



United City of Yorkville

800 Game Farm Road

Yorkville, Illinois 60560

Telephone: 630-553-4350

www.yorkville.il.us

PLANNING AND ZONING

COMMISSION AGENDA

Wednesday, June 13, 2018

7:00 PM

Yorkville City Hall Council Chambers

800 Game Farm Road

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

Roll Call:

Previous Meeting Minutes: May 9, 2018

Citizen's Comments

Public Hearings

1. **PZC 2018-10** James Mcnamara, petitioner, has filed an application with the United City of Yorkville, Kendall County, Illinois, requesting an accessory structure location variance for 515 West Madison Street. The purpose of this request is to allow a detached garage to be placed in the front yard. The real property, zoned R-2 Traditional Family Residence District, is located at the west end of West Madison Street.

Unfinished Business

New Business

1. **PZC 2018-10** James Mcnamara, petitioner, has filed an application with the United City of Yorkville, Kendall County, Illinois, requesting an accessory structure location variance for 515 West Madison Street. The purpose of this request is to allow a detached garage to be placed in the front yard. The real property, zoned R-2 Traditional Family Residence District, is located at the west end of West Madison Street.

Action Item

Variance

2. **PZC 2018-11** Michael and Dayle Saar have filed an application with Kendall County requesting a rezone from A-1 Agricultural District to R-1 Residential District on 4.2 acres of unincorporated land to market the site for single family residential use. The real property is located along the south edge of Route 71 just south of the Timbercreek Drive and Route 71 intersection.

Action Item

Mile and One Half Review

Additional Business

1. On Friday June 22, 2018 from 5:00pm-7:00pm an open housing for the Downtown Form Based Code and Streetscape Plan will be held at the River's Edge Theater in downtown Yorkville. This will be during the Summer Solstice event being held downtown on that weekend.

Adjournment

DRAFT

PLANNING & ZONING COMMISSION

**City Council Chambers
800 Game Farm Road, Yorkville, IL
Wednesday, May 9, 2018 7:00pm**

Meeting Called to Order

Chairman Randy Harker called the meeting to order at 7:00pm, roll was called and a quorum was established.

Roll Call:

Don Marcum-yes, Jeff Olson-yes, Bill Gockman-yes, Reagan Goins-yes, Randy Harker-yes

Absent: Deborah Horaz, Richard Vinyard

City Staff

Krysti Barksdale-Noble, Community Development Director
Jason Engberg, Senior Planner

Other Guests

Chris Vitosh, Depo Court

Greg & Rose Millen, Heritage Cabinetry

Becky Poston, First Midwest Bank

Chad Chahbazi, Project Development/BAP Power/Cenergy

Amendment

Chairman Harker said one item will be added under New Business, that being the appointment of a new Vice-Chairman. So moved by Mr. Marcum and seconded by Mr. Olson.

Roll call: Marcum-yes, Olson-yes, Gockman-yes, Goins-yes, Harker-yes. Carried 5-0

Previous Meeting Minutes April 11, 2018

The minutes were approved as presented on a motion and second by Commissioners Goins and Gockman, respectively.

Roll call: Olson-yes, Gockman-yes, Goins-yes, Marcum-abstain, Harker-yes.

Carried 4-0, 1 abstain

Citizen's Comments None

Public Hearing

1. **PZC 2018-08 BAP Power Corporation dba Cenergy Power, petitioner, has filed an application with the United City of Yorkville, Kendall County, Illinois, requesting special use permit approval to install and operate a ground mounted community solar field on approximately 9.69 acres of land consisting of roughly 7,000 solar modules with a maximum height of seven**

(7) feet at full tilt. The real property is located in the southeast quadrant of Illinois Route 71 and Illinois Route 126 within the Windmill Farms Planned Unit Development in Yorkville, Illinois.

Chairman Harker explained the procedure for the Public Hearing and swore in those who would give testimony. On a motion by Mr. Marcum and second by Ms. Goins, the Public Hearing was opened at approximately 7:03pm.

Roll call: Gockman-yes, Goins-yes, Marcum-yes, Olson-yes, Harker-yes. Carried 5-0

(Refer to Court Reporter's Transcript of Testimony)

(The petitioner's responses to the special use shall be entered into the official record)

At approximately 7:30pm the Hearing was closed on a motion by Commissioners Marcum and Goins, respectively.

Unfinished Business None

New Business

2. PZC 2018-08 BAP Power Corporation/Cenergy (see above)

The type of material for the fence was discussed. Chairman Harker said he did not favor a wood fence due to maintenance, but would prefer resin or a wood-look finish. The type of material can be a condition of the Special use. The fence will go around the entire perimeter. Since the property has a slight slope, it was noted that the solar units will be visible at some points from the road, however, the landscape in front will also act as a natural barrier. A cash bond was discussed, however, there is no law requiring one. The petitioner can provide cash, a letter of credit or a bond for a security guarantee.

After discussion, it was decided the following conditions would be added to the motion: resin-like or vinyl-solid fence around the entire property per staff approval.

Action Item

Special Use

Chairman Harker reviewed the six applicable criteria with the Commissioners. A motion was made by Mr. Marcum and seconded by Ms. Goins as follows, to approve the Special Use. Ms. Goins read the motion.....In consideration of testimony presented during a Public Hearing on May 9, 2018 and discussions conducted at that meeting, the Planning and Zoning Commission recommends approval to the City Council a request for Special Use authorization to construct a freestanding solar energy system (FSES), or solar farm, on a B-3 General Business District zoned property located in the southeast quadrant of IL Route 71 and IL Route 126 within the approved Windmill Farms PUD, as illustrated in Solar Power System Site Layout Plan prepared by Cenergy Power, dated 4-13-18, subject to staff recommendations in a memo dated April 16, 2018 and further subject to a resin-like or vinyl solid fence surrounding the entire perimeter of the freestanding energy system pending city staff approval.

Roll call: Goins-yes, Marcum-yes, Olson-yes, Gockman-yes, Harker-yes. Carried 5-0

3. **PZC 2018-12 The Petitioner, Aurora Sign Company, has filed an appeal with the United City of Yorkville, Kendall County, Illinois, for a new permanent building mounted sign on March 23, 2018 for the commercial structure at 129 Commercial Drive which was denied through the zoning review process. The petitioner is requesting that the interpretation of the Yorkville Zoning Ordinance in regards to its decision on this permit application be reviewed by the Planning and Zoning Commission as stated in Section 10-4-6-A of the Zoning Ordinance.**

Greg and Rose Millen, owners of Heritage Cabinetry & Design, were present on behalf of this petition. Mr. Millen explained their involvement and length of time in the community. They decided to move their business sign from the center of the building to the right since they were going to occupy the entire second floor and also moved their entrance to the east side of the building on the second floor. The sign company moved the sign and said the parameters had been met, however, it was moved there with the knowledge that the Planning and Zoning Commission would be considering this item at their meeting.

Rosie Millen said Aurora Sign Co. believes the sign is within the ordinance requirements to relocate. They also provided photos of similar sign situations in Yorkville and cited examples of signs that she said did not meet the parameters. Ms. Noble said that some of the signs Ms. Millen referred to were a part of a PUD at the time or were installed prior to the ordinance changes.

Mr. Millen said the cost to shrink the size of their sign would be about \$5,000 and he said there would be loss of the Heritage brand. He asked about a possible rewrite of the ordinance in the future. Commissioner Olson said the discrepancy is if the 75-foot wall is one wall or 2 walls. Ms. Noble read part of the ordinance for clarification. Chairman Harker suggested moving the letters closer together to touch. Mr. Millen said that would cost about \$2,000 and moving the letters closer together would be a challenge to read at 50mph. He said their sign is a landmark for others in their business co-op.

Ms. Noble said staff will look to PZC for direction and to decide if the code needs to be made more clear. Staff is looking for clarification on the interpretation of the law, if a change is needed in the interpretation, how to address the petitioner and if PZC wants to grant the petitioner relief from the interpretation.

Ms. Noble said the ordinance does not specify architectural differences. She also explained the 75% (no wall signs to extend more than 75% of the width of the building facade to which it is attached) is to allow for some arbitrary leeway. The Commissioners said they would like to see the 75% clarified in the ordinance. A text amendment will be brought to the July meeting.

Action Item

Zoning Appeal

After much discussion a motion was made by Ms. Goins and seconded by Mr. Gockman as follows: In consideration of the proposed Zoning Ordinance Appeal, with information

provided in a staff memorandum dated May 1, 2018, and testimony provided by the petitioner, the Planning and Zoning Commission approves the petitioner's appeal that their revised building permit application for a wall mounted sign dated April 5, 2018 is allowable.

Roll call: Goins-yes, Marcum-yes, Olson-yes, Gockman-yes, Harker-yes. Carried 5-0

Appointment of Vice-Chairman

4. Chairman Harker said the Commission needed to appoint a new Vice-Chairman annually. A motion was made by Mr. Marcum and seconded by Ms. Goins, to appoint Jeff Olson as the new Vice-Chairman.

Roll call: Marcum-yes, Olson-yes, Gockman-yes, Goins-yes, Harker-yes. Carried 5-0

Additional Business

Ms. Noble said the updates shown on the agenda were all approved except for engineering deposits in relation to the Subdivision Control Ordinance, which will be sent back to EDC for more discussion.

Chairman Harker noted that Jeff Olson and Richard Vinyard have been re-appointed to the PZC for another four years.

Adjournment

There was no further business and the meeting was adjourned at 8:24pm on a motion by Commissioners Marcum and Gockman, respectively.

Respectfully submitted by
Marlys Young, Minute Taker

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UNITED CITY OF YORKVILLE
YORKVILLE, ILLINOIS

PLANNING AND ZONING COMMISSION MEETING
PUBLIC HEARING

800 Game Farm Road
Yorkville, Illinois

Wednesday, May 9, 2018
7:00 p.m.

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PLANNING AND ZONING COMMISSION MEETING
PUBLIC HEARING

800 Game Farm Road
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Wednesday, May 9, 2018
7:00 p.m.

1 PRESENT:

2 Mr. Randy Harker, Chairman,

3 Ms. Reagan Flavin Goins,

4 Mr. Jeff Olson,

5 Mr. Bill Gockman,

6 Mr. Donald Marcum.

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9 ALSO PRESENT:

10 Ms. Krysti Barksdale-Noble, Community
11 Development Director,

12 Mr. Jason Engberg, Senior Planner,

13 Ms. Marlys Young, Minute Taker.

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1 PRESENT:

2 Mr. Randy Harker, Chairman,

3 Ms. Reagan Flavin Goins,

4 Mr. Jeff Olson,

5 Mr. Bill Gockman,

6 Mr. Donald Marcum.

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1 (WHEREUPON, the following
2 proceedings were had in
3 public hearing:)

4 CHAIRMAN HARKER: Moving into the public
5 hearing portion, there are one -- or there is one
6 public hearing for tonight, it's PZC 2018-08,
7 that's scheduled for tonight's Planning and
8 Zoning Commission meeting.

9 The purpose of this hearing is to
10 invite testimony from members of the public
11 regarding the proposed request that is being
12 heard before the Board tonight.

13 Public testimony from persons
14 wishing to speak may be in favor for or against
15 the request or have questions for the petitioner
16 regarding the request being heard.

17 Those persons wishing to testify are
18 asked to speak clearly, one at a time, state your
19 name and who you represent, if anyone. You are
20 also asked to sign in at the podium.

21 So if you plan to speak at tonight's
22 meeting as a petitioner, member of the public,
23 please stand, raise your right hand and repeat
24 after me. Yep, there you go. You guys, mm-hum.

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2 proceedings were had in
3 public hearing:)

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22 meeting as a petitioner, member of the public,
23 please stand, raise your right hand and repeat
24 after me. Yep, there you go. You guys, mm-hum.

1 Are you going to speak at tonight's hearing?

2 UNIDENTIFIED SPEAKER: No.

3 CHAIRMAN HARKER: Okay.

4 (The witnesses were
5 thereupon duly sworn.)

6 CHAIRMAN HARKER: Okay. So the order
7 that we're going to take the testimony will be
8 the petitioner will do their presentation and
9 then those who want to speak in favor for that
10 request, those that are opposed to the request,
11 and any questions from us to the petitioner.

12 So can I get a motion to open the
13 public hearing on petition number PZC 2018-08?

14 MR. MARCUM: So moved.

15 MS. GOINS: Second.

16 CHAIRMAN HARKER: Roll call vote,
17 please.

18 MS. YOUNG: Gockman.

19 MR. GOCKMAN: Yes.

20 MS. YOUNG: Goins.

21 MS. GOINS: Yes.

22 MS. YOUNG: Marcum.

23 MR. MARCUM: Yes.

24 MS. YOUNG: Olson.

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2 UNIDENTIFIED SPEAKER: No.

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5 thereupon duly sworn.)

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13 public hearing on petition number PZC 2018-08?

14 MR. MARCUM: So moved.

15 MS. GOINS: Second.

16 CHAIRMAN HARKER: Roll call vote,
17 please.

18 MS. YOUNG: Gockman.

19 MR. GOCKMAN: Yes.

20 MS. YOUNG: Goins.

21 MS. GOINS: Yes.

22 MS. YOUNG: Marcum.

23 MR. MARCUM: Yes.

24 MS. YOUNG: Olson.

1 MR. OLSON: Yes.

2 MS. YOUNG: Harker.

3 CHAIRMAN HARKER: Yes.

4 Okay. PZC 2018-08, BAP Power
5 Corporation, doing business as Cenergy Power,
6 petitioner, has filed an application with the
7 United City of Yorkville, Kendall County,
8 Illinois, requesting a special use permit
9 approval to install and operate a ground-mounted
10 community solar field on approximately 9.69 acres
11 of land consisting of roughly 7,000 solar
12 modules with a maximum height of seven feet at
13 full tilt.

