



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, January 12, 2022

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: December 8, 2021

Citizen's Comments

Public Hearings

1. **PZC 2021-07** The petitioner, Yorkville Bristol Sanitary District (YBSD), has filed an application with the United City of Yorkville, requesting variances from the Stormwater and Floodplain Regulations (as adopted by the United City of Yorkville); Landscape Ordinance of the City Code; and Dimensional and Bulk Requirements of the City Code, for a future expansion of their wastewater treatment operations. The real property is zoned A-1 Agricultural District with a Special Use for a sanitary district water treatment facility and is generally located west of North Bridge Street (IL Route 47), south of River Road and immediately north of the Fox River at 304 River Street in Yorkville, Illinois.

Action Item

Variances

Unfinished Business

New Business

2. **PZC 2021-07** The petitioner, Yorkville Bristol Sanitary District (YBSD), has filed an application with the United City of Yorkville, requesting variances from the Stormwater and Floodplain Regulations (as adopted by the United City of Yorkville); Landscape Ordinance of the City Code; and Dimensional and Bulk Requirements of the City Code, for a future expansion of their wastewater treatment operations. The real property is zoned A-1 Agricultural District with a Special Use for a sanitary district water treatment facility and is generally located west of North Bridge Street (IL Route 47), south of River Road and immediately north of the Fox River at 304 River Street in Yorkville, Illinois.

Action Item

Variances

Additional Business

1. City Council Action Updates

- a. PZC 2021-08** The petitioner, Brian Henrichs on behalf of Baka Properties, LLC, is requesting to rezone their property from the A-1 Agricultural District to R-3 One Family Residential District in unincorporated Kendall County. The property is generally located at the southeast of the Heartland Circle subdivision in Yorkville at the intersection of Tuma Road and Riverside Street.

Action Item

Mile and One-Half Review

Adjournment

PLANNING & ZONING COMMISSION

City Council Chambers

800 Game Farm Road, Yorkville, IL

Wednesday, December 8, 2021 7:00pm

NOTE: In accordance with Public Act 101-0640 and Gubernatorial Disaster Proclamation issued by Governor Pritzker pursuant to the powers vested in the Governor under the Illinois Emergency Management Agency Act, the City of Yorkville is allowing remote attendance at this meeting. Social distancing is being encouraged due to the current Covid-19 pandemic.

Meeting Called to Order

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

Roll Call: Rusty Hyett-yes/electronic attendance, Greg Millen-yes/electronic attendance, Jeff Olson-yes/electronic attendance, Richard Vinyard-yes/in-person, Danny Williams-yes/electronic attendance

Absent: Deborah Horaz, Don Marcum

City Staff

Krysti Barksdale-Noble, Community Development Director/electronic attendance

Jason Engberg, Senior Planner/in-person

Craig Soling, Alderman/in-person

Michael Adams, Attorney/electronic attendance

Other Guests

Michael Adams, Attorney/electronic attendance

Previous Meeting Minutes June 9, 2021

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

Roll call: Hyett-yes, Millen-yes, Olson-yes, Vinyard-yes, Williams-yes. Carried 5-0.

Citizen's Comments None

Public Hearings None

Unfinished Business None

New Business

1. **PZC 2021-08** The petitioner, Brian Henrichs on behalf of Baka Properties, LLC, is requesting to rezone his property from the A-1 Agricultural District to R-3

One Family Residential District in unincorporated Kendall County. The property is generally located at the southeast corner of the Heartland Circle subdivision in Yorkville at the intersection of Tuma Road and Riverside Street.

Mr. Engberg gave background information and said this is a Mile and One-Half Review for a rezoning request in the county. He said the property could become part of the city in the future and the review is to insure it meets the Comp Plan guidelines. It is on 2.7 acres and the petitioner is asking to rezone it from A-1 to R-3. The owner, Mr. Henrichs, would like to divide the property into 2 parcels and build a house on each property. Mr. Engberg said the request is within the city land use map requirements. He said this item will move forward to the January City Council. If the City Council formally objects to the request, a super majority vote would be required from the county.

A law firm representing some of the neighbors submitted formal objections partially based on concerns for density, wetlands and flood plain. Attorney Michael Adams represents 3 other neighbors who also oppose the request. He said there are wetlands and a professional opinion shows 2/3 of the property is in the floodplain posing potential drainage issues. An additional concern is that the septic field floods and odors result. He thinks two homes are inconsistent with an "estate" feel. Mr. Adams requested Commission members to oppose this petition and forward the objection to the County Board.

Chairman Olson commented that a home cannot be built in the floodplain. He said it would not be wise to vote on this issue tonight since not all documents were available for review prior to the meeting. After a brief discussion, the Commission members decided this matter will be handled through the county and they would not make a formal objection to the county, however, Mr. Engberg will send written objections to the various parties involved.

Additional Business

1. Appointment of Vice Chairperson

Chairman Olson nominated Danny Williams as Vice Chairperson and Commissioner Vinyard seconded the motion. Roll call: Millen-yes, Olson-yes, Vinyard-yes, Williams-yes, Hyett-yes. Carried 5-0.

Adjournment

There was no further business and the meeting was adjourned at 7:19 pm on a motion and second by Commissioners Williams and Vinyard, respectively. Unanimous voice vote.

Respectfully submitted by
Marlys Young, Minute Taker/in-person



Memorandum

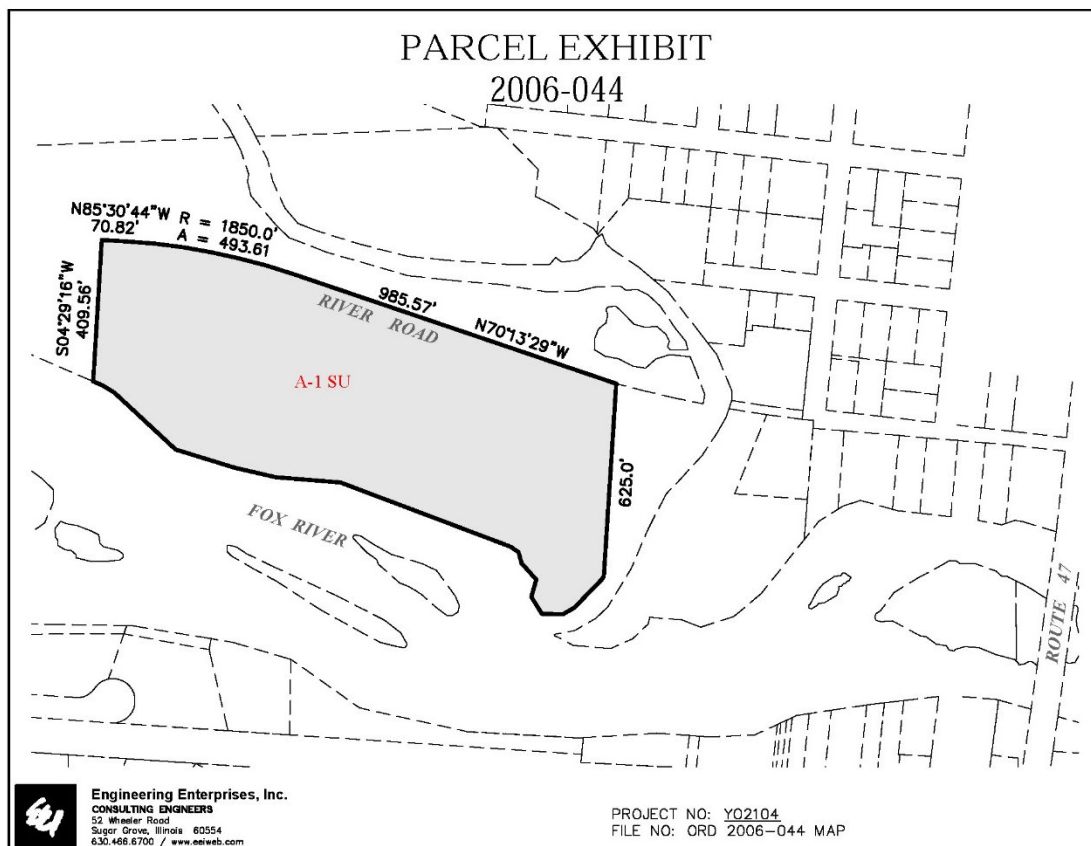
To: Planning and Zoning Commission
From: Krysti Barksdale-Noble, Community Development Director
CC: Bart Olson, City Administrator
Brad Sanderson, EEI, City Engineer
Date: November 29, 2021
Subject: **PZC 2021-07 YBSD Expansion (Variance)**
Stormwater Management, Landscape & Zoning Ordinance Variances

Summary:

The petitioner, Yorkville Bristol Sanitary District (YBSD), is seeking a variance to the Kendall County Stormwater Ordinance (adopted by the United City of Yorkville) related to detention and compensatory storage. Additionally, YBSD is also seeking variances to the United City of Yorkville's Landscape Ordinance related to tree preservation and replacement and the Zoning Ordinance related to building setback reduction. The requested variances are needed to allow for the future expansion and construction of additional wastewater treatment structures located on approximately 21 acres immediately west of the current operation at 304 River Street.

Property Background:

The approximately 21-acre subject property is currently undeveloped and situated just west of the existing YBSD facility located at 304 River Street. While this property was annexed first in 2006 and rezoned A-1 Agricultural District with a Special Use for a public sanitary water treatment facility (Ord. 2006-44), the actual sanitary operations occur on the east parcel which was annexed in 2007



(Ord. 2007-30). The 2007-30 Ordinance also approved a ten (10) foot yard setbacks from all property lines in the A-1 district for the current facility.

The following are the zoning and land uses for the parcels adjacent to the subject property:

Zoning		Land Use
North	A-1 Agriculture (Unincorporated Kendall County)	Open Space
East	A-1 Agricultural District (Special Use)	Yorkville-Bristol Sanitary District (YBSD) Current Wastewater Treatment Facility
South	OS-1 Open Space (Passive)	Open Space Fox River
West	A-1 Agriculture (Unincorporated Kendall County)	Open Space

Proposed Project:

As stated in the petitioner's application, the Yorkville Bristol Sanitary District (YBSD) and the United City of Yorkville have collaborated over the past fifteen (15) years to ensure that the wastewater treatment facility can adequately serve the City's current development and future population growth. This included the adoption of a facility planning area (FPA) and reserving the 21-acre subject property for further expansion of the operation, when needed.

Since 2014, YBSD has steadfastly conducted assessments of its space and capacity needs to meet the more stringent regulations on its treatment processes while continuing to provide wastewater treatment services for the residents and businesses within its territory. The YBSD planning area encompassing not only the United City of Yorkville, but portions of unincorporated Bristol and Kendall Townships. With the continued uptick in new residential construction over the past 5 years and increase in population by approximately 21.4% between the 2010 and 2020 decennial census, YBSD has determined the time has arrived to move forward with the facility expansion.

Although a full expansion site plan has not been provided as part of this application, the proposed improvements will consist of approximately 641,000 square feet of development and 440,000 square feet of new impervious surfaces such as tanks, pipes, platforms, and other structures. To maximize the capacity for onsite treatment, variances are sought to the (1) stormwater detention, (2) compensatory storage, and (3) tree preservation and replacement requirements which, if applied, would significantly limit the footprint of the proposed expanded facility.

Variance Requests:

The following is a summary of the four (4) variances requested by YBSD related to the proposed facility expansion:

Stormwater Detention

In 2012, the city adopted the Kendall County Stormwater Management Ordinance to require all development, stormwater management activities, soil erosion control practices and floodplain measures within Yorkville are subject to and comply with the county's regulations. The City of Yorkville is authorized to review and approve plans according to the regulations of the ordinance, this includes the consideration of variances.

Per Section 203 of the Kendall County Stormwater Management Ordinance, non-residential developments equal to or greater than three (3) acres that result in more than 45,000 square feet of

development or 32,000 square feet of impervious area must provide onsite stormwater detention. The proposed expansion will exceed all stated thresholds. ***Therefore, YBSD is requesting a full waiver of the stormwater detention requirement based on the following:***

1. The stormwater runoff generated from the proposed development area will discharge directly to the Fox River and Blackberry Creek with no impact to downstream properties.
2. The proposed development is significantly smaller than the total watershed area (21 acres of 2,138 square miles).
3. The estimated timing of the YBSD facility's peak stormwater discharges is unlikely to coincide with the highest flows and flood elevations along the Fox River and Blackberry Creek waterways.
4. The proposed implementation of best management practices such as vegetative swales, buffer strips, and sediment traps which will treat the discharges to the Fox River and Blackberry Creek and mitigate potential reduction of water quality.
5. To avoid the potential removal of valuable riparian vegetation and critical habitat for the endangered Indiana bat located on the subject property.

The City Engineer, EEI, has reviewed the request for full waiver of stormwater detention requirements for the project and **supports granting the request.**

Compensatory Storage

Similar to the stormwater detention regulations, the compensatory storage requirements are part of the Kendall County Stormwater Management Ordinance adopted by Yorkville. Per Section 403, the ordinance states that hydraulically equivalent compensatory storage must be provided for fills within the regulatory floodplain. In order to maximize the property's land area to accommodate critical wastewater treatment operations, ***YBSD is requesting a full waiver of the compensatory storage requirements, onsite or downstream of the property, based on the following:***

1. There would be no structures impacted by the regulatory floodplain along the Fox River in the area immediately downstream of the proposed improvements.
2. The minor loss of flood storage resulting from the proposed fill is small, relative to the total flood storage of the Fox River and will not impact any downstream structures during the 100-year flood.
3. A dam is located upstream of the subject property which provides some hydraulic control of flood profiles, creates upstream flood storage, and reduces the impacts of proposed fill within the project limits.
4. The hydraulic modeling demonstrated that the proposed improvements meet the applicable regulatory standards of the Illinois Department of Natural Resources (IDNR) requirements for floodway constructions without the need for compensatory storage.
5. Several offsite compensatory storage locations were explored, however, these areas had major feasibility concerns or negative impacts such as requiring additional tree removal and/or additional loss of usable land.

The City Engineer, EEI, has reviewed the request for full waiver of compensatory storage requirements for the project and **supports granting the request.**

Tree Preservation and Replacement

The United City of Yorkville's Landscape Ordinance requires any new development on five (5) or more acres to make every reasonable effort to retain existing trees with a four inch (4") DBH (diameter breast height) or greater through the integration of those trees into the landscape of the proposed site plan. In addition, critical areas such as floodplains, steep slopes and wetlands should be left in their natural condition or only partially cleared. Cutting and filling in the vicinity of valuable trees should be minimal, according to the regulations of the Landscape Ordinance. Whenever trees are removed, specific criteria for replacement is provided within the ordinance.

As stated previously, the petitioner desires to maximize the buildable area of the subject property for critical wastewater treatment operations. ***Therefore, YBSD is seeking full waiver of the tree preservation and replacement requirements based on the number of trees to be removed/replaced (approximately 1,500) would make the proposed facility expansion site plan unachievable.***

The City Engineer, EEI, and the Community Development Director have reviewed the request for full waiver of the tree preservation and replacement requirements for the project and supports granting the request subject to the following:

1. The submittal of tree survey which shall include the following:
 - a. The location of all trees four inches (4") in caliper or greater within one hundred feet (100') of any tree proposed to be removed, including a description of the tree(s), botanical name, common name, caliper size and general condition or health of the tree(s). The survey shall be completed by an International Society of Arboriculture certified arborist or Illinois Department of Natural Resources Consultant Forester, or other qualified professional as approved in writing by the Community Development Director.
 - b. Delineation of trees to be removed and trees to be preserved, if any.
 - c. Details and specifications or procedures to be used to protect trees being preserved, if any.
2. The submittal of a landscape plan of the subject property, at time of building permit application, illustrating the buildings, structures, or any other applicable improvements.

Building Setback Reduction

Below are the current density and bulk regulations for the A-1 Agricultural District in Yorkville:

Zone	District	Max. Density	Min. Lot Size	Min. Lot Width	Max. Lot Coverage	Setbacks	Max. Building Height
A-1	Agricultural	-	-	-	-	100' Min. Front	80' (100' for silos)
						50' Min Side	
						0' Transitional Yard	
						0' Min. Rear	

While the special use authorization for the existing YBSD facility approved via Ord. 2007-30 provided for a reduced yard setback of ten feet (10') from all property lines, the subject property's special use authorization (Ord. 2006-44) does not provide any relief related to yard setbacks for buildings or structures. Since the proposed facility expansion intends to maximize the buildable area of the site, ***YBSD is seeking a reduction in the yard setbacks for the subject property to ten feet (10") from all property lines to remain consistent with their existing facility located to the east.***

The Community Development Director has reviewed the request for a reduction in yard setback requirements to ten feet (10') from all property lines for the project. Since both parcels are owned by the same entity, the City can consider both as a single zoning lot, therefore the continuation of the setback would be consistent with the previously approved special use and staff **supports granting the request.**

Review Process:

Per Article 9. Variances of the Kendall County Stormwater Management Ordinance (adopted by the City of Yorkville), applications for variances require approval from both the certified community and the County. Therefore, when Yorkville staff conducted a Plan Council meeting to assess the technical aspects of the proposed stormwater detention and compensatory storage variances, we included Kendall County staff. Attached are minutes from that November 9, 2021 meeting.

YBSD has simultaneously applied for variance approval with Kendall County. WBK Engineering, engineering consultant for Kendall County, has reviewed the plans and have no objections to the findings of EEI or the City's recommendation for stormwater variance approval. However, the County will wait for Yorkville's City Council determination prior to advancing to their board.

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 Stormwater Management Ordinance regulations upon the following standards (Section 904):

1. The variance will not increase the probability of flood damage or create an additional threat to the public health, safety, or welfare.
2. The variance requested is the minimum relief necessary to accomplish the objectives of the development without compromising the objectives of Section of this Ordinance.
3. The variance will not result in a reduction of water quality benefits as compared to compliance with ordinance requirements.
4. The variance is not requested solely for the purpose of reducing site runoff storage requirements.
5. The variance shall not cause conveyance of stormwater from the project to increase peak discharges beyond design capacity of existing offsite conveyance facilities for any storm event from the 2-year to the 100-year recurrence frequency.
6. The variance shall seek to preserve valuable environmental and biological resources including but not limited to stands of native trees, existing wetlands, and natural floodplain storage.
7. Variances shall not be issued by the permitting agency within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.

8. Variances may be issued by the permitting agency for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, in conformance with the following procedures of this section.

In addition, the Zoning Ordinance requires the following standards be met for a variance (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.

