



United City of Yorkville

651 Prairie Pointe Drive

Yorkville, Illinois 60560

Telephone: 630-553-4350

www.yorkville.il.us

PLANNING AND ZONING

COMMISSION AGENDA

Wednesday, January 10, 2024

7:00 PM

Yorkville City Hall Council Chambers

651 Prairie Pointe Drive

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

Roll Call:

Previous meeting minutes: November 8, 2023

Citizen's Comments

Public Hearings

1. **PZC 2024-02 Steve Greenblatt**, petitioner, has filed an application with the United City of Yorkville, Kendall County, Illinois, requesting relief from Section 10-3-5 of the Zoning Ordinance requiring the location of an accessory structure to be a minimum distance of 5 feet from any side or rear property line for a residential parcel located at 703 S. Main Street. The petitioner is also seeking a variance to Section 10-3-5 to allow a detached accessory structure closer than ten (10) feet to any main building. The purpose of this request is to allow for the installation of a shed. The real property, zoned R-2 Traditional Family Residence District, consists of two (2) contiguous parcels owned by the petitioner and is located at the southwest corner of West Washington Street and South Main Street in Yorkville, Illinois.

Unfinished Business

New Business

1. **PZC 2024-02 Steve Greenblatt**, petitioner, has filed an application with the United City of Yorkville, Kendall County, Illinois, requesting relief from Section 10-3-5 of the Zoning Ordinance requiring the location of an accessory structure to be a minimum distance of 5 feet from any side or rear property line for a residential parcel located at 703 S. Main Street. The petitioner is also seeking a variance to Section 10-3-5 to allow a detached accessory structure closer than ten (10) feet to any main building. The purpose of this request is to allow for the installation of a shed. The real property, zoned R-2 Traditional Family Residence District, consists of two (2) contiguous parcels owned by the petitioner and is located at the southwest corner of West Washington Street and South Main Street in Yorkville, Illinois.

Action Item

Variance

2. **PZC 2024-03 Kendall County Petition 23-32 & 23-33**, Grainco FS, Inc. (owner) and A.B. Schwartz, LLC. (contract purchaser), are requesting approval of a map amendment (rezoning) and an amendment to Kendall County’s Future Land Use Map. The purpose of the request is to rezone the property located at 8115 IL Route 47 from A-1 Agricultural District to M-1 Limited Manufacturing District. Additionally, the petitioners are requesting to amend the Kendall County Future Land Use Map from “Transportation Corridor” to “Mixed Use Business”. The real property and is located north of Ament Road and immediately west of S. Bridge Street in unincorporated Kendall County.

Action Item

1.5 Mile Review

Additional Business

1. City Council Action Updates

- a. **PZC 2022-23** Jacob Victor, petitioner, has filed an application with the United City of Yorkville, Kendall County, Illinois, requesting rezoning classification of an approximately 3.43-acre parcel located at the southeast corner of Veteran’s Parkway (U.S. Route 34) and Sycamore Road in Yorkville, Illinois. The petitioner is seeking to rezone the property from the B-3 General Business District to the R-4 General Multi-Family Residence District. Additionally, the petitioner is requesting variance approval to increase the maximum allowable density in the R-4 General Multi-Family Residence District from eight (8) dwelling units per acre to thirteen (13) dwelling units per acre. The purpose of the rezoning and variance requests are to establish and operate a three (3) story, forty-five (45) dwelling-unit senior apartment complex.

Action Item

Rezone and Variance

- b. **PZC 2023-15** Luz M. Padilla, Abby Properties, LLC, petitioner, is seeking Final Plat approval for an approximately 9.4-acre site consisting of 44 single-family attached dwelling units and an open space lot within Phase 4 of the Kendall Marketplace Townhome Development. The property is generally located at south of Blackberry Shore Lane and north of Gillespie Lane in Yorkville, Illinois.

Action Item:

Final Plat

Adjournment

PLANNING & ZONING COMMISSION
City Hall Council Chambers
651 Prairie Pointe Drive, Yorkville, IL
Wednesday, November 8, 2023 7:00pm

Meeting Called to Order

Vice-Chairman Richard Vinyard called the meeting to order at 7:00pm, roll was called and a quorum was established.

Roll Call

Greg Millen-yes, Richard Vinyard-yes, Danny Williams-yes, Rusty Hyett-yes, Reagan Goins-yes

City Staff

Krysti Barksdale-Noble, Community Development Director
Lynn Dubajic Kellogg, Economic Development Director

Other Guests

Christine Vitosh, Court Reporting Services
Jacob Victor, Northpointe Development
Lane Manning, DreamLane Real Estate
David Schultz, HR Green
Ron Luken, Chestnut Circle
Mr. Shawn Klingberg, Chestnut Circle
Tom Gilmour, Chestnut Circle
Judy Gilmour, Chestnut Circle
Alexandria Sandoval, YHS Intern
Joanne Kennedy?

Previous Meeting Minutes October 11, 2023

The minutes were approved on a motion by Mr. Williams and second by Ms. Goins.
Roll call vote: Vinyard-yes, Williams-yes, Hyett-yes, Goins-yes, Millen-yes. Carried 5-0.

Citizen's Comments None

Public Hearings

Mr. Vinyard explained the procedure for taking testimony and swore in those who would speak either for or against the Petition. A motion was made by Mr. Williams and seconded by Ms. Goins to open the Public Hearing at approximately 7:03pm. Roll call: Vinyard-yes, Williams-yes, Hyett-yes, Goins-yes, Millen-yes. Carried 5-0.

Mr. Vinyard read the petition for the Public Hearing as follows:

1. **PZC 2022-23** Jacob Victor, on behalf of Northpointe Development Corporation, petitioner, has filed an application with the United City of Yorkville, Kendall County, Illinois, requesting rezoning classification of an approximately 3.43-acre parcel located at the southeast corner of Veteran's Parkway (U.S. Route 34) and Sycamore Road in Yorkville, Illinois. The petitioner is seeking to rezone the property from the B-3 General Business District to the R-4 General Multi-Family Residence District. Additionally, the petitioner is requesting variance approval to increase the maximum allowable density in the R-4 General Multi-Family Residence District from eight (8) dwelling units per acre to fourteen (14) dwelling units per acre. The purpose of the rezoning and variance requests is to establish and operate a three (3) story, forty-eight (48) dwelling-unit senior Apartment complex (Fox Hill Senior Living).

(See Court Reporter's transcript)

(Petitioner requested their responses to the rezoning and variance request to be included in official record)

There was no further testimony and at approximately 7:35pm, Mr. Williams moved and Ms. Goins seconded to close the Public Hearing. Roll call: Hyett-yes, Goins-yes, Millen-yes, Vinyard-yes. Williams-yes. Carried 5-0.

Unfinished Business None

New Business

1. **PZC 2022-23** Jacob Victor/Northpointe (see full description above)
Ms. Noble provided additional information about this petition. She described the property as being 3.4 acres and the development will be a 3-story with 48 units. The maximum density for R-4 is 8 units per acre and the petitioner is asking for 14. She said all the other senior developments in the city exceed the 8 units per acre. In addition, she said the maximum height for R-4 is 80 feet and this development would be 40-45 feet. She described the surrounding land uses and provided the details for lot coverage, parking, circulation, guest parking and trip generation studies. The primary access for the development is off Sycamore Road. Staff was OK with the change of land use from neighborhood retail and this change will be incorporated in the future Comprehensive Plan revisions. Commissioner Hyett asked about the outside storage and Mr. Victor replied that it is lockers on the first floor. Mr. Vinyard asked if a light study is required and the petitioner will provide.

A study regarding aging in place was done recently and it addressed housing issues of the aging. Participants commented they wanted more senior housing.

Action Item:

Rezoning Request

A motion was made by Mr. Williams and seconded by Ms. Goins to approve petition PZC 2022-23 Northpointe Development rezoning request. The motion was read by Mr.

Williams as follows: In consideration of testimony presented during a Public Hearing on November 8, 2023 and approval of the findings of fact, the Planning and Zoning Commission recommends approval to the City Council of a request for a map amendment to rezone the parcel located at the southeast corner of US 34 and Sycamore Road (PIN #02-30-203-006) from B-3 General Business District to R-4 General Multi-Family Residence District.

