special use is consistent with current zoning trends

and would allow, on a case-by-case basis, additional review of surrounding land uses, site layout, parking, utilities, and traffic. This petition will accompany the text amendment as the petitioner would like to have the interior remodel complete by the beginning of fall 2016.

The petitioner is looking to utilize a portion of the building located at 319 Van Emmon for a private not-for-profit school for special and regular education students. The interior remodel will consist of constructing seven (7) classrooms and two bathroom facilities. The school is looking to house approximately 50 children with a staff of 6 adults. The initial primary focus will be elementary and junior high students. Access for the site will be located off of Van Emmon and the petitioner is looking to create onsite signage that will outline the flow of traffic for drop off and pick up traffic. Additionally, school staff will be onsite to direct traffic within the site for drop off and pick up. All signage will require a permit with the City and will be reviewed at that time.

# **Parking**

After reviewing the aerial depicted in the location map on page 1, it appears that there are four (4) parking stalls currently on the property. Per the zoning ordinance, an elementary and junior high school requires 1 space per classroom. This would require the site to have a minimum of seven (7) parking stalls. Staff is recommending that as part of the special use approval, that an additional three (3) parking stalls be striped.

# Utilities

The property is in an existing section of Yorkville and water and sewer utilities are located along Van Emmon. The proposed use will not impact the current water or sewer capacities. Stormwater management has already been accounted for with the development of the subdivision and no additional storage would be required as part of this special use.

# **Existing Conditions:**

The existing zoning and land use for properties surrounding the subject property are as indicated below:

	Zoning	Land Use	
North	OS-2, Open Space District (Recreational)	Park/River/Railroad Tracks	
East	M-1, Limited Manufacturing	Manufacturing/Single Family Home	
South	R-3, Multi-Family Attached Residence District	Residential Homes	
West	M-1, Limited Manufacturing	Manufacturing/Single Family Home	

# **Comprehensive Plan:**

The City's Comprehensive Plan Update 2008 had designated this parcel as "Traditional Neighborhood" which is intended primarily for single-family detached residences, "preserving the existing unique residential neighborhoods in the developed core of the City." Future development was envisioned to be in the form of redevelopment of existing sites.

As part of the Comprehensive Plan Update, this area is designated as "Traditional Neighborhood Residential." Traditional Neighborhood Residential areas comprise the older neighborhoods east, west and south of the Downtown Core, and those north of the Fox River comprising the old Town of Bristol. These areas are largely characterized by historic homes, pre-War and Post World War II housing types, and mid-century ranch homes that form cohesive

neighborhoods within walking distance of the Fox River and the Downtown. This designation seeks to preserve and maintain the traditional single family character of these neighborhoods by encouraging housing maintenance and rehabilitation, and compatible new housing development that compliment the scale and design of the existing housing stock. Development of some forms of multi-family housing is encouraged if they maintain the visual and physical character of adjacent blocks, including building setbacks and architectural materials and treatments.

Both Comprehensive Plan designations are compatible with the use being proposed. Schools, private or public, are generally found in residential neighborhoods and would therefore be an acceptable use.

# **Special Use Criteria:**

Section 10-4-9F of the City's Zoning Ordinance establishes standards for special use requests. No special use shall be recommended by the plan commission unless said commission shall find that:

- 1. The establishment, maintenance or operation of the special use will not be unreasonably detrimental to or endanger the public health, safety, morals, comfort or general welfare.
- 2. The special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, nor substantially diminish and impair property values within the neighborhood.
- 3. The establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.
- 4. Adequate utilities, access roads, drainage or other necessary facilities have been or are being provided.
- 5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
- 6. 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 city council pursuant to the recommendations of the plan commission.

The applicant has provided written responses to these special use and amendment standards as part of their application and requests inclusion of those responses into the public record.

# **Staff Comments:**

The special use request for an alternative school is supported by staff. The current bulk regulations (setbacks, lot coverage, building height) are being met and the proposed use is consistent with the current comprehensive plan.

This petition was reviewed at the Economic Development Committee meeting on April 5, 2016. Below are a list of comments that were generated from this meeting.

- 1. Concern of actual use of the rear building, possible conflict with the proposed use.
  - a. Staff has been in contact with the petitioner and it has been expressed that the owner of the building will be maintaining it as storage or possibly demolishing the rear portion.

- 2. If outdoor activities are proposed, then requiring the rear yard be fenced or enclosed.
  - a. It should be noted that the current building has been constructed to the property line. The vacant green space in the rear is currently part of the railroad and would not be able to be used. However, if the current owner wishes to demolish the rear of the building, it would be beneficial to enclose the rear yard for safety reasons. This can be a condition of approval of the special use as well.
- 3. Concern that the use is not compatible with the Comp Plan and the downtown.
  - a. As stated on Pages 2 and 3 from this memo, the current comprehensive plan and the proposed plan have this area designated as traditional neighborhoods. Both Comprehensive Plan designations are compatible with the use being proposed. Schools, private or public, are generally found in residential neighborhoods and would therefore be an acceptable use. Additionally, the downtown will be focusing on possible mixed use developments with businesses on the first floor with residential above. These types of uses can foster several different types of uses that are compatible with the neighborhood, private schools or day cares included.
- 4. Concern regarding the proposed path to transport the children to the park (will they cross the railroad tracks?).
  - a. The petitioner will be available at the meeting to discuss this concern.
- 5. Will traffic signs for school crossings be required?
  - a. Staff is researching this question and will have a response at the meeting.
- 6. How will the students be transported to school (bus)? How will bussing be accommodated on the site?
  - a. The petitioner will be available at the meeting to discuss this concern.

A recommendation from Plan Commission will be forwarded to the City Council for consideration at the April 26, 2016 regularly scheduled meeting. Staff will be available to answer any question the Plan Commission may have at Wednesday night's meeting.

# **Proposed Motion for Special Use:**

In consideration of testimony presented during a Public Hearing on April 13, 2016 and discussions conducted at that meeting, the Plan Commission recommends approval to the City Council a request for special use permit approval for a Commercial/Trade School for a private, non-profit school with an emphasis on holistic health education within the M-1, Limited Manufacturing District pursuant to Chapter 6, Table 10.06.02 of the Yorkville Zoning Ordinance. The real property is located at 319 E. Van Emmon Road, in Yorkville, Illinois., subject to staff recommendations and conditions in a memo dated March 31, 2016, and further subject to {insert any additional conditions of the Plan Commission}...

# **Attachments:**

- 1. Copy of Petitioner's Application w/exhibits.
- 2. Copy of Public Notice.

Application For Special Use			
STAFF USE ONLY  Date of Submission PC#  Development Name			
Applicant Information			
Name of Applicant(s) Grace Hollstic Centle For Education  Business Address  City Yorlow 12 State 1 ZIP (20560)  Business Phone (230 8911095) Business Fax			
Business Cell Business E-mail tairi KAWAS ILSW Q	٤		
Property Information			
Name of Holder of Legal Title			
If Legal Title is held by a Land Trust, list the names of all holders of any beneficial interest therein:  Thomas Barn Gar ton TKK in estatest			
Property Street Address 319 & Van Enmon Road ynully 16			
Description of Property's Physical Location			
Zoning and Land Use of Surrounding Parcels			
North East			
South			
West			
Current Zoning Classification			
Kendall County Parcel Number(s) of Property			
$ \begin{array}{cccccccccccccccccccccccccccccccccccc$			

Application For Special Use
Additional Contact Information
Attorney
Name William L Thotopp
Address 227 E. Church St Sandwich
City Sanduich State 11 ZIP 60548
Phone 9157967770 Fax 815786-7773
E-mail w/hotopp@comcast.net
Engineer / General Contractor.
Name Louis Hix
Address 321 Spring brook Tr. 5
City USWE 60 State 1L ZIP COUSY3
Phone (30-7790420 Fax
E-mail Hix construction @ yahoo: com
Land Planner/Surveyor
Name
Address
City State ZIP
Phone Fax
E-mail
Attachments
Applicant must attach a legal description of the property to this application and title it as "Exhibit A".
Applicant must list the names and addresses of any adjoining or contiguous landowners within 500 feet of the property that are entitled notice of application under any applicable City Ordinance or State Statute. Attach a separate list to this application and title it as "Exhibit B".
A Pls see

# Application For Special Use

# Special Use Standards

Please state how the establishment, maintenance or operation of the special use will not be unreasonably detrimental to or endanger the public health, safety, morals, comfort or general welfare:

GHCFE is a private, non Profit school that will provide academic and holistic education for coprox, makely fifty Children in grades Kinda-Salen Thrugh high school.