The petitioner has provided responses to all these standards listed above in their application materials which is requested to be entered into the record.

Staff Comments:

As stated, staff is supportive of the requested variances to the Stormwater Management Ordinance, Landscape Ordinance and Zoning Ordinance for the future expansion of the Yorkville Bristol Sanitary District (YBSD) wastewater treatment operations. We believe the ability for the sanitary district to provide the treatment of the increasing sewage flow produced by existing and future residential, commercial, and industrial land uses in Yorkville is critical to our growth. Further, the proposed variances would not create any substantial hardships to the environment, adjacent landowners, or downstream structures.

Finally, the 2016 Comprehensive Plan's future land use designation for this property is Institutional. The Institutional land use classification allows land owned or used by public or quasi-public entities to plan accordingly for future location and expansion of such facilities. The proposed Yorkville Bristol Sanitary District's expansion plan is consistent with the Comprehensive Plan.

PROPOSED MOTIONS:

The following four (4) motions should be considered by the Planning and Zoning Commission separately for each variance request:

1. Stormwater Detention

In consideration of testimony presented during a Public Hearing on January 12, 2022 and approval of the findings of fact, the Planning and Zoning Commission recommends approval of a requested variance to Title 8 – Building Regulations, Chapter 7 - Stormwater and Floodplain Regulations (Section 203.1.b of the Kendall County Stormwater Management Ordinance as adopted by the United City of Yorkville) granting full relief of the stormwater detention requirements for a future wastewater treatment facility to be located on the 21-acre parcel immediately west of 304 River Street and further subject to {insert any additional conditions of the Planning and Zoning Commission}...

2. Compensatory Storage

In consideration of testimony presented during a Public Hearing on January 12, 2022 and approval of the findings of fact, the Planning and Zoning Commission recommends approval of a requested variance to Title 8 – Building Regulations, Chapter 7 - Stormwater and Floodplain Regulations (Section 403.a of the Kendall County Stormwater Management Ordinance as adopted by the United City of Yorkville) granting full relief of the compensatory storage requirements for a future wastewater treatment facility to be located on the 21-acre parcel immediately west of 304 River Street and further subject to {insert any additional conditions of the Planning and Zoning Commission}...

3. Landscape Ordinance

In consideration of testimony presented during a Public Hearing on January 12, 2022 and approval of the findings of fact, the Planning and Zoning Commission recommends approval of a requested variance to Title 8 – Building Regulations, Chapter 12 - Landscape Ordinance of the Yorkville City Code granting full relief of the tree preservation and replacement requirements for a future wastewater treatment facility to be located on the 21-acre parcel immediately west of 304 River Street and further subject to {insert any additional conditions of the Planning and Zoning Commission}...

4. Building Setback

In consideration of testimony presented during a Public Hearing on January 12, 2022 and approval of the findings of fact, the Planning and Zoning Commission recommends approval of a requested variance to Title 10 – Zoning, Chapter 7 – Dimensional and Bulk Requirements of the Yorkville City Code granting a reduction of yard setbacks in the A-1 Agricultural Zoning District to 10' from all property lines for a future wastewater treatment facility to be located on the 21-acre parcel immediately west of 304 River Street and further subject to {insert any additional conditions of the Planning and Zoning Commission}...

Attachments:

1. Petitioner Application (with attachments)
2. Plan Council meeting minutes 11-9-21
3. EEI Review Letter dated 11-8-21
4. WBK Engineering Letter dated 11-30-21
5. Ordinance 2006-44
6. Ordinance 2007-30
7. Public Hearing Notice



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

APPLICATION FOR VARIANCE

INTENT AND PURPOSE

The purpose of a variance is to provide relief from certain regulations of the zoning ordinance to permit the use of land in a way that is not otherwise permitted under the ordinance. A variance is granted when the terms of the zoning ordinance, if literally applied, would create an unreasonable hardship on the landowner, making the property virtually useless.

This packet explains the process to successfully submit and complete an Application for a Variance Request. It includes a detailed description of the process, outlines required submittal materials, and contains the application for variance.

For a complete explanation of what is legally required throughout the Variance Request process, please refer to "Title 10, Chapter 4, Section 7 Variations" of the Yorkville, Illinois City Code.

APPLICATION PROCEDURE

STEP

1

APPLICATION SUBMITTAL

SUBMIT APPLICATION, FEES, AND PLANS TO THE COMMUNITY DEVELOPMENT DEPT.

The following must be submitted:

- ☐ One (1) original signed and notarized application.
- ☐ Legal description of the property in Microsoft Word.
- ☐ Three (3) copies each of exhibits, proposed drawings, location map, and site plan. All exhibits and plans must be an appropriate size for all details and descriptions to be legible.
- ☐ Appropriate application and filing fee. Checks may be written to the United City of Yorkville.
- ☐ Signed Applicant Deposit Account/Acknowledgment of Financial Responsibility form.
- ☐ One (1) electronic copy (PDF) of all materials submitted including application and exhibits.

Within one (1) week of submittal, the Community Development Department will determine if the application is complete or if additional information is needed. An incomplete submittal could delay the scheduling of the project.

The petitioner is responsible for payment of recording fees and public hearing costs, including written transcripts of the public hearing and outside consultant costs (i.e. legal review, land planner, zoning coordinator, environmental, etc.). The petitioner will be required to establish a deposit account with the City to cover these fees.

Once a submitted and complete, Community Development staff will provide a tentative schedule of meetings as well as all needed documents for the process.

STEP

2

PLAN COUNCIL

MEETS ON THE 2ND & 4TH THURSDAY OF THE MONTH

This step is dependent on the complexity of the request and may be skipped at the discretion of staff.

The petitioner must present the proposed request to the Plan Council. The members of the Council include the Community Development Director, City Engineer, the Building Department Official, the Public Works Director, the Director of Parks and Recreation, a Fire Department Representative, and a Police Department Representative. This meeting is held to provide the petitioner with guidance from all City staff departments to ensure the petitioner is aware of all requirements and regulations for their development. Upon recommendation by the Plan Council, the petitioner will move forward to the Economic Development Committee.



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APPLICATION FOR VARIANCE

STEP 3

ECONOMIC DEVELOPMENT COMMITTEE

MEETS ON THE 1ST TUESDAY OF THE MONTH

The petitioner must present the proposed request to the Economic Development Committee. The committee consists of four alderman who will provide feedback to the petitioner regarding their request. This feedback allows the petitioner to gather comments and concerns prior to full City Council considerations. It also allows the City Council members to review the request prior to its arrival at City Council.

STEP 4

PLANNING & ZONING COMMISSION

MEETS ON THE 2ND WEDNESDAY OF THE MONTH

The petitioner will attend and present their request at a public hearing conducted by the Planning and Zoning Commission. The Planning and Zoning Commission will conduct a public hearing on the request, take public comments, discuss the request, and make a recommendation to City Council.

If the variance request adheres to any of the following standards then the variance may be granted by the Planning and Zoning Commission without City Council approval:

- ☐ Reducing a required setback by no more than twenty-five percent (25%).
- ☐ Reducing the lot width or lot size regulation not less than ninety percent (90%) of the required width or area.
- ☐ Permitting the same off street parking spaces for two or more uses provided each use does not take place at approximately the same hours of the same days of the week.
- ☐ Reducing the required off street parking spaces or loading spaces by no more than one (1) or twenty percent (20%) of the regulations (whichever is greater).
- ☐ Increasing by not more than twenty-five percent (25%) the maximum distance that required parking spaces are permitted to be located from the use served.
- ☐ Allowing for the deferment of required parking facilities for a reasonable period of time as specified in the variance.
- ☐ Increasing no more than ten percent (10%) the maximum gross floor area of any use so limited by the applicable regulations.
- ☐ If eminent domain by any authorized government agency results in exceeding one of the previously listed variance requests.

The petitioner is responsible for sending certified public hearing notices to adjacent property owners within five hundred (500) feet of the subject property no less than fifteen (15) days and no more than thirty (30) days prior to the public hearing date. The public hearing notice will be drafted by the City as well as published in a local newspaper. Additionally, a public hearing notice sign must be placed on the property no less than fifteen (15) days prior to the public hearing.

A certified affidavit must be filed by the petitioner with the Community Development Department containing the names, addresses and permanent parcel numbers of all parties that were notified. The Certified Mailing Affidavit form is attached to this document.

STEP 5

CITY COUNCIL

MEETS ON THE 2ND & 4TH TUESDAY OF THE MONTH

This step may be skipped if the variance request adheres to the authorized requests listed above.

The petitioner will attend the City Council meeting where the recommendation of the variance will be considered. City Council will make the final approval of the variance. If approved, City staff will have a drafted ordinance to be signed by the Council and must be recorded with the County Clerk before any further steps may be taken by the petitioner.



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APPLICATION FOR VARIANCE

SUMMARY OF RESPONSIBILITIES

Below is a summary breakdown of what will be required by the petitioner and what will be completed by the City:

PETITIONER

- ☐ Signed and Notarized Application
- ☐ Required Plans, Exhibits, and Fees
- ☐ Certified Mailing of Public Notice
- ☐ Signed Certified Affidavit of Mailings
- ☐ Attendance at All Meetings

CITY STAFF

- ☐ Detailed Schedule After Complete Submission
- ☐ Public Hearing Notice Language
- ☐ Posting of the Public Notice in a Local Newspaper
- ☐ Public Hearing Sign Application
- ☐ Draft Ordinance & Signatures for Recording

SAMPLE MEETING SCHEDULE

MONTH 1

Su	M	Tu	W	Th	F	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

Plan Council Meeting

MONTH 2

Su	M	Tu	W	Th	F	Sa
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

Economic Development Committee

MONTH 3

Su	M	Tu	W	Th	F	Sa
				1	2	
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

Planning & Zoning Commission
Public Hearing

MONTH 4

Su	M	Tu	W	Th	F	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

City Council

Meeting Date

Updated Materials Submitted for Meeting

Public Notice Mailing Window

This is a sample of what a schedule may look like after submission. The Step 1 Submission must be completed before the Plan Council Meeting can be scheduled. This timeline represents an ideal schedule. Throughout the review process, there may be requests or changes to the submission requested by the committees which may delay the meeting schedule. As illustrated, there is a small amount of time between meeting dates and the deadline for updated materials to be submitted for review. Depending on the complexity and nature of the request, this timeline may be extended to give the petitioner and staff enough time to review requested updates to the submission.



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APPLICATION FOR VARIANCE

DORMANT APPLICATIONS

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

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

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

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



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

APPLICATION FOR VARIANCE

INVOICE & WORKSHEET PETITION APPLICATION			
CONCEPT PLAN REVIEW	<input type="checkbox"/> Engineering Plan Review deposit	\$500.00	Total: \$
AMENDMENT	<input checked="" type="checkbox"/> Annexation <input type="checkbox"/> Plan <input checked="" type="checkbox"/> Plat <input type="checkbox"/> P.U.D.	\$500.00 \$500.00 \$500.00 \$500.00	Total: \$
ANNEXATION	<input type="checkbox"/> \$250.00 + \$10 per acre for each acre over 5 acres _____ - 5 = _____ x \$10 = _____ + \$250 = \$ _____ # of Acres Acres over 5 Amount for Extra Acres Total Amount		Total: \$
REZONING	<input type="checkbox"/> \$200.00 + \$10 per acre for each acre over 5 acres <i>If annexing and rezoning, charge only 1 per acre fee; if rezoning to a PUD, charge PUD Development Fee - not Rezoning Fee</i> _____ - 5 = _____ x \$10 = _____ + \$200 = \$ _____ # of Acres Acres over 5 Amount for Extra Acres Total Amount		Total: \$
SPECIAL USE	<input type="checkbox"/> \$250.00 + \$10 per acre for each acre over 5 acres _____ - 5 = _____ x \$10 = _____ + \$250 = \$ _____ # of Acres Acres over 5 Amount for Extra Acres Total Amount		Total: \$
ZONING VARIANCE	<input type="checkbox"/> \$85.00 + \$500.00 outside consultants deposit		Total: \$
PRELIMINARY PLAN FEE	<input type="checkbox"/> \$500.00		Total: \$
PUD FEE	<input type="checkbox"/> \$500.00		Total: \$
FINAL PLAT FEE	<input type="checkbox"/> \$500.00		Total: \$
ENGINEERING PLAN REVIEW DEPOSIT	<input type="checkbox"/> Less than 1 acre <input type="checkbox"/> Over 1 acre, less than 10 acres <input type="checkbox"/> Over 10 acres, less than 40 acres <input type="checkbox"/> Over 40 acres, less than 100 acres <input type="checkbox"/> Over 100 acres	\$5,000.00 \$10,000.00 \$15,000.00 \$20,000.00 \$25,000.00	Total: \$ Fees Waived
OUTSIDE CONSULTANTS DEPOSIT	<i>Legal, land planner, zoning coordinator, environmental services</i> For Annexation, Subdivision, Rezoning, and Special Use: <input type="checkbox"/> Less than 2 acres <input checked="" type="checkbox"/> Over 2 acres, less than 10 acres <input type="checkbox"/> Over 10 acres		Total: \$ Fees Waived
TOTAL AMOUNT DUE:			0

[illegible]



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Yorkville, Illinois, 60560
Telephone: 630-553-4350
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Website: www.yorkville.il.us

APPLICATION FOR VARIANCE

ATTORNEY INFORMATION

NAME: COMPANY:

MAILING ADDRESS:

CITY, STATE, ZIP: TELEPHONE:

EMAIL: FAX:

ENGINEER INFORMATION

NAME: Brent W. Perz COMPANY: Baxter & Woodman, Inc.

MAILING ADDRESS: 8678 Ridgefield Road

CITY, STATE, ZIP: Crystal Lake, IL 60012 TELEPHONE: 815-444-4403

EMAIL: bperz@baxterwoodman.com FAX: NA

LAND PLANNER/SURVEYOR INFORMATION

NAME: Anthony Bianchin COMPANY: Baxter & Woodman, Inc.

MAILING ADDRESS: 8678 Ridgefield Road

CITY, STATE, ZIP: Crystal Lake, IL 60012 TELEPHONE: 815-444-4456

EMAIL: abianchin@baxterwoodman.com FAX: NA

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.

Variance is consistent with Official Comprehensive Plan. See Variance Request Report for specific standards.



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Yorkville, Illinois, 60560
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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:

Request 1: Waiver of United City of Yorkville and Kendall County site runoff storage requirements (Section 203.1.b. of the Kendall County Stormwater Management Ordinance, as adopted by the United City of Yorkville (excerpt of Ordinance included in Exhibit 1))

Request 2: Waiver of United City of Yorkville and Kendall County compensatory storage requirements (Section 403.a. of the Kendall County Stormwater Management Ordinance, as adopted by the United City of Yorkville (excerpt of Ordinance included in Exhibit 1))

Request 3: Waiver of United City of Yorkville tree replacement requirements (Sections H.1.b.i.1,3 and H.2.a-d of the United City of Yorkville's Landscaping Ordinance (excerpt of Ordinance included in Exhibit 2))

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:

Providing wastewater treatment for YBSD's ultimate facility planning area population will require development of nearly the entire project site, and the required stormwater detention facilities and compensatory storage cannot be provided onsite without significantly reducing the footprint available for treatment facilities. The reduction of footprint for wastewater treatment facilities will reduce total population that can be served from the west side property. The reduced area would not be able to accommodate the potential future FPA population. This would limit the future growth within the Potential Facility Planning Area.

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:

This property is zoned A-1 with special use for sanitary district water treatment facility. This site is planned to provide wastewater treatment for the existing and future population of Yorkville-Bristol Facility Planning Area. Other properties zoned A-1 are not planned to provide the existing and future wastewater treatment for Yorkville-Bristol.

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:

The hardship caused not granting a variance would be that the United City of Yorkville could not accommodate the potential future Facility Planning Area population. This means that the United City of Yorkville would need to stop growth prior to the Facility Planning Area being fully developed.



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Yorkville, Illinois, 60560
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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:

See the Variance Request Report for detailed explanation of why granting the variance will not be detrimental to public welfare

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:

The Variance is not changing zoning or land use and will have not affect the supply of light or air to adjacent properties. The Variance will not increase traffic or increase danger to public safety. The Variance is not changing zoning or land use therefore will not diminish property values.

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.

N/A

PETITIONER SIGNATURE

DATE

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

[Signature]

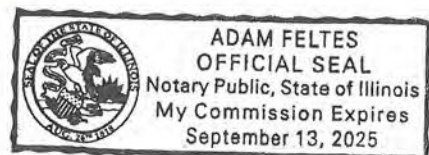
OWNER SIGNATURE

DATE

10/12/2021

THIS APPLICATION MUST BE NOTARIZED PLEASE NOTARIZE HERE:

[Signature]





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

APPLICANT DEPOSIT ACCOUNT/ ACKNOWLEDGMENT OF FINANCIAL RESPONSIBILITY

PROJECT NUMBER:	FUND ACCOUNT NUMBER:	PROPERTY ADDRESS: 304 River St.
-----------------	----------------------	---------------------------------

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: Cyrus McMains	COMPANY: Yorkville-Bristol Sanitary District
MAILING ADDRESS: 304 River St.	
CITY, STATE, ZIP: Yorkville, IL 60560	TELEPHONE: 630-553-7657
EMAIL: office@ybsd.org	FAX: 630-553-7554

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.

Cyrus McMains

Executive Director

PRINT NAME

TITLE

SIGNATURE

DATE

**The name of the individual and the person who signs this declaration must be the same. If a corporation is listed, a corporate officer must sign the declaration (President, Vice-President, Chairman, Secretary or Treasurer)*

INITIAL ENGINEERING/LEGAL DEPOSIT TOTALS

ENGINEERING DEPOSITS:

Up to one (1) acre	\$5,000
Over one (1) acre, but less than ten (10) acres	\$10,000
Over ten (10) acres, but less than forty (40) acres	\$15,000
Over forty (40) acres, but less than one hundred (100)	\$20,000
In excess of one hundred (100.00) acres	\$25,000

LEGAL DEPOSITS:

Less than two (2) acres	\$1,000
Over two (2) acres, but less than ten (10) acres	\$2,500
Over ten (10) acres	\$5,000

**CERTIFIED MAILING
AFFIDAVIT**

STATE OF ILLINOIS)
) SS
COUNTY OF KENDALL)

I/We, _____, petitioner, being first duly sworn, do hereby state under oath that to the best of my knowledge the **attached** list is a true, correct and **complete list of all permanent parcel numbers, and names and addresses of owners**, of all lots and parts of lots located within 500 feet (exclusively of any public streets and alleys) of the property legally described on the attached application for annexation, rezoning, special use permit, planned unit development, variation, or other zoning amendment. I further state that said list was obtained from the current tax rolls of the Kendall County Treasurer's Office. I further state that I mailed by U.S. Certified Mail, Return Receipt Requested, a copy of the Public Notice of Public Hearing before the United City of Yorkville Planning and Zoning Commission for the Public Hearing held on Wednesday, _____, at the United City of City Council Chambers, Yorkville, Illinois. The notice was mailed to the attached list of all of the permanent parcel numbers and names and addresses of owners at the U.S. Post office on _____, 20_____.