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

Action Item:

Variance Request

A motion was made by Mr. Williams, seconded by Ms. Goins to approve PZC 2022-23 Variance Request. Mr. Williams read the motion as follows: In consideration of testimony presented during a Public Hearing on November 8, 2023 and approval of the findings of fact, the Planning and Zoning Commission recommends approval to permit an increase in maximum dwelling unit density within the R-4 District from eight (8) units per acre to fourteen (14) units per acre for the property located at the southeast corner of US 34 and Sycamore Road (PIN #02-30-203-006).

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

2. **PZC 2023-15** Luz M. Padilla, on behalf of Abby Properties, LLC, petitioner, is seeking Final Plat approval for an approximately 9.4-acre site consisting of 44 single-family attached dwelling units and an open space lot within Phase 4 of the Kendall Marketplace Townhome Development. The property is generally located south of Blackberry Shore Lane and north of Gillespie Lane in Yorkville, Illinois (Townes of Kendall Marketplace).

Ms. Noble said the petitioner is seeking Final Plat for the last phase of this townhome development—Phase 4. It is comprised of 44 units and 1 unit for open space. The previous phases, 1 through 3, hold 120 townhome units in various stages of construction. In Phase 4, patios will be allowed, however, fences will not and language will be added to individual plats to reflect this. Gillespie Road will be opened after Phase 4 is finished.

Action Item:

Final Plat

A motion was made and seconded by Mr. Williams and Ms. Goins, respectively, to approve PZC 2023-15 Abby Properties Kendall Marketplace Lot 52 Phase 4. The motion was read as follows by Mr. Williams: In consideration of the proposed Final Plat of Subdivision for the Kendall Marketplace Development Lot 52, Phase 4, the Planning and Zoning Commission recommends approval of the plat to the City Council as presented by the Petitioner in a plan prepared by HR Green, dated last revised October 5, 2023.

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

Additional Business

1. 2024 Planning and Zoning Commission Meeting Schedule

All Commissioners were OK with the meeting schedule as presented.

2. City Council Action Updates

Ms. Noble said PZC 2023-08 Ali Bukhres, special use for QuikTrip was approved.

PZC 2023-12 Alexander Berman, Kendall Holdings, final plat of resubdivision was approved.

Adjournment

There was no further business and the meeting was adjourned at 7:52pm on a motion by Mr. Williams and second by Mr. Hyett. with a unanimous voice vote.

Respectfully submitted by
Marlys Young, Minute Taker

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UNITED CITY OF YORKVILLE
YORKVILLE, ILLINOIS

PLANNING AND ZONING COMMISSION
PUBLIC HEARING

651 Prairie Pointe Drive
Yorkville, Illinois

Wednesday, November 8, 2023
7:00 p.m.

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PRESENT:

Mr. Richard Vinyard, Acting Chairman,
Mr. Danny Williams,
Mr. Greg Millen,
Mr. Rusty Hyett,
Ms. Reagan Goins.

ALSO PRESENT:

Ms. Krysti Barksdale-Noble, Community
Development Director;
Ms. Marlys Young, Minute Taker.

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I N D E X

WITNESS:	PAGE
JACOB VICTOR	6
LANE MANNING	9
TOM GILMOUR	20
SHAWN KLINGBERG	26
JUDY GILMOUR	31

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

4 CHAIRMAN VINYARD: There is one public
5 hearing scheduled for tonight's Planning and
6 Zoning Commission meeting. The purpose of this
7 hearing is to invite testimony from the members
8 of the public regarding the proposed request that
9 is being considered before this commission
10 tonight.

11 Public testimony from persons
12 present who wish to speak may be for or against
13 the request or to ask questions of the petitioner
14 regarding the request being heard. Those persons
15 wishing to testify are asked to speak clearly,
16 one at a time, state your name and who you
17 represent, if anyone. You are also asked to sign
18 in at the podium over here.

19 If you plan to speak during
20 tonight's public hearing as a petitioner or as a
21 member of the public, please stand, raise your
22 right hand and repeat after me.

23 (Witnesses sworn.)

24 CHAIRMAN VINYARD: Thank you. You guys

1 can be seated. Okay. So the order for receiving
2 testimony during the public hearing tonight is
3 going to be as follows: The petitioner is going
4 to do their presentation, those two; the next are
5 those who wish to speak in favor of the request;
6 followed by those who wish to speak in opposition
7 of the request.

8 So may I have a motion to open the
9 public hearing on Petition number PZC 2022-23,
10 Northpointe Development Corporation, for rezoning
11 and variance?

12 MR. WILLIAMS: So moved.

13 CHAIRMAN VINYARD: All right.

14 MR. MILLEN: Second.

15 CHAIRMAN VINYARD: Beautiful. Roll call
16 on the motion, please.

17 MS. YOUNG: Yes. Vinyard.

18 CHAIRMAN VINYARD: Yes.

19 MS. YOUNG: Williams.

20 MR. WILLIAMS: Yes.

21 MS. YOUNG: Hyett.

22 MR. HYETT: Yes.

23 MS. YOUNG: Goins.

24 MS. GOINS: Yes.

1 MS. YOUNG: And Millen.

2 MR. MILLEN: Yes.

3 CHAIRMAN VINYARD: So the public hearing
4 for tonight's discussion is as follows: PZC
5 2022-23, Jacob Victor, on behalf of Northpointe
6 Development Corporation, petitioner, has filed an
7 application with the United City of Yorkville,
8 Kendall County, Illinois, requesting rezoning
9 classification of an approximately 3.43-acre
10 parcel located at the southeast corner of
11 Veteran's Parkway, U.S. Route 34, and Sycamore
12 Road in Yorkville, Illinois.

13 The petitioner is seeking to rezone
14 the property from the B-3, General Business
15 District, to the R-4, General Multi-Family
16 Residence District.

17 Additionally, the petitioner is
18 requesting a variance approval to increase the
19 maximum allowable density in the R-4 General
20 Multi-Family Residence District from eight
21 dwelling units per acre to 14 dwelling units per
22 acre.

23 The purpose of the rezoning and
24 variance requests are to establish and operate a

1 three-story, 48-dwelling unit senior apartment
2 complex, Fox Hill Senior Living.

3 MR. VICTOR: Correct.

4 CHAIRMAN VINYARD: Is the petitioner for
5 PZC 2022-23, Northpointe Development Corporation,
6 ready to present?

7 MR. VICTOR: I am, and I have here one
8 of our development partners, Lane Manning, with
9 DreamLane Real Estate.

10 CHAIRMAN VINYARD: Okay, very good.
11 Please begin.

12 MR. VICTOR: Would you like us to stand
13 at the podium or --

14 CHAIRMAN VINYARD: Sure.

15 MS. NOBLE: Yes. You are going to have
16 to look at the presentation back here because we
17 don't have it on there. We can't double it up
18 yet.

19 JACOB VICTOR,
20 having been first duly sworn, testified from the
21 podium as follows:

22 MR. VICTOR: Good evening, everybody.
23 Thank you to the neighbors for coming out and
24 thank you all, to all the Plan Commissioners, for

1 having us this evening.

2 Jake Victor, Vice President of
3 Development for Northpointe Development, and I
4 have here with me --

5 MR. MANNING: Lane Manning, principal,
6 DreamLane Real Estate.

7 MR. VICTOR: We are here before you to
8 discuss the property that was mentioned, where we
9 are proposing the development of Fox Hill Senior
10 Living, a 48-unit affordable housing, senior
11 affordable housing development here in
12 Yorkville.

13 Northpointe Development has been in
14 business for close to 20 years now. We have
15 about 3,000 units in our portfolio that we have
16 developed and a very strong reputation with the
17 communities which we have worked with.

18 Something that I kind of want to
19 highlight, take a step back on, before we get
20 into the full depth of the presentation, is our
21 approach as a community or as a developer is
22 really to identify a site, meet with the
23 community, meet with, you know, staff that work
24 for the community, and kind of talk about our

1 site in mind at a high level before we go too far
2 down the process, kind of talk about the general
3 concept about -- of what we are proposing, so
4 that's exactly what we did here.