14 The real property is located at the
15 southeast quadrant of Illinois Route 71 and
16 Illinois Route 126, within the Windmill Farms
17 Planned Unit Development, in Yorkville,
18 Illinois.

19 Okay. Petitioner?

20 CHAD CHAHBAZI,
21 having been first duly sworn, testified from the
22 podium as follows:

23 MR. CHAHBAZI: Thank you, Board, for
24 having me here. I appreciate it. I'm Chad

1 MR. OLSON: Yes.

2 MS. YOUNG: Harker.

3 CHAIRMAN HARKER: Yes.

4 Okay. PZC 2018-08, BAP Power
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6 petitioner, has filed an application with the
7 United City of Yorkville, Kendall County,
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15 southeast quadrant of Illinois Route 71 and
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19 Okay. Petitioner?

20 CHAD CHAHBAZI,
21 having been first duly sworn, testified from the
22 podium as follows:

23 MR. CHAHBAZI: Thank you, Board, for
24 having me here. I appreciate it. I'm Chad

1 Chahbazi, Director of Project Development for
2 Cenergy Power, here to answer any questions you
3 may have regarding the project.

4 Before we get to that point, just a
5 few points on this project. This is a new
6 program that was passed into law back in December
7 of 2016 by the Illinois Legislature to really
8 spur renewable energy development here in the
9 state of Illinois.

10 It was passed in '16 and then the
11 law went into effect in June of 2017, and the
12 full launch of the program is slated for this
13 fall, and the reason why they called it the
14 Future Energy Jobs Act is because that is also
15 another primary purpose for the program, is to
16 really spur jobs in that sector.

17 The power that we're going to be
18 producing from the system will be sold locally
19 to -- and at a lower rate than what -- For
20 example, it could be the city or residents
21 nearby, also local businesses within the county
22 and city, but our goal is to -- is to have it as
23 local as we can, so that's another benefit, and
24 we've had tremendous positive feedback from most

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22 and city, but our goal is to -- is to have it as
23 local as we can, so that's another benefit, and
24 we've had tremendous positive feedback from most

1 of the communities that we've been in, and we're
2 developing projects all over the -- all over the
3 ComEd territory, so the city of Zion, Du Page
4 Airport, Lake in the Hills, just to name a few.

5 CHAIRMAN HARKER: Excellent. How much
6 power will you like generate?

7 MR. CHAHBAZI: Roughly enough to offset
8 the power needs of 400 homes.

9 CHAIRMAN HARKER: Wow.

10 MR. CHAHBAZI: Yeah, so, it's a two,
11 two-and-a-half megawatt DC, but the AC reading,
12 which is the name plate rating for the system, is
13 two megawatts.

14 So we're -- you know, our approach
15 is not too large, not too small, we call it the
16 Goldilocks approach, so -- and we've developed
17 and built 300 of these projects nationwide, so we
18 have a lot of experience not only developing,
19 but we're also the engineering and construction
20 firm.

21 On the construction side, we're
22 going to try to use as much local labor as we
23 can. We don't fly in, you know, our own crews
24 from other states, we typ -- we think there is

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22 going to try to use as much local labor as we
23 can. We don't fly in, you know, our own crews
24 from other states, we typ -- we think there is

1 plenty of really good resources right here in
2 northern Illinois, and hopefully in Yorkville and
3 the county, so on the engineering side we have 14
4 engineers in-house, but we are also working with
5 some local engineering firms right now, for
6 example, on the environmental side, landscaping,
7 that type of -- that type of thing, the folks
8 that really know the local landscape here, so
9 that's another benefit, is the jobs it's going to
10 create locally.

11 And we're planning to do more. I
12 mean, if this -- if it goes well, you know,
13 we're hoping to do more here in Yorkville, and
14 also -- But we've got to see how it goes I guess
15 with this first project here in the city, so...

16 CHAIRMAN HARKER: Sure. And then this
17 is the Windmill Farms properties?

18 MR. CHAHBAZI: Yes.

19 CHAIRMAN HARKER: This section where
20 you're showing like -- you know, when you've got
21 the number of areas here.

22 MS. NOBLE: Staff created that.

23 CHAIRMAN HARKER: Oh, my bad. Sorry.

24 MS. NOBLE: What was your question? I

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21 the number of areas here.

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24 MS. NOBLE: What was your question? I

1 can answer it.

2 CHAIRMAN HARKER: I was just thinking
3 like where is the city in this, but this has got
4 to be over here like --

5 MS. NOBLE: Sure. Sure, yeah. Okay.
6 Staff will do an overview of the site specifics.

7 MR. CHAHBAZI: Sure.

8 MS. NOBLE: Roughly about ten years ago
9 the City entered into an agreement with the
10 developer, Jake Land Group, to take on about 300
11 acres of property and redevelop it, and a portion
12 of that was like a 91-acre site for the Windmill
13 Farms, so they went out and they did a plan for a
14 mixed-use development; it was going to have
15 residential, commercial, some high density
16 residential, and then laid out a plan.

17 At that time they only purchased a
18 number of lots, not all of the lots included in
19 the development. They had those lots under
20 contract.

21 Well, after the economy tanked,
22 their whole group went under, and so the
23 properties that they had contracts under didn't
24 go through, so some land was owned by them, which

1 can answer it.

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21 Well, after the economy tanked,
22 their whole group went under, and so the
23 properties that they had contracts under didn't
24 go through, so some land was owned by them, which

1 eventually went to the bank, and land that was
2 owned by the original property owners held
3 those.

4 So now those property owners are
5 beholding to the agreements and the standards
6 that were put in that place by that PUD
7 agreement, which means there is a property out
8 there on Wheaton Road that wants to build a
9 garage, they cannot build a garbage; there are
10 properties that want to redevelop for other land
11 uses which they can't do. They have to maintain
12 the use or build what was approved on this PUD.

13 The only way the City can repeal
14 that PUD -- because at the time the City did this
15 they were doing PUDs as zoning districts. We no
16 longer do that process to have PUDs as zoning
17 districts, we see them as special uses, so that
18 any time the City has to repeal those uses if
19 situations like this occur, so what we would have
20 to do is have all of the current owners, which
21 are Standard Bank, there's Oswego Church, also
22 known as Restore Church, and a few of the
23 existing original property owners who had their
24 land under contract, come in and agree to the

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20 to do is have all of the current owners, which
21 are Standard Bank, there's Oswego Church, also
22 known as Restore Church, and a few of the
23 existing original property owners who had their
24 land under contract, come in and agree to the

1 repeal of the annexation agreement, so that
2 process is underway.

3 So that's a condition of this
4 project, that they would then have to get that
5 repeal done before they start construction.

6 So on the site itself, they are
7 leasing land from the church. The church
8 bought parcels of -- If you look on that map on
9 the second page, the top is what was originally
10 planned there. That's what the annexation
11 agreement says has to be in that development,
12 that PUD.

13 So where this project falls is the
14 church came in and purchased Lots 8, 12 and 13.
15 So if you look on that chart with the numbers,
16 the church has purchased 8, 12 and 13.

17 Now, there is an existing building
18 I believe on Lot 12, which is where -- that's
19 where they're going to have their church
20 facility, and then this particular owner is going
21 to locate on a portion of 13.

22 So if you can kind of compare what
23 it looks like on this site, that wouldn't have
24 been appropriate in the existing annexation

1 repeal of the annexation agreement, so that
2 process is underway.

3 So that's a condition of this
4 project, that they would then have to get that
5 repeal done before they start construction.

6 So on the site itself, they are
7 leasing land from the church. The church
8 bought parcels of -- If you look on that map on
9 the second page, the top is what was originally
10 planned there. That's what the annexation
11 agreement says has to be in that development,
12 that PUD.

13 So where this project falls is the
14 church came in and purchased Lots 8, 12 and 13.
15 So if you look on that chart with the numbers,
16 the church has purchased 8, 12 and 13.

17 Now, there is an existing building
18 I believe on Lot 12, which is where -- that's
19 where they're going to have their church
20 facility, and then this particular owner is going
21 to locate on a portion of 13.

22 So if you can kind of compare what
23 it looks like on this site, that wouldn't have
24 been appropriate in the existing annexation

1 agreement, so we're amending that.

2 So where they fall in the underlying
3 zoning would be a business district, and these
4 types of uses are permitted in the business
5 district as special uses, so they are moving
6 forward with the plan, so they're going to lease
7 out that land from the church. Their lease is
8 25 years?

9 MR. CHAHBAZI: It's a 21-year lease --

10 MS. NOBLE: 21 years.

11 MR. CHAHBAZI: -- with two five-year
12 options to extend.

13 MS. NOBLE: So they would have that
14 option to continue that use on the site if the
15 special use is granted.

16 So when we adopted this zoning code
17 update in 2014, November, 2014, we included
18 standards for these types of alternative energy
19 systems.

20 Initially we didn't have any
21 standards, they were just a blanket special use
22 with no guidance, so we created some guidances
23 for free-standing solar energy systems, which
24 this is, so a big portion of that is the height,

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23 for free-standing solar energy systems, which
24 this is, so a big portion of that is the height,

1 and they are proposing an overall height for
2 seven feet for those panels, so they will have
3 7,000 individual modules.

4 Can you tell us the size of a
5 typical module?

6 MR. CHAHBAZI: Yeah, typically -- and
7 it's only seven feet at its highest point --

8 MS. NOBLE: At its highest point.

9 MR. CHAHBAZI: -- so it slowly moves
10 from east to west via the single-access traffic
11 system, so it's almost like watching paint dry.
12 You know, you're really -- you don't really see
13 them move unless you start out in the morning
14 they are facing east, you come out during the
15 middle of the day and they are flush with the
16 sun, you know, in the summertime, as an example,
17 and then at its highest point, it's seven feet.
18 So I am six-foot-four, so, you know, that's the
19 highest point, when it's at an angle, it's seven
20 feet.

21 There is days -- there is times
22 throughout the day where it's, you know, three to
23 four feet, yeah.

24 MS. NOBLE: So the clearance underneath

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22 throughout the day where it's, you know, three to
23 four feet, yeah.

24 MS. NOBLE: So the clearance underneath

1 the lowest portion at full tilt they are
2 proposing to be about three feet?

3 MR. CHAHBAZI: That's correct. So there
4 is three or four feet of clearance before you
5 even get to the panel.

6 MS. NOBLE: When we originally did the
7 zoning code update, there was a recommendation
8 from a professional who came in and talked with
9 the Zoning Commission and said that you should
10 look at having a minimum of ten foot as a
11 clearance underneath, especially if you're going
12 to have these facilities out in public, you don't
13 want children climbing on them or, you know,
14 vandalized, so that's what we did.

15 But in this situation, because it's
16 so remote and it's so inaccessible from, you
17 know, pedestrian traffic or regular, we felt that
18 it was (A), appropriate for the height to be
19 lowered, which is that clearance, and we also
20 felt that it was more visually pleasing because
21 the fencing that they are providing is going to
22 be at the same height or higher than what the
23 panels are.

24 There was standards with regard to

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24 There was standards with regard to

1 glare; there was concerns that these panels tend
2 to, you know, ricochet light, which is kind of
3 counter-intuitive to what they do because they
4 capture light, but we had to address that in the
5 ordinance for some people who think that that is
6 what occurs, and you can tag on and explain about
7 glare.

8 MR. CHAHBAZI: Yeah, so on the spectrum
9 of glare, it's basically like water. Like Miss
10 Noble mentioned, the main purpose of the panel is
11 to absorb the light, not to reflect it, so we
12 have the largest airport solar project in North
13 America at the Indianapolis International
14 Airport, basically next door, and that's 80 acres
15 solar, and it's right next to the runway, so, you
16 know, FAA is okay with it, there is no glare from
17 the panels, or very little glare, so...

18 MS. NOBLE: But to address that concern,
19 because there is a residential home not too far
20 as well as a business, we asked that they provide
21 some type of buffer to show us that that would
22 not be an issue with respect --

23 MR. OLSON: Landscape buffer?

24 MS. NOBLE: Well, landscape buffer, but

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21 some type of buffer to show us that that would
22 not be an issue with respect --

23 MR. OLSON: Landscape buffer?

24 MS. NOBLE: Well, landscape buffer, but

1 just a distance buffer, and so the nearest
2 building to the solar racking system is about
3 110 foot away and the nearest roadway is about
4 140 feet, so we don't anticipate having an issue
5 with it. There is minimum glare associated with
6 it.

7 MR. OLSON: They did their job.

8 MS. NOBLE: They did. Fencing; again,
9 that's one of the recommendations, to have
10 fencing around these systems to protect from
11 vandalism.

12 MR. CHAHBAZI: It's also NEC code,
13 so -- National Electric Code.

14 MS. NOBLE: Correct.

15 MR. CHAHBAZI: Basically we have to have
16 fencing around the system, so...

17 MS. NOBLE: Yes. Yes.

18 MR. OLSON: Could we make a wood fence
19 recommendation or --

20 MS. NOBLE: We can, absolutely can. So
21 the standard for that district and this type of
22 use is chain link is permitted, but it would be a
23 vinyl coated chain link fence in the rear and
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1 MR. OLSON: So stop me if I am wrong.

2 MS. NOBLE: Sure.

3 MR. OLSON: The Comprehensive Plan,
4 would that be like estate lots, kind of big
5 stuff, which I think is fine, if they put the
6 nice fence out there and landscape buffer, nobody
7 is going to know the difference around there, but
8 I would think that would be a requirement to have
9 a nicer berm --

10 MS. NOBLE: Sure.

11 MR. OLSON: -- between there to kind of
12 differentiate.

13 MS. NOBLE: That's something that the
14 committee can consult -- commission can discuss.

15 What staff has proposed -- because
16 it's standard, they have to be underneath the
17 regular code, this is a special request, this is
18 a special use, is that they do provide the solid
19 wood fence along the northern perimeter, and the
20 northern perimeter is that area that you may see
21 off of 71, may not see, and the reason we did
22 that is in addition to some landscape buffering
23 around the southern fence line, which is the
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1 behind the landscaping business and -- you won't
2 see as much from the home because that home has
3 that dense row of trees there, there is not room
4 to put any additional landscaping, we thought
5 that would be an adequate amount of buffering.