Please state how the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, nor substantially diminish and impair property values within the neighborhood:

GMCFE is a business that will have adults. The operationally 50 children and le adults. The pur pose of the school is to provide education as adenically, environmentally, and helistically. Property of SMCFE will be cared for its Students and the environment

Please state how the establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district:

The usage of OHCFE will be contained within the Striction of the buildity.

GHCFE will use the north side of the property to plant organic vegetables.

Please state how adequate utilities, access roads, drainage or other necessary facilities have been or are being provided:

There is curantly no flooding or duringer issues. The access vocal is law Emmon.

# Application For Special Use

# Special Use Standards

Please state how adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets:

Consideration for but and local traffic will be addressed by sighty indicating where boths drop of and pick up locations are lot striping to into mediates of entrance and exits, and staff special use shall in all other matter. Hours.

Please state how 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 City Council pursuant to the recommendations of the Plan Commission:

CMITTE contorns to all other applicable vigilations of the district.

# Agreement

I verify that all the information in this application is true to the best of my knowledge. I understand and accept all requirements and fees as outlined as well as any incurred administrative and planning consultant fees which must be current before this project can proceed to the next scheduled committee meeting.

I understand all of the information presented in this document and understand that if an application becomes dormant it is through my own fault and I must therefore follow the requirements outlined above.

Applicant Signature

3/11/14

Owner hereby authorizes the applicant to persue the appropriate entitlements on the property.

Owner Signature Date

THIS APPLICATION MUST BE NOTARIZED PLEASE NOTARIZE IN THE SPACE BELOW:



United City of Yorkville County Seat of Kendall County 800 Game Farm Road Yorkville, Illinois, 60560 Telephone: 630-553-4350 Fax: 630-553-7575 Website: www.yorkville.il.us

# Petitioner Deposit Account / Acknowledgment of Financial Responsibility

Development/Property Address:	Project No.: FOR CITY USE ON	Fund Account No.: FOR CITY USE ONLY			
Petition/Approval Type; check appropriate box(es) of approval requested					
☐ Concept Plan Review Amendment (	Γext) (Annexation) (Plat) □ Anne	exation			
☐ Rezoning ☐ Special Use	□ Mile	and ½ Review			
☐ Zoning Variance ☐ Preliminary Pl	an 🗅 Fina	l Plans			
□ P.U.D. □ Final Plat					
Petitioner Deposit Account Fund:	A 31-10-00				
establish a Petitioner Deposit Account Furequests. Typical requests requiring the review of development approvals/engineerilegal fees, engineering and other plan recoordination and consulting fees. Each fun provided in the INVOICE & WORKSHE services related to the project or request. Party will receive an invoice reflecting the ten percent (10%) of the original deposit funds equal to one-hundred percent (100%) event that a deposit account is not immediamay be suspended until the account is full project, the city will refund the balance to the Responsible Party to the city by the 15th of	It is the policy of the United City of Yorkville to require any petitioner seeking approval on a project or entitlement request to establish a Petitioner Deposit Account Fund to cover all actual expenses occurred as a result of processing such applications and requests. Typical requests requiring the establishment of a Petitioner Deposit Account Fund include, but are not limited to, plan review of development approvals/engineering permits. Deposit account funds may also be used to cover costs for services related to legal fees, engineering and other plan reviews, processing of other governmental applications, recording fees and other outside coordination and consulting fees. Each fund account is established with an initial deposit based upon the estimated cost for services provided in the INVOICE & WORKSHEET PETITION APPLICATION. This initial deposit is drawn against to pay for these services related to the project or request. Periodically throughout the project review/approval process, the Financially Responsible Party will receive an invoice reflecting the charges made against the account. At any time the balance of the fund account fall below ten percent (10%) of the original deposit amount, the Financially Responsible Party will receive an invoice requesting additional funds equal to one-hundred percent (100%) of the initial deposit if subsequent reviews/fees related to the project are required. In the event that a deposit account is not immediately replenished, review by the administrative staff, consultants, boards and commissions may be suspended until the account is fully replenished. If additional funds remain in the deposit account at the completion of the project, the city will refund the balance to the Financially Responsible Party. A written request must be submitted by the Financially Responsible Party to the city by the 15th of the month in order for the refund check to be processed and distributed by the 15th of the following month. All refund checks will be made payable to the Financially Respo				
ACKNO	WLEDGMENT OF FINANCIAL	RESPONSIBILITY			
Name/Company Name: A	ddress:	City: State: Zip Code:			
Telephone:	Sobile:	Fax: tair Key slow O M m			
630801015		This keg slise (d of his			
Financially Responsible Party:  I acknowledge and understand that as the Financially Responsible Party, expenses may exceed the estimated initial deposit and, when requested by the United City of Yorkville, I will provide additional funds to maintain the required account balance. Further, the sale or other disposition of the property does not relieve the individual or Company/Corporation of their obligation to maintain a positive balance in the fund account, unless the United City of Yorkville approves a Change of Responsible Party and transfer of funds. Should the account go into deficit, all City work may stop until the requested replenishment deposit is received.					
Print Name:   all Crace	Title:	Executive Director			
Signature*:	Date:	3/12/14			
*The name of the individual and the person who signs this declaration must be the same. If a corporation is listed, a corporate officer must sign the declaration (President, Vice-President, Chairman, Secretary or Treasurer)					
FOR CITY USE ONLY					
ACCOUNT CLOSURE AUTHORIZATION	ON:				
Date Requested:	□ Cor	npleted Inactive			
Print Name:		hdrawn Collections			
Signature:					
DEPARTMENT ROUNTING FOR AUTH	HORIZATION: Comm Dev.	Building  Engineering  Finance  Admin.			

# CERTIFIED MAILING AFFIDAVIT

STATE OF ILLINOIS )

) SS COUNTY OF KENDALL )
I/We,
list of all of the permanent parcel numbers and names and addresses of owners at the U.S. Post office on
Subscribed and sworn to before me this day of, 20
Notary Public



United City of Yorkville 800 Game Farm Road Yorkville, Illinois 60560 Telephone: 630-553-4350 Fax: 630-553-7575