5 We had a neighborhood meeting as
6 well as, you know, Plan Council, Economic
7 Development Committee, trying to gather as much
8 feedback as we possibly could for our proposal
9 and incorporating that into the development.

10 MS. NOBLE: You can just tell me when.

11 MR. VICTOR: Sure. Yeah, absolutely.
12 These are just some example projects that we have
13 done. I always encourage plan commissioners and
14 city council members to reach out to the
15 communities in which we have worked with in the
16 past to kind of get a second opinion of us as a
17 developer, especially when we are new to a
18 community.

19 The feedback that I have received is
20 everyone is generally happy with us and very
21 satisfied with the product that we built, and I
22 think you'll see some of that in our presentation
23 here.

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LANE MANNING,

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

MR. MANNING: My name is Lane Manning. DreamLane Real Estate is my firm. I've been partnering with Northpointe since 2019, so we are now on our 11th project, nine in Illinois -- or Wisconsin, two in Illinois. I am also a state certified developer in the state of Illinois.

I am really excited to work on this project because I have a huge passion for senior housing. It's a big thing for me, long story we can share some other time, but I have a passion for that and I am really excited about this site.

The site we are talking about in question here on Veteran's Parkway and Sycamore is really exciting. I love the way that the topography works out. Right now it's a corn field, so that image isn't up-to-date, but love where it sits, in conjunction with the government building, medical laboratory, the strip mall next door and the housing right back to that.

I think it's a perfect location for senior housing as we move forward, and as

1 development across the street takes place. I
2 know we looked at that a lot when we were
3 imagining this site. There is a lot of
4 development going on and we are excited about
5 what could happen there, what this petition might
6 bring, track that development across the street.

7 MR. VICTOR: So to take a step back
8 really quick, if we could go back to the last
9 slide here, like Lane kind of pointed out, you
10 know, our company, we've done a lot of senior
11 affordable housing in our past, and I think what
12 we've done really well is positioning that in the
13 right spots in communities.

14 There is something really unique
15 about this site, more so than a lot of other, you
16 know, senior affordable housing developments that
17 we've done. It is currently zoned commercial,
18 but you have a little strip mall next door and it
19 has a number of vacant commercial spots in it,
20 but more than that, you have the park adjacent to
21 the property where we are proposing to do, you
22 know, a connection with a sidewalk on our
23 property, you have medical facilities next door,
24 so walking distance for the seniors here in the

1 community to get to, you know, a hospital, to get
2 to medical doctor's appointments, et cetera, so
3 we were really excited about just the opportunity
4 to find a site in the community that, one, was
5 able to compete for tax credits from the state,
6 which is incredibly competitive, and, two, that
7 positioned seniors to live and also access
8 amenities right next to their home.

9 And that's just a general, a larger
10 picture look at this site as well.

11 So what are we talking here? We're
12 talking about 48 units. This is the general
13 site plan that you can see. 25 percent of the
14 units will be two-bedroom units and the rest will
15 be one bedrooms, all for seniors 55 years and
16 older.

17 We were able, and based off of the
18 feedback that we have received so far from the
19 community, to have two access points on the site
20 as well as, you know, a decent amount of
21 landscaping and gazebo space and community
22 gardens, et cetera, for our residents, really
23 trying to design this in a way based off of our
24 previous senior development that will be

1 attractive for the senior population and also
2 accessible for them.

3 So this is just a look at the site
4 plan, which I'm sure you all have seen at this
5 point.

6 This is a rendering of what we are
7 proposing there. Really beautiful architecture.
8 You'll see some renderings of the interior of the
9 units in a few minutes here, but like I said,
10 gazebo spaces, sidewalks connecting to the
11 neighboring park, you know, drop-off area for
12 seniors, et cetera.

13 So do you want to talk a little bit
14 about the community space that we typically
15 offer?

16 MR. MANNING: Sure. Sure. So this is a
17 slide, a couple slides, of some of our finishes.
18 Generally a lot of laminates, pool tables,
19 activities, TV screens, with a full kitchen, so
20 you can have a gathering space.

21 That bottom one is one of our newer
22 developments in Wisconsin, came out really,
23 really well. TVs. We were there the other day
24 and a lot of activity comes there, people playing

1 cards, pool table. We've got some pretty serious
2 games they have in that community room, I'm here
3 to tell you.

4 The one on the right is kind of --
5 some of the paint colors that we typically use,
6 typically neutral paint colors. I wouldn't say
7 trendy so much, but things that would kind of fit
8 into the trends, but have longevity, lasting
9 impressions.

10 The floor, slide on the right, is
11 our -- the laminate that we've been using.

12 MR. VICTOR: Quartz.

13 MR. MANNING: Quartz, and quartz
14 countertop we've been using in a lot of our
15 properties. You can see the appliances and some
16 of the light fixtures that we've been able to
17 install in some of our senior properties.

18 Paint the cabinets. We try to put
19 color on cabinets, a trendy color on cabinets,
20 try to give it a little bit of personality, have
21 a little bit of longevity along the way.

22 MR. VICTOR: So these are some actual
23 renderings of a previous project that we
24 completed. Something that I like to emphasize,

1 especially when we are doing senior housing, is
2 not only do we typically include, you know, large
3 units, nice finishes in the actual units, but
4 when it comes to the common space, you know, my
5 whole concept is health and wellness of our
6 residents, pulling them outside of their unit,
7 providing them space to collaborate with one
8 another, looking at the potential of partnering
9 with local non-profits to provide, you know,
10 community rooms and such, community rooms,
11 fitness rooms, large gathering spaces, not just
12 outside where -- that you all saw on the site
13 plan, but also inside the building. Really just
14 emphasizing being together and outside of folks'
15 units.

16 MR. MANNING: Another -- I'll add to
17 that. We have a development in one of our towns,
18 it has a -- the town itself has an electric cycle
19 initiative, so they have I think it's 15 stations
20 around the community where they have electric
21 rental cycles.

22 One of the things we were able to do
23 in that community was we got with that --
24 partnered with that, it's called E-Cycle. We put

1 four stations on the senior development, and we
2 just got numbers today. I was actually impressed
3 with how much the usage was. It was right there
4 in the middle with the other 14 stations in the
5 community, so they are on the bike paths, they're
6 -- and that's an amenity, it's free, so we
7 negotiated with the tenants of that development
8 to use that bike for free.

9 It's hour time tracks, but we
10 have -- their use was right in the middle of the
11 other 14 sites, which is very, very promising.
12 So we think creative, we try to keep our seniors
13 active.

14 MR. VICTOR: So like I mentioned
15 earlier, 48 units, 36 one-bedrooms, 12
16 two-bedroom units, you know, large units, at
17 least 725 square feet for a one bedroom, thousand
18 square feet for a two bedroom.

19 We are adequately parking the site.
20 I think it's, you know, probably over parked, but
21 we wanted to do that just because of all the
22 activity in the community. We don't want folks
23 parking on streets, we don't want folks, you
24 know, causing congestion, so we are over parking

1 the site just to ensure that the site has
2 adequate parking and is not -- you know, traffic
3 is not interfering with neighbors as much.

4 The building will be certified under
5 Enterprise Green Communities. That just means,
6 you know, a much higher threshold for
7 sustainability, green areas like I showed you on
8 the site plan, walking paths, balconies for all
9 the units.

10 We are going to prioritize those who
11 already live or work in the city of Yorkville,
12 you know, specifically seniors. I think that's
13 something that I like to do in a lot of
14 communities just to make sure that when we are
15 building a project like this, it's really for the
16 community itself, it's not for -- you know, it's
17 obviously open to folks in other communities as
18 well, but prioritizing your seniors first. We
19 use local laborers, contractors.

20 Exterior storage, so, you know,
21 seniors moving out of their single family homes
22 into our building have adequate space to store
23 all their stuff and don't have to keep that all
24 in their unit actually.

1 Non-smoking, in-unit washers,
2 dryers, stainless steel appliances. You kind of
3 saw the finished package that we typically
4 incorporate into our projects.

5 And then, most importantly, we have
6 on-site professional third-party management
7 that's on-site, has an office there, is dealing
8 with, you know, tenants on a regular basis,
9 helping tenants connect with, you know, services
10 in the area, your senior center, you know,
11 coordinating with them.