6 MR. OLSON: Someday across from that
7 beautiful farm is going to be a sprawling
8 gorgeous subdivision. I'm sure they would
9 appreciate not being able to see the fence.

10 MS. NOBLE: There you go.

11 MR. CHAHBAZI: What we've done in the
12 past on the fencing is we've had the slatted,
13 but -- so it would be --

14 MR. OLSON: Slats in the --

15 MR. CHAHBAZI: Yeah, so we can also do
16 that type of -- it's actually -- looks pretty
17 nice. I've seen some of the examples that we've
18 done on other projects.

19 MR. OLSON: How does the fence get
20 approved? Does the City --

21 MS. NOBLE: Yes. And so the requirement
22 is the basic, which is the chain link vinyl
23 coated fence.

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2 MS. NOBLE: You make that a condition of
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4 MR. OLSON: How do we determine what
5 type of fence?

6 MS. NOBLE: There are permitted types of
7 wood fencing already in the code, so you can just
8 require them to meet the standard of the existing
9 wood fence.

10 And there was something that was
11 mentioned, that was brought up during the Plan
12 Council review, was that they typically don't
13 like solid fencing because they need as much of
14 the sunlight for this project to work, so if
15 there is a lot of solid fencing, it may obstruct
16 some of that sunlight.

17 MR. CHAHBAZI: Yeah. Yeah. That's the
18 only thing I would just mention, is about
19 potential shading issues. Would it be --

20 MR. OLSON: It's on the north side.

21 CHAIRMAN HARKER: Well, that wouldn't --
22 no.

23 MS. NOBLE: Well, that's what Staff
24 recommended, the north side, but you were talking

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1 about the side -- the side and the rear portion
2 of it?

3 MR. OLSON: I wouldn't want any side
4 which might be a future subdivision boundary.

5 MS. NOBLE: Okay. That would be the
6 north side.

7 MR. CHAHBAZI: The ordinance I think
8 allows for -- I think there is like different
9 types of fencing that you guys have allowed in
10 the ordinance itself, correct?

11 MS. NOBLE: Correct.

12 MR. CHAHBAZI: Is there a way we can
13 keep that flexible? Just because I know there is
14 also a major cost difference between solid wood
15 versus like the vinyl coated.

16 MR. OLSON: I've never seen a chain link
17 fence with those slats in it that I thought looks
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5 MR. OLSON: Am I barking up the wrong
6 tree?

7 CHAIRMAN HARKER: No, but I'm just going
8 to -- As far as the shading goes, if you're --
9 how close can you put the fence to the line?

10 On the plan here it's shows like a
11 40-foot setback before you get to your -- you
12 know, your field of panels.

13 MR. CHAHBAZI: Yeah, sure.

14 CHAIRMAN HARKER: I mean, you know, if
15 you were -- if your fence was 20 feet away from
16 those panels and it was seven feet high, or eight
17 feet high, it's not going to shade it.

18 MR. CHAHBAZI: Yeah. I mean,
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2 MR. OLSON: I've lived here 35 years.

3 MR. CHAHBAZI: Yeah, yeah. No,
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5 have a little bit of flexibility to work with you
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7 having gone through the back end of these
8 projects, I know there is a huge difference.

9 It's a large number when you're
10 talking about solid wood versus chain link.

11 MR. OLSON: Over a 21-year lease, it
12 really isn't that much.

13 MR. CHAHBAZI: The difference is
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16 MS. NOBLE: Is there a difference in a
17 different type of fencing material, say a solid
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19 MR. CHAHBAZI: Yeah, or even like
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5 MR. CHAHBAZI: Yeah, because I just got
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7 versus like wrought iron is another one, when you
8 start -- so, yeah, if we could just maybe have
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10 a wood fence or something of that nature, if we
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12 CHAIRMAN HARKER: I think when we get
13 into the portion -- you know, our deliberation
14 portion, let's hit that a little more, you know
15 what I mean? But yeah, for sure.

16 MS. CHAHBAZI: Okay. Great. Thank you.

17 MS. NOBLE: The next criteria in the
18 Zoning Ordinance is that these types of uses are
19 accessory to a primary use, so this use will
20 never be the primary use of the lot, it will be
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1 because they are going to build out some of the
2 other areas of the land that they have for their
3 own purposes, so this would be subordinate to the
4 church's use of the land.

5 MR. CHAHBAZI: And I would just add in
6 addition to that, they are planning to buy the
7 power from the project as well. They have a
8 pretty large energy use, you know, so the
9 president of the church and I have discussed that
10 several times already, so...

11 CHAIRMAN HARKER: It makes sense.

12 MS. NOBLE: Right.

13 MR. CHAHBAZI: Yeah, and our goal, you
14 know, for us, for naming purposes, we wanted --
15 we have talked about calling it the Restored
16 Yorkville -- or Restored Yorkville Community
17 Solar Project, kind of brand the project as a
18 community project that both takes into account
19 the city as well as the land owner.

20 CHAIRMAN HARKER: Cool.

21 MS. NOBLE: And then it talks about
22 signage. Again, there is a maximum size for
23 signage. We don't want a lot of commercial
24 signage on this in there, we want to adhere to

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22 signage. Again, there is a maximum size for
23 signage. We don't want a lot of commercial
24 signage on this in there, we want to adhere to

1 that, identification signage of the project.

2 They have provided a -- they have
3 communicated with the local utility provider,
4 ComEd, because they have to have some back-up
5 potential if their facility goes down, so they
6 will be connecting to ComEd services?

7 MR. CHAHBAZI: That's correct. We have
8 already filed your connection application and we
9 have provided Miss Noble with the receipt of
10 that, so...

11 MS. NOBLE: And it's in your packet as
12 well.

13 And then the final area that we have
14 is the abandoned systems kind of requirement.
15 Some of these units do not make it through their
16 lifetime of the lease, or, if they do make it
17 through the lifetime of the lease, the property
18 owner does not maintain them, so we are
19 requesting that the petitioner provides a
20 security guarantee, which the city engineer will
21 estimate what that guarantee would be, and they
22 would keep that on file with the City, and that
23 would cover any removal, property restoration or
24 any legal fees if we have to come in and

1 that, identification signage of the project.

2 They have provided a -- they have
3 communicated with the local utility provider,
4 ComEd, because they have to have some back-up
5 potential if their facility goes down, so they
6 will be connecting to ComEd services?

7 MR. CHAHBAZI: That's correct. We have
8 already filed your connection application and we
9 have provided Miss Noble with the receipt of
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20 security guarantee, which the city engineer will
21 estimate what that guarantee would be, and they
22 would keep that on file with the City, and that
23 would cover any removal, property restoration or
24 any legal fees if we have to come in and

1 decommission.

2 MR. CHAHBAZI: And that's very standard.
3 We are doing that with a number of other
4 jurisdictions. It's a decommissioning plan and a
5 bond deposit or security deposit like Miss Noble
6 mentioned, so we're fine with that.

7 MR. MARCUM: That's what I was
8 wondering. Are you talking about posting a bond
9 or actually putting up cash?

10 MR. CHAHBAZI: We can do both. You
11 know, we can do both.

12 MS. NOBLE: It could be a bond.

13 MR. CHAHBAZI: As long as it's
14 reasonable, you know, so we could do both.

15 MS. NOBLE: The City technically -- Oh,
16 I'm sorry.

17 MR. CHAHBAZI: Yeah, I was just going to
18 say, it's actually not -- First of all, I mean,
19 the system is very low maintenance so that the
20 chances of us of just abandoning it based on the
21 advantages that we are getting from the system --
22 like, for example, like let's take the worst case
23 scenario, if our company went out of business,
24 there's going to be bank financing on the

1 decommission.

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23 scenario, if our company went out of business,
24 there's going to be bank financing on the

1 project, they have step-in rights to come in and
2 make sure the system is operating, so they have
3 motivation, you know, to make sure that the
4 system is operating, and then to go back to
5 actual decommissioning, it's actually, believe it
6 or not, I mean, for people in this industry, it's
7 fairly straightforward. You disconnect the
8 system, you take the wiring cables out of the
9 ground, and then you basically walk the panels
10 off the property and remove the racks, and it's a
11 four to six-week process, so -- and we put the
12 system back in basically its original -- meaning
13 the site back in its original condition, so it's
14 a fairly straightforward process to decommission
15 and so that's why we're pretty comfortable with
16 any sort of decommissioning plan that we have to
17 enter into, or even a bond.

18 MS. NOBLE: And the final component of
19 that is we're asking for a blanket easement over
20 the property where this will be located so that
21 if it does come down to the City having to
22 decommission it, we have the right to do it.
23 Those are the recommendations.

24 There is engineering review from EI

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1 that's in your packet, standard, it just talks
2 about the things that will happen in the site
3 plan review process. We ask that that be a
4 condition of their special use as well.

5 MR. CHAHBAZI: We're really excited
6 about it. I mean, Miss Noble has been great to
7 work with; I just have to say she is tough, but
8 very fair, so -- and, you know, we think this is
9 going to be a great project.

10 I know the church is very excited as
11 well. I just spoke with the president, so they
12 are very excited about this project.

13 CHAIRMAN HARKER: Excellent. What's the
14 typical life span of those panels?

15 MR. CHAHBAZI: Actually that's why we
16 have the --

17 CHAIRMAN HARKER: 50 to 75 years, or are
18 they done at 25?

19 MR. CHAHBAZI: Well, let's just put it
20 this way. So I just read an article where the
21 original Arco PV panels that came out in the
22 early 80's, it's the PV technology that's been
23 out in space since the 1960's, 1950's, 60's, so
24 it's tried and true technology.

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21 original Arco PV panels that came out in the
22 early 80's, it's the PV technology that's been
23 out in space since the 1960's, 1950's, 60's, so
24 it's tried and true technology.

1 The panels that came out were really
2 small compared to the ones now today, they plug
3 them in and they are still producing at 70 to
4 80 percent, so -- and that's like from the early
5 80's, so, I mean, these systems, you know, it's
6 straight photovoltaic technology, at Year 25 they
7 are producing at 80 percent.

8 They are actually warrantied -- the
9 panel manufacturers warranty the production at
10 80 percent, so -- by year 2025, so if it's not
11 producing at that, they will replace the module,
12 so these systems can last quite a while, and
13 there is incentive to, you know, make sure they
14 are operating beyond the 21-year initial lease,
15 so, you know, so I guess that's my answer for
16 you.

17 MR. OLSON: The only paved area or
18 unpaved areas are the gravel access roads --

19 MR. CHAHBAZI: Yes, yes.

20 MR. OLSON: -- around it, correct?

21 MR. CHAHBAZI: And that's just so that
22 our service trucks, they'll come in a couple
23 times a year, they'll check the system, just make
24 sure it's operating, they'll check the -- you

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22 our service trucks, they'll come in a couple
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24 sure it's operating, they'll check the -- you

1 know, the single access tracker.

2 MR. OLSON: And there is a gate big
3 enough that a fire truck could get back there?

4 MR. CHAHBAZI: We would accommodate
5 that. We have to do that for other projects.

6 Usually it's a 20-foot access road,
7 so that's not -- and we usually have
8 turn-arounds, so if that works for the fire
9 department. A lot of those issues we work out
10 during the permitting process of the project,
11 so...

12 MS. NOBLE: And they provide comments
13 during the Plan Council meeting on that issue.

14 MR. MARCUM: I'm not a science guy, so
15 I'm about to ask a stupid question.

16 MR. CHAHBAZI: Sure.

17 MR. MARCUM: But I don't mind --

18 MR. CHAHBAZI: I don't mind answering
19 it.

20 MR. MARCUM: You said it doesn't make
21 much noise.

22 MR. CHAHBAZI: No.

23 MR. MARCUM: What -- I mean, I don't
24 know why any noise, a buzz or a hum or something.

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1 Is there any --

2 MR. CHAHBAZI: No, just the single
3 access tracker essentially when it moves from
4 east to west makes very -- it's basically -- you
5 wouldn't be able to hear it if you're like, let's
6 say 50 feet away. It's very minor, minor noise.

7 And then the transformer, there is a
8 transformer there on-site, so it's just like the
9 transformers that you have next to your house,
10 you know, there is a little bit of like humming,
11 a humming noise, but other than that, it doesn't
12 make any noise. That's why we say very minimal.

13 MR. MARCUM: Because I've done work with
14 windmills before --

15 MR. CHAHBAZI: Yeah.

16 MR. MARCUM: -- and they always said,
17 oh, yeah, it makes no sound, but then you hear
18 nothing but complaints about how loud it is --

19 MR. CHAHBAZI: Oh, yeah, no, it's --

20 MR. MARCUM: -- whacking the birds and
21 all that stuff.

22 MR. CHAHBAZI: It's not like that at
23 all. We don't -- you know, I don't know about
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2 MR. MARCUM: You'd be wasting your
3 breath on me on the whole decibel thing, so...

4 MR. CHAHBAZI: So, I mean, it's very
5 low.

6 CHAIRMAN HARKER: Okay. Anybody else
7 have any questions for right now?

8 (No response.)

9 MS. NOBLE: The applicant did provide
10 their responses to the special use standards. I
11 would like to enter that into the record.

12 You are okay with that?

13 MR. CHAHBAZI: Sure.

14 CHAIRMAN HARKER: Anybody else? No?

15 (No response.)