# INVOICE & WORKSHEET **PETITION APPLICATION**

CONTACT: Tair Grace		DEVELOPMENT/ PROPE	RTY:
135 Von Emma	)	Acreage:	
yerwise, 12 (ec	2560	Date:	
Concept Plan Review: [] Yes Engineering Plan Review Deposit of \$5			S
Amendment: [] Yes [] No. \$500.00 Fee due for each: (Annexation		(PUD)	s
Annexation: [] Yes	for each acre over $5 = \underline{\qquad} x$	er 5. \$10 =+ \$250	S
If annexing and rezoning	5 = X ig, charge only 1	\$10 = + \$200	S
Special Use: Yes     No \$250.00, plus \$10/acre # of acres:	for each acre ove	r 5. \$10 =+ \$250	S
Zoning Variance: \$85.00 Outside Consultants deposit of \$500.00		[ ] No	\$
Preliminary Plan Fee: \$500.00	[] Yes	[ ] No	S
<u>P.U.D. Fee:</u> \$500.00	[] Yes	[ ] No	S
Final Plat Fee: \$500.00	[] Yes	[ ] No	S
Engineering Plan Review Deposit:  [] Less than 1 acre = \$1,000 due  [] Over 1 acre and less than 10 acres =  [] Over 10 acres and less than 40 acres  [] Over 40 acres and less than 100 acres  [] Over 100 acres = \$20,000 due	\$2,500 due = \$5,000 due	[ ] No	S
Outside Consultants Deposit: Legal, Land Planner, Zoning Coordinate Annexation, Subdivision, Rezoning, and     Less than 2 acres = \$1,000 due     Over 2 acres and less than 10 acres =     Over 10 acres = \$5,000 due	or, Knvironmenta Special Use:		s
TOTAL AMOUNT DUE: Word O Drive Dev. Dep. ARO/ Fee Sheet Wkst			s 1250 00

Cyh. bit 5	

PIN	mailto_name	mailto_address1	mailto_address2	mailto_csz
02-33-177-001	EJ INVESTMENTS LLC	674 ANDREA CT		YORKVILLE IL 60560
02-33-177-005	OLSON ROGER D & JOYCE M	325 E VAN EMMON ST		YORKVILLE IL 60560
02-33-177-006	COMMONWEALTH EDISON	THREE LINCOLN CENTRE 4TH FL		OAK BROOK TERRACE IL 60181
02-33-153-009	UNITED CITY OF THE VILLAGE OF YORKVILLE (CENTENNIAL PARK)	800 GAME FARM RD		YORKVILLE IL 60560
02-33-307-012	YUNDT BARBARA G REV TR	2524 CREEK RD		PLANO IL 60545
02-33-307-022	PATTERSON STEWART W & PAMELA	%LEGACY REALTY	8641 WALKER RD	YORKVILLE IL 60560
02-33-178-004	CHRISTOFFERSON JAMES F	329 GREGORY ST		AURORA IL 60504
02-33-178-003	SCHWARZ JENNIFER	28 W 015 87TH ST		NAPERVILLE IL 60564
02-33-307-020	HARVEST PROPERTY MANAGEMENT	PO BOX 51		YORKVILLE IL 60560
02-33-307-004	SCHMIDT WM & KATHRYN	310 E VAN EMMON ST		YORKVILLE IL 60560
02-33-307-003	PACKER JAMES K	308 E VAN EMMON ST		YORKVILLE IL 60560
02-33-307-002	PACKER JAMES K	808 W JACKSON AVE		NAPERVILLE IL 60540
02-33-307-011	WARNER, JOSHUA & LEWIS, AUBREY	311 E RIDGE ST		YORKVILLE IL 60560
02-33-307-010	CREMENS JOHN F & KATHRYN M	309 E RIDGE ST		YORKVILLE IL 60560
02-33-307-009	HARDING KIRK A III & CHRISTY R	307 E RIDGE ST		YORKVILLE IL 60560
02-33-307-008	SIMMONS ROBBIE A & MICHELE	305 E RIDGE ST		YORKVILLE IL 60560

02-33-307-00	77 CHMELIR ROBERT J	303 E RIDGE ST		YORKVILLE IL 60560
02-33-307-01	8 CALVERT JUDITH A	306 MILL ST		YORKVILLE IL 60560
02-33-307-02	1 WILLMAN FRANK R & LAUREL L	% PAMELA MALLETTE	310 MILL ST	YORKVILLE IL 60560
02-33-177-00	8 SONKIN LAMBKE SUSAN L	339 E VAN EMMON ST		YORKVILLE IL 60560
02-33-177-01	3 EJ INVESTMENTS LLC	674 ANDREA CT		YORKVILLE IL 60560
02-33-156-00	9 SAVAGE LARRY	311 E VAN EMMON ST		YORKVILLE IL 60560
02-33-156-00	8 HAWKINSON MICHAEL R SR & CAROL L	307 E VAN EMMON ST		YORKVILLE IL 60560
02-33-156-00	6 HARD GORDON D & KATHLEEN M	8820 MILLBROOK RD		NEWARK IL 60541
02-33-156-00	5 HALTCLUBINC	P O BOX 615		YORKVILLE IL 60560
02-33-177-01	7 SONKIN LAMBKE SUSAN L	339 E VAN EMMON RD		YORKVILLE IL 60560
02-33-156-00	4 SAVAGE LARRY	311 E VAN EMMON ST		YORKVILLE IL 60560
02-33-156-01	6 ZIVKOVIC LJUBISA & MARA	62 TIMBER VIEW LN		YORKVILLE IL 60560
02-33-156-01	5 ZIVKOVIC LJUBISA & MARA	62 TIMBER VIEW LN		YORKVILLE IL 60560
02-33-156-01	4 ZIVKOVIC LJUBISA & MARA	62 TIMBERVIEW LN		YORKVILLE IL 60560
02-33-156-01	7 ZIVKOVIC LJUBISA & MARA	62 TIMBER VIEW LN		YORKVILLE IL 60560
02-33-156-01	8 BURD PAUL E & VALERIE L	300 E HYDRAULIC AVE		YORKVILLE IL 60560
02-33-178-00	1 JOHNSON GARY A & MARY D	4225 E 2551TH RD		SHERIDAN IL 60551

02-33-176-007	GENEVA KAYAK CENTER	301 E HYDRAULIC AVE	YORKVILLE IL 60560
02-33-177-012	CINNAMON JULI M	315 E VAN EMMON ST	YORKVILLE IL 60560
02-33-177-002	EJ INVESTMENTS LLC	674 ANDREA CT	YORKVILLE IL 60560
02-33-178-002	CHRISTOFFERSON JAMES F	329 GREGORY ST	AURORA IL 60504
02-33-307-005	OSWEGO COMMUNITY BANK % PAUL &	81 COUNTRY DR	YORKVILLE IL 60560
02-33-177-016	D K LANDSCAPE & DESIGN INC	4747 WAA-KEE-SHA DR.	OSWEGO IL 60543
02-33-153-008	UNITED CITY OF THE VILLAGE OF YORKVILLE	800 GAME FARM RD	YORKVILLE IL 60560
02-33-156-007	HAWKINSON MICHAEL R SR & CAROL L	307 E VAN EMMON ST	YORKVILLE IL 60560
02-33-176-001	UNITED CITY OF THE VILLAGE OF YORKVILLE (CENTENNIAL PARK)	800 GAME FARM RD	YORKVILLE IL 60560
02-33-326-008	KUCZKOWSKI KEITH & BONNIE	328 E VAN EMMON ST	YORKVILLE IL 60560
02-33-326-004	COMMONWEALTH EDISON	THREE LINCOLN CENTRE 4TH FL	OAK BROOK TERRACE IL 60181
02-33-502-001			

10/20.