12 We really push our on-site property
13 management to go a little bit above and beyond
14 just, you know, managing daily operations of the
15 property, but also, you know, collaborating with
16 tenants to provide those services and connections
17 in the community.

18 I think that's a really important
19 piece of what we do really well, is just on-site
20 property management and pushing them to kind of
21 excel a little further than typical.

22 So these are incoming rent limits.
23 These are the maximum incomes that folks can
24 be -- seniors can be earning in units. We have

1 about 12 30-percent AMI units; 13 50-percent; six
2 60-percent; and 17 80-percent units, so really
3 providing a wide diversity of housing types and
4 housing for seniors across the income spectrum
5 here.

6 Those maximum rents that you see
7 there, those are maximums. Obviously we're going
8 to, you know, price the apartment units to be in
9 line with what the market actually is here, but
10 those are the statutory maximums that we are
11 allowed to charge.

12 That's a look inside of one of our
13 units. This is a rendering from the same project
14 I showed you earlier. Once again, you know, nice
15 large units, quartz countertops, nice finishes,
16 stainless steel appliances, really providing
17 somewhere where your seniors can feel proud to
18 call home.

19 And this is just our general time
20 frame that we have followed so far. Plan
21 Commission, Economic Development Committee, we
22 did a neighborhood meeting earlier this year, now
23 Plan Commission and City Council, and if approved
24 at both this meeting and the City Council

1 meeting, we will be starting construction in
2 April of 2024.

3 This is the last slide. Something
4 that I do want to note is we --

5 MS. NOBLE: Two more.

6 MR. VICTOR: Yeah.

7 MS. NOBLE: Okay.

8 MR. VICTOR: Those were in case any
9 questions were asked. We did receive an award of
10 housing tax credits from the Illinois Housing
11 Development Authority. Just so you are all
12 aware, incredibly competitive process. Typically
13 I believe in those last rounds over subscribed in
14 those communities about three to one, so really a
15 significant resource that you now have in your
16 community that the state wants to deploy here to
17 build more senior affordable housing.

18 In meeting with Krysti and other
19 staff I've heard loud and clear that, you know,
20 the community has organized and, you know, come
21 together to try to, you know, promote the
22 development of senior housing.

23 You all have a couple senior
24 projects in the community already, pretty much

1 all of them are 100 percent occupied with waiting
2 lists. There is, you know, a pretty significant
3 demand here, which you all know better than me,
4 so that's kind of what we got. Open for
5 questions.

6 CHAIRMAN VINYARD: Is there -- You guys
7 can be seated for now.

8 MR. VICTOR: Sure. Thank you.

9 MR. MANNING: Thank you.

10 CHAIRMAN VINYARD: You are welcome. Is
11 there anyone present who wishes to speak in favor
12 of the request?

13 (No response.)

14 CHAIRMAN VINYARD: All right. Is there
15 anyone present who wishes to speak in opposition
16 of the request?

17 MR. KLINGBERG: I don't have an
18 oppositional favor, I just have a couple
19 questions, so --

20 CHAIRMAN VINYARD: Okay. Mr. Gilmour,
21 would you like to speak?

22 TOM GILMOUR,
23 having been first duly sworn, testified from the
24 podium as follows:

1 MR. GILMOUR: My name is Tom Gilmour and
2 I do have a few questions. In the material that
3 I have here it said age restrictive, 65 years
4 old, not 55. Which one is it going to be? That
5 would be one question.

6 And is there any limitation on how
7 many people are living in the units? I assume if
8 they are 65 years old they're not raising a
9 family. How many people are actually going to be
10 residing in these units, including the two
11 bedroom?

12 Another question -- I am assuming
13 you've covered this -- is the fire department,
14 it's been okayed with three story so they can
15 access it, a sprinkler system? That's part of
16 our code I believe.

17 And are there going to be any meals
18 provided or anything other than just a community
19 room for the residents?

20 I'll give him a second to answer the
21 question.

22 MS. NOBLE: Jake, do you --

23 MR. VICTOR: Sure. I was just taking
24 notes. I wasn't sure if you wanted me to answer

1 directly.

2 MS. NOBLE: Sure. You can answer the
3 direct question.

4 MR. VICTOR: Sure. So the first
5 question was 55 plus or 65 plus. You do have the
6 existing affordable senior development in the
7 community, Anthony Place, and that is 55 plus, so
8 we will be meeting -- matching that and doing 55
9 plus.

10 MR. GILMOUR: You were asking for a
11 pretty generous concession on the zoning density.
12 I don't think it's asking too much to spell that
13 out a little more.

14 MR. VICTOR: Sure. My apologies.

15 MR. GILMOUR: 65, make the deal.

16 MR. VICTOR: Sure. The second question
17 was how many people per unit. Our management
18 company puts a very strict limit on two people
19 per bedroom, but with a senior development, we
20 don't come anywhere near that.

21 I don't have the statistics, I
22 probably should have included those in the
23 presentation, but it is significantly less in our
24 senior portfolio, so that's the absolutely

1 maximum, but --

2 MR. GILMOUR: Senior residents and
3 assuming it's a couple, for example, just a
4 couple, it's not the whole family --

5 MR. VICTOR: Correct. Correct.

6 MR. GILMOUR: -- and everybody else.

7 MR. VICTOR: Correct.

8 MR. GILMOUR: And some hard explanation
9 and understanding exactly what this is going to
10 be about.

11 MR. VICTOR: Absolutely. Our management
12 company puts house rules in place that limits it
13 at two individuals per bedroom.

14 MR. GILMOUR: That can say a lot,
15 doesn't it, that you could scratch your head.
16 You've got a two-bedroom unit, you've got two
17 bedrooms, that's four people.

18 MR. VICTOR: Sure.

19 MR. GILMOUR: If they are retiring at
20 65 years old, it sounds like there is another
21 family there, so let's clear that up.

22 MR. VICTOR: Absolutely. I can provide
23 you with the statistics and the Plan Commission
24 with those based off of our portfolio, but like I

1 said, I don't have those handy, but I can tell
2 you with certainty that it's less than two people
3 per bedroom.

4 MR. GILMOUR: My recommendation would be
5 is that's a condition of approval of this thing.
6 They are getting a big concession on the density
7 in the first place. That's the rules. They can
8 follow them. That would be my advice.

9 MR. VICTOR: And I believe the last
10 question was meals provided.

11 MR. MANNING: Fire department.

12 MR. VICTOR: Yes, the fire department
13 will have to approve as part of the permitting
14 process, and three stories is allowed under the
15 zoning district I believe.

16 MS. NOBLE: The Fire District was part
17 of the Plan Council, which is a staff-level
18 technical review, and they had expressed no
19 concerns over the height. The maximum height in
20 the district is 80 feet, or three stories.

21 MR. GILMOUR: Well, just the occupancy,
22 a real clear understanding of exactly what this
23 is supposed to be. A retirement thing, that's
24 what you are selling it as, not like oh, I

1 brought my nieces and nephews with me or whoever
2 else. We would like to know exactly a little
3 more about the population of it.

4 Are you going to provide any
5 services like food or anything other than the
6 general recreation area for the people?

7 MR. VICTOR: That was your last question
8 I believe, and we do -- we have provided and
9 partnered with programs like Meals on Wheels
10 before.

11 It's not something that we are
12 currently planning on doing, but, you know,
13 connections to organizations like that are --
14 more than happy to incorporate that into the
15 project.

16 CHAIRMAN VINYARD: Anything else, sir?

17 MR. GILMOUR: I think that's about it.

18 CHAIRMAN VINYARD: Thank you.

19 MR. VICTOR: Thank you.

20 CHAIRMAN VINYARD: You would like to
21 come to the podium and speak? Thank you.

22 MR. KLINGBERG: Sure.

23 CHAIRMAN VINYARD: Can you state your
24 name for us as well?

1 MR. KLINGBERG: Shawn Klingberg.

2 SHAWN KLINGBERG,
3 having been first duly sworn, testified from the
4 podium as follows:

5 MR. KLINGBERG: I'm going to be looking
6 at this monstrosity going up in my back yard, so
7 that's my view. So you're starting it in April
8 of '24. When are we planning on finishing this?