16 MR. CHAHBAZI: I thank you for your
17 time. I am happy to answer any questions from
18 the audience as well, so -- thank you. Thank
19 you.

20 CHAIRMAN HARKER: Okay. Thank you.

21 Do we have anybody that would like
22 to speak in favor of the request that's being
23 heard?

24 (No response.)

1 50 or --

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3 breath on me on the whole decibel thing, so...

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14 CHAIRMAN HARKER: Anybody else? No?

15 (No response.)

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17 time. I am happy to answer any questions from
18 the audience as well, so -- thank you. Thank
19 you.

20 CHAIRMAN HARKER: Okay. Thank you.

21 Do we have anybody that would like
22 to speak in favor of the request that's being
23 heard?

24 (No response.)

1 CHAIRMAN HARKER: None. Anybody
2 opposed?

3 (No response.)

4 CHAIRMAN HARKER: None. Okay. We don't
5 have any more questions, so can I have a motion
6 to close out of the public hearing on Public
7 Hearing PZC 2018-08?

8 MR. MARCUM: So moved.

9 MS. HORAZ: Second.

10 CHAIRMAN HARKER: Excellent. All right.
11 Thank you.

12 (Which were all the
13 proceedings had in the
14 public hearing portion
15 of the hearing.)

16 ---o0o---

1 CHAIRMAN HARKER: None. Anybody
2 opposed?

3 (No response.)

4 CHAIRMAN HARKER: None. Okay. We don't
5 have any more questions, so can I have a motion
6 to close out of the public hearing on Public
7 Hearing PZC 2018-08?

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10 CHAIRMAN HARKER: Excellent. All right.
11 Thank you.

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16 ---o0o---

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2) SS.
3 COUNTY OF LASALLE)

4 I, Christine M. Vitosh, a Certified Shorthand
5 Reporter, do hereby certify that I transcribed
6 the proceedings had at the public hearing and
7 that the foregoing, Pages 1 through 34,
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9 computer-generated transcript of the proceedings
10 had at the time and place aforesaid.

11 I further certify that my certificate annexed
12 hereto applies to the original transcript and
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19 _____
20 Christine M. Vitosh, CSR
21 Illinois CSR No. 084-002883
22
23
24

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via ^[1] - 13:10 vinyl ^[4] - 16:23, 18:22, 20:15, 22:18 visually ^[1] - 14:20 Vitosh ^[2] - 34:3, 34:20 vote ^[1] - 4:16	4:20, 4:22, 4:24, 5:2 Young ^[1] - 2:13
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walk ^[1] - 27:9 wants ^[1] - 10:8 warrantied ^[1] - 29:8 warranty ^[1] - 29:9 wasting ^[1] - 32:2 watching ^[1] - 13:11 water ^[1] - 15:9 Wednesday ^[1] - 1:20 week ^[1] - 27:11 west ^[2] - 13:10, 31:4 whacking ^[1] - 31:20 Wheaton ^[1] - 10:8 WHEREUPON ^[1] - 3:1 whole ^[2] - 9:22, 32:3 wind ^[1] - 31:24 Windmill ^[3] - 5:16, 8:17, 9:12 windmills ^[1] - 31:14 wiring ^[1] - 27:8 wishing ^[2] - 3:14, 3:17 witnesses ^[1] - 4:4 wondering ^[1] - 26:8 wood ^[12] - 16:18, 17:19, 19:7, 19:9, 20:14, 20:22, 22:10, 22:20, 23:4, 23:6, 23:10 works ^[1] - 30:8 worst ^[1] - 26:22 wow ^[1] - 7:9 wrought ^[1] - 23:7	Zion ^[1] - 7:3 zoning ^[5] - 10:15, 10:16, 12:3, 12:16, 14:7 ZONING ^[1] - 1:10 Zoning ^[3] - 3:8, 14:9, 23:18
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Memorandum

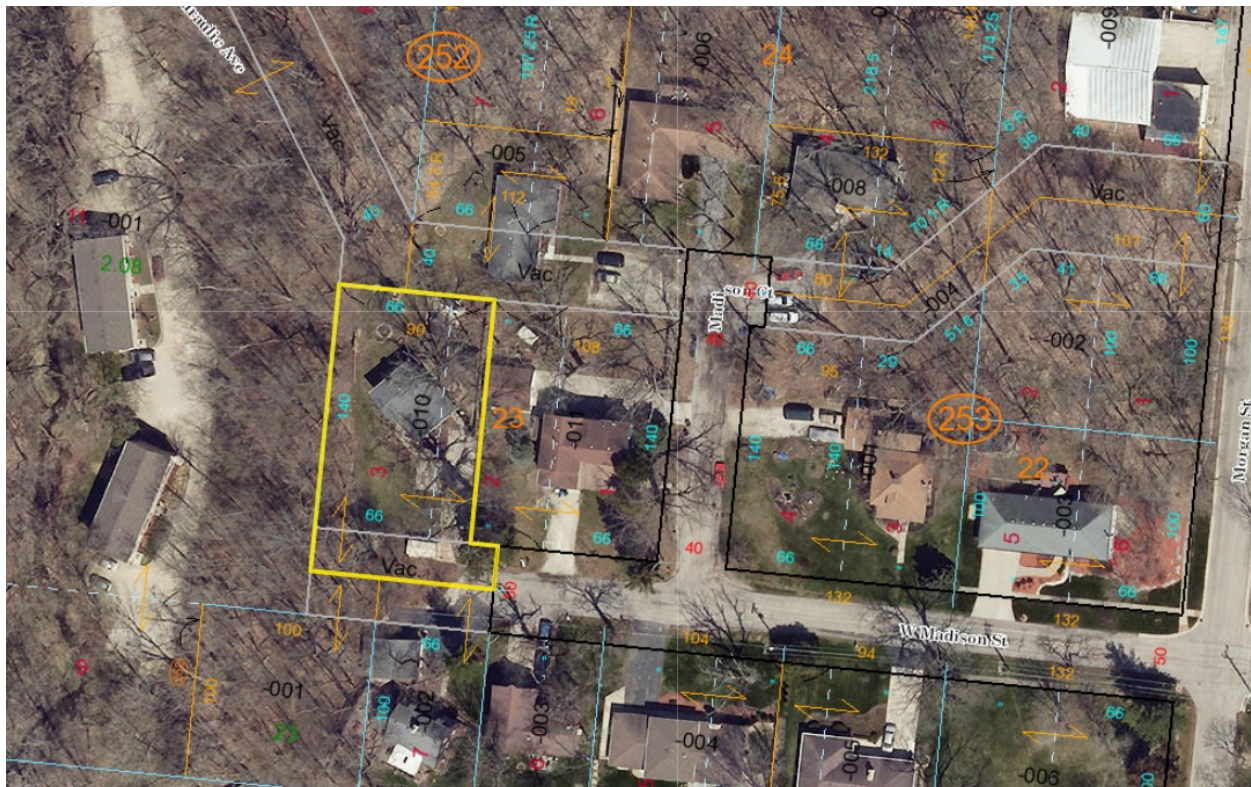
To: Planning and Zoning Commission
From: Jason Engberg, Senior Planner
CC: Bart Olson, City Administrator
Krysti Barksdale-Noble, Community Development Director
Date: June 6, 2018
Subject: PZC 2018-10 **515 W Madison Street – Accessory Structure Location Variance**

SUMMARY:

The petitioner, James McNamara, has filed an application with the United City of Yorkville, Kendall County, Illinois, requesting an accessory structure location variance for 515 West Madison Street. The purpose of this request is to allow a detached garage to be placed in the front yard of the property. This memorandum summarizes the submitted materials which will be reviewed by the Planning and Zoning Commission.

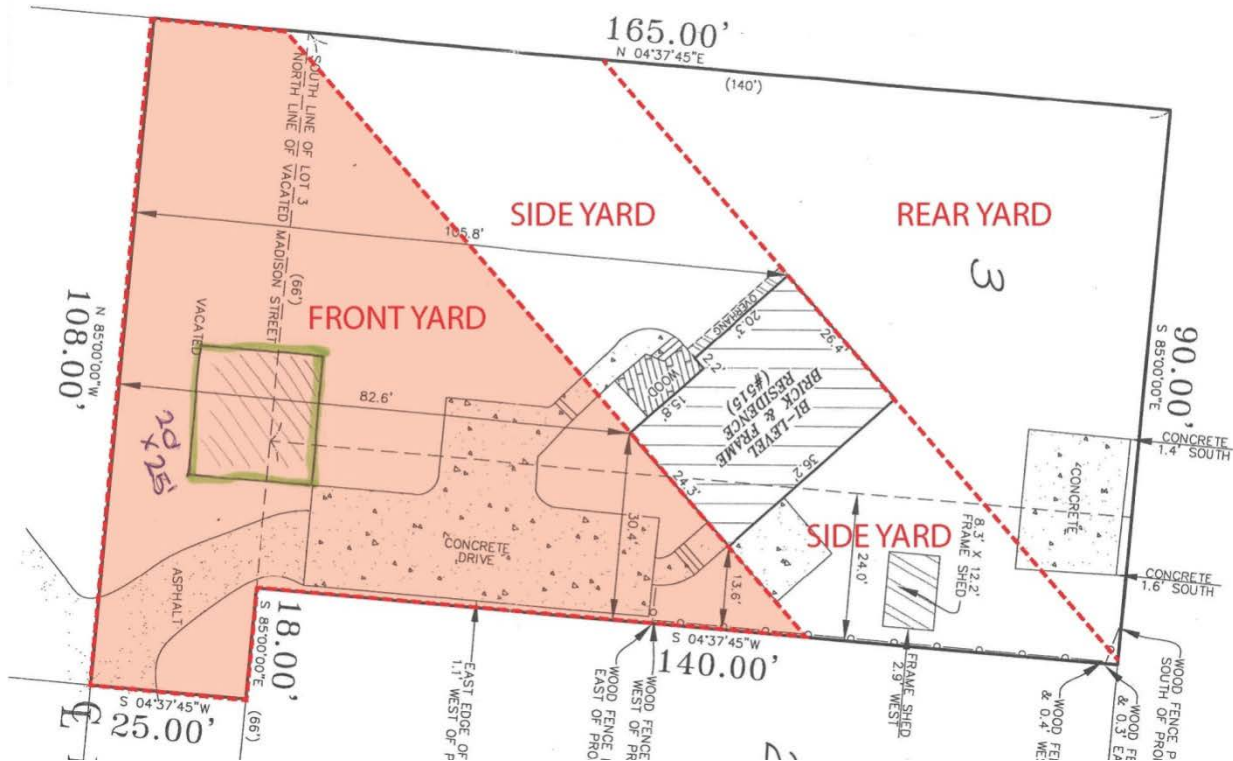
PROPERTY BACKGROUND:

The property is located at the western dead end of W Madison Street. The property is surrounded by single family homes to the north, east, and south and there are multi-family apartments to the west. This parcel as well as the adjacent parcels are irregularly shaped and not uniform in size. This area of the City was developed before any modern zoning regulations existed and therefore the structures and parcels in the area are uniquely placed and shaped.



PROJECT DESCRIPTION:

As proposed, the petitioner is seeking to construct a two car garage on the property. The shape of the parcel and the placement of the house has created uncommon required yards. The exhibit below illustrates where the house is located on the parcel and the yards that are created. The front yard is shaded and shows the location of the proposed garage.



Section 10-3-12 of the City's Zoning Ordinance states that enclosed detached off street parking is only allowed in the required rear yard. The petitioner is requesting to vary this part of the ordinance to construct a two car garage in the front yard of his property as shown in the above plat.

The petitioner has submitted materials which explain the hardship created by the property and the reason he is requesting to vary from the Zoning Ordinance. To summarize, the petitioner bought the house and began to park his car on the driveway. Unfortunately, he discovered the location of his driveway is directly under several old walnut trees which are on his neighbor's property. Walnuts were falling onto his vehicle and there was nowhere on the driveway where his vehicle would be safe.

The petitioner decided a garage would be the best way to mitigate this issue as all of his neighbors have garages. After reviewing his options on the property, the only place that would be acceptable to build a garage is where he is proposing it. The topography and location of the house limit the possibilities of where a detached garage may be accessible. Additionally, the property to the south has a detached garage in a similar location and the petitioner's proposed garage would be at the same depth of this property (see example on next page).



STANDARDS FOR GRANTING A VARIANCE:

The Planning and Zoning Commission must base its decision to vary, or recommend varying, the Petitioner's request for relief of the Zoning Ordinance regulation upon the following standards (Section 10-4-7-C):

1. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations was carried out.
2. The conditions upon which the petition for a variation is based are unique to the property for which the variation is sought and are not applicable, generally, to other property within the same zoning classification.
3. The alleged difficulty or hardship is caused by this title and has not been created by any person presently having an interest in the property.
4. The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.
5. The proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger to the public safety, or substantially diminish or impair property values within the neighborhood.
6. The proposed variation is consistent with the official comprehensive plan and other development standards and policies of the city.

STAFF COMMENTS

Staff is supporting the request for an accessory structure location variance. The shape, topography, structure location, and defined yards of the property create a unique situation which brings a hardship to the resident. The proposed garage location will not hurt the character of the neighborhood and will be similar in depth and location to the adjacent property at the end of Madison Street.

PROPOSED MOTIONS:

In consideration of testimony presented during a Public Hearing on June 13, 2018 and approval of the findings of fact, the Planning and Zoning Commission recommends approval of a request to vary the accessory structure location regulation contained in Section 10-3-12 of the United City of Yorkville Zoning Ordinance to permit a detached accessory garage located in the front yard of the subject property and further subject to {insert any additional conditions of the Planning and Zoning Commission}...