# WARRANTY DEED CORPORATION TO CORPORATION

# 201400005058

GILLETTE KENDALL COUNTY, IL

RECORDED: 4/17/2014 3:37 PM HD: 1024.00 RHSPS FEE: 10.00 PAGES: 4

THIS INDENTURE WITNESSETH, the That Grantor, TKK INVESTMENTS, LLC, an Illinois Limited Liability Company created and existing under and by virtue of the laws of the State of Illinois and duly authorized to transact business in the State of Illinois, of 319 E Van Emmon Street, Yorkville, Illinois for and in consideration of Ten and no/100ths Dollars (\$10 00), and other good and valuable consideration in hand paid, and pursuant to authority given by the Members of said company, conveys and warrants to EJ INVESTMENTS, LLC, an Illinois Limited Liability Company, of 674 Andrea Court, Yorkville, Allinois, Grantee, the following described real estate located in Kendall County, Illinois

SEE ATTACHED EXHIBIT "A"

### PIERLITY NATIONAL TUTLE

Permanent Real Estate Index Number: 02-33-177-001-0000, 02-33-177-002-0000, 02-33-177-004-0000, 02-33-177-013-0000

Address of Real Estate 319 E Van Emmon Road, Yorkville, Illinois 60560

In Witness Whereof, Grantor has caused its name to be signed to these presents by its Managing Member

This 3rd day of April, 2014

TKK Investments, LLC

BY Shomes Baumgartner, MANAGING MEMBER

COUNTY OF KENDALL
REAL ESTATE TRANSFER TAX
3 3 5 00 (24)

STATE OF ILLINOIS

APR. 17 14

KENDALL COUNTY

1/4

REAL ESTATE TRANSFER TAX

0065000

\*\* FP 103035

W

STATE OF ILLINOIS

COUNTY OF Kardell ) SS

The undersigned, a Notary Public in and for said County and State aforesaid, do hereby certify that THOMAS BAUMGARTNER personally known to me to be the Managing Member of TKK Investments, LLC, and personally known to me to be the same person whose name is subscribed to the toregoing instrument as having executed the same, appeared before me this day in person and acknowledged that he as Managing Member signed, sealed and delivered this instrument, pursuant to the authority given by the Board of Directors of said corporation, as his free and voluntary act for the uses and purposes set forth

Given under my hand and Notarial Seal on Opil 3, 201

Notary Public

OFFICIAL SEAL
KRISTINE LARSEN
NOTARY PUBLIC - STATE OF ILLINOIS
MY COMMISSION EXPIRES 08/13/15

Prepared by Attorney Kristine Larsen, 22 W Van Buren, Oswego, Illinois 60543

Return to Atttorney Thomas Grant 200 Hillcrest Avenue P O Box 326 Yorkville, IL 60560 Grantee's Address and Send tax bills to EJ Investments, LLC 674 Andrea Court Yorkville, IL 60560

### **EXHIBIT "A"**

THAT PART OF THE NORTHWEST 1/4 OF SECTION 33, TOWNSHIP 37 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS COMMENCING AT A POINT ON THE NORTH LINE OF VAN EMMON STREET AT THE SOUTHEAST CORNER OF BLOCK 5 OF BLACK'S ADDITION TO YORKVILLE, THENCE EASTERLY ALONG SAID NORTH LINE, 170 O FEET FOR A POINT OF BEGINNING, THENCE NORTHERLY, PARALLEL 电流体 (THE FAST LINE OF SAID BLOCK 5, A DISTANCE OF 120 O FEET, THENCE WESTERLY ALONG A LINE DRAWN PARALLEL WITH SAID NORTH LINE, 53 67 FEET TO A POINT WHICH IS 185 OF FEET WESTERLY, AS MEASURED ALONG SAID PARALLEL LINE, OF THE EAST LINE OF LOT 13 OF SAID SECTION, AS SAID LOT IS DEPICTED ON A PLAT OF SURVEY RECORDED IN BOOK 3 OF PLATS, PAGE 96 AND AS OCCUPIED AND MONUMENTED, THENCE MORTHERLY, PARALLEL WITH SAID EAST LINE OF SAID LOT, 84 87 FEET TO A LINE DRAWN (WESTERLY) PREALLEL WITH THE MAIN TRACK TANGENT CENTER LINE OF THE BURLINGTON NORTHERN RAID ROAD FROM A POINT ON THE EAST LINE OF SAID LOT WHICH IS 115 O FEET SOUTHERLY OF THE INTERSECTION OF SAID EAST LINE WITH THE CENTER LINE OF SAID MAIN TRACK, THENCE EASTERLY ALONG SAID LINE, PARALLEL TO SAID MAIN TRACK, 32 52 FEET (TO THE SOUTHEAST CORNER OF A TRACT OF LAND CONVEYED TO ALLAN BRADY BY DOCUMENT NO 77-4545, THENCE NORTHERLY ALONG THE EAST LINE OF SAID BRADY TRACT, 76 52 FEET TO THE NORTHEAST CORNER THEREOF, THENCE EASTERLY ALONG THE NORTHERLY LINE OF SAID BRADY TRACT EXTENDED, 60 34 FEET TO A POINT WHICH IS 30 O FEET, MORMARY DISTANT, SOUTHERLY OF THE CENTER LINE OF SAID MAIN TRACK, THENCE EASTERLY PARALLEL WITH SAID CENTER LINE 56 82 FEET TO A POINT OF CURVATURE, THENCE EASTERLY, CONCENTRIC WITH SAID CENTER LINE, BEING ALONG A TANGENTIAL CURVE TO THE RIGHT HAVING A RADIUS OF 5,699 65 FEET, AN ARC DISTANCE OF 41 45 FEET, TO SALE EAST LINE OF LOT 13, THENCE SOUTHERLY ALONG SAID EAST LINE, 292 72 FEET TO SAID NORTH LINE OF VAN EMMON STREET, THENCE WESTERLY ALONG SAID NORTH LINE, 126 52 FEET TO THE POINT OF BEGINNING LESS AND EXCEPT PART CONVEYED BY DEED RECORDED JULY 3, 1990 AS DOCUMENT 9042B1, AND ALSO THAT PART OF LOT 12 (SOMETINES CALLED SUB LOT 12) ACCORDING TO 3 PLATS, PAGE 96 IN SECTION 33, TOWNSHIP 37 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, WHICH LIES SOUTH OF THE CHICAGO, BURLINGTON AND QUINCY RAILROAD RIGHT OF WAY AND NORTH OF VAN EMMON STREET, IN THE UNITED CITY OF THE VILLAGE OF YORKVILLE, KENDALL COUNTY, ILLINOIS

Permanent Real Estate Index Number: 02-33-177-001-0000, 02-33-177-002-0000, 02-33-177-004-0000, 02-33-177-013-0000

Address of Real Estate 319 E Van Emmon Road, Yorkville, Illinois 60560

PI	AT ACT AFFIDAVIT	OF METES AND BU	UNDS
STATE OF ILLINOIS	) ) SS		
COUNTY OF KENDALL	1. Gran	being duly s	wern on oath, And further states
that (please check the appro	opriate box)		!
exchange is of an entire tract  B. [ ] That the attack reasons (please circle the approximation)	of land not being a pai hed deed is not in viola propriate number	tora larger tract of la tion of 765 ILCS 205/	/1(a), in that the sale or ind; or /1(b) for one of the following acres or more in size which
1. The division or su	any new streets or case	ments of access:	actor of filera in one
2. The division of lo	ts or blocks of less that	n on (1) acre in any re s of access:	corded subdivision which does
The sale or excha     The conveyance of the public utility	nge of parcels of land or into x facilities and other pi	between owners of adjusterests therein for use a ipe lines which does not be a lines which does	ouning and contiguous land; as right of way for railroads or of involve any new streets or
5. The conveyance of	of fand owned by a rail tements of access;	road or other public ut	blity which does not involve any
/ TTI	of land for highway or lication of land for pub	other public purposes hic use or instruments	or grants or conveyances relating to the vacation of land
7. Conveyances mad 8. The sale or excha (2) parts of a part	de to correct description inge of parcels or tracts acular parcel or tract of access:	of land following the fland existing on July	17, 1959 and not involving any
any subsequent le configuration of	d Lane Surveyor; provots from the same large the larger tract on October any local requirements.	ided, that this exempt or tract of land, as dete ober 1, 1973, and prove outs applicable to the su	on shall not apply to the sale of mined by the dimensions and ided also that this exemption ubdivision of land;
10. The conveyance	is of land described in	the same manner as th	tle was taken by grantor(s).
AFFIANT further states that of Kendall County, Illinois,	t he makes this affice to accept the attached	lavit for the purpose of deed for recording	f inducing the Recorder of Deeds
SUBSCRIBED AND SWOI	RN TO BEFORE ME		
Thus 3 <sup>MQ</sup> day of 4	pril , 20.	14.	Signature of Affiant
Signature of N	<b>V</b> 100 000 €	MOTARY PUB MY COMMIS	FICIAL SEAL TINE LARSEN BLIC - STATE OF ILLINOIS SSION EXPIRES 08/13/15
	111 W Fox Street Tel (630) 553 41	Yorkville, IL 60560 - 149	g



# Grace Holistic Center for Education "Open Minds-Open Hearts"

Business Plan

319 East Van Emmon Street Yorkville, Ilinois 60560



# **Mission Statement**

The mission of Grace Holistic Center for Education (GHCFE) is to provide a learning environment in which teaching modalities encompass mind, body, spirit, and academics. Education occurs by awakening free thinking, intrapersonal relationships, self-awareness, and holistic health.