9 MR. VICTOR: Take about 12 months, so
10 April of '25.

11 MR. KLINGBERG: April of '25?

12 MR. VICTOR: Correct.

13 MR. KLINGBERG: Okay. And then what are
14 we going to do so I don't have to watch all this
15 stuff going up in my back yard? Because I sit in
16 my back yard every night, have a cigar and a few
17 beers. I work construction for a living, I don't
18 want to look at work when I come home, so, I
19 mean, are we going to have some sort of fencing
20 up with some sort of blockade so I don't -- you
21 know what I mean?

22 MR. VICTOR: Sure.

23 MR. KLINGBERG: Just to keep all the --

24 MR. VICTOR: We will be required to do

1 general construction fencing by the city.

2 MR. KLINGBERG: And then what hours are
3 you guys planning to work on this? Because, you
4 know, Saturday morning --

5 MR. VICTOR: Yep.

6 MR. KLINGBERG: -- I don't want to hear
7 nothing at 7:00 o'clock in the morning.

8 MR. VICTOR: It's pretty hard to get my
9 subs to work on Saturdays.

10 MR. KLINGBERG: Well, pretty much time
11 and a half. I mean, I work every Saturday,
12 Sunday is double time, so --

13 MS. NOBLE: We do not allow construction
14 over the weekend.

15 MR. KLINGBERG: Okay. So it's Monday
16 through Friday construction schedule.

17 MS. NOBLE: Monday through Friday.

18 MR. KLINGBERG: That's what I want to
19 know. And then why are we going three stories?
20 Because the other retirement center is two
21 stories, so why -- you know, since they are
22 keeping the age limit the same, why aren't we
23 keeping the height restriction the same?

24 MR. VICTOR: Yeah, the biggest driver to

1 that is that project was done three or four
2 years -- I believe four years ago.

3 MS. NOBLE: It was actually done in
4 2015, 2016.

5 CHAIRMAN VINYARD: 2015.

6 MR. VICTOR: Construction costs have
7 just skyrocketed since then. We are trying to
8 provide the same -- nicer level of finishes for
9 our tenants, but three stories is really the only
10 way to make the affordable housing project work.

11 MR. KLINGBERG: Well, I'd like to keep
12 everything -- because everything else around
13 there is either a ranch or two story. I think we
14 should keep everything at the same level. There
15 is no reason to put a taller building into a
16 community that's all two level building site
17 zoned, so that's why -- I mean, to be honest with
18 you, at the end of the day, your construction
19 costs, it's not my pig, it's not my farm.

20 My view of my community and the view
21 of my neighbors' community, everybody is at two
22 stories. Figure out the costs and a way to do
23 it.

24 MR. VICTOR: Sure.

1 MR. MANNING: What was your name?

2 MR. KLINGBERG: Shawn Klingberg.

3 MR. MANNING: How tall is the hospital
4 next door? Is that three stories? Wasn't that
5 there --

6 MR. KLINGBERG: I was not living there
7 when that hospital was built.

8 MR. MANNING: When you are in your back
9 yard --

10 MR. KLINGBERG: I cannot see the
11 hospital.

12 MR. MANNING: You can't see that?

13 MR. KLINGBERG: No, because they have
14 the hospital hidden with all the tree lines and
15 everything, so if you look at all the tree
16 lines -- I live at 1361 Chestnut Circle. You are
17 more than welcome to come over to my back yard,
18 we can sit back there, we can have a cigar and
19 beer and you can see what my concerns are and you
20 can see what my neighbors' concerns are.

21 MR. MANNING: So what we've done in a
22 couple of developments, this is kind of back to
23 what we were are saying how we work with our
24 communities. We had an individual who had a

1 garage next to our development who wanted to put
2 solar up and there was a tree there.

3 On our properties we keep the trees
4 when somebody asks us to keep the tree, but he
5 wanted to obviously make the solar work, so we
6 got together a group, community approved it, to
7 move that landscaping points to move that, and we
8 removed the tree so we can make it solar. We
9 would offer you the same thing. If there was an
10 obstruction or get some fencing, we would help
11 you figure out whatever --

12 MR. KLINGBERG: No, that's fine. I
13 mean, that's the whole reason why we all moved
14 into a completed unit -- a completed community,
15 is because we don't want to hear construction.
16 If we wanted to hear construction, we would go
17 live in a construction zone. I mean, 90 percent
18 of my community is all retirees, I mean -- I
19 think I'm the 70 and older community, so --

20 MR. MANNING: You need our housing.

21 MR. KLINGBERG: Well, I don't. I mean,
22 I'm still 49. You are putting me in a senior in
23 six years, I'm not a big fan of that.

24 MR. MANNING: Your neighbors are.

1 MR. KLINGBERG: I just want to make sure
2 everybody is not having to deal with the growing
3 pains of a construction site in their back yard.

4 MR. MANNING: Absolutely.

5 MR. KLINGBERG: Because I do work
6 construction and I know.

7 MR. VICTOR: Appreciate it.

8 CHAIRMAN VINYARD: Thank you. Anybody
9 else? Ms. Gilmour?

10 JUDY GILMOUR,
11 having been first duly sworn, testified from the
12 podium as follows:

13 MS. GILMOUR: My name is Judy Gilmour.
14 We were kind of blindsided about this. We didn't
15 get a letter, and I was kind of surprised to find
16 out that you had a community meeting, and I don't
17 know which community you met with, but it
18 wasn't -- I don't believe it was anybody in our
19 Chestnut Circle area that I know of, so who did
20 you meet with?

21 MR. VICTOR: We sent out mailers based
22 off of what the city's --

23 MS. NOBLE: 500.

24 MR. VICTOR: I think I actually -- I did

1 double that.

2 MS. GILMOUR: I know you sent those
3 letters, but you said you had a community
4 meeting?

5 MR. VICTOR: Yes. We sent those letters
6 to folks that live within a thousand feet of the
7 property.

8 MR. KLINGBERG: I got one.

9 MS. GILMOUR: I knew you sent the
10 letter, but you said you had a meeting with the
11 community.

12 MS. NOBLE: January.

13 MR. VICTOR: Yes. It would have been
14 sent at the end of December, beginning of January
15 before the neighborhood meeting.

16 MS. GILMOUR: So you did have a
17 neighborhood meeting?

18 MR. VICTOR: Yes. We had the
19 neighborhood meeting, mailers were sent to folks
20 that live within a thousand feet of the property.

21 MS. GILMOUR: Well, I must be just
22 like -- just beyond that because I am right there
23 on Chestnut Circle, so --

24 MR. VICTOR: My apologies.

1 MS. GILMOUR: Now, you mentioned
2 exterior storage. Did you have a slide with that
3 picture?

4 MR. VICTOR: The exterior storage?

5 MS. GILMOUR: Yes.

6 MR. VICTOR: So when I say exterior,
7 it's exterior to the unit itself, so it's
8 contained within --

9 MS. GILMOUR: Okay. It's not a separate
10 area, okay.

11 MR. VICTOR: Right.

12 MS. GILMOUR: And now, you are the
13 developer?

14 MR. VICTOR: That's correct.

15 MS. GILMOUR: And are you planning to
16 sell this to somebody else?

17 MR. VICTOR: We are not allowed to sell
18 the building.

19 MS. GILMOUR: Okay. So you will be
20 involved with it the whole time then.

21 MR. VICTOR: Correct. Correct.

22 MS. GILMOUR: Okay. Thank you.

23 MR. VICTOR: Thank you for your
24 questions.

1 CHAIRMAN VINYARD: Would anyone else
2 like to speak in opposition to the request?

3 (No response.)

4 CHAIRMAN VINYARD: All right. Are there
5 any questions from the commissioners for the
6 petitioners?

7 (No response.)

8 CHAIRMAN VINYARD: I've got one. There
9 is no like assisted living, this is strictly
10 people who can care for themselves, you don't
11 have any units that -- so just basically a senior
12 living center without any sort of other help,
13 correct?