ATTACHMENTS:

1. Petitioner Application (with attachments)
2. Public Hearing Notice



United City of Yorkville
800 Game Farm Road
Yorkville, Illinois, 60560
Telephone: 630-553-4350
Fax: 630-553-7575
Website: www.yorkville.il.us

APPLICATION FOR VARIANCE

DATE: 4/19/17	PZC NUMBER:	DEVELOPMENT NAME:
---------------	-------------	-------------------

PETITIONER INFORMATION

NAME: James mc nemela	COMPANY: /
MAILING ADDRESS: 515 W. madison ST.	
CITY, STATE, ZIP: Yorkville .IL. 60560	TELEPHONE: 630 877 6724
EMAIL: Jmcn77@gmail.com	FAX: /

PROPERTY INFORMATION

NAME OF HOLDER OF LEGAL TITLE: James mc nemela.
IF LEGAL TITLE IS HELD BY A LAND TRUST, LIST THE NAMES OF ALL HOLDERS OF ANY BENEFICIAL INTEREST THEREIN:

PROPERTY STREET ADDRESS: 515 W. madison ST.
DESCRIPTION OF PROPERTY'S PHYSICAL LOCATION:

CURRENT ZONING CLASSIFICATION: R2

ZONING AND LAND USE OF SURROUNDING PROPERTIES

NORTH: R2
EAST: RA
SOUTH: RA
WEST: R2

KENDALL COUNTY PARCEL IDENTIFICATION NUMBER(S) 02 -32- 252- 010.
--



United City of Yorkville
800 Game Farm Road
Yorkville, Illinois, 60560
Telephone: 630-553-4350
Fax: 630-553-7575
Website: www.yorkville.il.us

APPLICATION FOR VARIANCE

ATTORNEY INFORMATION

NAME: COMPANY:

MAILING ADDRESS:

CITY, STATE, ZIP: TELEPHONE:

EMAIL: FAX:

ENGINEER INFORMATION

NAME: COMPANY:

MAILING ADDRESS:

CITY, STATE, ZIP: TELEPHONE:

EMAIL: FAX:

LAND PLANNER/SURVEYOR INFORMATION

NAME: COMPANY:

MAILING ADDRESS:

CITY, STATE, ZIP: TELEPHONE:

EMAIL: FAX:

ATTACHMENTS

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

Petitioner 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".

VARIANCE STANDARDS

PLEASE CONFIRM THE PROPOSED VARIATION IS CONSISTENT WITH THE OFFICIAL COMPREHENSIVE PLAN AND OTHER DEVELOPMENT STANDARDS AND POLICIES OF THE CITY.

Set out for traditional residence.
will not go against official
comprehensive plan.



United City of Yorkville
800 Game Farm Road
Yorkville, Illinois, 60560
Telephone: 630-553-4350
Fax: 630-553-7575
Website: www.yorkville.il.us

APPLICATION FOR VARIANCE

VARIANCE STANDARDS

PLEASE STATE THE VARIANCE REQUESTED AND THE CITY ORDINANCE INCLUDING THE SECTION NUMBERS TO BE VARIED:

Garage Only allowed in the rear of
Property, to which I have no drivable
access.

I am looking for permit / variance for
front yard. 10-3-12 Table 10.03.01

PLEASE STATE HOW THE PARTICULAR SURROUNDINGS, SHAPE OR TOPOGRAPHICAL CONDITIONS OF THE SPECIFIC PROPERTY INVOLVED, A PARTICULAR
HARDSHIP TO THE OWNER WOULD RESULT, AS DISTINGUISHED FROM A MERE INCONVENIENCE, IF THE STRICT LETTER OF REGULATIONS WAS CARRIED OUT:

See attached Exhibit C.

PLEASE STATE HOW THE CONDITIONS UPON WHICH THE APPLICATION FOR A VARIATION IS BASED ARE UNIQUE TO THE PROPERTY FOR WHICH THE VARIATION
IS SOUGHT AND ARE NOT APPLICABLE, GENERALLY, TO OTHER PROPERTY WITHIN THE SAME ZONING CLASSIFICATION:

Property is zoned R2, but unique
property parcel.

PLEASE STATE HOW THE ALLEGED DIFFICULTY OR HARDSHIP IS CAUSED BY THIS TITLE AND HAS NOT BEEN CREATED BY ANY PERSON PRESENTLY HAVING AN
INTEREST IN THE PROPERTY:

Not created by self. The front
yard position is the only logical
place to put garage,



United City of Yorkville
800 Game Farm Road
Yorkville, Illinois, 60560
Telephone: 630-553-4350
Fax: 630-553-7575
Website: www.yorkville.il.us

APPLICATION FOR VARIANCE

VARIANCE STANDARDS

PLEASE STATE HOW THE GRANTING OF THE VARIATION WILL NOT BE DETRIMENTAL TO THE PUBLIC WELFARE OR INJURIOUS TO OTHER PROPERTY OR IMPROVEMENTS IN THE NEIGHBORHOOD IN WHICH THE PROPERTY IS LOCATED:

ALL MY SURROUNDING NEIGHBOURS HAVE GARAGES
SOME ATTACHED TO HOME SOME DETACHED, I WILL
BUILD A MODEST 2 CAR GARAGE WHICH WILL MATCH
MY HOUSE BOTH ROOF + SIDING, IT WILL ALSO
FINISH IN ENE LINE OF NEIGHBOURS GARAGE.

PLEASE STATE HOW THE PROPOSED VARIATION WILL NOT IMPAIR AN ADEQUATE SUPPLY OF LIGHT AND AIR TO ADJACENT PROPERTY, OR SUBSTANTIALLY INCREASE THE CONGESTION IN THE PUBLIC STREETS, OR INCREASE THE DANGER TO THE PUBLIC SAFETY, OR SUBSTANTIALLY DIMINISH OR IMPAIR PROPERTY VALUES WITHIN THE NEIGHBORHOOD:

I WILL BE FOLLOWING ALL CITY GUIDELINES.
DISTANCE FROM BOUNDARY, HEIGHT, DISTANCE FROM
STREET. DUE TO THE HEIGHT ELEVATION MY
STRUCTURE WILL BE MUCH LOWER THAN CLOSEST
NEIGHBOUR AND WILL BE SAME AS THEIRS.

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.


PETITIONER SIGNATURE

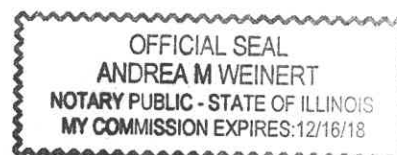
4/23/18.
DATE

OWNER HEREBY AUTHORIZES THE PETITIONER TO PURSUE THE APPROPRIATE ENTITLEMENTS ON THE PROPERTY.

OWNER SIGNATURE

DATE

**THIS APPLICATION MUST BE
NOTARIZED PLEASE NOTARIZE HERE:**





United City of Yorkville
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

PROJECT NUMBER:	FUND ACCOUNT NUMBER:	PROPERTY ADDRESS: <u>515 W. Madison ST.</u>
APPLICATION/APPROVAL TYPE (check appropriate box(es) of approval requested):		
<input type="checkbox"/> CONCEPT PLAN REVIEW	<input type="checkbox"/> AMENDMENT (TEXT)	<input type="checkbox"/> ANNEXATION
<input type="checkbox"/> SPECIAL USE	<input type="checkbox"/> MILE AND 1/2 REVIEW	<input checked="" type="checkbox"/> ZONING VARIANCE
<input type="checkbox"/> FINAL PLANS	<input type="checkbox"/> PLANNED UNIT DEVELOPMENT	<input type="checkbox"/> PRELIMINARY PLAN
PETITIONER DEPOSIT ACCOUNT FUND: 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 Responsible Party and mailed to the address provided when the account was established.		
ACKNOWLEDGMENT OF FINANCIAL RESPONSIBILITY		
NAME: <u>James Mc Nemera</u>	COMPANY:	
MAILING ADDRESS: <u>515 W. Madison ST.</u>		
CITY, STATE, ZIP: <u>YORKVILLE, IL. 60560</u>	TELEPHONE: <u>630.877.6724</u>	
EMAIL: <u>Jmcn77@gmail.com</u>	FAX:	
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.		
<u>James Mc Nemera</u> PRINT NAME		TITLE
<u>[Signature]</u> SIGNATURE		<u>4/19/18</u> DATE
ACCOUNT CLOSURE AUTHORIZATION		
DATE REQUESTED: _____	<input type="checkbox"/> COMPLETED	<input type="checkbox"/> INACTIVE
PRINT NAME: _____	<input type="checkbox"/> WITHDRAWN	<input type="checkbox"/> COLLECTIONS
SIGNATURE: _____	<input type="checkbox"/> OTHER	
DEPARTMENT ROUTING FOR AUTHORIZATION:	<input type="checkbox"/> COM. DEV.	<input type="checkbox"/> BUILDING <input type="checkbox"/> ENGINEERING <input type="checkbox"/> FINANCE <input type="checkbox"/> ADMIN.

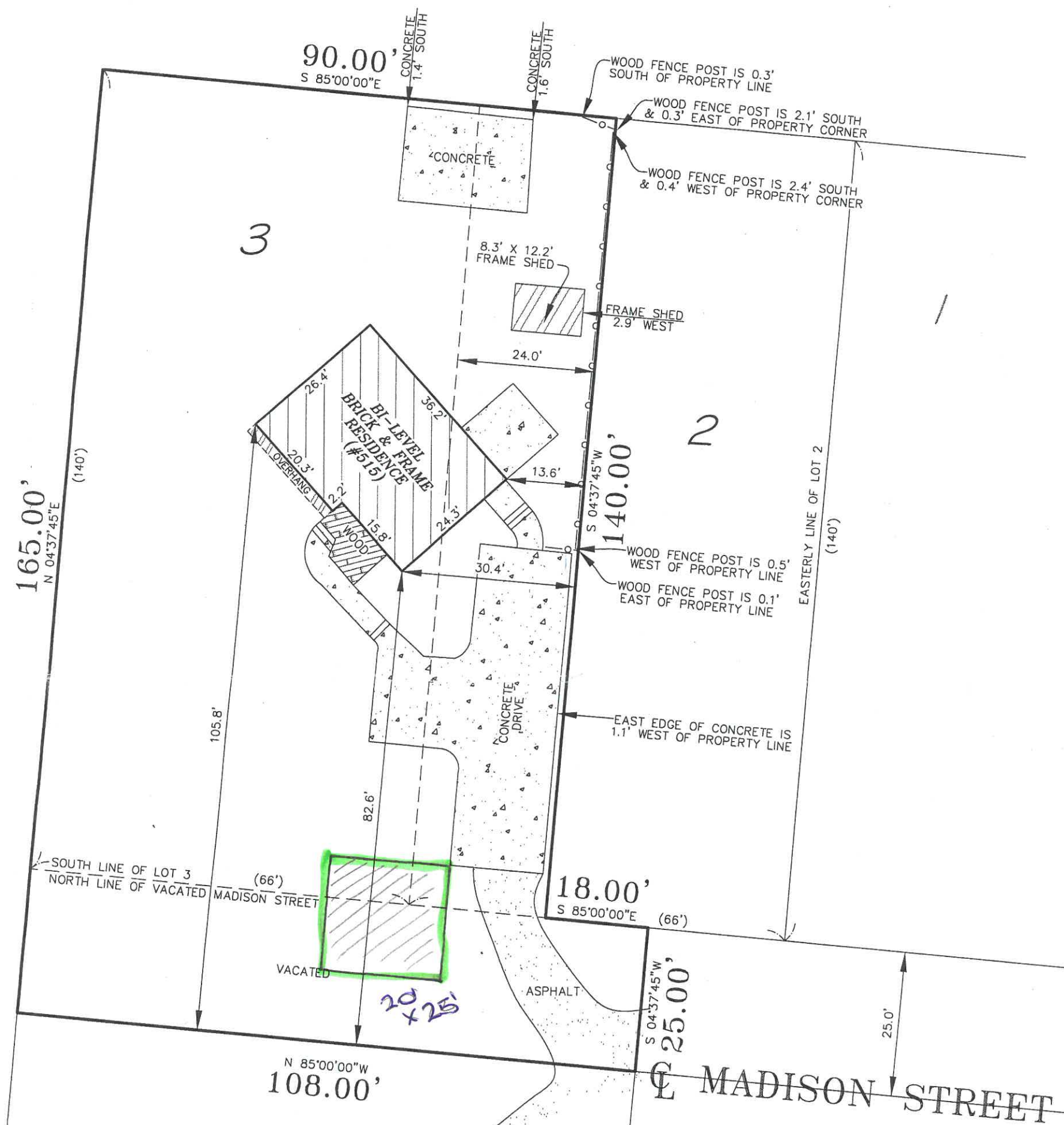
Exhibit A – Legal Description of Property

The westerly 24 feet of lot 2 and all of lot 3 in block 23 in black's 2nd addition to Yorkville, and the northerly ½ of that part of vacated Madison street lying between the extension southerly of the westerly line of said block 23 and the extension northerly of the easterly line of lot 7 in block 21 in said black's 2nd addition, in the city of Yorkville, Kendal County, Illinois.

PLAT OF SURVEY

OF

THE WESTERLY 24 FEET OF LOT 2 AND ALL OF LOT 3 IN BLOCK 23 IN BLACK'S 2ND ADDITION TO YORKVILLE, AND THE NORTHERLY 1/2 OF THAT PART OF VACATED MADISON STREET LYING BETWEEN THE EXTENSION SOUTHERLY OF THE WESTERLY LINE OF SAID BLOCK 23 AND THE EXTENSION NORTHERLY OF THE EASTERLY LINE OF LOT 7 IN BLOCK 21 IN SAID BLACK'S 2ND ADDITION, IN THE CITY OF YORKVILLE, KENDALL COUNTY, ILLINOIS.