# **Executive Summary**

Each child has something special and something unique to give to the world. GHCFE will help children and parents discover students' natural tendencies and foster its growth. We believe this is what education encompasses. Children that matriculate from this program will have "learned how to learn," and will be able to apply, integrate, and move forward in life in a mentally, emotionally, physically, and spiritually healthy way. This school is not only going to focus on academics but will also prepare these children to be self- actualized adults. Life skills, holistic health, mindfulness, and self-awareness will be a part of every day's curriculum at GHCFE.

# Description of GHCFE

Grace Holistic Center for Education, is a private not-for-profit school for special and regular education students, in Kendall County, pending Illinois State Board of Education approval. Our proposed curriculum and policies will establish a unique experience and education for each specific student, differentiating from the standard schooling typical operations.

# Educational Philosophy

GHCFE seeks to further the illumination of the human spirit. This endeavor is pursued by encompassing mind, body, spirit, and academics. We offer integrative education that provides a wide range of curriculum. One of the ways we achieve this objective is by cultivating active parent involvement, along with expanding global citizenship through service. We believe that ingenuity and creativity should be allowed to thrive. Our offerings include daily yoga/meditation which encourages intuitive problem solving and critical thinking skills. We also extend Immersion Spanish as a way to enhance memory and academic performance overall. Additionally, various programs are offered in the Arts such as: music, dance, art and culinary.



# • Programs

The school occupancy is composed of 13 regular education grades, K-12, and taught in four separate groups. The groups will be constructed by grades of kindergarten thru second grade, third thru fifth grade, sixth thru eighth grade, and ninth through twelfth. Approximately, there will be ten students in each group, totaling an attendance of 40 students. This lower attendance allows a much stronger teacher to student ratio that where more focus can be placed on one student.

There will be two special education classrooms grades first through fourth and fifth through eighth. Each classroom will have five students.

Students will also have the opportunity to explore elements of music and art in a semi-private group study. Classes take place once a week and are customized to fit each age group and study level; instruction is provided by teachers through the Fox River Academy of Music and Art. Music curriculum covers exposure to and application of musical concepts (such as rhythm, pitch, phrase, dynamics, etc.), instruments and study of sound production, music history/cultural music development, and other areas of music. Visual art will involve introduction to various materials and media through application of techniques and review of master artists. History, science/math, language, and aural/physical skills are combined together in class to create an engaging and exciting learning experience.

Along with the curriculum, we will also be allowing "Friday Classes". This is open to children in the community within the area that are homeschooled and would like to attend a classroom setting every Friday.

### Meals

GHCFE has partnered with Ginger and Soul Inc. to provide organic, non-GMO, dye-free lunches to its students.

Genetically Modified Organisms (GMOs) are herbicide tolerant plants being produced or sprayed with the herbicide which allows the plants to survive. A pesticide is also inserted into every cell of the plant which comes from the soil to kill off insects. The genetic engineering process creates massive collateral damage, causing mutations in hundreds or thousands of locations throughout the plant's DNA. When humans consume GMO's, there may be unintended and unknown effects.



Artificial food dyes are made from petroleum and are used to enhance the color of processed foods. Research indicates that when a significant amount of dyes are consumed by humans, they can bind to the human tissue and form neoantigens and result in bioaccumulation in the tissue. The antigens can then be attacked by the immune system, resulting in autoimmune reactivity. Foods and additives are 2 environmental triggers that have been found to be associated with ADHD.

ADHD is characterized as excessive and impairing inattentive, hyperactive, and impulsive behavior. In a study with 100 children with whom 50 were randomly assigned 5 weeks of a restricted diet of additive containing foods and the other 50 to a diet containing foods with additives. After 5 weeks, 78% of those in the diet group had responded to the diet showing considerable beneficial effects (Vojdani A, Vojdani C, 2015).

When children eat breakfast and lunch, they are more successful, have improved memory, problem–solving skills, and math and language skills. Students who eat breakfast and lunch at school also have higher attendance rates and lower tardiness which provides a more positive learning environment. Students who eat breakfast and lunch are also less likely to get sick.

The breakfast and lunch food students eat need to be free of additives and GMOs as stated above in order for these amazing benefits take place. There are benefits for all students, however, for those who have ADHD and/or anxiety it can be crucial for their learning experience.

# Policy for Monitoring and Evaluating Operations

Used by thousands of school districts around the country, Aimsweb is an assessment, data management, and reporting system. Designed to universally screen and monitor student progress for grades K-12, Aimsweb uses brief, valid, and reliable measures to maximize time spent on instruction. It provides the framework, data, and guidance to administrators and teachers to efficiently allocate and evaluate core instruction and interventions to improve outcomes for all students—based on accurate, continual and direct student assessment. Aimsweb offers high quality, valid, and reliable assessment content that is easy to administer and score, produces consistent results across time or testing conditions, supports the Illinois Academic Standards, and can be used with any standards-based curriculum.



www.ghcfe.org



# Friday Program Information Sheet

8:30 School starts

8:45 Yoga/Meditation

9:30 K-2 Music / Art (A), 3-5th (B), 6-8th (C)

10:30 3-5th grade Music/Art (A), K-2 (C), 6-8th (B)

12:00 Lunch/Structured Play/Selected School Task (20 min ea.)

1:00 6-8th grade Music/Art (A), K-2 (B), 3-5th (C)

2:30 Dismissal

Rotation A- Music/Art

Rotation B –(one of the following)

- 1. Reading extension games
- 2. Spanish language education
- 3. Social/Life Skills Activities
  - Rotation C- Community Service Project/Field Trip

# **Management Team:**

Directors

# Tairi Grace, LCSW, ERYT - Executive Director & Therapist

Tairi Grace is a Licensed Clinical Social Worker (LCSW), who has owned a private practice since 2009. The owner of Sense of Samadhi Yoga Studio, she is also a 500-hour Registered Yoga Teacher and 200-hour Educator. Operating out of this location is a holistic healing market offering a variety of healing services as well as items from local artisans. Tairi Grace leads an annual 200-hour yoga teacher training program and is the founder of Metaphysically Fit Fest, which is a festival celebrating



diversity, spirituality, wellness, and self-expression. Tairi Grace actively supports the community and is member of the National Association of Social Workers, Yoga Alliance, and the Yorkville Chamber of Commerce. Tairi Grace has lived in Yorkville for over 13 years and has four children, ages 12, 10, 7, and 6.

# Jennifer L. Saad, MA, MS - Program Director & Teacher

Jennifer has been working in the education field with children exhibiting a wide range of abilities since 1998. She received her undergraduate degree from Dominican University, double majoring in Education and American Studies. Working with grade school students in an urban setting, influenced her to pursue a graduate degree in Special Education, also from Dominican. To enhance her worldview, she obtained certification in School Counseling, along with a Masters in Administration from Lewis University. Her professional background includes supervising staff, case management, diagnostic testing, along with writing and implementing FBP's. Jennifer has also facilitated meetings between staff, students, and parents. She is a lifelong learner, currently pursuing a wellness certification. Jennifer resides in Joliet and has two children, ages 22 and 18.