14 MR. VICTOR: That's correct.

15 CHAIRMAN VINYARD: Okay.

16 MR. WILLIAMS: And I did just think of
17 one, and this might help clarify Mr. Gilmour's
18 question as well. You said it was two --

19 MR. KLINGBERG: Can you speak up a
20 little?

21 MR. WILLIAMS: Oh, yes, I'm sorry. And
22 this mic probably is off.

23 MS. NOBLE: That one, Dan, with the
24 green.

1 MR. WILLIAMS: Green light?

2 MS. NOBLE: Yes.

3 MR. WILLIAMS: Thank you. That's
4 better. What I was going to ask is in regards to
5 the two person per bedroom policy, is there an
6 age limit to that as well?

7 Because I think Mr. Gilmour's
8 concern was that families could be moving in with
9 children or something like that.

10 MR. VICTOR: Yes.

11 MR. WILLIAMS: Is it 55 across the
12 board?

13 MR. VICTOR: Yes, 55 across the board.

14 MR. WILLIAMS: Thank you.

15 CHAIRMAN VINYARD: Thanks.

16 MR. GILMOUR: Where did 65 disappear to?
17 Right in the information I have here, it was 65
18 years old.

19 MS. NOBLE: Where do you have 65?

20 MR. WILLIAMS: I had seen 55.

21 CHAIRMAN VINYARD: Yes.

22 MR. GILMOUR: I got it from your office
23 last week.

24 CHAIRMAN VINYARD: Could you -- what

1 page is that, Mr. Gilmour?

2 MS. NOBLE: Yes, can you show me?

3 CHAIRMAN VINYARD: There is so much to
4 it, it just kind of -- it helps us streamline and
5 find it.

6 MR. GILMOUR: That's a pretty big one.

7 CHAIRMAN VINYARD: Agreed.

8 MR. GILMOUR: You've got to read this
9 stuff, Krysti, before you start presenting it.

10 MS. NOBLE: I do read it, Tom. I do.
11 That's their response, not staff's response. It
12 was in response, in one of your variances.

13 MR. VICTOR: Sure.

14 CHAIRMAN VINYARD: It was not the
15 staff's response?

16 MS. NOBLE: It was not staff's response.
17 Staff's understanding has always been it's 55
18 plus --

19 CHAIRMAN VINYARD: Okay.

20 MS. NOBLE: -- as we've been told, and
21 that is what the public hearing stated --

22 CHAIRMAN VINYARD: Okay.

23 MS. NOBLE: -- for 55 plus. Staff --

24 MR. MANNING: Mistake on our part.

1 MR. MILLEN: I'd like to actually --

2 MR. GILMOUR: So it's 55?

3 MR. VICTOR: 55.

4 MR. MILLEN: I'd like to actually say
5 something about 55. My sister probably is in a
6 situation who could maybe afford conventional
7 housing, she does have some disabilities, but she
8 is very capable of living on her own. She is
9 just short of 60, and she had to get on a wait
10 list for a property similar to this in Oswego.

11 Honestly, I picked her up for her
12 birthday. She can't say enough about this type
13 of living, from the bingo events to, you know,
14 the gatherings, so I don't know if 55 is a big
15 stretch. She probably is the youngest at 60, so
16 I don't know if that's a real big hardship, and
17 just seeing it firsthand, the joy that it brings
18 her to have that companionship, and it's a relief
19 for me, too, I do visit with her, spend time with
20 her, keep in touch with her, but I think there is
21 other things when you see that facet and
22 understand that, how it affects that age group,
23 because at 75, 85, sometimes the parents are
24 deceased, and then you've got those kids that are

1 between 55 and 65 that aren't in a position to
2 afford housing, housing is expensive, so I don't
3 think that's a big deal. But just my two cents.

4 MR. MANNING: Thank you.

5 CHAIRMAN VINYARD: Okay. Anybody else?

6 (No response.)

7 CHAIRMAN VINYARD: No. Petitioner,
8 would you like the responses to the variance and
9 rezoning standards entered into the record?

10 MR. VICTOR: Yes.

11 CHAIRMAN VINYARD: Okay. Very good. So
12 this will be the conclusion of the public
13 hearing.

14 Since all public testimony regarding
15 this petition has been taken, may I have a motion
16 to close the taking of testimony in this public
17 hearing?

18 MR. WILLIAMS: So moved.

19 MS. GOINS: Second.

20 CHAIRMAN VINYARD: Roll call vote on the
21 motion, please.

22 MS. YOUNG: Hyett.

23 MR. HYETT: Yes.

24 MS. YOUNG: Goins.

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MS. GOINS: Yes.

MS. YOUNG: Millen.

MR. MILLEN: Yes.

MS. YOUNG: Vinyard.

CHAIRMAN VINYARD: Yes.

MS. YOUNG: And Williams.

MR. WILLIAMS: Yes.

CHAIRMAN VINYARD: All right. So the public hearing portion of tonight's meeting is concluded.

(Which were all the proceedings had in the public hearing portion of the meeting.)

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1 STATE OF ILLINOIS)
2) SS:
3 COUNTY OF LASALLE)

4 I, CHRISTINE M. VITOSH, a Certified
5 Shorthand Reporter of the State of Illinois, do
6 hereby certify:

7 That previous to the commencement
8 of any testimony heard, the witnesses were duly
9 sworn to testify the whole truth concerning the
10 matters herein;

11 That the foregoing public hearing
12 transcript, Pages 1 through 41, was reported
13 stenographically by me by means of machine
14 shorthand, was simultaneously reduced to
15 typewriting via computer-aided transcription
16 under my personal direction, and constitutes a
17 true record of the testimony given and the
18 proceedings had;

19 That the said public hearing was taken
20 before me at the time and place specified;

21 That I am not a relative or employee or
22 attorney or counsel, nor a relative or employee
23 of such attorney or counsel for any of the
24 parties hereto, nor interested directly or
indirectly in the outcome of this action.

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

IN WITNESS WHEREOF, I do hereunto set my hand at Leland, Illinois, this 13th day of November, 2023.

1st Christine Vitosh

CHRISTINE M. VITOSH,
C.S.R. Certificate No. 084-02883



Memorandum

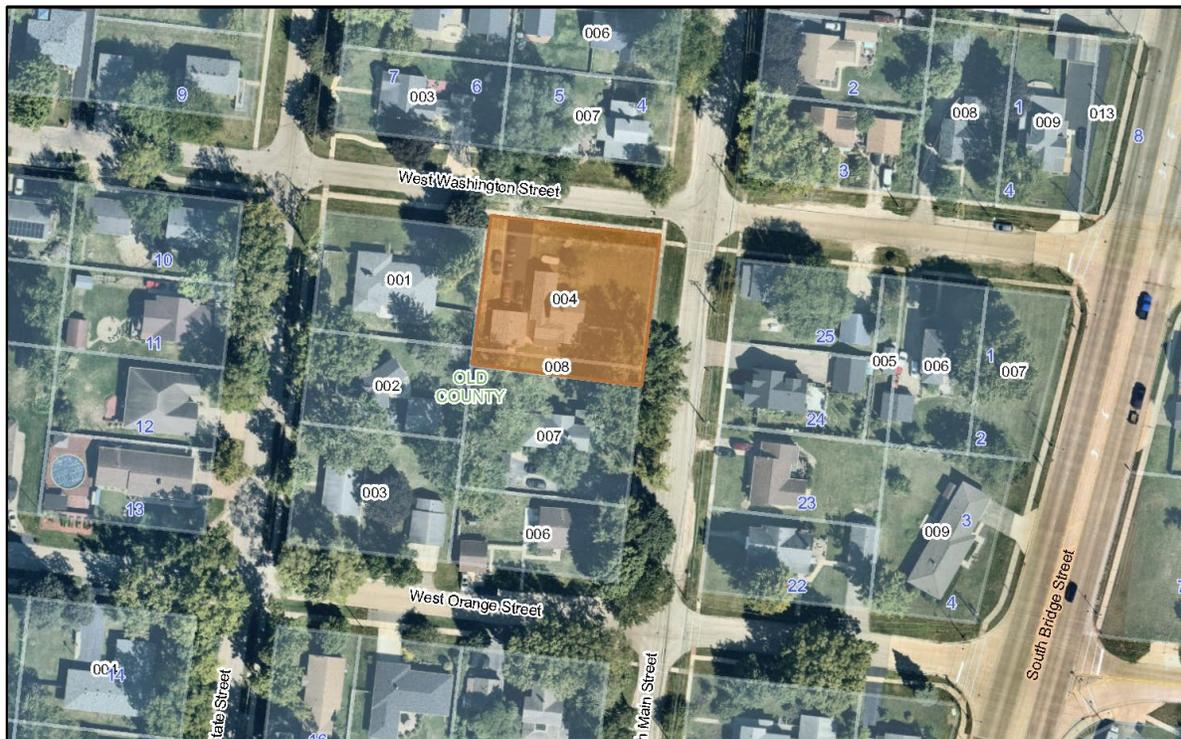
To: Planning and Zoning Commission
From: Krysti Barksdale-Noble, Community Development Director
CC: Bart Olson, City Administrator
Date: December 7, 2023
Subject: **PZC 2024-02 703 South Main Street – Variance**
Detached Accessory Structure (Shed) Location