LEGEND

(R/M) - RECORD / MEASURED
L - ARC LENGTH
R - RADIUS
CH - CHORD

AREA = 15,300 SQ. FT.
MORE OR LESS

PREPARED FOR: CRAIG HURWITZ (ATTORNEY AT LAW)

JOB ADDRESS: 515 W. MADISON STREET, YORKVILLE, IL

SELLER/BUYER: GARTNER / McNAMARA

JOB NO.: 14-08-0146

NEKOLA SURVEY, INC.

PROFESSIONAL LAND SURVEYING SERVICES

WWW.NEKOLASURVEY.COM

400 N. SCHMIDT RD., STE. 203

BOLINGBROOK, ILLINOIS 60440

(630) 226-1530 PHONE (630) 226-1430 FAX



FIELD WORK COMPLETED ON THE 2ND DAY OF SEPTEMBER, 2014.

(STATE OF ILLINOIS)
(COUNTY OF WILL) SS

NEKOLA SURVEY INC. DOES HEREBY CERTIFY THAT IT HAS SURVEYED THE TRACT OF LAND ABOVE DESCRIBED, AND THAT THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

DATED THIS 2ND DAY OF SEPTEMBER, 2014.

LICENSE RENEWAL DATE: 30 NOVEMBER 2014.

☒ - "X" IN BOX INDICATES THE HEREON DRAWN PLAT WAS ORDERED AS A NON MONUMENTED SURVEY.

NO IMPROVEMENTS SHOULD BE MADE ON THE BASIS OF THIS PLAT ALONE. FIELD MONUMENTATION OF CRITICAL POINTS SHOULD BE ESTABLISHED PRIOR TO COMMENCEMENT OF ANY AND ALL CONSTRUCTION. FOR BUILDING LINES, EASEMENTS AND OTHER RESTRICTIONS NOT SHOWN HEREON REFER TO YOUR DEED, ABSTRACT, TITLE POLICY, CONTRACTS AND LOCAL BUILDING AND ZONING ORDINANCES.

ADDRESS	CITY	ZIP	STATE
411 W MADISON ST	YORKVILLE	60560	IL
511 W MADISON ST	YORKVILLE	60560	IL
515 W MADISON ST	YORKVILLE	60560	IL
516 W MADISON ST	YORKVILLE	60560	IL
655 WHITE OAK WAY	YORKVILLE	60560	IL
514 W MADISON ST	YORKVILLE	60560	IL
510 W MADISON ST	YORKVILLE	60560	IL
501 W MADISON ST	YORKVILLE	60560	IL
506 W MADISON ST	YORKVILLE	60560	IL
507 W RIDGE ST	YORKVILLE	60560	IL
653 WHITE OAK WAY	YORKVILLE	60560	IL
651 WHITE OAK WAY	YORKVILLE	60560	IL
649 WHITE OAK WAY	YORKVILLE	60560	IL
647 WHITE OAK WAY	YORKVILLE	60560	IL
510 W RIDGE ST	YORKVILLE	60560	IL
508 W RIDGE ST	YORKVILLE	60560	IL
506 W RIDGE ST	YORKVILLE	60560	IL
504 W RIDGE ST	YORKVILLE	60560	IL
409 W RIDGE ST	YORKVILLE	60560	IL
412 W VAN EMMON ST	YORKVILLE	60560	IL
507 A MADISON CT	YORKVILLE	60560	IL
511 A MADISON CT	YORKVILLE	60560	IL
657 WHITE OAK WAY	YORKVILLE	60560	IL
203 MORGAN ST	YORKVILLE	60560	IL
501 W RIDGE ST	YORKVILLE	60560	IL
509 W RIDGE ST	YORKVILLE	60560	IL
501 MORGAN ST	YORKVILLE	60560	IL
410 W VAN EMMON ST	YORKVILLE	60560	IL
511 B MADISON CT	YORKVILLE	60560	IL
507 B MADISON CT	YORKVILLE	60560	IL
510 D W HYDRAULIC AVE	YORKVILLE	60560	IL
510 C W HYDRAULIC AVE	YORKVILLE	60560	IL
510 B W HYDRAULIC AVE	YORKVILLE	60560	IL
510 A W HYDRAULIC AVE	YORKVILLE	60560	IL
506 E W HYDRAULIC AVE	YORKVILLE	60560	IL
506 D W HYDRAULIC AVE	YORKVILLE	60560	IL
506 C W HYDRAULIC AVE	YORKVILLE	60560	IL

506 B W HYDRAULIC AVE	YORKVILLE	60560	IL
506 A W HYDRAULIC AVE	YORKVILLE	60560	IL
505 W FOX ST	YORKVILLE	60560	IL
509 MADISON CT	YORKVILLE	60560	IL
507 W MADISON ST	YORKVILLE	60560	IL
518 H W HYDRAULIC AVE	YORKVILLE	60560	IL
518 G W HYDRAULIC AVE	YORKVILLE	60560	IL
518 F W HYDRAULIC AVE	YORKVILLE	60560	IL
518 E W HYDRAULIC AVE	YORKVILLE	60560	IL
518 A W HYDRAULIC AVE	YORKVILLE	60560	IL
518 B W HYDRAULIC AVE	YORKVILLE	60560	IL
518 C W HYDRAULIC AVE	YORKVILLE	60560	IL
518 D W HYDRAULIC AVE	YORKVILLE	60560	IL
402 MORGAN ST	YORKVILLE	60560	IL
521 W RIDGE ST	YORKVILLE	60560	IL

Exhibit C -

4/20/18

To whom it may concern,

I would like to explain my reasoning behind seeking a variance, I had initially hoped to get a regular 'Building Permit' and had positioned my plan using the only feasible position on my property. I understand that the guidelines set out are for a general home setting but this is not.

Where mine differs is the fact that my back yard is not accessible via car due to is geographical locations and the fact that my yard backs up to a wooded area which drops off around 75' into a valley. I had builders and even a concrete company come and look at the site to give me some ideas on possible sites for the garage, they were all in agreement with the location.

It doesn't take away from the overall look of my surrounding area, in fact it will be in line with my closest neighbor to the south and her 2 car garage. I have made a blueprint which has me in total accordance with the building codes, distance from perimeter, height to eaves and ridge line of roof, I would also be color matching the siding with my home and put white doors and windows along with color matched roof shingles. As it stands I have a portable car port/ gazebo in place, as only 10 days after buying a brand new car I had my neighbor's 100 year old walnut tree drop hundreds of nuts all over my car costing me \$2000 in repairs.

This garage will in no way impede light, sight, views or be any kind of eye sore what so ever. It will In fact make the area tidier and then I can even landscape. My neighbors to the south and west all have 2 car garages both attached and adjoining their homes. This is a unique placement granted but I invite anyone to come and the area will speak for itself both in position and variance in ground level. I have attached pictures showing the site in question, from the street, front view, rear and from my home.

Furthermore there are 10 homes on West Madison Street, 6 to the south and 4 on the north side, all of which have 2 car garages, I have none!

I appreciate your time and patience reading through this.

Regards James.

PUBLIC NOTICE
NOTICE OF PUBLIC HEARING
BEFORE
THE UNITED CITY OF YORKVILLE
PLANNING & ZONING COMMISSION
PZC 2018-10

NOTICE IS HEREWITH GIVEN THAT James Mcnamara, petitioner, has filed an application with the United City of Yorkville, Kendall County, Illinois, requesting an accessory structure location variance for 515 West Madison Street. The purpose of this request is to allow a detached garage to be placed in the front yard. The real property, zoned R-2 Traditional Family Residence District, is located at the west end of West Madison Street.

The legal description is as follows:

THE WESTERLY 24 FEET OF LOT 2 AND ALL OF LOT 3 IN BLOCK 23 IN BLACK'S 2ND ADDITION TO YORKVILLE, AND THE NORTHERLY ½ OF THAT PART OF VACATED MADISON STREET LYING BETWEEN THE EXTENSION SOUTHERLY OF THE WESTERLY LINE OF SAID BLOCK 23 AND THE EXTENSION NORTHERLY OF THE EASTERLY LINE OF LOT 7 IN BLOCK 21 IN SAID BLACK'S 2ND ADDITION, IN THE CITY OF YORKVILLE, KENDAL COUNTY, ILLINOIS.

PIN: 02-32-252-010

NOTICE IS HEREWITH GIVEN THAT the Planning and Zoning Commission for the United City of Yorkville will conduct a public hearing on said application on **Wednesday, June 13, 2018 at 7:00 p.m.** at the United City of Yorkville, City Council Chambers, 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.

Application and information materials regarding this notice are available for public review and any questions or written comments should be addressed to the United City of Yorkville Community Development Department, City Hall, 800 Game Farm Road, Yorkville, Illinois. All interested parties are invited to attend the public hearing and will be given an opportunity to be heard.

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

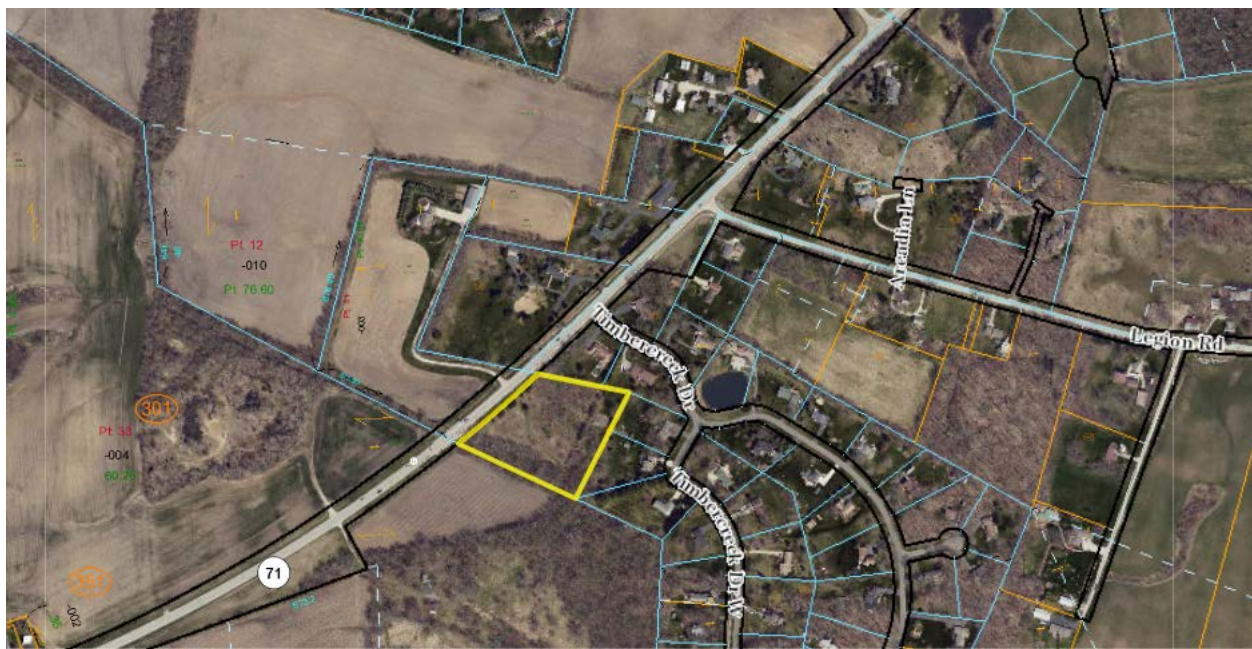
To: Planning and Zoning Commission
From: Jason Engberg, Senior Planner
CC: Bart Olson, City Administrator
Krysti J. Barksdale-Noble, Community Development Director
Date: June 6, 2018
Subject: **PZC 2018-11** – Kendall County Case #18-14 (Rezone) 1.5 Mile Review

Proposal Summary

Staff has reviewed a request from Kendall County Planning and Zoning Department along with the subsequent documents attached. This property is located within one and a half miles of the planning boundary for Yorkville, allowing us the opportunity to review and provide comments to Kendall County. The petitioners, Michael and Dayle Saar, are requesting a map amendment rezone for their property from A-1 Agricultural District to R-1 Residential District. Petitioners would like the ability to sell this property and market it as a single-family home site. The 4.23 acre property is located along the south edge of Route 71 just south of the Timbercreek Dr and Route 71 intersection.

As stated in the petitioner's findings of fact, they believe the use is compatible with other nearby uses in the area as the adjacent properties have single family homes constructed upon them. The petitioners state that the subject property is not suitable by site acreage for current modern row crop farming practices. The petitioners believe the construction of a single family home would be consistent with the adjacent rural residential uses.

Additionally, the petitioners own the house adjacent to the northeast corner of the subject property. They plan on dividing the northeast corner of the parcel and merge it with their property in the Timber Creek subdivision (see attachments). Once merged, they intend to rezone it to the County's R-3 zoning district to coincide with their existing property. This future request will be based on the outcome of the current request to rezone the subject property from A-1 to R-1.



Yorkville Comprehensive Plan

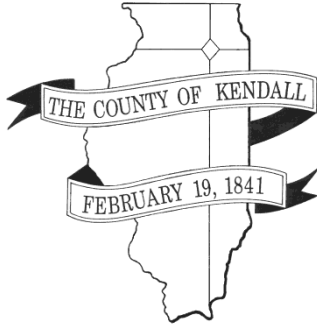
Since this property is within the City's planning radius, the City's Comprehensive Plan must be reviewed to ensure the rezone request will not hinder the plans for future development in this area. Yorkville's current 2016 Comprehensive Plan designation for this property is Estate/Conservation Residential. This future land use is 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. The most typical form of development within this land use will be detached single family homes on large lots. After review of the petitioner's request, the proposed rezoning will conform to Yorkville's future land use in its Comprehensive Plan.