## Educational Board

# TBD- Creations Program Teacher (K-2 grades)

# Jennifer L. Saad, MA, MS - Transitions Program Teacher (3-5 grades)

Jennifer has been working in the education field with children exhibiting a wide range of abilities since 1998. She received her undergraduate degree from Dominican University, double majoring in Education and American Studies. Working with grade school students in an urban setting influenced her to pursue a graduate degree in Special Education, also from Dominican. To enhance her worldview, she obtained certification in School Counseling along with a Masters in Administration from Lewis University. Her professional background includes supervising staff, case management, diagnostic testing, as well as writing and implementing FBPs. She has also facilitated meetings between staff, students and parents. She is a lifelong learner, currently pursuing a wellness certification. Jennifer resides in Joliet and has two children ages 22 and 18.

# Danielle Reuterskiold, Evolutions Program Teacher (6-8 grades)

Danielle Reuterskiold graduated with honors from Western Illinois University with a Bachelor of Arts degree in English Education. She taught 7th grade Language Arts in



Woodridge, IL for three years. She has since been raising her children, as well as caring for other children in the community. Danielle's philosophy for teaching stems from her personal conviction and love for reading. She was the child who checked out twenty books from the library, and read through them all in a few days' time. Danielle enjoys cooking, gardening, and camping with her husband and three children.

# Dawn Aulet, Expansions Teacher (9-12 grades)

Dawn Aulet began her career in the secondary education field when she guest directed a play in 2010 at her alma mater. Her passion for learning, though spans the scope of the written word and performance as well as teaching. Dawn received her undergraduate degree from Northern Illinois University in 2000, where she majored in Journalism and minored in Theater. Following a successful career in Journalism, in 2014, she added a masters in teaching from Olivet Nazarene University.

A Lifelong Learning instructor at Joliet Junior College since 2009, for the past year, she has been enriching her classroom experience on the southside of Chicago, teaching drama, writing and American Literature at DeLaSalle Institute. Her favorite part of the job is getting to know the students and meeting them where they are at when they enter her classroom – academically and emotionally.

Dawn is moved by the stories of everyone she meets. In her varied career, she has carried the responsibility of hearing, telling and teaching people how to tell their story. She is excited to bring a more holistic approach to the classroom

She currently lives in the Western suburbs and is raising two amazing boys who are 14 and 11.

# Amanda Rediger, Special Education Teacher

Amanda Reveter is a certified special education teacher with several years experience in both private therapeutic and pubic school settings. She earned her Masters Degree in Education (LBS1) in 2007 from Northern Illinois University. While working at Edward Academy she helped research and design curriculums to provide differentiated instruction to students with various abilities and learning styles. Her background includes experience writing, implementing, and monitoring progress of IEP goals as well as utilizing functional behavioral assessments to develop plans to help students



achieve success in academic settings.

Amanda is a 200 hr registered yoga teacher as well as a level 3 certified swimming coach. She believes that the key to academic success is through developing a healthy mind, body, and spirit by providing a setting that is nurturing.

# Patricia Kinnavy - Activities Director

Patricia Kinnavy is a registered Illinois High School Association (IHSA) coach. Prior to joining GHCFE, she worked at Mooseheart Child City as a coordinator for the recreation department, helping children ages 5 to 18 with personal growth and teambuilding skills. She also served as Mooseheart's head High School volleyball coach and assistant Junior High basketball coach. She is currently in the process of earning her Associates Degree to become a paraprofessional. Ms. Kinnavy is very passionate about nature, the environment and has a natural gift with children of all ages.

# Karen Kulzer, Executive Director, Fox River Academy of Music and Art, Inc.

In August 2003, Ms. Kulzer co-founded/incorporated Fox River Academy of Music and Art, Inc. (a community music and art school) with musician Ron Stark, opening its doors with three employees and 40 students. Since then, Fox River Academy has grown to 400 enrolled students and 30+ full- and part-time employees, with members participating in student recitals, charitable fundraisers, art exhibits, and numerous other community art and music activities. Karen received her Bachelor of Music from DePaul University's School of Music (Chicago, Illinois) in 1996; she has studied piano performance and composition studies with Dr. Michael Fritsch, Dr. Melody Lord, Dr. Janice Misurell-Mitchell, Alan Swain, Jim Trompeter, and Dr. Kurt Westerberg. In addition to 20+ years of private piano teaching experience, Karen has been involved with many local organizations and community outreach associations.

# Tairi Grace, LCSW, ERYT - Therapist

Tairi Grace is a Licensed Clinical Social Worker who has owned a private practice since 2009. She is also a 500-hour Registered Yoga Teacher/200 hour Educator and owns Sense of Samadhi Yoga Studio. Operating out of this location is a holistic healing market offering a variety of healing services as well as items from local artisans. Tairi Grace leads an annual 200-hour yoga teacher training program and is the founder of Metaphysically Fit Fest, which is a festival celebrating diversity, spirituality, wellness, and self-expression. Tairi Grace actively supports community and is member of National Association of Social Workers, Yoga Alliance, and the Yorkville Chamber of



Commerce. Tairi Grace has lived in Yorkville for over 13 years and has four children ages 12, 10, 7 and 6.

# Jamee Adkins Kerkman, LCPC - Therapist

Jamee Adkins Kerkman is a Licensed Clinical Professional Counselor (LCPC) with the State of Illinois, Certified Hypnotherapist, and a 200-hour Certified Yoga Teacher. She holds a Masters Degree in Clinical Psychology and owns a private practice, Trinity Wellness Counseling & Yoga. Jamee has been counseling clients since 2008, providing children and adolescents, individuals, couples, families and groups with holistic therapeutic interventions. Her experience includes teaching at the college level. She is passionate about helping others. Jamee is a member of the Illinois Mental Health Counseling Association.

# Chris McKinley - Administrative Assistant

Chris McKinley is an office professional with a passion for education. She has worked in a variety of office settings, including four years as the office manager at Peaceful Pathways Montessori Academy. She was blessed to have her passion for alternative education and the pursuit of a complete education for all children revealed with the birth of and through the raising of her daughter.

# **Board Members**

### Kristen Accardo, DC

Dr. Accardo has been a practicing chiropractor since 1997. She received her Bachelor's degree from the University of Wisconsin-Milwaukee and her Doctor of Chiropractic from Northwestern College of Chiropractic. She has taken over 100 hours of training in acupuncture from the International Academy of Medical Acupuncture and received her Fellowship (FIAMA) in 2006 as well as training and certification in Health and Wellness Coaching from the American College of Sports Medicine. Dr. Accardo enjoys yoga, running, organic gardening, and watercolor painting. She is a member of the Oswego Chamber of Commerce and the Rotary Club of Oswego.

# Salvador A. Godinez

S.A. "Tony" Godinez is a 42 year Criminal Justice veteran with past assignments in over 20 states. His most recent appointments have been as Director of the Illinois



Department of Corrections under Governor Pat Quinn and as the Executive Director of the Cook County Jail for Sheriff Tom Dart. Mr. Godinez has also taught Criminal Justice classes in three different states and is certified as a court expert on Prison Gangs. He views his most valuable experience as the volunteer work he has performed with different juvenile delinquency and crime prevention community groups in different states. He has been appointed and co- chaired over forty boards and commissions in recent years. Mr. Godinez received his Bachelors Degree in Criminal Justice from the University of Ill-Chicago and his Masters Degree in Corrections from Chicago State University. He is presently involved as a Consultant/Advisor on several court cases in Cook County and on Criminal Justice initiatives as well. Mr. Godinez continues to provide assistance and direction to groups interested in the welfare of our youths and contribute to the efforts of early intervention.