Signature of Petitioner(s)

Subscribed and sworn to before me this

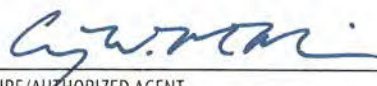
_____ day of _____, 20_____

Notary Public



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

APPLICATION FOR PUBLIC HEARING SIGN

PERMIT NUMBER:		DATE/TIME RECEIVED:	
SITE ADDRESS:		PARCEL NUMBER:	
SUBDIVISION:		LOT/UNIT:	
APPLICANT INFORMATION			
NAME: Yorkville-Bristol Sanitary Distict		TELEPHONE: <input type="radio"/> HOME <input checked="" type="radio"/> BUSINESS 630-553-7657	
ADDRESS: 304 River St.		E-MAIL: <input type="radio"/> HOME <input checked="" type="radio"/> BUSINESS office@ybsd.org	
CITY, STATE, ZIP: Yorkville, IL 60560		FAX: 630-553-7554	
SIGN INFORMATION			
DATE OF PICK UP:		NUMBER OF SIGNS:	
DATE OF PUBLIC HEARING:		SIGN RETURN DATE:	
<p>The undersigned hereby states that they have acquired Public Hearing Signs from the United City of Yorkville's Community Development Department and agrees to return said sign/s to Yorkville City Hall, 800 Game Farm Road, Yorkville, Illinois, immediately following the date of the public hearing.</p> <p>Petitioner or Representative agrees to pay to the United City of Yorkville a deposit of \$50 for each sign. The deposit will be returned to the petitioner when the public hearing sign/s have been returned to the City.</p> <p>Petitioner or Representative further agrees to pay to the United City of Yorkville the full amount of the purchase price for each sign not returned to the United City of Yorkville within seven (7) days after the date of the public hearing.</p>			
 SIGNATURE/AUTHORIZED AGENT		<u>10/12/2021</u> DATE	
DATE RETURNED: _____			
RECEIVED BY: _____ PZC# _____			

R N N X A

A P W

A P A

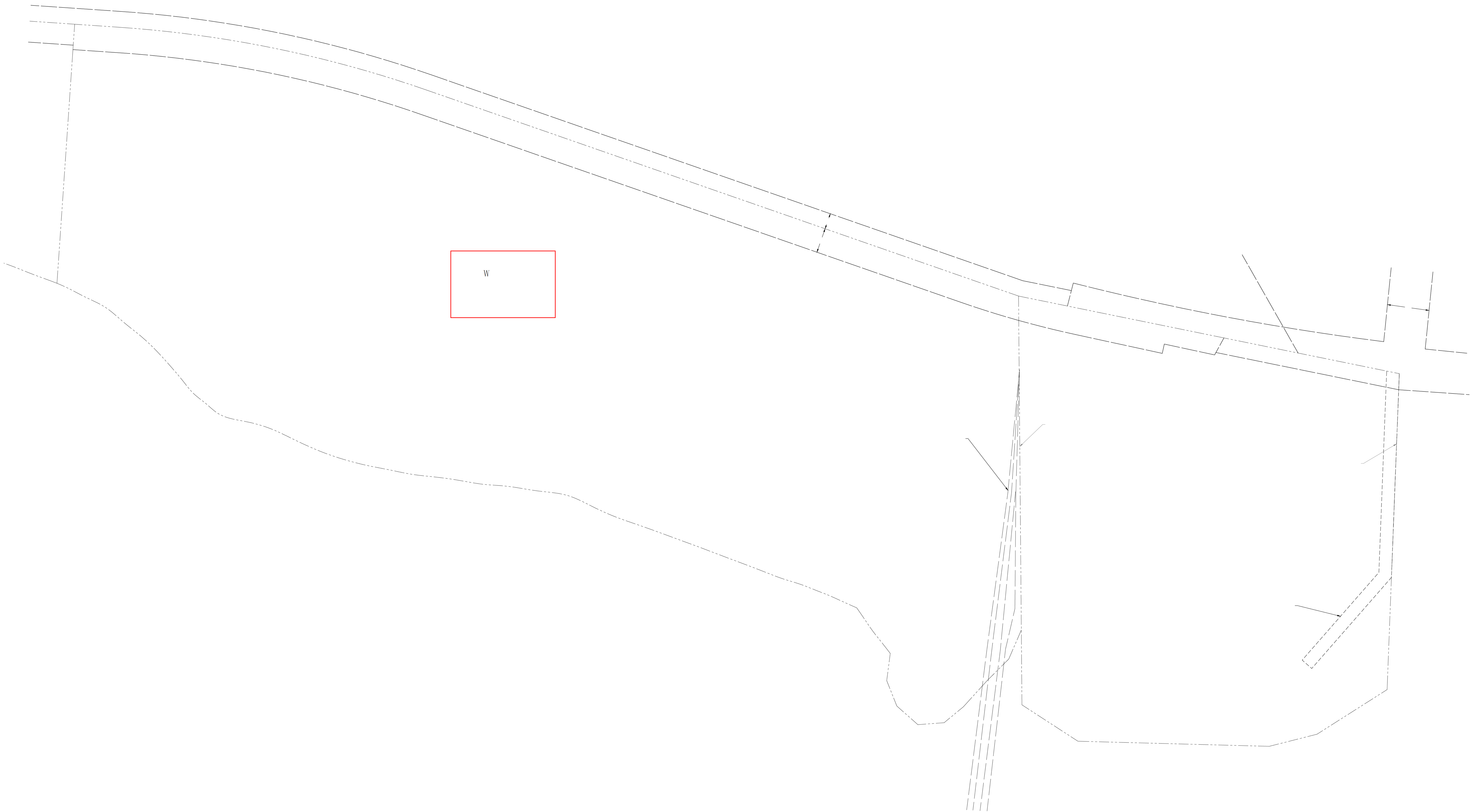
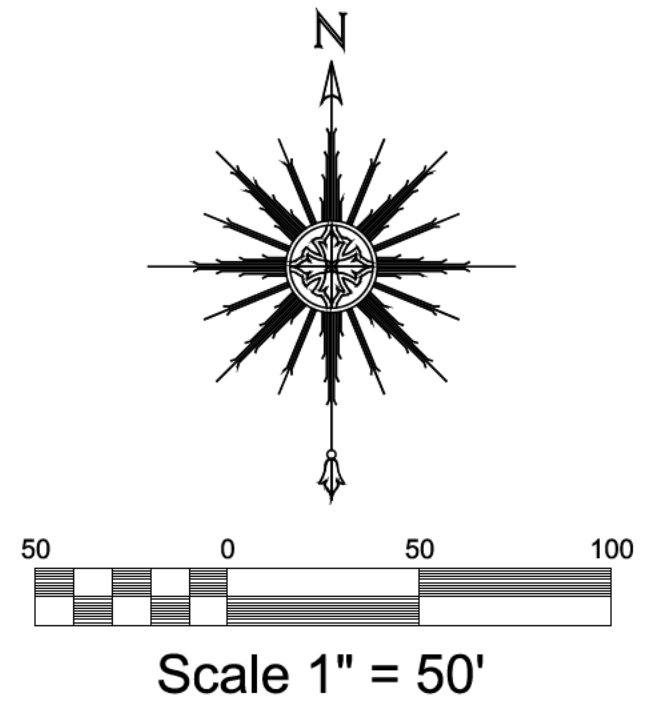


Exhibit B – Adjoining or contiguous landowners within 500 feet of the property

Print using Adobe® Reader®'s "Actual size" setting

YORKVILLE BRISTOL SAN DISTRICT
304 RIVER ST
YORKVILLE, IL, 60560

RICHARD O & A SPECKMAN
203 KING ST
YORKVILLE, IL, 60560

(JAYCEES PARK) UNITED CITY OF THE VILLAGE OF YORKVILLE
800 GAME FARM RD
YORKVILLE, IL, 60560

YOUTH CAMP ASSOC DIST 12 & 13
PO BOX 331
LEMONT, IL, 60439

KURT W & MEGAN J GESSLER
406 W CENTER ST
YORKVILLE, IL, 60560

CHAD KELLY
306 W MAIN ST
YORKVILLE, IL, 60560

YORKVILLE BRISTOL SAN DISTRICT
304 RIVER RD
YORKVILLE, IL, 60560

YOUTH CAMP ASSOC DIST 12 & 13 PNA
PO BOX 331
LEMONT, IL, 60439

GATES FAMILY TRUST
% GARY A & PHYLLIS D GATES
309 W MAIN ST
YORKVILLE, IL, 60560

YORKVILLE BRISTOL SAN DISTRICT
304 RIVER ST
YORKVILLE, IL, 60560

YORKVILLE BRISTOL SAN DISTRICT
304 RIVER STREET
YORKVILLE, IL, 60560

FRANCO & COSIMA TANZI
603 RIVER BIRCH
YORKVILLE, IL, 60560

UNITED CITY OF YORKVILLE
800 GAME FARM RD
YORKVILLE, IL, 60560

UNITED CITY OF THE VILLAGE OF YORKVILLE
800 GAME FARM RD
YORKVILLE, IL, 60560

YORKVILLE BRISTOL SAN DISTRICT
304 RIVER RD
YORKVILLE, IL, 60560

FRANCO & COSIMA TANZI
603 RIVER BIRCH
YORKVILLE, IL, 60560

GATES FAMILY TRUST
% GARY A & PHYLLIS D GATES
309 W MAIN ST
YORKVILLE, IL, 60560

ILLINOIS RAILWAY INC
C/O REAL ESTATE DEPT
252 CLAYTON ST 4TH FLR
DENVER, CO, 80206

YOUTH CAMP ASSOC DIST 12 & 13 PNA
PO BOX 331
LEMONT, IL, 60439

THOMAS C & FERRIS KELLY
302 W MAIN ST
YORKVILLE, IL, 60560



September 24, 2021

Community Development Department
United City of Yorkville
800 Game Farm Road
Yorkville, Illinois 60560

RE: Application for Variance Fee Waiver Request

To whom this may concern,

This letter is a request for a waiver of all fees associated with the Application for Variance. It is my understanding that these fees were created for private/commercial/industrial entities and not meant for another governmental entity. The Yorkville-Bristol Sanitary District (YBSD) is a governmental entity that shares much of the same user base with the City of Yorkville. Therefore, any fees assigned to YBSD will effectively result in the local citizens paying themselves a fee. As such, the YBSD kindly requests a waiver of the fees for this variance submittal process. The YBSD greatly appreciates the time and consideration provided by the City of Yorkville in this matter.

Please feel free to contact me with any questions regarding this matter.

Respectfully Submitted,

Cyrus W. McMains, PE
Executive Director | YBSD

Attachment: None

CC: File



Yorkville Bristol Sanitary District

Variance Request



Prepared by:

BAXTER & WOODMAN
Consulting Engineers

www.baxterwoodman.com

August 9, 2021

**Yorkville Bristol Sanitary District
Variance Request
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LIST OF EXHIBITS

Exhibit

- 1 – Kendall County Stormwater Ordinance
- 2 – United City of Yorkville Landscaping Ordinance
- 3 – Fox River Tributary Drainage Area
- 4 – Blackberry Creek Tributary Drainage Area
- 5 – Project Area
- 6 – Downstream Structures
- 7 – Will County Detention Exemptions
- 8 – HEC-RAS Model Results Table
- 9 – Offsite Compensatory Storage Locations
- 10 – U.S. Fish & Wildlife Service Report

1. INTRODUCTION

The Yorkville-Bristol Sanitary District (YBSD) and the United City of Yorkville have been working together for the last 15-years to ensure that west side property is available for the wastewater treatment facility to serve the ultimate facility planning area (FPA) population. In 2005, YBSD completed a Facility Planning Report that demonstrated the need for additional space for the wastewater treatment facility to serve the potential future facility planning area population.

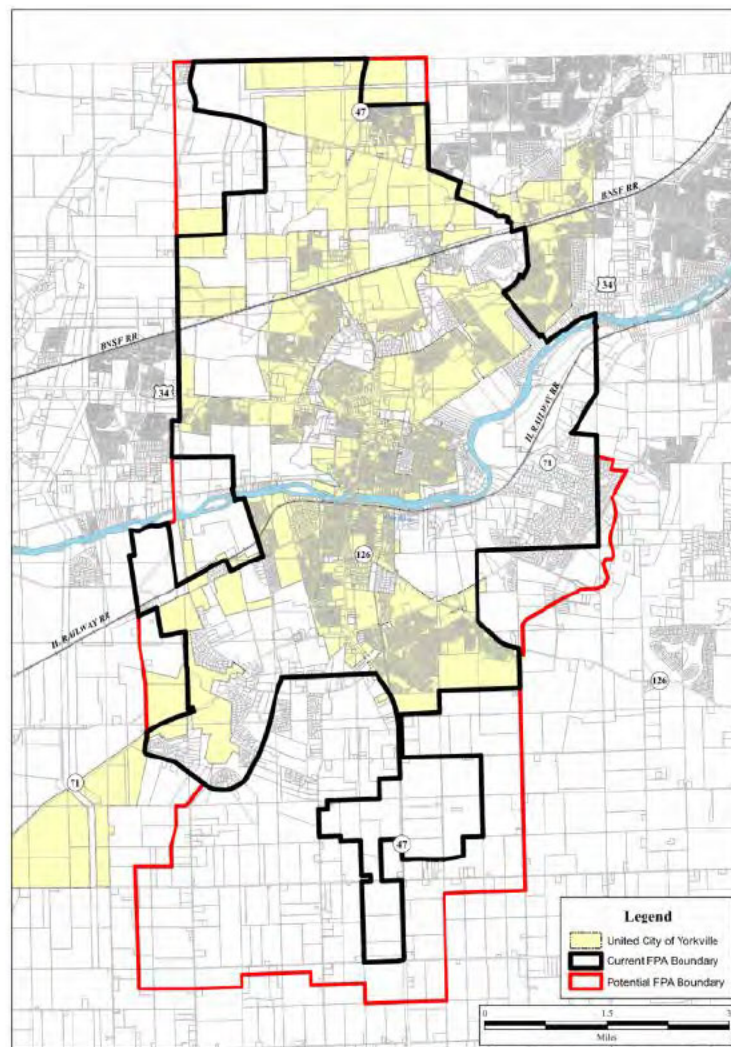
In 2006, YBSD prepared an annexation agreement that annexed the west side property into the United City of Yorkville, Kendall County, Illinois. The United City of Yorkville City Council unanimously approved the annexation, Ordinance No. 2006-43. YBSD also rezoned the west side property to A-1 with special use for sanitary water treatment facilities. The City Council followed the recommendation from the Plan Commission and unanimously approved Ordinance No. 2006-44. These two ordinances provided the space and zoning required to provide the wastewater treatment capacity for the potential future FPA population on a single site.

In 2014, YBSD completed a Phosphorus Removal Feasibility Report to determine the costs, treatment processes and space required to meet future effluent phosphorus limits. This report further reinforced the need for the west side property.

In 2018, YBSD completed a wetland delineation of the west side property to determine the sensitive environmental areas and the areas that could be used for wastewater treatment.

YBSD is currently completing the stormwater permitting and regulatory requirements that are needed to allow the west side property to be utilized for wastewater treatment. YBSD also just completed the preliminary design of the 1st phase of improvements that would be located on the west side property.

YBSD's mission is to provide wastewater treatment services for residents within its facility planning area, namely, the United City of Yorkville, Illinois, the county seat of Kendall County. The Facility Planning Reports, Annexation Ordinance, Rezoning Ordinance and wetland delineation were completed to allow wastewater treatment of the potential future facility planning area population at a single site on the west side of Blackberry Creek. The YBSD FPA encompasses the United City of Yorkville and portions of the unincorporated areas of Bristol and Kendall Townships within Kendall County. The current and future potential FPA boundaries are shown below.



Providing wastewater treatment for YBSD's ultimate facility planning area population will require development of nearly the entire project site, and the required stormwater detention facilities and compensatory storage cannot be provided onsite without significantly reducing the footprint available for treatment facilities. The reduction of footprint for wastewater treatment facilities will reduce total population that can be served from the west side property. The reduced area would not be able to accommodate the potential future FPA population. As such, the YBSD is requesting variances from the Kendall County Stormwater Management Ordinance, as adopted by the United City of Yorkville, and from the City of Yorkville's Landscaping Ordinance in accordance with Article 9 of the Kendall County Stormwater Management Ordinance.

- Kendall County Stormwater Management Ordinance (Section 203 and Section 403), as adopted by United City of Yorkville – Ordinance No. 2012-56
- United City of Yorkville Landscape Ordinance (Section 8-12-2.H) – Ordinance No. 2009-42

2. ORDINANCE REQUIREMENTS

2.1 Stormwater Detention Requirements for Kendall County

Section 203 of the Kendall County Stormwater Management Ordinance, as adopted by the City of Yorkville, requires stormwater detention for non-residential developments on properties of contiguous ownership that are equal to or greater than three (3) acres and resulting in more than 45,000 square feet of development or 32,000 square feet of impervious area. The planned improvements, consisting of approximately 641,000 square feet of development and 440,000 square feet of new impervious area, exceed both of these thresholds, and therefore Ordinance site runoff storage requirements are applicable. Stormwater storage volume must be provided such that the 100-year, 24-hour release rate does not exceed 0.15 cubic feet per second (cfs) per acre of hydrologic disturbance, and the 2-year, 24-hour release rate does not exceed 0.04 cfs per acre.

2.2 Compensatory Storage Requirements for Kendall County

Section 403 of the Ordinance requires that hydraulically equivalent compensatory storage be provided for fills within the regulatory floodplain. The total compensatory storage volume must be equal to or greater than the flood fringe storage volume displaced. To the greatest extent practicable, storage volume displaced below the 10-year existing flood profile must be replaced below the proposed 10-year flood profile, and storage displaced between the existing 10- and 100-year flood profiles but be replaced between the proposed 10- and 100-year flood profiles.