Staff Comments

Staff is seeking comments from the Planning and Zoning Commission in regards to this proposed rezoning request within the City's one and a half mile planning boundary. The request and any recommendations from the Commission will be reviewed by the City Council on June 26, 2018.

Attachments

1. Application with Attachments



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 203

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

Petition 18-14**Michael and Dayle Saar****Map Amendment Rezoning Property from A-1 to R-1****INTRODUCTION**

Michael and Dayle Saar are requesting a map amendment rezoning the majority of the subject property from A-1 to R-1 in order to have the ability to sell the property and market the property as a single-family home site.

The petitioners own one (1) of the houses northeast of the subject parcel. They would like to divide a portion of the northeast corner off of the subject property and merge it with their property in the Timber Creek Subdivision and rezone the northeast corner to R-3 at some point in the future.

SITE INFORMATION

PETITIONER: Michael and Dayle Saar

ADDRESS: Between 11614 and 11571 Route 71 on the East Side of the Road

LOCATION: 0.06 Miles Southwest of Timbercreek Drive on the East Side of Route 71



TOWNSHIP: Kendall

PARCEL #: 05-07-328-003

LOT SIZE: 4.2302 acres

EXISTING LAND
USE: Agricultural

ZONING: A-1 Agricultural District

LRMP:	Land Use	Agricultural
	Roads	Route 71 is a State maintained highway
	Trails	Trails are planned along Route 71
	Floodplain/ Wetlands	There are no floodplains or wetlands in the area. A stream runs along the southern boundary of the property.

REQUESTED ACTION: Map Amendment Rezoning Property from A-1 to R-1

APPLICABLE REGULATIONS: Section 13.07 – Map Amendment Procedures

SURROUNDING LAND USE

Location	Adjacent Land Use	Adjacent Zoning	Land Resource Management Plan	Zoning within ½ Mile
North	Single-Family Residential	R-1 and R-3	Rural Residential	A-1, R-1, and R-3 (County) R-2 (Yorkville)
South	Agricultural/Residential	R-2 (Yorkville)	Estate Res (Yorkville)	R-2 (Yorkville)
East	Single-Family Residential	R-3	Rural Residential	A-1, R-1, R-2, R-3 RPD-3, and A-1 SU
West	Agricultural/Residential	A-1	Rural Residential	A-1 and R-1 (County) A-1 and R-2 (Yorkville)

The Timber Creek Subdivision is located to the north and east of the subject property.

The A-1 special use permit located east of the subject property is for boarding horses.

PHYSICAL DATA

ENDANGERED SPECIES REPORT

EcoCAT Report submitted and consultation was terminated.

NATURAL RESOURCES INVENTORY

The application for NRI was submitted on April 12, 2018.

ACTION SUMMARY

KENDALL TOWNSHIP

Petition information was sent to Kendall Township on April 20, 2018.

UNITED CITY OF YORKVILLE

Petition information was sent to the United City of Yorkville on April 20, 2018. The proposal will go to Yorkville Economic Development Commission on June 5th and the Yorkville Planning Commission on June 13th.

ZPAC

ZPAC met on this proposal on May 1, 2018. They unanimously recommended approval of the request. The minutes of this meeting are included as Attachment 7.

GENERAL INFORMATION

The Petitioner desires the map amendment in order to have the ability to market and sell the property for single-family use. The subject property does not have an allocation for the construction of a home and does not possess forty (40) acres. Therefore, a map amendment is required in order to construct a home onsite.

The Petitioner does not believe that the property is large enough for farming. Pictures of the property are included.

The Land Resource Management Plan calls for this area to be rural residential in the future. Existing single-family homes are located to the north and east of the subject property. For these reasons, Staff does not believe that the approval of this request would constitute spot zoning.

BUILDING CODES

Any new homes or accessory structures would be required to meet applicable building codes.

ACCESS

The property fronts Route 71. Staff has no concerns regarding the ability of Route 71 to support a proposed home at this location.

ODORS

No new odors are foreseen.

LIGHTING

Any new lighting would be for residential use only. Staff does not foresee any concerns regarding lighting.

SCREENING

No fencing or buffer is presently planned for the property. Any new fences or plantings would be for a residential use. Any new fences would have to follow applicable regulations.

STORMWATER

Any new homes would have to be constructed per Kendall County's Stormwater Management Ordinance.

UTILITIES

Electricity is near the property. A new well and septic system would have to obtain applicable permits.

FINDINGS OF FACT

Existing uses of property within the general area of the property in question. The area is a mix of agricultural, farmstead, and rural estate residential uses.

The Zoning classification of property within the general area of the property in question. The properties to the east are zoned R-3. R-1, R-3, and Yorkville residential zoning are within ½ mile of the subject property.

The suitability of the property in question for the uses permitted under the existing zoning classification. The property is too small for most modern agricultural uses. Homes are located on adjoining properties to the east and north and the subject property lacks an agricultural housing allocation which prevents the construction of a home on the property without a map amendment. The property would be suitable for most single-family residential related uses.

The trend of development, if any, in the general area of the property in question, including changes, if any, which may have taken place since the day the property in question was in its present zoning classification. The Zoning Board of Appeals shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such an amendment is in the public interest and is not solely for the

interest of the applicant. The Zoning Board of Appeals may recommend the adoption of an amendment changing the zoning classification of the property in question to any higher classification than that requested by the applicant. For the purpose of this paragraph the R-1 District shall be considered the highest classification and the M-2 District shall be considered the lowest classification. The proposed amendment fits the development of the area. This area will likely continue to become more residential if the United City of Yorkville continues to annex properties in the area. The proposed amendment benefits the Petitioner by giving him the opportunity to market and sell the property for a residential purpose instead of a purely agricultural use.

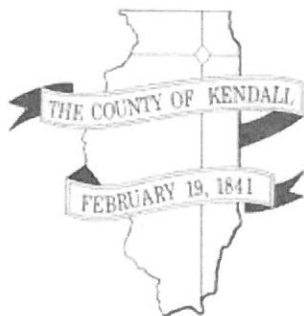
Consistency with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. The proposed amendment is consistent with the Land Resource Management Plan.

RECOMMENDATION

Staff recommends approval of the proposed map amendment.

ATTACHMENTS

1. Application Materials (Including the Petitioner's Findings of Fact, Plat, and EcoCat)
2. Aerial
3. Looking East from Route 71
4. Looking South
5. South Property Line and Stream
6. Petitioner's Boundary Line
7. 5-1-18 ZPAC Minutes



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Yorkville, IL • 60560 1621
 (630) 553-4141 Fax (630) 553-4179

APPLICATION

PROJECT NAME Saar Map AmendmentFILE #: 18-14

NAME OF APPLICANT <u>MICHAEL SAAR</u>		
CURRENT LANDOWNER/NAME(s) <u>MICHAEL O. SAAR AND DAYLE E. SAAR</u>		
SITE INFORMATION ACRES <u>4.2302</u>	SITE ADDRESS OR LOCATION <u>05-07-328-003</u>	ASSESSOR'S ID NUMBER (PIN) <u>05-07-328-003</u>
EXISTING LAND USE <u>AGRICULTURAL</u>	CURRENT ZONING <u>A-1</u>	LAND CLASSIFICATION ON LRMP <u>RURAL RESIDENTIAL</u>
REQUESTED ACTION (Check All That Apply):		
<input type="checkbox"/> SPECIAL USE	<input checked="" type="checkbox"/> MAP AMENDMENT (Rezone to <u>R-1</u>)	<input type="checkbox"/> VARIANCE
<input type="checkbox"/> ADMINISTRATIVE VARIANCE	<input type="checkbox"/> A-1 CONDITIONAL USE for: _____	<input type="checkbox"/> SITE PLAN REVIEW
<input type="checkbox"/> TEXT AMENDMENT	<input type="checkbox"/> RPD (<input type="checkbox"/> Concept; <input type="checkbox"/> Preliminary; <input type="checkbox"/> Final)	<input type="checkbox"/> ADMINISTRATIVE APPEAL
<input type="checkbox"/> PRELIMINARY PLAT	<input type="checkbox"/> FINAL PLAT	<input type="checkbox"/> OTHER PLAT (Vacation, Dedication, etc.)
AMENDMENT TO A SPECIAL USE (<input type="checkbox"/> Major; <input type="checkbox"/> Minor)		
¹ PRIMARY CONTACT <u>MICHAEL O. SAAR</u>	PRIMARY CONTACT MAILING ADDRESS [REDACTED]	PRIMARY CONTACT EMAIL [REDACTED]
PRIMARY CONTACT PHONE # [REDACTED]	PRIMARY CONTACT FAX # [REDACTED]	PRIMARY CONTACT OTHER # (Cell, etc.) [REDACTED]
² ENGINEER CONTACT	ENGINEER MAILING ADDRESS	ENGINEER EMAIL
ENGINEER PHONE #	ENGINEER FAX #	ENGINEER OTHER # (Cell, etc.)
I UNDERSTAND THAT BY SIGNING THIS FORM, THAT THE PROPERTY IN QUESTION MAY BE VISITED BY COUNTY STAFF & BOARD/ COMMISSION MEMBERS THROUGHOUT THE PETITION PROCESS AND THAT THE PRIMARY CONTACT LISTED ABOVE WILL BE SUBJECT TO ALL CORRESPONDANCE ISSUED BY THE COUNTY.		
I CERTIFY THAT THE INFORMATION AND EXHIBITS SUBMITTED ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND THAT I AM TO FILE THIS APPLICATION AND ACT ON BEHALF OF THE ABOVE SIGNATURES.		
SIGNATURE OF APPLICANT [REDACTED]	DATE <u>4/12/2018</u>	

FEE PAID: \$ 500
 CHECK #: [REDACTED]

¹Primary Contact will receive all correspondence from County

²Engineering Contact will receive all correspondence from the County's Engineering Consultants

ZONING PLAT OF PART OF SECTION 7, T36N-R7E, 3rd PM KENDALL TOWNSHIP KENDALL COUNTY ILLINOIS

DEVELOPER:

Michael O. & Dayle E. Saar
14 Timbercreek Drive
Yorkville, Illinois 60560

AREA TO BE REZONED:

184269 Sq.Ft. = 4.2302 Acres

PRESENT ZONING:

A-1 (Agricultural District)

PROPOSED ZONING:

R-1 (Residential District)

P.I.N.

05-07-328-003

FLOODPLAIN STATEMENT:

The Subject Property is located in Zone X (areas determined to be outside the 0.2% annual chance floodplain) as depicted on FEMA Flood Insurance Rate Map Number 17093C0125G with an effective date of February 4, 2009.

SOILS (USDA/NRCS - Kendall County, 2015)

356A	Elpaso Silty Clay Loam, 0%-2% slopes
145B	Saybrook Silt Loam, 2%-5% slopes

SCALE
1"=30'

- Indicates Iron Stake Found
- Indicates Concrete Monument Found
- Indicates Iron Stake Set
- △ Indicates Tree and Size
- Indicates Line of Fence
- + Indicates Existing Spot Elevation
- Indicates Existing Contour Elevation
- Indicates Soil Type Boundary

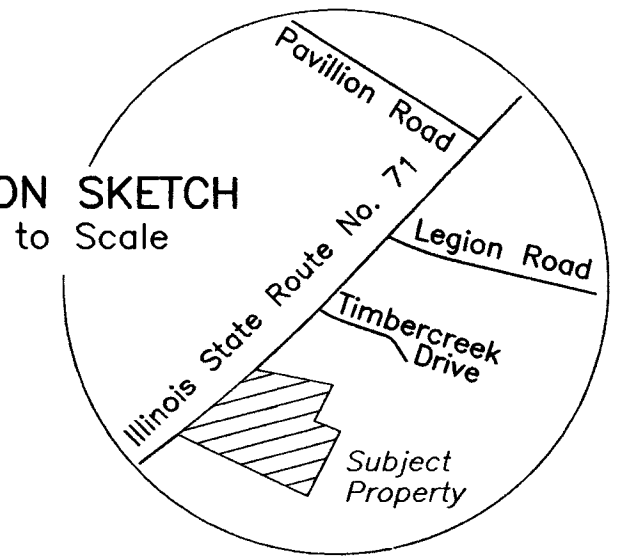
NOTE: This property is vacant.

BENCHMARKS -- (NGVD1929)

BM#1 - Southerly Magnail at Edge of
Pavement at Road Sign
Elevation = 714.43

BM#2 - Northerly Magnail at Edge of
Pavement at Mailbox
Elevation = 717.61

LOCATION SKETCH
Not to Scale



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

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

JOB NO. 17312
JOB NAME SAAR
DWG FILE 17312B
REVISION DATE

April 2, 2018

PIN 05-07-301-004
Gerald Liv Tr Brummel
A-1

Fox Township

Kendall Township

Southwest Corner of
Section 7, T36N-R7E

WETLANDS STATEMENT:

The stream bed along the South Line of the Subject Property is classified R4SBC on the National Wetlands Inventory Map.