# **Joel Frieders**

Husband to one, father to three, Joel Frieders is a current alderman for the United City of Yorkville, the Vice President of the The Compounder Pharmacy, and the owner/operator of the Aurora Bee Company. Joel is also active in the annual Summer Solstice craft beer and music festival in Yorkville and the Yorkville Park Board. After a health scare in 2009 forced him to reevaluate and take ownership of his own well being, Joel is fully invested in the health of his self, family, and community.

# Brian R. King

Brian King is a resilience Coach who has been inspiring audiences for over 20 years with his story of resilience in the face of growing up with ADHD and Dyslexia, surviving cancer at age 18, and now suffering from Ehlers-Danlos Syndrome. He is the father of three sons with ADHD and Asperger's. Brian is one of the most positive people you'll ever meet. He teaches entrepreneurs how to turn their failures into fuel by building their capacity for resilience.

# Robyn Sutcliff

Robyn Sutcliff is the owner of Foxy's Ice Cream in Yorkville, established in 2011. Robyn believes in creating community through business. Robyn served for 10 years as a substitute teacher for The Kendall County Cooperative for Special Education in types of special education classrooms: ISP, LSP, STARS, BD, Diagnostic and ED. As an Alderman of the City of Yorkville, Robyn was proud to be a servant to the community and work within a political system to represent Yorkville's residence and facilitate



policies that would increase everyone's quality of life. Being a part of the Board of Grace Holistic school is an honor. Robyn looks forward to serving the students and participating in a program that will enrich students' lives while helping them to become outstanding human beings.

# Marketing Strategy

GHCFE has a marketing strategy that will send a message to our audience of the unique skills learned through our programs and why GHCFE will not only be educational, but a learning experience beyond formal education. We will express the benefits of the school and how it will positively affect our customers and their children. Marketing strategy formulation to implementation is composed of both traditional and digital, by reaching our audience through a variance of channels of promotions, advertising, public relations and sales. Naturally like any business, we plan to utilize the impact of local buzz and word of mouth referral advertising. This is one of the strongest methods of advertising yet we know we need to create reputation before this works so we will place our efforts to alternative marketing methods. Our traditional marketing plan is made up of printed collateral such as business cards, brochures, flyers, information packets, promotional items etc. This print will be used at any possible networking event, meeting or seminars attended by staff to inform the customer of the product offered and promotional items will be given as a thank you gift for the opportunity. Additionally, we may include newspaper advertisements such as ribbon cutting and radio broadcasting at a local radio station. Digitally, we will market our school with multiple platforms as well. Our root of our digital footprint is our currently operating website with call to actions for enrollment and informative information on the school itself. We plan to draw people to our site using social media such as our Facebook page with regular posts on school activity, email marketing campaigns containing promotions or informative information. We will also explore the possibility of search engine optimization through natural content SEO, blogging and PPC (Pay-Per-Click Google Adwords). We understand our niche is a smaller market and our marketing plan will be tailored as time continues, budget restraints and initial enrollment develops.

Our SWOT (Strengths, Weaknesses, Opportunities and Threats) analysis on our market has a currently strong hold on our industry foundation and competition within



our county. Further analysis will be continued and researched as we continue to grow and pricing will be reflected as needed.

Strengths	Weaknesses					
<ul> <li>Unique curriculum</li> <li>Education for all types of students</li> <li>Experienced multi business owner and operator</li> <li>Limited competition geographically</li> <li>Limited start up risk</li> <li>Marketing campaigns and visibility</li> </ul>	<ul> <li>Limited start-up costs</li> <li>Limited flexibility in pricing</li> </ul>					
<ul> <li>Opportunities</li> <li>Affiliate relations with related vendors and supporting businesses</li> <li>Development of proprietary</li> </ul>	<ul> <li>Threats</li> <li>Competitors marketing initiatives</li> <li>Changes in regulations that can impact the business</li> <li>Competitors develop or already</li> </ul>					
<ul> <li>products</li> <li>Develop new methods of curriculum and teaching standards</li> </ul>	<ul> <li>have services</li> <li>Insurance and liability rising costs</li> <li>Increasing cost to do business in industry</li> </ul>					



Speech Therapy

Our market share analysis is generated within Kendall County. This geographical location was chosen due to the amount of competition compared to surrounding areas. There are currently five private schools in Kendall County, IL, serving 967 students. The low amount of private schooling leaves room for market share to be competitive. Realizing our competitors have been around for awhile, we plan to take our market share through our experienced business partners and

School	Grades	# of Students	Religious Affiliation	Yoga/ Meditation	Organic Lunches/Snacks	Special Education	Organic food growing/ex- periential learning	Tuition per year	Teacher/student ratio	Foreign language	Therapeutic services (counseling, etc.) (Insert details)	Aquaponics	Athletic/ Academic/ Arts
Cross Evangelica I	PK-8	236	Yes	No	No	No	N	5.900	1/15 Over 15 students a teacher aide is added	Spanish	Refers out for social work services and Speech.	No	Young Reinbrandts Soccer Volleyball Cross Country Basketball
Farkview Christian Academy	PK-12	319	Yes	No	No	No	No	5,995	1/24	Spanish	No	No	4th-12th grade Cheerleading Basketball Soccet Volleyball
St. Luke's Lutheran School	PK-9	187	Yes	No	No	No	No			•	-	No	
St. Mary's School	K-8	205	Yes	No	No	No	No			-		No	-
Peaceful Fathways Montessori	K-8	88	Yes	No	No	No	No	4,600	1/11	After school Spanish	No	No	4th-8th joins St. Paul's for sports
GHCFE	K-12	50	No	Yes	Yes	Yes	yes	6,300			Group and Individual Social Work Therapy,	Yes	Yoga

Competitor Analysis

aggressive marketing plan to contain a recipe for success. Our Friday classes available to the homeschooled and our curriculum for students with disabilities will also gain market share. Some competitors do not have these options established that will enforce our public relations marketing and produce customer base. This will place a positive light and solution for schooling for some parents. With our school only containing approximately thirty out of the current 967 market of students, we can hold roughly 3-4% of the market share within Kendall County. This places our institution as smaller school compared to competitors but our specific niche will sustain market share while growth and demand rises.

# Cash Flows and Financial Analysis.

The start- up costs are approximately \$62,826 to furnish the school and have it ready for students. This is followed up by approximate annual need of \$510,440 per



year for operating expenses covering all fees, salary etc. These numbers were generated from an accounting department with realistic figures. This demonstrates what is needed for the school to function with expected costs.

GHCFE has expectations of generating cash flow of \$204,600 (\$6,500 tuition +700 supply fee + 250 deposit x 30 students) on an annual income from regular enrolled students, assuming a minimum of thirty students attend per year. Also, assuming ten children will be enrolled in the special education component, \$500,000 will be generated from these students, paid per district at 50K per student.

Additionally, Friday Program is expected to generate annual revenue of \$11,850. Suggested pricing for the HS student programs follow three different packages: 4 weeks of all day Fridays will cost \$150 a student at \$37.50 per day and \$2,250 in revenue, a 8 week plan of \$280 at \$35 per day and \$4,200 in revenue and lastly a 12 week program at \$360 holding 30 per diem with a total of \$5,400 in projected revenue.

In running total, using start up and yr. 1 operating costs of \$573,266 and tuition/district and Friday program fee collection totaling \$716,450, by year two GHCFE should have a positive cash flow of \$143,184 to sustain and expand services as well as begin to pay Executive Director and Program Director salaries. \$270,000 in which grants must exceed this figure. Refer to the cost and budget projections for details.