2.3 Tree Preservation and Replacement Standards for the United City of Yorkville

Compensatory storage and stormwater detention requirements will necessitate significant tree removal. Per Section 8-12-2.H of the United City of Yorkville's Code of Ordinances, tree removal should be avoided within floodplains, filling near valuable trees should be minimal, and removal requirements include replacement according to **Table 1**.

Table 1: Tree Replacement Standards, Landscaping Ordinance for the City of Yorkville

Caliper (inches) of tree to be removed	Number of replacement trees
30 or greater	6
13-29	5
8-12	4
4-7	2

3. VARIANCE REQUESTS

The variance requests are organized according to the variance standards as described in Section 904 of the Kendall County Stormwater Ordinance as adopted by the United City of Yorkville.

3.1 Stormwater Detention

Request 1: Waiver of United City of Yorkville and Kendall County site runoff storage requirements (Section 203.1.b. of the Kendall County Stormwater Management Ordinance, as adopted by the United City of Yorkville (excerpt of Ordinance included in Exhibit 1))

	Section 904 Standard	Justification
a.	The variance will not increase the probability of flood damage or create an additional threat to the public health, safety or welfare.	<p>Stormwater runoff from the proposed development area discharges directly to the Fox River and Blackberry Creek, with no downstream properties impacted prior to discharge into these waterways.</p> <p>The proposed development area is significantly smaller than the total watershed areas tributary to the Fox River and Blackberry Creek (Exhibits 3-5). Therefore, the timing of peak stormwater discharges from the YBSD's property is unlikely to coincide with the highest flows and flood elevations along these waterways.</p>
b.	The variance requested is the minimum relief necessary to accomplish the objectives of the development without compromising the objectives of Section 102 of this Ordinance.	<p>The proposed improvements are for treatment facilities that are essential and critical infrastructure. Maximizing the onsite treatment capacity is necessary to accommodate the needs of the City and surrounding communities for future growth and development. Providing detention would prevent the YBSD from achieving the full buildout for treating the projected flows to the facility.</p> <p>Furthermore, the orientation of the YBSD property is such that there is significant waterway frontage, with grades naturally flowing to the Fox River and Blackberry Creek. Draining all site stormwater runoff to detention facilities may be difficult or impossible to achieve while providing a suitable treatment facility plan. Other counties in Illinois have detention exemptions for such developments. For example, the Will County Stormwater Management Ordinance (55.020 (C)(2)) provides an exemption for properties that meet the minimum river frontage requirement (Exhibit 7). With over 1,500 feet of river frontage and</p>

		less than 20 acres of proposed development, this project site would easily qualify for Will County's detention exemption thresholds.
c.	The variance will not result in a reduction of water quality benefits as compared to compliance with ordinance requirements.	The development will incorporate best management practices (BMPs), such as vegetative swales, buffer strips, and sediment traps, to treat direct discharges to the Fox River and Blackberry Creek. These BMPs will mitigate potential reduction of water quality benefits.
d.	The variance is not requested solely for the purpose of reducing site runoff storage requirements.	The variance is requested to allow for full buildout capacity of the treatment facilities to accommodate the needs of the community's projected growth. The reduction of site runoff storage requirements is incidental to this goal.
e.	The variance shall not cause conveyance of stormwater from the project to increase peak discharges beyond design capacity of existing offsite conveyance facilities for any storm event from the 2-year to the 100-year recurrence frequency.	<p>The development would directly discharge to major natural waterways, as opposed to designed stormwater conveyance systems with defined capacities. There are no intermediate properties between the development and the Fox River or Blackberry Creek.</p> <p>Additionally, the proposed development area is significantly smaller than the total watershed areas tributary to the Fox River and Blackberry Creek (Exhibits 3-5). Therefore, the timing of peak stormwater discharges from the YBSD's property is unlikely to coincide with the highest flows and flood elevations along these waterways.</p>
f.	The variance shall seek to preserve valuable environmental and biological resources including but not limited to stands of native trees, existing wetlands and natural floodplain storage.	With the variance, the YBSD will be able to achieve full buildout capacity at this property. The variance will also prevent the need for expanding the development area for treatment facilities to include the property immediately adjacent to the Fox River, which would require the removal of valuable riparian vegetation and critical habitat for the endangered Indiana bat (<i>Myotis sodalis</i>) (see Exhibit 10 for report from U.S. Fish and Wildlife Service).

3.2 Compensatory Storage

Request 2: Waiver of United City of Yorkville and Kendall County compensatory storage requirements (Section 403.a. of the Kendall County Stormwater Management Ordinance, as adopted by the United City of Yorkville (excerpt of Ordinance included in Exhibit 1))

	Section 904 Standard	Justification
a.	The variance will not increase the probability of flood damage or create an additional threat to the public health, safety or welfare.	<p>There are no structures impacted by the regulatory floodplain along the Fox River in the area immediately downstream of the proposed improvements (Exhibit 6). The minor loss of flood storage resulting from proposed floodplain fill is small relative to the total flood storage of the Fox River and will not impact any downstream structures during a 100-year flood.</p> <p>Furthermore, a dam is located upstream of the project limits, just upstream of Bridge Street. This dam provides some hydraulic control of flood profiles, creates upstream flood storage, and reduces the impacts of proposed floodplain fills within the project limits.</p> <p>Hydraulic modeling demonstrates that the proposed improvements meet the applicable regulatory standards of the IDNR Part 3700 requirements for floodway construction, without the inclusion of compensatory storage. Requirements for compensatory storage are local standards above and beyond the state's requirements, which are intended to preserve the conveyance capacity of the waterway. Preliminary modeling results and model input/output files are provided as Exhibit 8.</p>
b.	The variance requested is the minimum relief necessary to accomplish the objectives of the development without compromising the objectives of Section 102 of this Ordinance.	<p>The proposed improvements are for treatment facilities that are essential and critical infrastructure. Maximizing the onsite treatment capacity is necessary to accommodate the needs of the City and surrounding communities for future growth and development. Providing onsite compensatory storage would prevent the YBSD from achieving the full buildout for treating the projected flows to the facility.</p> <p>Offsite compensatory storage was explored and is discussed further below. These options all have major feasibility concerns or negative impacts, such as requiring additional tree removal and/or additional loss of usable land.</p>

c.	The variance will not result in a reduction of water quality benefits as compared to compliance with ordinance requirements.	The presence or absence of compensatory storage would not have an effect on water quality. Even so, the development will incorporate best management practices (BMPs), such as vegetative swales, buffer strips, and sediment traps.
d.	The variance is not requested solely for the purpose of reducing site runoff storage requirements.	This variance is unrelated to site runoff storage requirements.
e.	The variance shall not cause conveyance of stormwater from the project to increase peak discharges beyond design capacity of existing offsite conveyance facilities for any storm event from the 2-year to the 100-year recurrence frequency.	This variance will not impact conveyance of stormwater from the project.
f.	The variance shall seek to preserve valuable environmental and biological resources including but not limited to stands of native trees, existing wetlands and natural floodplain storage.	With the variance, the YBSD will be able to achieve full buildout capacity at this property, which would save environmental and biological resources. The variance will also prevent the need for development of the YBSD property immediately adjacent to the Fox River, which would require the removal of valuable riparian vegetation, critical habitat for the endangered Indiana bat (<i>Myotis sodalis</i>) (Exhibit 10), and would have adverse wetland and impacts. Wetland and habitat impacts could be obstacles to obtaining permits through the U.S. Army Corps of Engineers and IDNR.
Article 4 Variance Standards		
a.	Variances shall not be issued by the permitting agency within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.	Hydraulic modeling demonstrates that the proposed improvements meet the applicable regulatory standards of the IDNR Part 3700 requirements for floodway construction, without the inclusion of compensatory storage. Preliminary modeling results indicate no increase in flood levels, rounded to the nearest tenth of a foot, and are provided as Exhibit 8 .
b.	Variances may be issued by the permitting agency for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structure constructed below the base flood level, in conformance with the following procedures of this section;...	Not applicable; this development is greater than one-half acre.

3.3 Tree Preservation and Replacement

Request 3: Waiver of United City of Yorkville tree replacement requirements (Sections H.1.b.i.1,3 and H.2.a-d of the United City of Yorkville's Landscaping Ordinance (excerpt of Ordinance included in Exhibit 2))

	Section 904 Standard	Justification
a.	The variance will not increase the probability of flood damage or create an additional threat to the public health, safety or welfare.	This variance will not impact flooding or any other threat to public health, safety or welfare.
b.	The variance requested is the minimum relief necessary to accomplish the objectives of the development without compromising the objectives of Section 102 of this Ordinance.	The proposed improvements are for treatment facilities that are essential and critical infrastructure. Maximizing the onsite treatment capacity is necessary to accommodate the needs of the City and surrounding communities for future growth and development. Replacing trees onsite according to the standard laid out in the City's Landscaping Ordinance (preliminary estimate of 1,500 replacement trees) is not possible if the facility is to provide the projected treatment capacity for the community.
c.	The variance will not result in a reduction of water quality benefits as compared to compliance with ordinance requirements.	This variance will not impact water quality.
d.	The variance is not requested solely for the purpose of reducing site runoff storage requirements.	This variance is unrelated to site runoff storage requirements.
e.	The variance shall not cause conveyance of stormwater from the project to increase peak discharges beyond design capacity of existing offsite conveyance facilities for any storm event from the 2-year to the 100-year recurrence frequency.	This variance will not impact conveyance of stormwater from the project.
f.	The variance shall seek to preserve valuable environmental and biological resources including but not limited to stands of native trees, existing wetlands and natural floodplain storage.	While it is not possible to replace all of the removed trees onsite according to the City's ordinance (regardless of the detention and compensatory storage variances), the YBSD aims to preserve the trees along the banks of the Fox River and Blackberry Creek, which is made possible by the waiving of the stormwater requirements as discussed above. Avoiding offsite compensatory storage will also limit the extent of tree removal necessary.

4. OFFSITE COMPENSATORY STORAGE

Four offsite locations were considered for compensatory storage. These locations were initially chosen based on their proximity and current use (undeveloped or mostly open space). They are not owned by the YBSD and their use would be contingent upon purchase or easement from the property owners. The construction schedule for the facility expansion would be delayed if offsite compensatory storage is provided, as the compensatory storage would need to be provided prior to development of the YBSD property; thus, property acquisition, permitting, and offsite excavation could delay construction significantly. The four locations are briefly described below, along with burdens and detrimental impacts associated with construction at these locations. A map of the sites is included as **Exhibit 9**.

- The Youth Camp property directly adjacent to the project site consists of a low-lying area and a slope heading north up to River Road. This location would require extensive tree removal, a large quantity of excavation, and the construction of a very large retaining wall (~30' high).
- A large bump-out is located on the south bank of the Fox River, located approximately half a mile downstream from the Blackberry Creek confluence. This location is heavily forested and a massive quantity of excavation would be necessary due to the high elevations.
- Crawford Park, owned the United City of Yorkville, is located on the south bank of the Fox River approximately one mile downstream from the Blackberry Creek confluence. It is not forested and would require limited tree removal. Utilizing this area for compensatory storage, however, would prevent the City from raising the grade in the future or using this land for any other purposes.
- Approximately 1.8 miles downstream from the Blackberry Creek confluence, there is a farm located on the north bank of the Fox River. Extensive tree removal would not be necessary for this property, but the loss of active farmland is not a desirable outcome.

5. CONCLUSION

The District understands that as effluent limits and sludge disposal regulations become more stringent, additional space for future processes to maintain compliance will be of utmost importance. Some constituents are on the regulatory horizon, but others are unknown at this time. This increases the importance of maximizing contiguous land to accommodate future process. The above variance requests are necessary to provide the onsite treatment facilities that meet future regulatory requirements, as well as accommodate anticipated growth and development within the City of Yorkville.

Exhibit 1: Excerpts from Kendall County Stormwater Ordinance, as adopted by the United City of Yorkville

Sec. 203 Site Runoff Storage Requirements

203.1 Applicability of Site Runoff Storage Requirements

All developments shall comply with the site runoff storage requirements provided in Section 203 of this Ordinance in which:

- a. Single family - detached land use property consisting of five or more residential structures having an average lot size of three acres or less;
- b. A non-residential land use or a residential land use other than single family - detached property of contiguous ownership equal to or greater than three acres and:
 - 1. resulting in more than 45,000 square feet of development, or;
 - 2. resulting in more than 32,000 square feet of impervious surface area

Request for waiver of 203.1.b.

Sections 203.2 - 202.11 would be rendered null by waiver of 203.1.b.

203.2 Release Rate

Sufficient excess runoff / flood storage volume shall be provided so that the proposed project will not discharge at a rate greater than 0.15 cfs/acre of disturbance for a rainfall event with a 100-year recurrence frequency. Additionally, sufficient excess runoff / flood storage volume shall be provided so that the proposed project will not discharge at a rate greater than 0.04 cfs/acre of disturbance for a rainfall event with a 2-year recurrence frequency. The area of hydrologic disturbance for the entire project shall be used to calculate the site runoff storage volume requirements.

203.3 Design Methods

Event hydrograph routing methods shall be used to calculate runoff storage volume requirements for stormwater management basins with total tributary areas greater than five acres. The hydrograph routing shall be HEC-1, (SCS methodology), HEC-HMS, TR-20, or TR-55 tabular method or as otherwise approved by the Administrator. Event hydrograph methods shall incorporate the following assumptions:

- a. Antecedent moisture condition = 2; and
- b. Appropriate Huff rainfall distribution; and
- c. 24-hour duration storm with a 1% probability (100-year frequency) of occurrence in any one year as specified by Illinois State Water Survey Bulletin 71 isohyetal rainfall data.

Runoff storage volume requirements for stormwater management basins with total tributary areas equal to or less than five acres may utilize the *% Impervious to unit Area Detention* nomograph developed by NIPC (now known as CMAP) depicted in Table 203.

203.4 Existing Release Rate Less Than Allowable

For sites where the undeveloped release rate is less than the maximum release rate in Section 203.2, the developed release rate and corresponding site runoff storage volume requirement shall be based on the existing undeveloped release rate for the development.

203.5 Downstream Water Surface Elevations

All hydrologic and hydraulic computations must utilize appropriate assumptions for downstream water surface elevations, from low flow through the base flood elevation, considering the likelihood of concurrent flood events.

203.6 Extended Detention Requirement

The requirements of this section will apply only when the outfall from a stormwater management basin is proposed to connect to an off-site agricultural drain tile system. The first 0.75 inches of runoff from a rainfall event over the hydraulically connected impervious area of the development shall be stored below the elevation of the primary gravity outlet (extended detention) of the stormwater management basin. The facility may be designed to allow for evapotranspiration or infiltration of this volume into a subsurface drainage system and shall not be conveyed through a direct positive connection to downstream areas.

The hydraulically connected impervious area used in the calculation of required extended detention volume may be reduced by the Administrator if the soils are prepared to maximize infiltration and deep rooted grasses or other plants selected for their ability to promote infiltration or water absorption are planted in areas appropriately dedicated. The reduction in hydraulically connected impervious area used in the calculation shall be equal to the area of the development meeting the above soils/native planting requirement.

Subsurface drainage systems may be designed as a component of the extended detention portion of the stormwater management basin to assist in infiltration in accordance with the following criteria:

- a. The extended detention volume shall be discharged at a rate no greater than that required to empty the calculated extended detention volume within 5 days of the storm event and at a rate no less than that required to empty the calculated extended detention volume within 30 days of the storm event.
- b. No subsurface drainage pipe shall be located within 10 feet of drainage pipes directly connected to the stormwater management basin.
- c. For purposes of meeting the maximum subsurface drainage discharge requirements, flow control orifices and weirs may be used.
- d. All design extended detention volume shall be provided above the seasonal high ground water table or the invert elevation of the groundwater control system.
- e. Farm field tile shall not be considered a subsurface drainage system.

203.7 Stormwater Management Basin Design Requirements

Stormwater management basins shall be designed and constructed with the following characteristics:

- a. The stormwater management basin shall provide 1 (one) foot of freeboard above the design high water elevation or BFE.

b. The stormwater management basin shall be located on the site and designed such that they are accessible by motorized maintenance equipment necessary for regular and long term maintenance operations. The route to the basin shall be formalized with an access easement and that the surface of such route shall be easily traversable by maintenance equipment / operations as determined by the Administrator.

c. All site runoff storage volume shall be provided above the seasonal high groundwater table or above the invert of the groundwater control system.

d. Stormwater management basins shall facilitate sedimentation and catchment of floating material. Unless specifically approved by the Administrator, impervious low-flow ditches shall not be used in stormwater management basins. Stormwater management basins shall maximize the normal flow distance between stormwater management basin inlets and outlets, to the extent possible

e. Stormwater management basins shall reduce impacts of stormwater runoff on water quality by incorporating best management practices.

f. Stormwater management basins shall be designed with an emergency overflow weir capable of passing the inflow from the critical duration base flood event under developed conditions. The predicted emergency water surface elevation shall be below the top of embankment for any other portion of the stormwater management basin. The weir design shall provide appropriate erosion control measures.

g. Stormwater management basins with single pipe outlets shall have a minimum inside diameter of 12 inches. If design release rates necessitate a smaller outlet, flow control devices such as perforated risers, or flow control orifices shall be used.

h. Stormwater management basins intended to support potential fish habitat with a permanent pool, shall be at least ten feet deep over 25 percent of the bottom area.

i. Stormwater management basins shall have a maximum side slope of four to one.

j. Stormwater management basins with a permanent pool shall have a safety shelf at least eight feet wide a maximum of two feet below the normal water pool.

k. Stormwater management basins shall have a maximum drawdown time of 72 hours for a 24-hour duration rainfall event with 100-year recurrence frequency.

j. All stormwater management basins shall comply with IDNR dam safety requirements where applicable.

203.8 Site Runoff Storage Volume Within The Regulatory Floodplain

Stormwater management basins and other facilities to satisfy site runoff storage volume requirements located within the regulatory floodplain shall:

a. Conform to all applicable requirements specified in Article 4 of this Ordinance; and

- b. Store the required amount of site runoff to meet the release rate requirement under all stream flow and backwater conditions in the receiving stream up to the 10-year flood elevation; and
- c. Site runoff storage volume provided by enlarging existing regulatory floodplain storage without providing a flow control device regulating discharge (on-stream detention) will be allowed only as a variance. The applicant must demonstrate that flood damages are not increased and the development will not increase flood flows for both the 2-year and 100-year floods on the stream with developed conditions on the site; and
- d. The Administrator may approve designs which can be shown by detailed hydrologic and hydraulic analysis to provide a net watershed benefit in flood control not otherwise realized by strict application of the requirements in a through c above.