- R - Riverine (contained within the stream channel)
- 4 - Intermittent flow
- SB - Stream Bed
- C - Seasonally flooded (water present early in growing season, but absent by the end of the growing season in most years)

LEGAL DESCRIPTION OF TRACT TO BE REZONED:

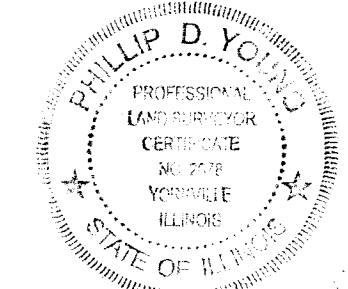
That Part of Section 7, Township 36 North, Range 7 East of the Third Principal Meridian described as follows: Commencing at the Southwest corner of said Section 7; thence North 01°45'36" West along the West Line of said Section 7, a distance of 695.70 feet to the present center line of Illinois State Route No. 71; thence North 71°11'00" East along said center line, 37.40 feet; thence Northeasterly along said center line, being a tangential curve to the left with a radius of 6611.12 feet, an arc distance of 2271.16 feet to the southernmost line of a tract described in a Warranty Deed from Janet C. Shick to C.A. Bassak and Frances A. Bassak, husband and wife, recorded as Document Number 74-2411 on May 21, 1974 for the point of beginning; thence South 64°37'06" East, along said southernmost line, 575.55 feet to the Southerly extension of the monumented Westerly Line of Lot 35 of Timber Creek Subdivision; thence North 26°52'33" East along said Westerly Line and its extension, 266.47 feet; thence North 63°06'24" W, 107.12 feet; thence North 26°53'36" East, 180.04 feet to the monumented Southerly Line of Lot 37 and Lot 38 of said Timber Creek Subdivision; thence North 78°39'26" West, along said monumented Southerly Line and said Line extended, 321.83 feet to said center line; thence Southwesterly along said center line, 406.64 feet to the point of beginning in Kendall Township, Kendall County, Illinois.

State of Illinois)
County of Kendall) SS

I, Philip D. Young, an Illinois Professional Land Surveyor and an officer of Philip D. Young and Associates, Inc., state that I have surveyed and located the visible improvements on the above described tract as shown by the plat hereon drawn which is a representation of said survey. Field work was completed December 14, 2017. This professional service conforms to the current Illinois minimum standard for a boundary survey.

Dated April 2, 2018 at Yorkville, Illinois

Philip D. Young
Illinois Professional Land Surveyor No. 2678 (Expires 11/30/18)



PIN 05-07-352-004
Trib Holdings LLC
R-1

4.2302 Acres
(3.7053 Acres Excluding Road)

PIN 05-07-326-002
Rebecca L. & Ronald D. Parish
R-1

PIN 05-07-325-003
Barbara R. & James L. Leedy
A-1

PIN 05-07-328-001
Kevin E. Brummel
R-3

Subdivision
PIN 05-07-328-002
Dayle & Michael Saar
R-3

Subdivision
PIN 05-07-328-004
Eric P. Viscars
R-3

Subdivision
PIN 05-07-328-005
Gerardo Pallas
R-3

Subdivision
PIN 05-07-328-006
Betty & Randall Johnson
R-3



Kendall County Soil & Water
Conservation District

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



www.kendallswcd.org

NATURAL RESOURCE INFORMATION (NRI) REPORT APPLICATION

Petitioner: MICHAEL SAAR

Contact Person: MICHAEL SAAR

Address: [REDACTED]

City, State, [REDACTED]

Phone Num [REDACTED]

Email: [REDACTED]

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

Site Location & Proposed Use

Township Name KENDALL Township 36 N, Range 7 E, Section(s) 7

Parcel Index Number(s) 05-07-328-003

Project or Subdivision Name _____ Number of Acres 4.2302

Current Use of Site AGRICULTURAL Proposed Use RESIDENTIAL

Proposed Number of Lots 1 Proposed Number of Structures 1

Proposed Water Supply WELL Proposed type of Wastewater Treatment SEPTIC

Proposed type of Storm Water Management N/A

Type of Request

☒ Change in Zoning from A-1 to R-1

☐ Variance (Please describe fully on separate page)

☐ Special Use Permit (Please describe fully on separate page)

Name of County or Municipality the request is being filed with: Kendall County

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

☒ Plat of Survey/Site Plan – showing location, legal description and property measurements

☐ Concept Plan - showing the locations of proposed lots, buildings, roads, stormwater detention, open areas, etc.

☐ If available: topography map, field tile map, copy of soil boring and/or wetland studies

☐ NRI fee (Please make checks payable to Kendall County SWCD)

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

Full Report: \$375.00 for five acres and under, plus \$18.00 per acre for each additional acre or any fraction thereof over five.

Executive Summary Report: \$300.00 (KCSWCD staff will determine when a summary or full report will be necessary.)

Fee for first five acres and under \$ 375.00

0 Additional Acres at \$18.00 each \$ 0

Total NRI Fee \$ 375.00

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

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

Petitioner or Authorized Agent

Date

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

FOR OFFICE USE ONLY

NRI# 1802 Date initially rec'd 4/11/18 Date all rec'd 4/11/18 Board Meeting MAY 2018
Fee Due \$ 375.00 Fee Paid \$ 375.00 Check # [REDACTED] Over/Under Payment _____ Refund Due _____



Applicant: Michael O. Saar
Contact: Michael O. Saar
Address: [REDACTED]

IDNR Project Number: 1809867
Date: 04/11/2018

Project: Saar-rezoning
Address: site number 05-07-328-003, Yorkville

Description: Rezone from A-1 to R-1.

Natural Resource Review Results

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

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

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

Location

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

County: Kendall

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



IL Department of Natural Resources
Contact
Natalia Jones
217-785-5500
Division of Ecosystems & Environment

Government Jurisdiction
Kendall County Building and Zoning
Matt Asselmeir
111 W. Fox Street
Yorkville, Illinois 60560 -1621

Disclaimer

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

Attachment 1, Page 5

JUSTIFICATION FOR REQUESTED REZONING AND INTENDED USES

Michael O. Saar

The land parcel is too small for farming (4.2302 acres \pm) and has large trees. It would be better utilized for residential purposes.

Attachment 1, Page 6

Please fill out the following findings of fact to the best of your capabilities. § 13.07.F of the Zoning Ordinance lists the Finding of Fact criteria the Zoning Board of Appeals must answer in order to make a recommendation to the County Board on any **map amendment** request. They are as follows:

Existing uses of property within the general area of the property in question.

AGRICULTURE
RESIDENTIAL

The Zoning classification of property within the general area of the property in question.

A-1
R-1
R-3

The suitability of the property in question for the uses permitted under the existing zoning classification.

TO SMALL FOR AGRICULTURE, ALSO TO MANY
TREES.
MOST SUITABLE FOR RESIDENTIAL

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

THE TREND IS TO RESIDENTIAL USES

Consistency with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies.

IT IS CONSISTENT.

GEORGE E. COLE[®]
LEGAL FORMS
215431

No. 810
September, 1975

WARRANTY DEED

Joint Tenancy Illinois Statutory
(Individual to Individual)

890496
KENDALL COUNTY ILL
DOC # 890496
402 PM
JAN 24 1989

BK 188 PG 251

COUNTY OF KENDALL
REAL ESTATE TRANSFER TAX
\$ 8,009.99

(The Above Space For Recorder's Use Only)

THE GRANTOR C. A. BASSAK AND FRANCES A. BASSAK, HIS WIFE

of the CITY of SARASOTA County of SARASOTA State of FLORIDA
for and in consideration of TEN (\$10.00) DOLLARS.

CONVEY and WARRANT to MICHAEL O. SAAR & DAYLE E. SAAR,
(NAMES AND ADDRESS OF GRANTEE(S))

HUSBAND AND WIFE 14 TIMBERCREEK DRIVE, YORKVILLE, ILLINOIS 60560

not in Tenancy in Common, but in JOINT TENANCY, the following described Real Estate situated in the
County of KENDALL in the State of Illinois, to wit:

THAT PART OF THE SOUTH 1/2 OF SECTION 7, TOWNSHIP 36 NORTH,
RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS
FOLLOWS: COMMENCING AT THE SOUTH WEST CORNER OF SAID SECTION 7;
THENCE NORTH 01 DEGREES 45 MINUTES, 36 SECONDS WEST ALONG THE
WEST LINE OF SAID SECTION 7, A DISTANCE OF 695.70 FEET TO THE
PRESENT CENTER LINE OF ILLINOIS STATE ROUTE 71; THENCE NORTH 71
DEGREES, 11 MINUTES, 00 SECONDS EAST ALONG SAID CENTER LINE,
37.40 FEET; THENCE NORTHEASTERLY ALONG SAID CENTER LINE, BEING A
TANGENTIAL CURVE TO THE LEFT WITH A RADIUS OF 6611.12 FEET, AN
ARC DISTANCE OF 2271.16 FEET TO THE SOUTHERNMOST LINE OF A TRACT
DESCRIBED IN A WARRANTY DEED FROM JANET C. SHICK TO C.A. BASSAK
AND FRANCES A. BASSAK, HUSBAND AND WIFE, RECORDED AS DOCUMENT 74-
2411 ON MAY 21, 1974 FOR THE POINT OF BEGINNING; THENCE SOUTH 64
DEGREES, 37 MINUTES, 06 SECONDS EAST, ALONG SAID SOUTHERNMOST
LINE 575.55 FEET TO THE SOUTHERLY EXTENTION OF THE MONUMENTED
WESTERLY LINE OF LOT 35 OF TIMBER CREEK SUBDIVISION; THENCE
NORTH 26 DEGREES, 52 MINUTES, 33 SECONDS EAST ALONG SAID
WESTERLY LINE AND ITS EXTENTION AND ALONG THE WESTERLY LINE OF
LOT 36 OF SAID SUBDIVISION, 475.64 FEET TO THE NORTHERNMOST
CORNER OF SAID LOT 36, THENCE NORTH 78 DEGREES, 39 MINUTES, 26
SECONDS WEST ALONG THE MONUMENTED SOUTHERLY LINE OF LOT 37 AND
LOT 38 OF SAID SUBDIVISION AND SAID LINE EXTENDED, 433.22 FEET
TO SAID CENTER LINE; THENCE SOUTHWESTERLY ALONG SAID CENTER LINE
406.64 FEET TO THE POINT OF BEGINNING, IN KENDALL TOWNSHIP,
KENDALL COUNTY, ILLINOIS.

PLEASE PRINT OR TYPE NAME(S) BELOW
SIGNATURE(S)

C. A. BASSAK (Seal) FRANCIS A. BASSAK (Seal)
FRANCES A. BASSAK (Seal)

FLORIDA
State of Illinois, County of SARASOTA ss. I, the undersigned, a Notary Public in
and for said County, in the State aforesaid, DO HEREBY CERTIFY that

IMPRESS SEAL HERE
C. A. BASSAK and FRANCES A. BASSAK
personally known to me to be the same person_s whose name_s
subscribed to the foregoing instrument, appeared before me this day in person,
and acknowledged that they signed, sealed and delivered the said instrument
as their free and voluntary act, for the uses and purposes therein set
forth, including the release and waiver of the right of homestead.

Given under my hand and official seal, this 9th day of January 19 89
NOTARY PUBLIC, STATE OF FLORIDA;
MY COMMISSION EXPIRES: MAR. 16, 1991;
Commission expires BONDED THRU NOTARY PUBLIC UNDERWRITERS

This instrument was prepared by ANTHONY J. BASSAK 1737 W. HOWARD SUITE 404
(NAME AND ADDRESS) CHICAGO, ILL, 60626

MAIL TO: { MICHAEL O. SAAR (Name)
14 TIMBERCREEK DRIVE (Address)
YORKVILLE, ILLINOIS 60560 (City, State and Zip)

OR RECORDER'S OFFICE BOX NO. _____

ADDRESS OF PROPERTY:
RT. 71
YORKVILLE, ILLINOIS

THE ABOVE ADDRESS IS FOR STATISTICAL PURPOSES ONLY AND IS NOT A PART OF THIS DEED.

SEND SUBSEQUENT TAX BILLS TO:
MICHAEL O. SAAR
14 TIMBERCREEK DRIVE
YORKVILLE, ILLINOIS 60560
(Address)

AFFIX "RIDERS" OR REVENUE STAMPS HERE

CHICAGO TITLE INSURANCE CO.
Kane County Office
Geneva, Illinois 60134
Phone 222-2750

DOCUMENT NUMBER

ELEANOR E. JUNGELS - RECORDER OF DEEDS OF KANE COUNTY

AFFIDAVIT - PLAT ACT

STATE OF ILLINOIS)
) SS.
COUNTY OF KANE)

Kathleen J. Bentley, being duly

sworn on oath, states that she resides at 1919 Pepper Valley Drive
Geneva, IL 60134. That the attached deed is

not in violation of Section 1 of Chapter 109 of the Illinois Revised

Statutes for one of the following reasons:

1. The sale or exchange is of an entire tract of land not being a part of a larger tract of land.
2. The division or subdivision of land is into parcels or tracts of 5 acres or more in size which does not involve any new streets or easements of access.
3. The division is of lots or blocks of less than 1 acre in any recorded subdivision which does not involve any new streets or easements of access.
4. The sale or exchange of parcels of land is between owners of adjoining and contiguous land.
5. The conveyance is of parcels of land or interests therein for use as right-of-way for railroads or other public utility facilities, which does not involve any new streets or easements of access.
6. The conveyance is of land owned by a railroad or other public utility which does not involve any new streets or easements of access.
7. The conveyance is of land for highway or other public purpose or grants or conveyances relating to the dedication of land for public use or instruments relating to the vacation of land impressed with a public use.
8. The conveyance is made to correct descriptions in prior conveyances.
9. The sale or exchange is of parcels or tracts of land following the division into no more than two parts of a particular parcel or tract of land existing on July 17, 1959, and not involving any new streets or easements of access.
10. The sale is of a single lot of less than 5 acres from a larger tract, the dimensions and configurations of said larger tract having been determined by the dimensions and configuration of said larger tract on October 1, 1973, and no sales, prior to this sale, of any lot or lots from said larger tract having taken place since October 1, 1973, and a survey of said single lot having been made by a registered land surveyor.

CIRCLE NUMBER ABOVE WHICH IS APPLICABLE TO ATTACHED DEED.

AFFIANT further states that she makes this affidavit for the purpose of inducing the Recorder of Deeds of Kane County, Illinois, to accept the attached deed for recording, and that all local requirements applicable to the subdivision of land are met by the attached deed and the tract described therein.