SUMMARY:

The petitioner, Steve Greenblatt, has filed an application with the United City of Yorkville, Kendall County, Illinois, requesting an accessory structure location variance for 703 South Main Street. The purpose of this request is to allow a detached shed to be placed closer than five (5) feet to a rear property line and closer than ten (10) feet to the residential home. This memorandum summarizes the submitted materials which will be reviewed by the Planning and Zoning Commission.

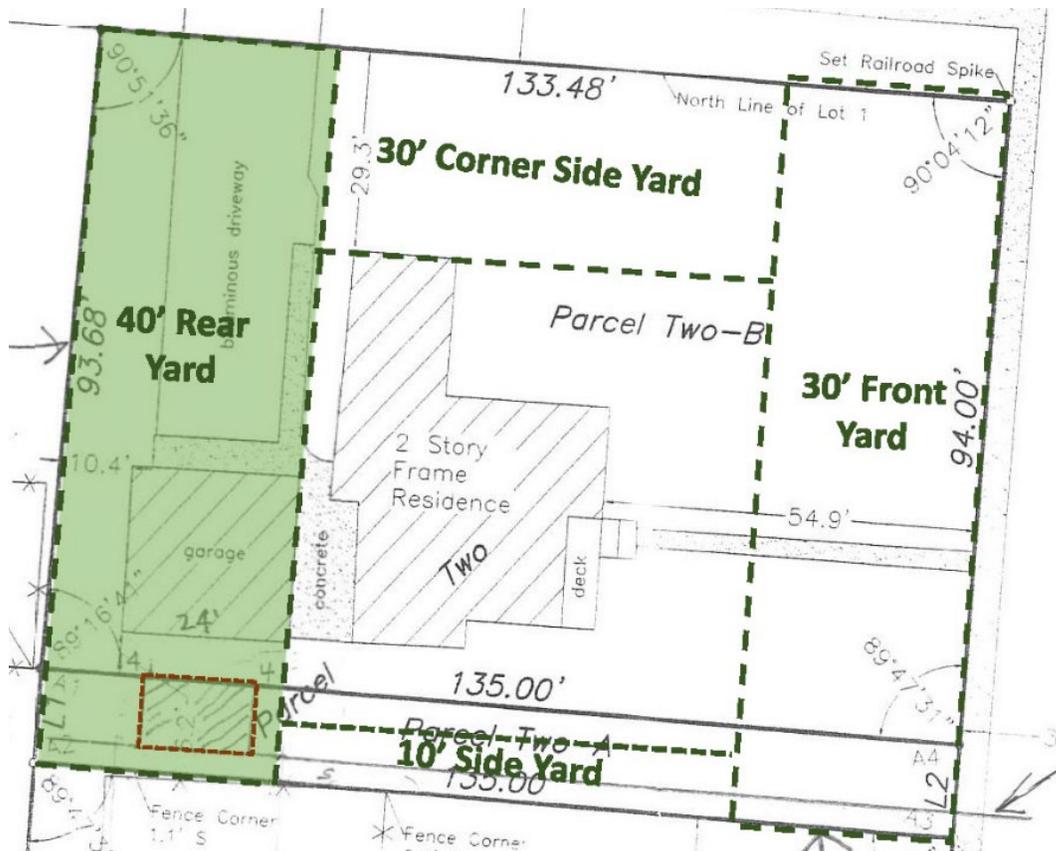
PROPERTY BACKGROUND:

The property is zoned R-2 Traditional Family Residence District and located at the southwest corner of W Washington and South Main Streets. The property is also comprised of two (2) contiguous parcels owned by the petitioner and surrounded by other R-2 zoned single family homes, most of which have detached accessory structures such as garages and sheds. The principal residential structure is situated on the northern, larger parcel (PIN#02-32-436-004) and the proposed detached shed will be located on the smaller, southern parcel (PIN#02-32-436-008). While the northern subject parcel meets the minimum bulk regulations for the R-2 District, this area of the City was developed before any modern zoning regulations existed and therefore the structures and parcels in the area are uniquely placed and shaped.



PROJECT DESCRIPTION:

As proposed, the petitioner is seeking to construct a 160 square foot detached shed on the property. The placement of the existing house has created uncommon required yards and limits the location of any detached accessory structure. The exhibit below illustrates where the house is located on the parcel and the yards that are created. The rear yard is shaded and shows the location of the proposed shed.



Section 10-3-5 of the City’s Zoning Ordinance states that accessory structures must be a minimum distance of five (5) feet from any rear property line and requires at least ten (10) feet to the main building on the parcel. The petitioner is requesting to vary this part of the ordinance to construct a shed on his property as shown in the above plat.

The petitioner initially applied for a building permit seeking to construct the detached shed but was denied due the setback and distance non-compliance as a result of the parcel composition (two contiguous parcels). Additionally, the limitation that sheds are only permitted in the rear yard and the situation of an existing detached garage impairs the petitioner’s options for locating a detached shed on the property. Responses to the standards of variations, submitted by the petitioner, explains the hardship created by the property and the reason he is requesting to vary from the Zoning Ordinance.

Due to the heavily vegetated portion of the property along South Main Street and the existing garage facing West Washington Street, the view of the proposed shed would be significantly obscured, if not completely blocked. The adjacent parcel to the south also has a dense tree canopy and will not be negatively impacted by the location of the proposed shed. After considering these facts, the petitioner felt this location was the most appropriate option on the property to place the shed. Further, the location of the house and garage limits the possibilities of where a detached shed may be accessible. Finally, the properties to the south have similarly located detached structures on their parcels and the petitioner’s proposed shed would generally align with these structures (see example on next page).



STANDARDS FOR GRANTING A VARIANCE:

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

1. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations was carried out.
2. The conditions upon which the petition for a variation is based are unique to the property for which the variation is sought and are not applicable, generally, to other property within the same zoning classification.
3. The alleged difficulty or hardship is caused by this title and has not been created by any person presently having an interest in the property.
4. The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.

5. The proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger to the public safety, or substantially diminish or impair property values within the neighborhood.
6. The proposed variation is consistent with the official comprehensive plan and other development standards and policies of the city.

STAFF COMMENTS

Staff is supportive of the request for an accessory structure location variance. The shape, structure location, and defined yards of the property create a unique situation which brings a hardship to the resident. The proposed detached shed location will not negatively impact or injure the character of the neighborhood and will be similar in alignment and location to the adjacent properties.

PROPOSED MOTIONS:

In consideration of testimony presented during a Public Hearing on January 10, 2024 and approval of the findings of fact, the Planning and Zoning Commission recommends approval of a request to vary the accessory structure location regulation contained in Section 10-3-5 of the United City of Yorkville Zoning Ordinance to permit a detached accessory shed to be located closer than five (5) feet to the rear property line and less than ten (10) feet to a main structure of the subject property and further subject to {insert any additional conditions of the Planning and Zoning Commission}...