For start-up and year one operating expensed, GHCFE will look for grants and donations to help with rent and utilities for the building, starting salaries, student lunches, supplies and student tuition scholarships. GHCFE's campaign includes, first involving getting significant gifts from the board, from friends, and from generous donors in our community. The kickoff campaign event is scheduled for March 17, 2016.

Per Regular Education Student Yearly tuition: \$6,500.00

Supply fee: \$700.00

Non-refundable deposit: \$250.00

Per Special Education Student Yearly \$50,0000

First Year Cost Analysis:

Start up costs \$62,826 +Annual needs \$510,440



First year Expense \$573,266

Annual projected income at the end of year one \$716,450

# PUBLIC NOTICE NOTICE OF PUBLIC HEARING BEFORE THE UNITED CITY OF YORKVILLE PLAN COMMISSION PC 2016-08

NOTICE IS HEREWITH GIVEN THAT Tairi Grace, petitioner, has filed an application with the United City of Yorkville, Kendall County, Illinois, requesting special use permit approval for a Commercial/Trade School for a private, non-profit school with an emphasis on holistic health education within the M-1, Limited Manufacturing District pursuant to Chapter 6, Table 10.06.02 of the Yorkville Zoning Ordinance. The real property is located at 319 E. Van Emmon Road, in Yorkville, Illinois.

The legal description is as follows:

THAT PART OF THE NORTHWEST 1/4 OF SECTION 33, TOWNSHIP 37 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS, COMMENCING AT A POINT ON THE NORTH LINE OF VAN EMMON STREET AT THE SOUTHEAST CORNER OF BLOCK 5 OF BLACK'S ADDITION TO YORKVILLE, THENCE EASTERLY ALONG SAID NORTH LINE, 170.0 FEET FOR A POINT OF BEGINNING, THENCE NORTHERLY, PARALLEL WITH THE EAST LINE OF SAID BLOCK 5, A DISTANCE OF 120.0 FEET, THENCE WESTERLY ALONG A LINE DRAWN PARALLEL WITH SAID NORTH LINE, 53.67 FEET TO A POINT WHICH IS 185.0 FEET WESTERLY, AS MEASURED ALONG SAID PARALLEL LINE, OF THE EAST LINE OF LOT 13 OF SAID SECTION, AS SAID LOT IS DEPICTED ON A PLAT OF SURVEY RECORDED IN BOOK 3 OF PLATS, PAGE 96 AND AS OCCUPIED AND MONUMENTED, THENCE NORTHERLY, PARALLEL WITH SAID EAST LINE OF SAID LOT, 84.87 FEET TO A LINE DRAWN WESTERLY, PARALLEL WITH THE MAIN TRACK TANGENT CENTER LINE OF THE BURLINGTON NORTHERN RAILROAD FROM A POINT ON THE EAST LINE OF SAID LOT WHICH IS 115.0 FEET SOUTHERLY OF THE INTERSECTION OF SAID EAST LINE WITH THE CENTER LINE OF SAID MAIN TRACK, THENCE EASTERLY ALONG SAID LINE, PARALLEL TO SAID MAIN TRACK, 32.52 FEET TO THE SOUTHEAST CORNER OF A TRACT OF LAND CONVEYED TO ALLEN BRADY BY DOCUMENT NO. 77-4545, THENCE NORTHERLY ALONG THE EAST LINE OF SAID BRADY TRACT, 76.52 FEET TO THE NORTHEAST CORNER THEREOF, THENCE EASTERLY ALONG THE NORTHERLY LINE OF SAID BRADY TRACT EXTENDED, 60.34 FEET TO

A POINT WHICH IS 30.0 FEET, NORMALLY DISTANT, SOUTHERLY OF THE CENTER LINE OF SAID MAIN TRACK, THENCE EASTERLY PARALLEL WITH SAID CENTER LINE 56.82 FEET TO A POINT OF CURVATURE, THENCE EASTERLY, CONCENTRIC WITH SAID CENTER LINE, BEING ALONG A TANGENTIAL CURVE TO THE RIGHT HAVING A RADIUS OF 5,699.65 FEET, AN ARC DISTANCE OF 41.45 FEET, TO SAID EAST LINE OF LOT 13. THENCE SOUTHERLY ALONG SAID EAST LINE. 292.72 FEET TO SAID NORTH LINE OF VAN EMMON STREET, THENCE WESTERLY ALONG SAID NORTH LINE, 126.52 FEET TO THE POINT OF BEGINNING LESS AND EXCEPT PART CONVEYED BY DEED RECORDED JULY 3, 1990 AS DOCUMENT 904281, AND ALSO THAT PART OF LOT 12 (SOMETIMES CALLED SUB LOT 12) ACCORDING TO 3 PLATS, PAGE 96 IN SECTION 33, TOWNSHIP 37 NORTH, RANGE 7 EAST OF THE THIRD **PRINCIPAL** MERIDIAN, WHICH LIES **SOUTH** OF CHICAGO. BURLINGTON AND QUINCY RAILROAD RIGHT OF WAY AND NORTH OF VAN EMMON STREET, IN THE UNITED CITY OF THE VILLAGE OF YORKVILLE, KENDALL COUNTY, ILLINOIS.

The application materials for the proposed Special Use are on file with the City Clerk.

NOTICE IS HEREWITH GIVEN THAT the Plan Commission for the United City of Yorkville will conduct a public hearing on said application on Wednesday, April 13, 2016 at 7 p.m. at the United City of Yorkville, City Hall, located at 800 Game Farm Road, Yorkville, Illinois 60560.

The public hearing may be continued from time to time to dates certain without further notice being published.

All interested parties are invited to attend the public hearing and will be given an opportunity to be heard. Any written comments should be addressed to the United City of Yorkville City Clerk, City Hall, 800 Game Farm Road, Yorkville, Illinois, and will be accepted up to the date of the public hearing.

By order of the Corporate Authorities of the United City of Yorkville, Kendall County, Illinois.

BETH WARREN City Clerk

BY: Lisa Pickering Deputy Clerk





To: Plan Commission

From: Krysti J. Barksdale-Noble, Community Development Director

CC: Bart Olson, City Administrator

Chris Heinen, Planner

Date: March 29, 2016

Subject: City Council Action Updates

# **Purpose**

The purpose of this memorandum is to provide the Plan Commission with an update on the action taken by the City Council on the items previously presented to and recommended by the Plan Commission at a prior meeting.

# **City Council Action:**

The City Council reviewed the Plan Commission's recommendation regarding the following items during their meeting held on February 23, 2016 and made the following final determination as indicated in their vote below:

1. **PC 2016-02** The Law Office Corporation, petitioner, has filed applications with the United City of Yorkville, Kendall County, Illinois, requesting special use permit approval for a proposed tavern – nightclub or lounge in an existing building zoned within the B-2 Retail Commerce Business District pursuant to Chapter 6, Table 10.06.03 of the Yorkville Zoning Ordinance. The real property is located at 226 South Bridge Street in Yorkville, Illinois.

Colosimo-aye; Koch-aye; Kot-aye: Milschewski-aye; Funkhouser-aye; Frieders-aye; Tarulis-aye.

7 ayes; 0 nays.

2. **PC 2016-03** Unified Faith in Christ Church, petitioner, has filed an application with the United City of Yorkville, Kendall County, Illinois, requesting special use permit approval for a Small Religious Institution that is defined in Section 10-2-3 of the Yorkville Zoning Ordinance as having less than 400 seats and 8,000 square feet of floor area in an existing building zoned within the M-1, Limited Manufacturing District pursuant to Chapter 6, Table 10.06.02 of the Yorkville Zoning Ordinance. The real property is located at 210 Beaver Street, Unit A in Yorkville, Illinois.

Colosimo-aye; Koch-aye; Kot-aye: Milschewski-aye; Funkhouser-aye; Frieders-aye; Tarulis-aye.

7 ayes; 0 nays.