203.9 Site Runoff Storage Volume Within The Regulatory Floodway

Stormwater management basins and other facilities to satisfy site runoff storage volume requirements located within the regulatory floodway shall:

- a. Meet the requirements for locating stormwater management basins in the regulatory floodplain; and
- b. Be evaluated by performing hydrologic and hydraulic analysis consistent with the standards and requirements for any adopted watershed plans; and
- c. Provide a net watershed benefit in flood control.

203.10 Site Runoff Storage Volume - Channel Impoundment

Flow control structures constructed across any channel to impound water to meet site runoff storage requirements shall be prohibited on any perennial stream unless part of a public flood control project with a net watershed benefit in flood control. Those streams appearing as blue on a USGS Quadrangle map shall be assumed perennial unless better data is obtained. All cross-stream flow control structures for the purpose of impounding water to provide site runoff storage in all cases on perennial and intermittent streams must demonstrate that they will not cause short term or long-term stream channel instability.

203.11 Off-Site Stormwater Management Basins

Stormwater management basins and other facilities to satisfy site runoff storage volume requirements may be located off-site if the following conditions are met:

- a. The off-site stormwater management basin meets all of the requirements of this Article 2; and
- b. Adequate storage capacity in the off-site facility is dedicated to the development; and
- c. The development includes means to convey stormwater to the off-site stormwater management basin.

Sec. 403 Compensatory Storage Volume Standards

The following standards apply within the regulatory floodplain: **Request for waiver of 403.a**

- a. Hydraulically equivalent compensatory storage volume will be required for development in a riverine regulatory floodplain and shall be at least equal to the regulatory floodplain flood storage volume displaced. To the greatest extent practicable storage volume displaced below the existing 10-year frequency flood elevation must be replaced below the proposed 10-year frequency flood elevation. To the greatest extent practicable storage volume displaced above the 10-year existing frequency flood elevation must be replaced above the proposed 10-year frequency flood elevation.
- b. Compensatory storage volume for development in a non-riverine regulatory floodplain area that is also adjacent to a lake shall be equal to the storage volume displaced.
- c. Compensatory storage volume requirements for development in a non-riverine Regulatory Floodplain that is not adjacent to a lake shall be replaced in accordance with the requirements for the loss of depressional storage in Section 201.6.
- d. Compensatory storage areas shall be designed to drain freely and openly to the channel and shall be located adjacent to the development. This standard does not apply to non-riverine Regulatory Floodplain.
- e. A recorded covenant or easement running with the land is required to maintain the compensatory storage volume in areas modified to provide compensatory storage volume.

Sections 403.d. - 403.e. would be rendered null by waiver of 403.a.

Exhibit 2: Excerpts from United City of Yorkville Code of Ordinances, Section 8-12-2 (Landscaping Ordinance)

- H. Tree Preservation: The following standards shall apply to all lots which are five (5) acres or greater in area. No live tree(s) with a four inch (4") DBH (diameter at breast height) may be removed without first submitting an application for tree removal and receiving approval from the City. Failure to apply and submit a tree preservation and removal plan will result in a monetary fine per tree removed without authorization (as stated on the application form.)
1. Tree Removal Permit: The application for a tree removal shall be made to the Building Department. This application must be submitted and approved prior to the Site Grading Plan permit issuance. If no mass grading is required for construction, the tree removal application must be submitted and approved prior to any site re-development involving tree removal. The application shall include:

- a. Tree Preservation and Removal Plan. The plan shall include:
 - i. A tree survey showing the location of all trees four inches (4") in caliper or greater within 100 feet of any tree proposed to be removed, including a description of the tree(s), botanical name, common name, caliper size and general condition or health of the tree(s). The survey shall be completed by an International Society of Arboriculture Certified Arborist or Illinois Department of Natural Resources Consultant Forester, or other qualified professional as approved in writing by the City Planner.
 - ii. Delineation of trees to be removed and trees to be preserved.
 - iii. Details and specifications or procedures to be used to protect trees being preserved.
 - iv. Location, size and name of replacement trees.
- b. Tree Preservation and Removal Guidelines:

- i. Every reasonable effort shall be made to retain existing trees shown on the tree survey through the integration of those trees into the site plan and landscape plan for a proposed development.

Request for waiver of H.1.b.i.1.

- 1. Critical areas, such as floodplains, steep slopes, and wetlands, should be left in their natural condition or only partially cleared.

- 2. Roadways, storage areas, and parking lots should be located away from valuable tree stands.

Request for waiver of H.1.b.i.3.

- 3. Cutting and filling in the vicinity of valuable trees should be minimal.

- 4. If more than one-third of the tree's root system is to be affected by construction, the tree should be part of the removal plan and replaced with the appropriate number of trees.

- ii. Pre-construction protection measures:

- 1. A temporary six foot (6') orange construction safety fence, rigid wood, or chain link fence must surround the periphery of the tree dripline as a construction barrier prior to the start of any site work.

- a. Fence type may be designated by the City depending on the value of the tree and the location to construction traffic.
 - b. This fence must be in place before any site work begins and remain in place until all construction has been completed or final occupancy permit has been issued, whichever is latest.
 - c. A warning sign shall be placed on the fence stating the following: **Warning: This fence shall not be relocated or removed without written authorization from the City of Yorkville.**
- iii. If construction limits encroach within the dripline of the tree the following procedures will be required:
 1. Trunk wrapping from the base of the tree to a height of ten feet (10'). Clear indication of trees to be wrapped and detail showing materials should be included as part of the landscape plans. No boards shall be nailed to the trunk of a tree.
 2. In the event that underground utility lines are proposed within five feet (5') of the trunk of a tree, then auguring or boring of the utility line will be required by the City. This must be clearly indicated on the plans.
 3. Root trimming should occur by hand, not with machinery, and exposed root systems should be protected to maintain moisture levels. During construction, any root accidentally damaged (exposed) should immediately be cleanly cut and protected.
 4. If excavation must occur within the dripline of a tree, an excavation trench shall be saw cut for a minimum depth of two feet as near to the intended trench as possible. All root pruning must be completed prior to any excavation activity near the tree.
- iv. Construction procedures:
 1. During the mass grading of the site, a Certified Arborist or Consultant Forester must be on-site during the mass grading to ensure that proper protection methods are being followed.

2. Grading and construction equipment shall be prohibited from encroaching within the dripline of a tree.
 3. Any soil that is located or stockpiled within the critical root zone of the tree will result in the loss of tree protection credit(s) and will require that the job be stopped until a revised Landscape Plan is approved.
 4. Crushed limestone and other material detrimental to trees shall not be stored or dumped within the drip line of any tree nor at any higher location where drainage toward the tree could conceivably affect the health of the tree.
 5. Any preserved trees damaged during construction should be repaired. Damage should be analyzed by a Certified Arborist, Consultant Forester, or approved qualified professional, and a repair plan should be submitted to the City for approval.
 6. If the tree begins to show signs of stress (i.e. leaf dieback, wilting, etc.), additional measures may be required by the City such as fertilizing or watering to aid the tree in survival.
- v. Tree Preservation protection measures must be checked by the City of Yorkville before the permit for development will be released. Periodic inspections will occur during construction.
 - vi. Failure to provide adequate tree protection will result in the loss of tree protection credits and will require that the job be stopped until a revised Landscape Plan is approved.

Request for waiver of H.2.

2. Tree Replacement Standards:

- a. Any tree approved for removal shall be replaced with new trees in accordance with the following schedule:

<u>Caliper (Inches) of tree to be removed</u>	<u>Number of Replacement Trees</u>
30 or greater	6
13-29	5
8-12	4
4-7	2

- b. In the event that a tree identified to be preserved is removed or damaged, such tree shall be replaced as follows:

Caliper (Inches) of tree to be removed	Number of Replacement Trees
30 or greater	12
13-29	10
8-12	8
4-7	4

- c. All replacement trees shall have a minimum caliper of two and one-half inches (2 ½") and shall consist of the shade tree varieties listed under Permitted Plantings.
- d. If the tree(s) approved for removal is (are) dead from natural causes prior to the date of the tree removal permit, then no replacement tree(s) are required for them.

3. Approval Criteria: The City shall approve a tree removal application if one or more of the following conditions exist:

- a. The tree to be removed poses a safety hazard to persons or property.
- b. The tree is substantially diseased or weakened by age, storm, fire or other injury.
- c. The tree removal is in accordance with good forestry practice such as when a parcel of land will only support a certain number of healthy trees which is less than the number of existing trees on the parcel.
- d. The tree removal is of a nuisance tree listed under Section 3 General Standards, #7.
- e. The tree removal is part of an approved overall landscape plan.

4. Failure to Replace Trees: If replacement trees, which are required by the approved tree removal permit, are not planted within the time frame set out by the tree removal permit, the City may, at its option, replace the trees. All costs associated with purchasing and planting the replacement trees shall be charged to the owner or other person or entity causing the removal of the trees.

Exhibit 3: Fox River Tributary Drainage Area

Table 7 - Summary of Discharges (continued)

Flooding Source and Location	Drainage Area (square miles)	Peak Discharges (cubic feet per second)			
		10-Percent- Annual-Chance	2-Percent- Annual-Chance	1-Percent- Annual-Chance	0.2-Percent- Annual-Chance
Fox River					
At Dayton (USGS gage No. 05552500)	2,642	22,132	36,274	41,893	58,357
At Bridge Street	2,138	15,327	23,899	27,412	36,894
About 900 feet upstream of Bridge Street	1,804	10,580	15,221	17,697	22,615
At Aurora (USGS gage No. 05551500)	1,705	8,572	12,791	14,368	18,697
Harvey Creek					
300 feet downstream of Sandy Bluff Road	3.46	381	525	595	983
600 feet downstream of Griswold Springs Road	3.36	367	506	569	924
2,000 feet upstream of Griswold Springs Road	2.41	291	387	442	638
At Dayton Street	1.41	183	248	291	379
Middle Aux Sable Creek					
Just downstream of Caton Farm Road	15.9	1,252	2,144	2,767	3,481
Just downstream of Wheeler Road	14.0	1,241	2,124	2,741	3,448
Upstream of Wheeler Road	12.9	1,237	2,117	2,731	3,435
North Arm Saratoga Creek					
About 150 feet downstream from farm bridge	0.7	80	*	143	*
At Joliet Road	0.66	79	*	140	*
About 700 feet upstream of Galena Street	0.42	59	*	106	*
Tributary 1 to West Aux Sable Creek Tributary B					
Just downstream of the intersection of Caton Farm Road and Brisbin Road	2.1	446	743	947	1,179
Waubansee Creek					
At confluence with Fox River	29.6	*	*	2,007	*
At U.S Route 25	29.5	*	*	1,979	*
At U.S. Route 34	29.2	*	*	1,940	*
At U.S. Route 30	18.7	774	1,170	1,447	2,700
At Elgin Joliet and Eastern Railroad	17.4	734	1,108	1,373	2,500

*Data not available

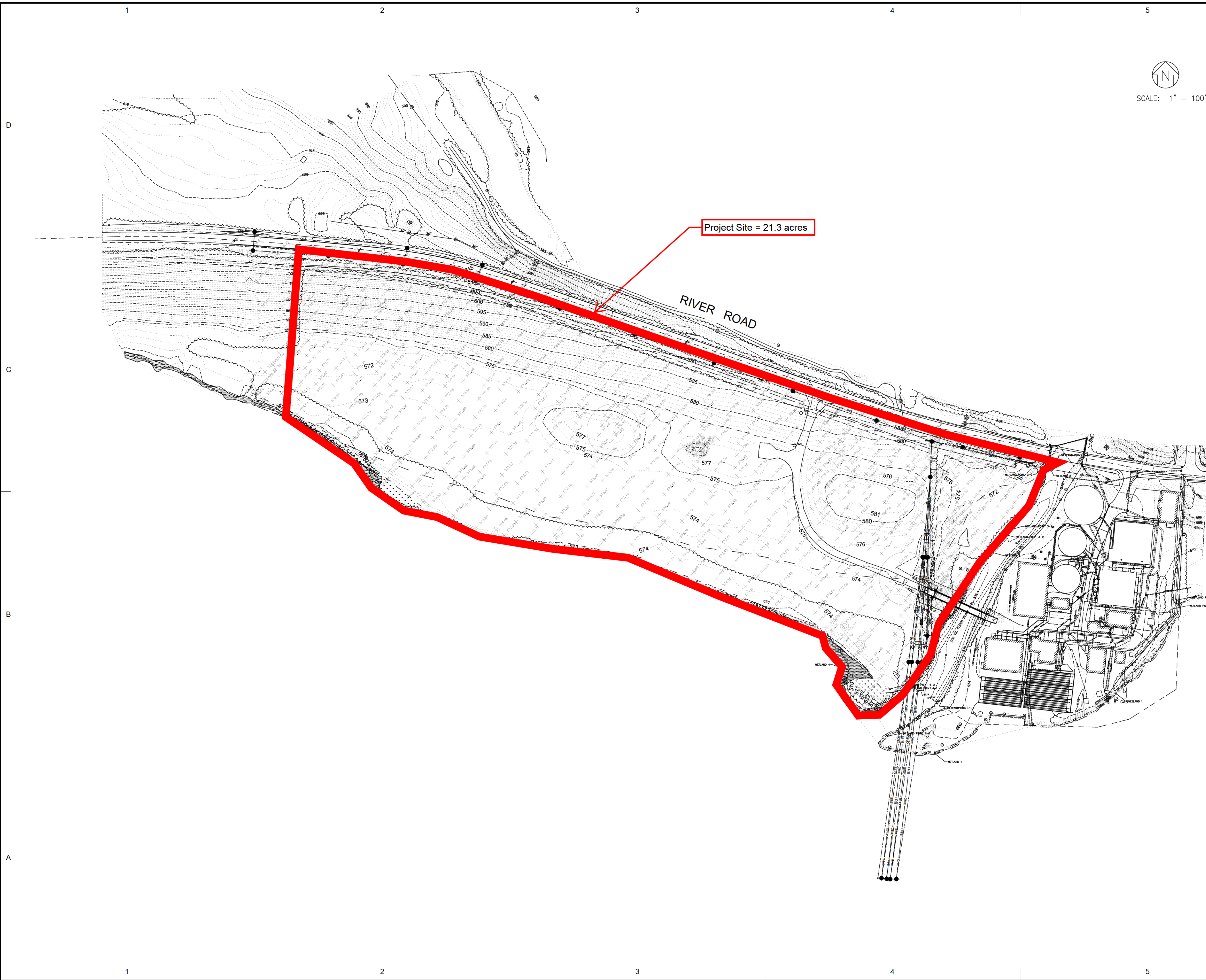
Exhibit 2: Fox River Tributary Drainage Area

Exhibit 4: Blackberry Creek Tributary Drainage Area

Table 7. Summary of Discharges

Flooding Source and Location	Drainage Area (square miles)	Peak Discharges (cubic feet per second)			
		10-Percent- Annual-Chance	2-Percent- Annual-Chance	1-Percent- Annual-Chance	0.2-Percent- Annual-Chance
Aux Sable Creek					
Downstream of Bell Road	107.9	6,162	10,618	13,754	17,360
Downstream of US Highway 52	99.1	5,902	10,167	13,168	16,617
Just downstream of East Aux Sable Creek confluence	98.6	5,886	10,139	13,131	16,570
Downstream of McKanna Road	64.9	3,134	5,422	7,038	7,038
Just downstream of the convergence of Middle Aux Sable Creek and West Aux Sable Creek	63.8	3,054	5,285	6,861	8,676
Blackberry Creek					
Just downstream of Route 34	69.0	1,381	2,303	2,771	4,053
Just downstream of Route 47	67.5	1,366	2,284	2,749	4,026
Approximately 7,200 feet upstream of Route 47	65.2	1,349	2,260	2,721	3,991
Just downstream of Route 30	59.6	1,316	2,229	2,692	3,968
Clear Creek					
At confluence with Fox River	6.7	1,055	1,484	1,772	2,474
About 3,300 feet upstream of confluence with Fox River	6.4	1,003	1,413	1,701	2,371
About 2,000 feet downstream of Crimmin Road	3.9	677	994	1,181	1,676
At Crimmin Road	3.5	614	902	1,071	1,520
About 3,700 feet upstream of Crimmin Road	3.3	560	822	968	1,375
About 1,250 downstream of confluence with Dave-Bob Creek	2.87	495	726	855	1,214
At Chicago Road	2.53	408	590	718	1,003
At Main Street	2.01	311	435	538	759
About 1,000 feet upstream of State Route 71	1.6	231	381	462	670
Dave-Bob Creek					
At confluence with Clear Creek	0.3	65	100	115	145
At Unnamed Tributary	0.17	40	65	75	95
East Aux Sable Creek					
Just downstream of the confluence of East Aux Sable Creek Tributary A	33.7	2,871	4,908	6,330	7,960
Upstream of the confluence of East Aux Sable Creek Tributary B	27.8	2,533	4,328	5,581	7,015

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SCALE: 1" = 100'

BAXTER & WOODMAN
Consulting Engineers

CONSULTANTS

MILESTONE

REVISIONS

DESCRIPTION

NO. DATE

** - REFER TO EQUIPMENT MANUFACTURER'S SHOP DRAWING
** -



PLAN SHEET DESIGNATION

- COVER
- G - GENERAL
 - H - HAZARDOUS MATERIALS
 - C - CIVIL
 - L - LANDSCAPE
 - S - STRUCTURAL
 - A - ARCHITECTURAL
 - I - INSTRUMENTATION
 - Q - EQUIPMENT
 - T - FIRE PROTECTION
 - P - PLUMBING
 - M - MECHANICAL
 - E - ELECTRICAL
 - T - TELECOMMUNICATIONS
 - R - RESOURCE

PROJECT NO: 201643

SCALE: 1" = 100'

DATE: 1/15/21

DESIGNED BY:

DRAWN BY:

CHECKED BY:

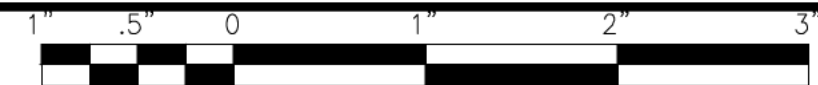
CLIENT

YORKVILLE-BRISTOL
SANITARY DISTRICT

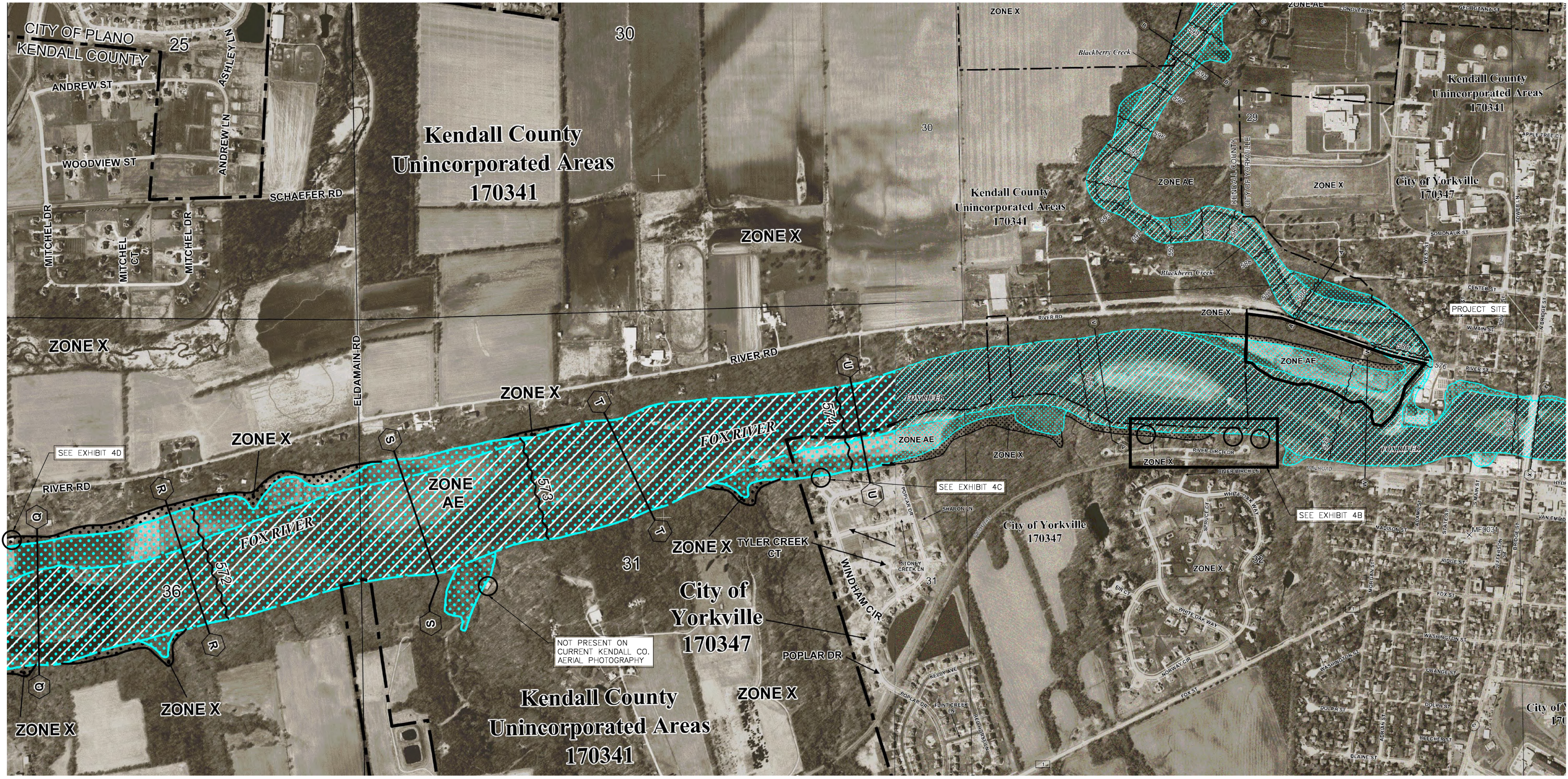
SHEET TITLE

Exhibit 5: Project Area

OF



SCALE: 1" = 500'



LEGEND
○ DOWNSTREAM STRUCTURES MAPPED WITHIN REGULATORY FLOODPLAIN

I:\CRYSTAL LAKE\YORSD\201643-SOLIDS HANDLING IMPR\CAD DWGS\CURRENT\201643_EXH_4A-C3D.DWG EXH-4A
Plotted: 8/6/2021 12:01 PM By: 382ABN
Copyright © 2021, By Baxter & Woodman, Inc.
State of Illinois Professional Design Firm
License No. 184-001121 Expires 4-30-23

	CONSULTANTS	REVISED –	YORKVILLE-BRISTOL SANITARY DISTRICT SOLIDS HANDLING IMPROVEMENT	EXHIBIT 6A: DOWNSTREAM STRUCTURES			DESIGNED – PDS	TOTAL SHEETS	SHEET NO.
		REVISED –					DRAWN – ABN	1	1
		REVISED –					CHECKED – PDS		
		REVISED –					DATE – 8/6/2021		
	SCALE: AS NOTED			PROJECT NO: 201643.40					

Kendall County Web GIS



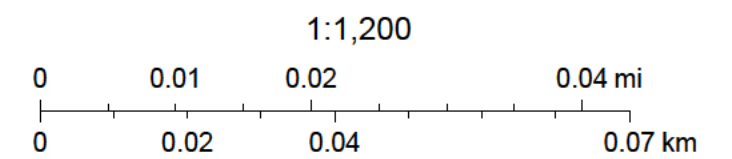
August 5, 2021

2010 Contours

Contour

Index Contour

Exhibit 6B: Downstream Structures



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Kendall County Web GIS



August 5, 2021

2010 Contours

- Contour
- Index Contour

1:960

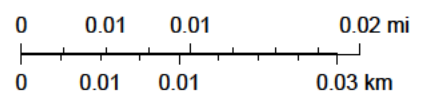


Exhibit 6C: Downstream Structures

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Kendall County Web GIS

View GIS Disclaimer at <https://www.co.kendall.il.us/departments/geographic-information-systems/gis-disclaimer-page/>.

Kendall County Web GIS



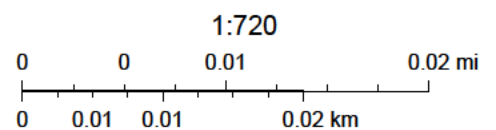
August 5, 2021

2010 Contours

— Contour

— Index Contour

Exhibit 6D: Downstream Structures



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Exhibit 7: Will County Detention Exemptions

§ 55.020 GENERAL INFORMATION.

(A) *Other applicable regulations.* All developments shall meet the requirements specified for general stormwater development (§ 55.020), site runoff (§ 55.022), sediment and erosion control (§§ 55.035 through 55.047), performance security and maintenance (§§ 55.200 through 55.203).

(B) *Applicability of site runoff storage requirements (detention).*

(1) All developments shall comply with the site runoff storage requirements provided in §55.023 of this subchapter in which:

(a) More than two single-family structures or one two-family structure are to be constructed on a site five or more acres in size;

(b) Multi-family or nonresidential land use is to be constructed on a site more than one acre in size;

(c) Existing multi-family or nonresidential land uses on a site one acre or more in size, on which new development after the effective date of this chapter in the aggregate exceeds 25,000 square feet;

(d) Roadway developments in rights-of-way under the ownership or control of a unit of local governments when the contiguous area of new roadway construction (excluding previously paved areas) exceeds two acres; and

(e) The developer of a commercial or industrial redevelopment may request that a fee-in-lieu of detention be approved provided that all of the following are demonstrated to the sole satisfaction of the Administrator:

1. The drainage plan will not increase existing flood damages; and

2. The drainage plan provides a net benefit in water quality compared to the existing development.

(2) The Administrator shall determine the appropriate fee to be collected as defined in §55.215, and his or her decision in the matter shall be considered final.

(C) *Exemptions from site runoff storage requirements (detention).* Site run-off storage is not required under the following circumstances:

(1) Direct discharge industrial sites; and/or

(2) Non-industrial direct discharge sites 160 acres or less having the following minimum river frontage:

Site Area	Required Frontage
0—2 acres	50 feet
Up to 5 acres	100 feet
Up to 10 acres	150 feet
Up to 40 acres	200 feet
Up to 80 acres	350 feet
Up to 160 acres	500 feet

(Res. 02-441, passed 10-17-2002; Res. 02-495, passed 11-21-2002; Res. 04-87, passed 3-17-2004)

Exhibit 8: HEC-RAS Model Results

Table 1: Fox River HEC-RAS Model Results: 100-Year Floodplain Elevations

HEC-RAS Cross Section	Location	Existing 100-Year Elevation	Proposed 100-Year Elevation	Change (ft)
35.841	DS site limits	575.64	575.64	0.00
35.938		575.76	757.75	-0.01
36.050		575.85	575.85	0.00
36.068		575.94	575.96	0.02
36.151	FEMA Sect. W	576.01	576.04	0.03
36.201	US site limits	576.16	576.20	0.04
36.358		576.70	576.74	0.04
36.368	DS of Bridge St.	576.87	576.91	0.04
36.391	FEMA Sect. X	577.10	577.14	0.04

Table 2: Fox River HEC-RAS Model Results: 100-Year Channel Velocities

HEC-RAS Cross Section	Location	Existing 100-Year Velocity (ft/s)	Proposed 100-Year Velocity (ft/s)	Change (%)
35.841	DS site limits	3.17	3.22	1.6
35.938		3.24	3.43	5.9
36.050		3.31	3.44	3.9
36.068		3.18	3.30	3.8
36.151	FEMA Sect. W	4.67	4.79	2.6
36.201	US site limits	4.88	4.88	0.0
36.358		4.87	4.85	-0.4
36.368	DS of Bridge St.	4.00	3.97	-0.7
36.391	FEMA Sect. X	3.33	3.35	0.6

Table 3: Blackberry Creek HEC-RAS Model Results: 100-Year Floodplain Elevations

HEC-RAS Cross Section	Location	Existing 100- Year Elevation	Proposed 100- Year Elevation	Change (ft)
0	Fox River Confluence	573.36	573.36	0.00
275	FEMA Sect. A	574.17	574.18	0.01
558		576.84	576.84	0.00
676		576.84	576.84	0.00
702	DS of River Rd.	576.89	576.88	-0.01
732	US of River Rd.	577.43	577.42	-0.01
1115	FEMA Sect. B	580.73	580.73	0.00

Table 4: Blackberry Creek HEC-RAS Model Results: 100-Year Channel Velocities

HEC-RAS Cross Section	Location	Existing 100- Year Velocity (ft/s)	Proposed 100- Year Velocity (ft/s)	Change (%)
0	Fox River Confluence	5.22	5.22	0.00
275	FEMA Sect. A	11.42	11.46	0.35
558		4.80	4.80	0.00
676		6.48	6.48	0.00
702	DS of River Rd.	6.65	6.65	0.00
732	US of River Rd.	3.83	3.83	0.00
1115	FEMA Sect. B	8.93	8.93	0.00



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Exhibit 10: USFW Report

IPaC Information for Planning and Consultation **U.S. Fish & Wildlife Service**

IPaC resource list

This report is an automatically generated list of species and other resources such as critical habitat (collectively referred to as *trust resources*) under the U.S. Fish and Wildlife Service's (USFWS) jurisdiction that are known or expected to be on or near the project area referenced below. The list may also include trust resources that occur outside of the project area, but that could potentially be directly or indirectly affected by activities in the project area. However, determining the likelihood and extent of effects a project may have on trust resources typically requires gathering additional site-specific (e.g., vegetation/species surveys) and project-specific (e.g., magnitude and timing of proposed activities) information.

Below is a summary of the project information you provided and contact information for the USFWS office(s) with jurisdiction in the defined project area. Please read the introduction to each section that follows (Endangered Species, Migratory Birds, USFWS Facilities, and NWI Wetlands) for additional information applicable to the trust resources addressed in that section.

Location

Kendall County, Illinois



Local office

Illinois-Iowa Ecological Services Field Office

☎ (309) 757-5800

📠 (309) 757-5807

Illinois & Iowa Ecological Services Field Office

1511 47th Ave

Moline, IL 61265-7022

Endangered species

This resource list is for informational purposes only and does not constitute an analysis of project level impacts.

The primary information used to generate this list is the known or expected range of each species. Additional areas of influence (AOI) for species are also considered. An AOI includes areas outside of the species range if the species could be indirectly affected by activities in that area (e.g., placing a dam upstream of a fish population even if that fish does not occur at the dam site, may indirectly impact the species by reducing or eliminating water flow downstream). Because species can move, and site conditions can change, the species on this list are not guaranteed to be found on or near the project area. To fully determine any potential effects to species, additional site-specific and project-specific information is often required.

Section 7 of the Endangered Species Act **requires** Federal agencies to "request of the Secretary information whether any species which is listed or proposed to be listed may be present in the area of such proposed action" for any project that is conducted, permitted, funded, or licensed by any Federal agency. A letter from the local office and a species list which fulfills this requirement can **only** be obtained by requesting an official species list from either the Regulatory Review section in IPaC (see directions below) or from the local field office directly.

For project evaluations that require USFWS concurrence/review, please return to the IPaC website and request an official species list by doing the following:

1. Draw the project location and click CONTINUE.
2. Click DEFINE PROJECT.
3. Log in (if directed to do so).
4. Provide a name and description for your project.
5. Click REQUEST SPECIES LIST.

Listed species

¹ and their critical habitats are managed by the [Ecological Services Program](#) of the U.S. Fish and Wildlife Service (USFWS) and the fisheries division of the National Oceanic and Atmospheric Administration (NOAA Fisheries²).

Species and critical habitats under the sole responsibility of NOAA Fisheries are **not** shown on this list. Please contact [NOAA Fisheries](#) for [species under their jurisdiction](#).

-
1. Species listed under the Endangered Species Act are threatened or endangered; IPaC also shows species that are candidates, or proposed, for listing. See the [listing status page](#) for more information. IPaC only shows species that are regulated by USFWS (see FAQ).
 2. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

The following species are potentially affected by activities in this location:

Mammals

NAME	STATUS
Indiana Bat <i>Myotis sodalis</i> Wherever found There is final critical habitat for this species. The location of the critical habitat is not available. https://ecos.fws.gov/ecp/species/5949	Endangered
Northern Long-eared Bat <i>Myotis septentrionalis</i> Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/9045	Threatened

Insects

NAME	STATUS
Rusty Patched Bumble Bee <i>Bombus affinis</i> Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/9383	Endangered

Flowering Plants

NAME	STATUS
Eastern Prairie Fringed Orchid <i>Platanthera leucophaea</i> Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/601	Threatened

Critical habitats

Potential effects to critical habitat(s) in this location must be analyzed along with the endangered species themselves.

THERE ARE NO CRITICAL HABITATS AT THIS LOCATION.

Migratory birds

Certain birds are protected under the Migratory Bird Treaty Act

¹ and the Bald and Golden Eagle Protection Act².

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats should follow appropriate regulations and consider implementing appropriate conservation measures, as described [below](#).

1. The [Migratory Birds Treaty Act](#) of 1918.
2. The [Bald and Golden Eagle Protection Act](#) of 1940.

Additional information can be found using the following links:

- Birds of Conservation Concern <http://www.fws.gov/birds/management/managed-species/birds-of-conservation-concern.php>
- Measures for avoiding and minimizing impacts to birds <http://www.fws.gov/birds/management/project-assessment-tools-and-guidance/conservation-measures.php>
- Nationwide conservation measures for birds <http://www.fws.gov/migratorybirds/pdf/management/nationwidestandardconservationmeasures.pdf>

The birds listed below are birds of particular concern either because they occur on the [USFWS Birds of Conservation Concern](#) (BCC) list or warrant special attention in your project location. To learn more about the levels of concern for birds on your list and how this list is generated, see the FAQ [below](#). This is not a list of every bird you may find in this location, nor a guarantee that every bird on this list will be found in your project area. To see exact locations of where birders and the general public have sighted birds in and around your project area, visit the [E-bird data mapping tool](#) (Tip: enter your location, desired date range and a species on your list). For projects that occur off the Atlantic Coast, additional maps and models detailing the relative occurrence and abundance of bird species on your list are available. Links to additional information about Atlantic Coast birds, and other important information about your migratory bird list, including how to properly interpret and use your migratory bird report, can be found [below](#).

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, click on the PROBABILITY OF PRESENCE SUMMARY at the top of your list to see when these birds are most likely to be present and breeding in your project area.

NAME

BREEDING SEASON (IF A
BREEDING SEASON IS INDICATED
FOR A BIRD ON YOUR LIST, THE
BIRD MAY BREED IN YOUR
PROJECT AREA SOMETIME WITHIN
THE TIMEFRAME SPECIFIED,
WHICH IS A VERY LIBERAL
ESTIMATE OF THE DATES INSIDE
WHICH THE BIRD BREEDS ACROSS
ITS ENTIRE RANGE. BREEDS
ELSEWHERE INDICATES THAT THE
BIRD DOES NOT LIKELY BREED IN
YOUR PROJECT AREA.)

Bald Eagle *Haliaeetus leucocephalus*

This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.

<https://ecos.fws.gov/ecp/species/1626>

Breeds Oct 15 to Aug 31

Black-billed Cuckoo *Coccyzus erythrophthalmus*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/9399>

Breeds May 15 to Oct 10

Bobolink *Dolichonyx oryzivorus*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

Breeds May 20 to Jul 31

Dunlin *Calidris alpina arctica*

This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA

Breeds elsewhere

Golden Eagle *Aquila chrysaetos*

This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.

<https://ecos.fws.gov/ecp/species/1680>

Breeds elsewhere

Henslow's Sparrow *Ammodramus henslowii*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/3941>

Breeds May 1 to Aug 31

King Rail *Rallus elegans*

Breeds May 1 to Sep 5

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/8936>

Least Bittern *Ixobrychus exilis*

Breeds Aug 16 to Oct 31

This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA

<https://ecos.fws.gov/ecp/species/6175>

Lesser Yellowlegs *Tringa flavipes*

Breeds elsewhere

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/9679>

Red-headed Woodpecker *Melanerpes erythrocephalus*

Breeds May 10 to Sep 10

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

Ruddy Turnstone *Arenaria interpres morinella*

Breeds elsewhere

This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA

Rusty Blackbird *Euphagus carolinus*

Breeds elsewhere

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

Semipalmated Sandpiper *Calidris pusilla*

Breeds elsewhere

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

Wood Thrush *Hylocichla mustelina*

Breeds May 10 to Aug 31

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.

[Nationwide Conservation Measures](#) describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding in your project area, view the Probability of Presence Summary. [Additional measures](#) or [permits](#) may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

What does IPaC use to generate the migratory birds potentially occurring in my specified location?

The Migratory Bird Resource List is comprised of USFWS [Birds of Conservation Concern \(BCC\)](#) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the [Avian Knowledge Network \(AKN\)](#). The AKN data is based on a growing collection of [survey banding and citizen science datasets](#) and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle ([Eagle Act](#) requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the [AKN Phenology Tool](#).

What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?

The probability of presence graphs associated with your migratory bird list are based on data provided by the [Avian Knowledge Network \(AKN\)](#). This data is derived from a growing collection of [survey banding and citizen science datasets](#).

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go the Probability of Presence Summary and then click on the Tell me about these graphs link.

How do I know if a bird is breeding, wintering, migrating or present year-round in my project area?

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may refer to the following resources: [The Cornell Lab of Ornithology All About Birds Bird Guide](#), or (if you are unsuccessful in locating the bird of interest there), the [Cornell Lab of Ornithology Neotropical Birds guide](#). If a bird on your migratory bird species list has a breeding season associated with it, if that bird does occur in your project area, there may be nests present at some point within the timeframe specified. If Breeds elsewhere is indicated, then the bird likely does not breed in your project area.

What are the levels of concern for migratory birds?

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. BCC Rangewide birds are [Birds of Conservation Concern](#) (BCC) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
2. BCC - BCR birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
3. Non-BCC - Vulnerable birds are not BCC species in your project area, but appear on your list either because of the [Eagle Act](#) requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

Details about birds that are potentially affected by offshore projects

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the [Northeast Ocean Data Portal](#). The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the [NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf](#) project webpage.

Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the [Diving Bird Study](#) and the [nanotag studies](#) or contact [Caleb Spiegel](#) or [Pam Loring](#).

What if I have eagles on my list?

If your project has the potential to disturb or kill eagles, you may need to [obtain a permit](#) to avoid violating the Eagle Act should such impacts occur.

Proper Interpretation and Use of Your Migratory Bird Report

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated, and see options for identifying what other birds may be in your project area, please see the FAQ [What does IPaC use to generate the migratory birds potentially occurring in my specified location](#) . Please be aware this report provides the probability of presence of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please also look carefully at the survey effort (indicated by the black vertical bar) and for the existence of the no data indicator (a red horizontal bar). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list helps you know what to look for to confirm presence, and helps guide you in knowing when to implement conservation measures to avoid or minimize potential impacts from your project activities, should presence be confirmed. To learn more about conservation measures, visit the FAQ [Tell me about conservation measures I can implement to avoid or minimize impacts to migratory birds](#) at the bottom of your migratory bird trust resources page.

Facilities

National Wildlife Refuge lands

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS AT THIS LOCATION.

Fish hatcheries

THERE ARE NO FISH HATCHERIES AT THIS LOCATION.

Wetlands in the National Wetlands Inventory

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

WETLAND INFORMATION IS NOT AVAILABLE AT THIS TIME

This can happen when the National Wetlands Inventory (NWI) map service is unavailable, or for very large projects that intersect many wetland areas. Try again, or visit the [NWI map](#) to view wetlands at this location.

Data limitations

The Service's objective of mapping wetlands and deepwater habitats is to produce reconnaissance level information on the location, type and size of these resources. The maps are prepared from the analysis of high altitude imagery. Wetlands are identified based on vegetation, visible hydrology and geography. A margin of error is inherent in the use of imagery; thus, detailed on-the-ground inspection of any particular site may result in revision of the wetland boundaries or classification established through image analysis.

The accuracy of image interpretation depends on the quality of the imagery, the experience of the image analysts, the amount and quality of the collateral data and the amount of ground truth verification work conducted. Metadata should be consulted to determine the date of the source imagery used and any mapping problems.

Wetlands or other mapped features may have changed since the date of the imagery or field work. There may be occasional differences in polygon boundaries or classifications between the information depicted on the map and the actual conditions on site.

Data exclusions

Certain wetland habitats are excluded from the National mapping program because of the limitations of aerial imagery as the primary data source used to detect wetlands. These habitats include seagrasses or submerged aquatic vegetation that are found in the intertidal and subtidal zones of estuaries and nearshore coastal waters. Some deepwater reef communities (coral or tubercid worm reefs) have also been excluded from the inventory. These habitats, because of their depth, go undetected by aerial imagery.

Data precautions

Federal, state, and local regulatory agencies with jurisdiction over wetlands may define and describe wetlands in a different manner than that used in this inventory. There is no attempt, in either the design or products of this inventory, to define the limits of proprietary jurisdiction of any Federal, state, or local government or to establish the geographical scope of the regulatory programs of government agencies. Persons intending to engage in activities involving modifications within or adjacent to wetland areas should seek the advice of appropriate federal, state, or local agencies concerning specified agency regulatory programs and proprietary jurisdictions that may affect such activities.

Variance Schedule	Days to Complete	Day	Date
B&W meet with YBSD to Review Approach and Prepare	7	Wed	7/14/2021
District Board Approves the Variance Approach		Mon	8/9/2021
1. Informal Meeting with City staff and Engineering (EEI)		Mon	8/9/2021
2. City provides initial staff comments on whether they will support variances	14	Mon	8/23/2021
3. City staff engages County for County Ordinance variances, if applicable	21	Mon	8/30/2021
4. Meeting with City & County Staff to finalize formal variance request	50	Tue	10/12/2021
5. Formal Variance Submittal		Fri	10/15/2021
6. Plan Council	25	Tue	11/9/2021
a. City staff and Engineering (EEI)			
7. Economic Development Committee (4 people)		Tue	12/7/2021
8. Public Notice Deadline	21	Tue	12/28/2021
9. Planning and Zoning Commission (Public Hearing)		Wed	1/12/2022

Approval process – City:

10. Planning and Zoning provides Positive or Negative recommendation to City Council	12	Mon	1/24/2022
11. City Council Approval		Tue	1/25/2022
a. If positive recommendation received from Planning and Zoning, majority needed for approval			
b. If negative recommendation received from Planning and Zoning, super majority needed for approval			

Approval process – County:

10. Planning and Zoning provides recommendations to County Board and Director.	0	Tue	1/25/2022
11. County Board grants variance, grants modified variance, or denies variance within 45 days of receiving written recommendations	45	Fri	3/11/2022

**UNITED CITY OF YORKVILLE
PLAN COUNCIL
Tuesday, November 9, 2021 9:00am
Yorkville City Hall, Conference Room
800 Game Farm Road, Yorkville, IL**

Note: In accordance with Public Act 101-0640 and Gubernatorial Disaster Proclamation issued by Governor Pritzker pursuant to the powers vested in the Governor under the Illinois Emergency Management Act, remote attendance was allowed for this meeting to encourage social distancing due to the current Covid-19 pandemic.

All participants were present via Zoom unless indicated otherwise.

IN ATTENDANCE:

Krysti Barksdale Noble, Community Development Director, City of Yorkville
Jason Engberg, Senior Planner, City of Yorkville
Bart Olson, Yorkville City Administrator
Eric Dhuse, Director Public Works, City of Yorkville
Brad Sanderson, Engineer for City of Yorkville/EEI
Lee Melcher, Plant Engineer, YBSD
Matt Asselmeier, Senior Planner, Kendall County
Cyrus McMains, Director YBSD
Brent Perz, Project Manager, Baxter & Woodman, Inc.
Corey VanDyk, Baxter & Woodman, Inc. (via phone)
Tim Paulson, EEI

Ms. Noble called the meeting to order at 9:00am.

1. Minutes for Approval: November 12, 2020

The minutes were approved as presented.

2. PZC 2021-07 YBSD Expansion – Stormwater Management & Landscape Ordinance Variance

Discussion began with the stormwater variance request. Tim Paulson referred to his letter explaining the two variance requests: stormwater detention requirement and compensatory storage requirement. He said there would be no impact to the downstream or upstream properties or flood plain on the Fox River. He said he supports the variance requests to facilitate the expansion.

Project Manager Brent Perz of Baxter Woodman briefly discussed the waiver from Kendall County and City of Yorkville of storage requirements for stormwater on the site. He also noted the standards and justification for each request.

Ms. Noble said there are basically 3 requests: compensatory storage, detention requirements and variance from the city's tree preservation and replacement standards. She said the property seeking these variances is about 21 acres and referred to as the “west site” in the plans.

The site is currently zoned A-1 agricultural and has a special use as public sanitary water treatment facility approved in 2006 via ordinance. Surrounding properties are open space and are zoned either R-1 or A-1. The YBSD facility is located on property annexed in 2007 and the existing site had approval for a 10 foot yard setback. The location for expansion did not provide any relief for buildings or structures, so staff provided a table for setbacks. Ms. Noble will amend the Public Hearing notice to allow 10 foot setbacks along all property lines, as requested by Baxter Woodman. Ms. Noble said this will apply to interior property lines as well. Mr. Perz indicated there may be a building close to an interior line that bisects the west site. Ms. Noble said the city would allow a variance of 10 feet from front to rear and 0 feet setback for interior sides. She said zoning does allow for considering two adjacent lots as one zoning lot.

The last consideration is the tree preservation and replacement standards. Current ordinance requires replacement of trees with certain caliper sizes. The project does not allow for replacement so the city is asking that the petitioner provide a tree survey from a certified arborist or landscape architect, that will locate all trees of 4" in caliper or greater, within 100 feet of any tree proposed to be removed. This will provide an inventory of what is slated to be removed, the species and the size. Overall the city supports the variance request to not replace the trees. Staff would like the tree survey before the Public Hearing on January 12th.

Matt Asselmeier commented that the county has received all paperwork, however, the application was not signed and no escrow deposit has been received yet. Mr. VanDyk said these items would be addressed in the next couple days.

Ms. Noble will draft a letter to summarize this meeting. This matter will then move to the Economic Development committee meeting on December 7th and she will provide information to the committee.

Adjournment

There was no further business and the meeting adjourned at 9:17pm.

Minutes respectfully transcribed by Marlys Young, Minute Taker



November 8, 2021

Ms. Krysti Barksdale-Noble
Community Development Director
United City of Yorkville
800 Game Farm Road
Yorkville, IL 60560

**Re: Yorkville Bristol Sanitary District – West Side Property
Multiple Variance Requests Review – 1st Submittal
United City of Yorkville, Kendall County, Illinois**

Dear Krysti:

We have reviewed the following items for the above referenced project:

- United City of Yorkville Application for Variance dated October 12, 2021, and prepared by Yorkville Bristol Sanitary District
- Survey and Easement Exhibit A dated October 12, 2021, and prepared by Baxter and Woodman, Inc.
- Adjacent Properties List Exhibit B dated October 12, 2021, and prepared by Baxter and Woodman, Inc.
- Variance Request Letter dated September 24, 2021, and prepared by Yorkville Bristol Sanitary District
- Variance Request dated August 9, 2021, and prepared by Baxter and Woodman, Inc.
- Supporting Exhibits 1 – 10 dated October 12, 2021, and prepared by Baxter and Woodman, Inc.
- Variance Schedule dated October 12, 2021, and prepared by Baxter and Woodman, Inc.

Our review of these plans is to generally determine their compliance with local ordinances and whether the improvements will conform to existing local systems and equipment. This review and our comments do not relieve the designer from his duties to conform to all required codes, regulations, and acceptable standards of engineering practice. Engineering Enterprises, Inc.'s review is not intended as an in-depth quality assurance review, we cannot and do not assume responsibility for design errors or omissions in the plans. As such, we offer the following comments:

Stormwater Detention Requirements

1. We have reviewed the variance request to waive the site runoff storage requirements and concur with the presented justifications for the variance standards from Section 904 of the Stormwater Ordinance. We support granting the requested variance to the detention requirements

Compensatory Storage Requirements

2. We have reviewed the variance request to waive the compensatory storage requirements and concur with the presented justifications for the variance standards from Section 904 of the Stormwater Ordinance. We support granting the requested variance to the compensatory storage requirements.

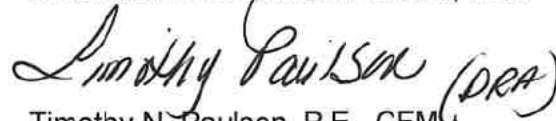
Tree Preservation and Replacement Standards, Landscape Ordinance

3. The variance request to waive the tree preservation and replacement requirements has been presented using the requirements from the Stormwater Ordinance. We have reviewed those justifications and concur with the assessment that the variance will not have a negative impact from a stormwater management perspective. Since this is not a request for variance from the Stormwater Ordinance, we recommend the request be considered by the Community Development Director under the requirements of the Landscape Ordinance.

Engineering Plans and supporting documents will need to be submitted for review when they have been prepared. If you have any questions or require additional information, please contact our office.

Respectfully Submitted,

ENGINEERING ENTERPRISES, INC.


Timothy N. Paulson, P.E., CFM
Senior Project Manager

TNP/jam2

pc: Mr. Bart Olson, City Administrator (via email)
Ms. Erin Willrett, Assistant City Administrator (via email)
Mr. Jason Engberg, Senior Planner (via email)
Mr. Eric Dhuse, Director of Public Works (via email)
Mr. Pete Ratos, Building Department (via email)
Ms. Dee Weinert, Admin Assistant (via email)
Ms. Jori Behland, City Clerk (via email)
Mr. Brent Perz, Baxter and Woodman (via email)
Mr. Cyrus McMains, YBSD (via email)
BPS, NLS, EEI (Via e-mail)



November 30, 2021

Mr. Matt Asselmeier
Kendall County Planning, Building, & Zoning
111 West Fox Street
Yorkville, IL 60560-1498

Subject: Bristol Sanitary District (WBK Project 19-102.AH)

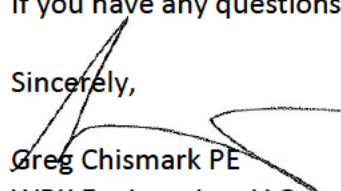
Dear Mr. Asselmeier:

WBK Engineering has received the variance request prepared by Baxter Woodman dated August 9, 2021 and corresponding approval letter from Engineering Enterprises (EEI) dated November 8, 2021. We have no objection to their findings and their approval of the variance requests. Inasmuch as this property lies entirely within the City of Yorkville limits, we have not performed a detailed review of information submitted and rely solely upon the professional opinions and judgements of both Baxter Woodman and EEI with respect to the variance requests and approvals.

The applicant's design professionals and Yorkville's engineer are responsible for performing and checking all design computations, dimensions, details, and specifications in accordance with all applicable codes and regulations and obtaining all permits necessary to complete this work. In no way does this review relieve applicant's design professionals or the Yorkville engineer of their duties to comply with the law and any applicable codes and regulations, nor does it relieve the Contractors in any way from their sole responsibility for the quality and workmanship of the work and for strict compliance with the permitted plans and specifications.

If you have any questions or comments, please contact us at (630) 443-7755.

Sincerely,


Greg Chismark PE
WBK Engineering, LLC



STATE OF ILLINOIS)
) ss
COUNTY OF KENDALL)

ORDINANCE NO. 2006- 44

AN ORDINANCE REZONING CERTAIN PROPERTY

(Yorkville Bristol Sanitary District)

WHEREAS, Yorkville Bristol Sanitary District is the owner of record of property described on Exhibit "A" attached hereto and incorporated herein (the Property), and

WHEREAS Yorkville Bristol Sanitary District has made application by petition for the rezoning of the Property and approval of a Special Use for a public sanitary water treatment facilities, and

WHEREAS, the Yorkville Plan Commission has recommended the rezoning of the property as A-1 with special use for sanitary water treatment facilities, and

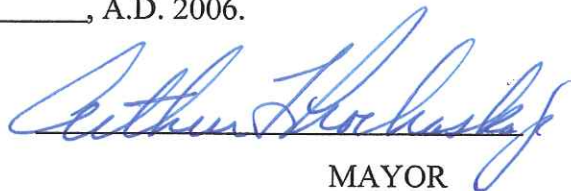
NOW, THEREFORE BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE UNITED CITY OF YORKVILLE, KENDALL COUNTY, ILLINOIS UPON MOTION DULY MADE, SECONDED AND APPROVED BY THE MAJORITY OF THOSE MEMBERS OF THE CITY COUNCIL VOTING, THAT:

1. The City Council approves the recommendation of the Plan Commission and hereby rezones the property as A-1 with special use for sanitary district water treatment facility.
2. This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

JAMES BOCK y
VALERIE BURD y
DEAN WOLFER y
ROSE SPEARS y

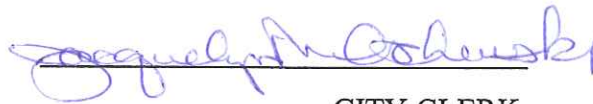
JOSEPH BESCO y
PAUL JAMES y
MARTY MUNNS y
JASON LESLIE —

Approved by me, as Mayor of the United City of Yorkville, Kendall County,
Illinois, this 30th Day of MAY, A.D. 2006.


MAYOR

Passed by the City Council of the United City of Yorkville, Kendall County,
Illinois this 30th day of MAY, A.D. 2006.

ATTEST:



CITY CLERK

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

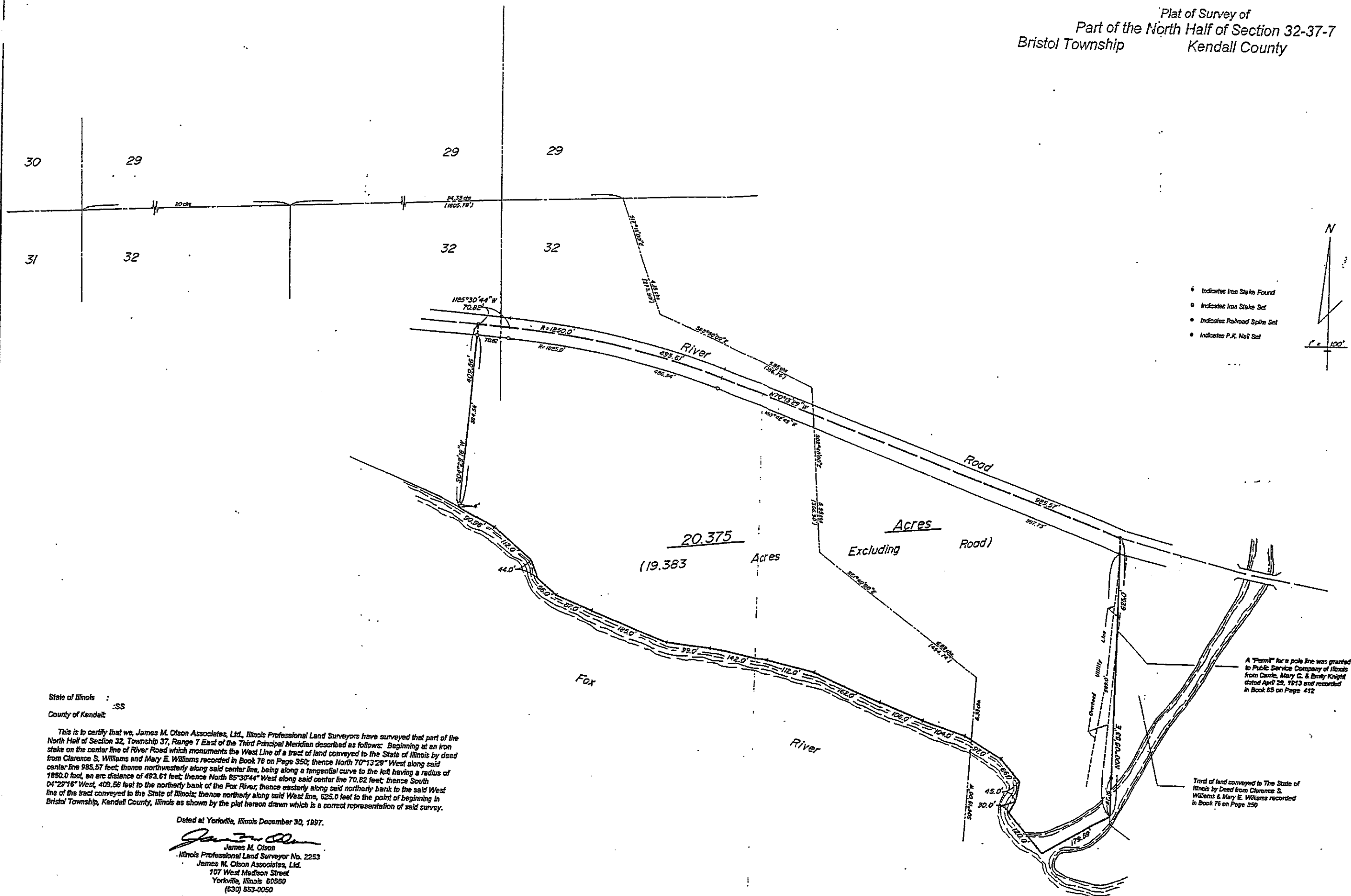
State of Illinois :
:SS
County of Kendall:

This is to certify that we, James M. Olson Associates, Ltd., Illinois Professional Land Surveyors have surveyed that part of the North Half of Section 32, Township 37, Range 7 East of the Third Principal Meridian described as follows: Beginning at an iron stake on the center line of River Road which monuments the West Line of a tract of land conveyed to the State of Illinois by deed from Clarence S. Williams and Mary E. Williams recorded in Book 76 on Page 350; thence North 70°13'29" West along said center line 985.57 feet; thence northwesterly along said center line, being along a tangential curve to the left having a radius of 1850.0 feet, an arc distance of 493.61 feet; thence North 85°30'44" West along said center line 70.82 feet; thence South 04°29'16" West, 409.56 feet to the northerly bank of the Fox River; thence easterly along said northerly bank to the said West line of the tract conveyed to the State of Illinois; thence northerly along said West line, 625.0 feet to the point of beginning in Bristol Township, Kendall County, Illinois as shown by the plat hereon drawn which is a correct representation of said survey.

Dated at Yorkville, Illinois December 30, 1997.


James M. Olson
Illinois Professional Land Surveyor No. 2253
James M. Olson Associates, Ltd.
107 West Madison Street
Yorkville, Illinois 60560
(630) 553-0050

Plat of Survey of
Part of the North Half of Section 32-37-7
Bristol Township Kendall County Illinois



CHAPTER 9

A-1 AGRICULTURAL DISTRICT**SECTION:**

- 10-9-1: Purpose
- 10-9-2: Uses Permitted
- 10-9-3: Special Uses
- 10-9-4: Accessory Uses
- 10-9-5: Building Setback Line; Side Yards
- 10-9-6: Floor Area Ratio
- 10-9-7: Building Permits, Code and Fees
- 10-9-8: Fencing Restrictions

10-9-1: **PURPOSE:** The regulations for the Agricultural District are intended to govern the use of the land and building and structures for agricultural purposes after the annexation of land into the City for so long as the owner or owners thereof shall desire to continue to devote said land to agricultural purposes. These regulations are also intended to provide for the protection, conservation and utilization of natural resources; to preserve the value of existing and future open space and recreation facilities; and to provide for the orderly development of the real estate for all uses permitted under the various use districts under this Title. (Ord. 1992-14A, 12-10-92)

10-9-2: **USES PERMITTED:**

- A. Agricultural.
- B. Single-family residential use, provided only three (3) additional single-family dwellings shall be permitted for the total parcel zoned Agricultural District and annexed to the City; whether later subdivided into separate parcels after annexation. In the event of approval of rezoning to a residential use of the subject parcel or any portion thereof, this Section shall not apply.

- C. The City Plan Commission and City Council reserve the right to require that prior issuance of a residential building permit within an agricultural district, the City Council has a right to require their approval of the residential building site, with regard to compatibility with the Comprehensive Plan, future roadway and utility extensions and sufficient buffering between residential and nonresidential uses.
- D. Signs: As permitted and regulated pursuant to the applicable provisions of Chapter 12 of this Title. (Ord. 1992-14A, 12-10-92)

10-9-3: SPECIAL USES:

Agricultural sales, storage and service of agriculturally oriented products.

Airports or aircraft landing fields.

Animal feed, storage preparation, mixing and wholesale and retail.

Animal hospital.

Blacksmith or welding shops.

Cemeteries, including crematoriums and mausoleums provided no building shall be located less than one hundred feet (100') from a lot line.

Churches, temples or synagogues.

Colleges and universities, including dormitories, fraternities, sororities and other accessory buildings and structures or trade schools.

Commercial feeding of fish, poultry and livestock.

Commercial or private dog kennels provided that they are located not less than five hundred feet (500') from a residential lot line.

Communications use.

Fertilizer sales, including bulk storage and mixing.

Golf courses, miniature golf courses and driving ranges, provided that no clubhouse or accessory building shall be located less than three hundred feet (300') from a lot line.

Grain elevators and storage.

Milk processing and distribution, including pasteurizing and manufacture of ice cream but not including the processing or manufacture of cheese.

Nurseries and greenhouses, wholesale and retail, provided that all plants are grown on the premises.

Outdoor amusement establishments, fairgrounds, carnivals, circuses, race tracks and other similar amusement centers and including places of assembly devoted thereto, such as stadiums and arenas.

Philanthropic and eleemosynary institutions.

Private clubs or lodges, except those the chief activity of which is a service customarily carried on as a business.

Private recreational area or camps.

Public utility and public services, including electric substations; repeater stations; microwave relay towers and stations; mobile transmitting tower and stations, antenna towers and other outdoor equipment essential to the operation of exchange in the interest of public convenience and necessity; water filtration plants; water pumping stations; water reservoir and similar uses.

Railroad passenger depots.

Railroad right of way and trackage, but not including classification yard, terminal facilities, piggy-back facilities or maintenance facilities.

Rest homes, nursing homes, hospitals and sanitariums, institutions for the aged and for children for human beings only.

Riding academies and stables.

Sales yards, wholesale or retail, for agricultural products including, but not necessarily limited to, fruits, vegetables, flowers, plants, etc.

Seminaries, convents, monasteries and similar religious institutions including dormitories and other accessory uses required for operations.
(Ord. 1992-14A, 12-10-92)

10-9-4: ACCESSORY USES:

- A. Those customarily accessory to the pursuit of agriculture, provided that structures for the shelter of livestock, poultry and other farm animals shall be located not less than one hundred feet (100') from a lot line.
- B. Roadside stands for the sale of produce or poultry grown and raised on or in the immediate area of the premises but not including live animals and provided that such stands shall contain not more than six hundred (600) square feet of floor area. Each roadside stand shall have facilities approved by the Superintendent of Streets, for vehicular ingress and egress and adequate off-street parking. (Ord. 1992-14A, 12-10-92)

10-9-5: BUILDING SETBACK LINE; SIDE YARDS:

- A. Setback Line: Every building hereafter erected or enlarged shall provide and maintain a setback from the public street in accordance with the following requirements:
 - 1. Primary thoroughfares, (Route 34 and 47) two hundred feet (200') from the right of way.
 - 2. All other streets or roads, one hundred feet (100') from the record or established right of way.
- B. Side Yards: Each building hereafter erected or remodeled shall have a side yard on each side of each building of not less than fifty feet (50'). (Ord. 1992-14A, 12-10-92)

10-9-6: FLOOR AREA RATIO: Maximum floor area ratio for special use shall be established at the time a special use permit is granted. (Ord. 1992-14A, 12-10-92)

10-9-7: BUILDING PERMITS, CODE AND FEES: All buildings and structures used for agricultural purposes shall be exempt from building permits, codes and fees. (Ord. 1992-14A, 12-10-92)

10-9-8: **FENCING RESTRICTIONS:** The fencing restrictions contained in this Title shall not apply to agricultural uses under this Chapter. Fencing requirements for special uses shall be established at the time a special use permit is granted. (Ord. 1992-14A, 12-10-92)

STATE OF ILLINOIS)
) ss
COUNTY OF KENDALL)

200700032386
Filed for Record in
KENDALL COUNTY, ILLINOIS
PAUL ANDERSON
11-02-2007 At 11:51 am.
ORDINANCE 40.00
RHSP Surcharge 10.00

ORDINANCE NO. 2007- 30

AN ORDINANCE REZONING CERTAIN PROPERTY

(Yorkville Bristol Sanitary District)

WHEREAS, Yorkville Bristol Sanitary District is the owner of record of property described on Exhibit "A" attached hereto and incorporated herein (the Property), and

WHEREAS Yorkville Bristol Sanitary District has made application by petition for the rezoning of the Property and approval of a Special Use for a public sanitary water treatment facilities, and

WHEREAS, the Special Use requested will require a 10 feet setback for all yards.

WHEREAS, the Yorkville Plan Commission has recommended the rezoning of the property as A-1 with special use for sanitary water treatment facilities, and

NOW, THEREFORE BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE UNITED CITY OF YORKVILLE, KENDALL COUNTY, ILLINOIS UPON MOTION DULY MADE, SECONDED AND APPROVED BY THE MAJORITY OF THOSE MEMBERS OF THE CITY COUNCIL VOTING, THAT:

1. The City Council approves the recommendation of the Plan Commission and hereby rezones the property as A-1 with special use for sanitary district water treatment facility allowing a 10' setback for all yards.

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

JAMES BOCK

[Signature]

VALERIE BURD

[Signature]

GARY GOLINSKI

[Signature]

ROSE SPEARS

[Signature]

JOSEPH BESCO

[Signature]

PAUL JAMES

[Signature]

MARTY MUNNS

[Signature]

JASON LESLIE

[Signature]

Approved by me, as Mayor of the United City of Yorkville, Kendall County,
Illinois, this 24 day of April, A.D. 2007.

[Signature]
MAYOR

Passed by the City Council of the United City of Yorkville, Kendall County,
Illinois this 24 day of April, A.D. 2007.

ATTEST: [Signature]
CITY CLERK

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

EXHIBIT "A"

LEGAL DESCRIPTION

THAT PART OF THE NORTHEAST QUARTER OF SECTION 32, TOWNSHIP 37 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT AN IRON STAKE AT THE NORTHWEST CORNER OF YORK VALLEY CONDOMINIUM, YORKVILLE, KENDALL COUNTY, ILLINOIS, AS SHOWN ON PLAT RECORDED AS DOCUMENT NO. 77-7836; THENCE WESTERLY ALONG THE SOUTHERLY LINE OF RIVER STREET, 90.50 FEET TO THE WESTERLY LINE OF LOT 7 AS SHOWN ON PLAT RECORDED IN PLAT BOOK 1 AT PAGE 84 AND THE EASTERLY LINE OF A TRACT CONVEYED TO THE STATE OF ILLINOIS BY DEED FROM CLARENCE S. WILLIAMS AND MARY E. WILLIAMS, HIS WIFE, RECORDED IN BOOK 76 AT PAGE 350; THENCE NORTHERLY ALONG SAID EASTERLY LINE WHICH FORMS AN ANGLE OF $91^{\circ} 46' 00''$ WITH THE LAST DESCRIBED COURSE (MEASURED COUNTER-CLOCKWISE THEREFROM), 9.89 FEET TO A NORTHEASTERLY CORNER OF SAID WILLIAMS TRACT, SAID TO BE ON THE CENTERLINE OF RIVER ROAD, FOR THE POINT OF BEGINNING; THENCE SOUTHERLY ALONG SAID EASTERLY LINE, 497.21 FEET; THENCE SOUTHWESTERLY ALONG A SOUTHEASTERLY LINE OF SAID WILLIAMS TRACT WHICH FORMS AN ANGLE OF $124^{\circ} 41' 30''$ WITH THE LAST DESCRIBED COURSE (MEASURED COUNTER-CLOCKWISE THEREFROM), 130.68 FEET; THENCE WESTERLY ALONG A SOUTHERLY LINE OF SAID WILLIAMS TRACT WHICH FORMS AN ANGLE OF $161^{\circ} 45' 00''$ WITH THE LAST DESCRIBED COURSE (MEASURED COUNTER-CLOCKWISE THEREFROM), 77.22 FEET; THENCE WESTERLY ALONG A SOUTHERLY LINE OF SAID WILLIAMS TRACT WHICH FORMS AN ANGLE OF $164^{\circ} 15' 00''$ WITH THE LAST DESCRIBED COURSE (MEASURED COUNTER-CLOCKWISE THEREFROM), 300.96 FEET; THENCE NORTHWESTERLY ALONG A SOUTHWESTERLY LINE OF SAID WILLIAMS TRACT WHICH FORMS AN ANGLE OF $148^{\circ} 30' 00''$ WITH THE LAST DESCRIBED COURSE (MEASURED COUNTER-CLOCKWISE THEREFROM), 104.94 FEET; THENCE NORTHERLY ALONG A WESTERLY LINE OF SAID WILLIAMS TRACT, 642.84 FEET TO AN IRON STAKE IN THE CENTER OF RIVER ROAD SAID TO BE 291.72 FEET (=4.42 CHAINS) WEST TO THE WEST END OF BLACKBERRY BRIDGE; THENCE EASTERLY ALONG THE CENTERLINE OF RIVER ROAD, 610.82 FEET TO THE POINT OF BEGINNING IN KENDALL COUNTY, ILLINOIS, ALSO ANY ADJACENT ROADS REQUIRED TO BE ANNEXED TO A MUNICIPALITY PER STATE STATUTE AND EXCEPTING THEREFROM ANY PORTION THEREOF PREVIOUSLY ANNEXED TO THE CITY OF YORKVILLE.

Order ID: 7108386

* Agency Commission not included

GROSS PRICE * :

PACKAGE NAME: IL Govt Legal Aurora Beacon

Product(s): SubTrib_Aurora Beacon News, Publicnotices.com

AdSize(s): 1 Column

Run Date(s): Thursday, December 23, 2021

Zone: Full Run

Color Spec. B/W

Preview

**PUBLIC NOTICE
NOTICE OF PUBLIC HEARING
BEFORE
THE UNITED CITY
OF YORKVILLE
PLANNING & ZONING
COMMISSION
PZC 2021-07**

NOTICE IS HEREWITH GIVEN THAT Yorkville Bristol Sanitary District (YBSD), petitioner, has filed an application with the United City of Yorkville, Kendall County, Illinois, requesting variances from Title 8 - Building Regulations, Chapter 7 - Stormwater and Floodplain Regulations (Sections 203.1.b and 403.a of the Kendall County Stormwater Management Ordinance as adopted by the United City of Yorkville); Title 8 - Building Regulations, Chapter 12 - Landscape Ordinance of the City Code; and Title 10 - Zoning, Chapter 7 - Dimensional and Bulk Requirements of the City Code, for the sanitary district property located at 304 River Street. The variances relate to site runoff and compensatory storage requirements of the Stormwater Management Ordinance, tree removal and replacement requirements of the Landscape Ordinance, and a reduction in yard setbacks for the purpose of future expansion of the wastewater treatment operations. The real property is zoned A-1 Agricultural District with a Special Use for a sanitary district water treatment facility, and is generally located west of North Bridge Street (IL Route 47), south of River Road and immediately north of the Fox River in Yorkville, Illinois.

The legal description is as follows:

THAT PART OF THE NORTH HALF OF SECTION 32, TOWNSHIP 37 NORTH, RANGE 7, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT AN IRON STAKE ON THE CENTERLINE OF RIVER ROAD, WHICH MONUMENTS THE WEST LINE OF A TRACT OF

Order ID: 7108386

* Agency Commission not included

GROSS PRICE * :

PACKAGE NAME: IL Govt Legal Aurora Beacon

LAND CONVEYED TO THE STATE OF ILLINOIS BY DEED FROM CLARENCE S. WILLIAMS AND MARY E. WILLIAMS, RECORDED IN BOOK 76, PAGE 350; THENCE NORTH 70°13'29" WEST ALONG SAID CENTERLINE, 985.57 FEET; THENCE NORTHWESTERLY ALONG SAID CENTERLINE, BEING ALONG A TANGENTIAL CURVE TO THE LEFT, HAVING A RADIUS OF 1850.0 FEET, AN ARC DISTANCE OF 493.61 FEET; THENCE NORTH 85°30'44" WEST ALONG SAID CENTERLINE, 70.82 FEET; THENCE SOUTH 04°29'16" WEST, 409.56 FEET TO THE NORTHERLY BANK OF THE FOX RIVER; THENCE EASTERLY ALONG SAID NORTHERLY BANK, TO THE SAID WEST LINE OF THE TRACT CONVEYED TO THE STATE OF ILLINOIS; THENCE NORTHERLY ALONG SAID WEST LINE, 625.0 FEET TO THE POINT OF BEGINNING, IN BRISTOL TOWNSHIP, KENDALL COUNTY, ILLINOIS.

PIN: 02-32-231-008

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, January 12, 2022 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.

Jori Behland
City Clerk

12/23/21 7108386