ATTACHMENTS:

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



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

APPLICANT DEPOSIT ACCOUNT/ ACKNOWLEDGMENT OF FINANCIAL RESPONSIBILITY

PROJECT NUMBER:	FUND ACCOUNT NUMBER:	PROPERTY ADDRESS: 703 S. Main St. Yorkville, IL
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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: Steve Greenblatt	COMPANY:
MAILING ADDRESS: 703 S. Main St.	
CITY, STATE, ZIP: Yorkville, IL 60560	TELEPHONE: 312 752 0153
EMAIL: stevegreenblatt@hotmail.com	FAX: na

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.

Steve Greenblatt	_____
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:		LEGAL DEPOSITS:	
Up to one (1) acre	\$5,000	Less than two (2) acres	\$1,000
Over one (1) acre, but less than ten (10) acres	\$10,000	Over two (2) acres, but less than ten (10) acres	\$2,500
Over ten (10) acres, but less than forty (40) acres	\$15,000	Over ten (10) acres	\$5,000
Over forty (40) acres, but less than one hundred (100)	\$20,000		
In excess of one hundred (100.00) acres	\$25,000		



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 type="checkbox"/> Annexation <input type="checkbox"/> Plan <input 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		Total: \$
$\underline{\hspace{2cm}} - 5 = \underline{\hspace{2cm}} \times \$10 = \underline{\hspace{2cm}} + \$250 = \$ \underline{\hspace{2cm}}$ <p style="text-align: center;"># of Acres Acres over 5 Amount for Extra Acres Total Amount</p>			
REZONING	<input type="checkbox"/> \$200.00 + \$10 per acre for each acre over 5 acres		Total: \$
<i>If annexing and rezoning, charge only 1 per acre fee; if rezoning to a PUD, charge PUD Development Fee - not Rezoning Fee</i>			
$\underline{\hspace{2cm}} - 5 = \underline{\hspace{2cm}} \times \$10 = \underline{\hspace{2cm}} + \$200 = \$ \underline{\hspace{2cm}}$ <p style="text-align: center;"># of Acres Acres over 5 Amount for Extra Acres Total Amount</p>			
SPECIAL USE	<input type="checkbox"/> \$250.00 + \$10 per acre for each acre over 5 acres		Total: \$
$\underline{\hspace{2cm}} - 5 = \underline{\hspace{2cm}} \times \$10 = \underline{\hspace{2cm}} + \$250 = \$ \underline{\hspace{2cm}}$ <p style="text-align: center;"># of Acres Acres over 5 Amount for Extra Acres Total Amount</p>			
ZONING VARIANCE	<input checked="" type="checkbox"/> \$85.00 + \$500.00 outside consultants deposit		Total: \$ 585.00
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: \$
OUTSIDE CONSULTANTS DEPOSIT	<i>Legal, land planner, zoning coordinator, environmental services</i> For Annexation, Subdivision, Rezoning, and Special Use:		Total: \$
<input type="checkbox"/> Less than 2 acres <input type="checkbox"/> Over 2 acres, less than 10 acres <input type="checkbox"/> Over 10 acres			\$1,000.00 \$2,500.00 \$5,000.00
TOTAL AMOUNT DUE:			585.00



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Telephone: 630-553-4350
Fax: 630-553-7575
Website: www.yorkville.il.us

APPLICATION FOR VARIANCE

DATE:	PZC NUMBER:	DEVELOPMENT NAME:
PETITIONER INFORMATION		
NAME: Steve Greenblatt	COMPANY:	
MAILING ADDRESS: 703 S. Main St.		
CITY, STATE, ZIP: Yorkville, IL 60560	TELEPHONE: <input type="radio"/> BUSINESS <input type="radio"/> HOME	312 752 0153
EMAIL: stevegreenblatt@hotmail.com	FAX: na	
PROPERTY INFORMATION		
NAME OF HOLDER OF LEGAL TITLE: Steven and Sandra Greenblatt		
IF LEGAL TITLE IS HELD BY A LAND TRUST, LIST THE NAMES OF ALL HOLDERS OF ANY BENEFICIAL INTEREST THEREIN:		
PROPERTY STREET ADDRESS: 703 South Main Street		
DESCRIPTION OF PROPERTY'S PHYSICAL LOCATION: Southwest corner of West Washington and South Main Street		
CURRENT ZONING CLASSIFICATION: R-2		
ZONING AND LAND USE OF SURROUNDING PROPERTIES		
NORTH:	R-2	
EAST:	R-2	
SOUTH:	R-2	
WEST:	R-2	
KENDALL COUNTY PARCEL IDENTIFICATION NUMBER(S)		
02-32-436-004		
02-32-436-008		



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APPLICATION FOR VARIANCE

ATTORNEY INFORMATION <i>na</i>	
NAME:	COMPANY:
MAILING ADDRESS:	
CITY, STATE, ZIP:	TELEPHONE:
EMAIL:	FAX:
ENGINEER INFORMATION <i>na</i>	
NAME:	COMPANY:
MAILING ADDRESS:	
CITY, STATE, ZIP:	TELEPHONE:
EMAIL:	FAX:
LAND PLANNER/SURVEYOR INFORMATION <i>na</i>	
NAME:	COMPANY:
MAILING ADDRESS:	
CITY, STATE, ZIP:	TELEPHONE:
EMAIL:	FAX:
ATTACHMENTS	
Petitioner must attach a legal description of the property to this application and title it as "Exhibit A".	
Petitioner must list the names and addresses of any adjoining or contiguous landowners within 500 feet of the property that are entitled notice of application under any applicable City Ordinance or State Statute. Attach a separate list to this application and title it as "Exhibit B".	
VARIANCE STANDARDS	
PLEASE CONFIRM THE PROPOSED VARIATION IS CONSISTENT WITH THE OFFICIAL COMPREHENSIVE PLAN AND OTHER DEVELOPMENT STANDARDS AND POLICIES OF THE CITY.	
<i>This proposed variation is consistent with the traditional neighborhood residential future land use designation in the comprehensive plan.</i>	



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APPLICATION FOR VARIANCE

VARIANCE STANDARDS

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

Requesting a reduction from minimum 10ft

SideYard Setback in R2 District: Section 10-7-1

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:

The current parcel predated the zoning regulations adopted in 2014, therefore creating a non conforming lot with regards to minimum lot size and setbacks.

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:

The orientation of the home on the lot that is nonconforming restricts the owner from placing a detached accessory structure on the property.

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 property was originally subdivided and the home was built in 1870s/1920s which pre dates the current zoning ordinance.



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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:

The proposed structure is permitted within the district and similar in size and height to other accessory structures within the area.

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 proposed structure is appropriately scaled for residential use.

AGREEMENT

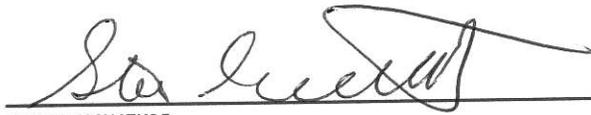
I VERIFY THAT ALL THE INFORMATION IN THIS APPLICATION IS TRUE TO THE BEST OF MY KNOWLEDGE. I UNDERSTAND AND ACCEPT ALL REQUIREMENTS AND FEES AS OUTLINED AS WELL AS ANY INCURRED ADMINISTRATIVE AND PLANNING CONSULTANT FEES WHICH MUST BE CURRENT BEFORE THIS PROJECT CAN PROCEED TO THE NEXT SCHEDULED COMMITTEE MEETING.

I UNDERSTAND ALL OF THE INFORMATION PRESENTED IN THIS DOCUMENT AND UNDERSTAND THAT IF AN APPLICATION BECOMES DORMANT IT IS THROUGH MY OWN FAULT AND I MUST THEREFORE FOLLOW THE REQUIREMENTS OUTLINED ABOVE.

PETITIONER SIGNATURE

DATE

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



OWNER SIGNATURE

DATE

THIS APPLICATION MUST BE NOTARIZED PLEASE NOTARIZE HERE:

WEST
PROPERTY
LINE

LINE	ANGLE	DISTANCE
1	89°47'31"	13.70'
2	90°12'29"	13.70'

10x16 Shed will be installed by Heartland Sheds, INC.



703 South Main
includes
Parcel Two-B
and
Parcel Two-A

5ft from
S. Prop Line
SOUTH
PROPERTY
LINE

6.2
13.7 L1
19.9 between
garage and
South Prop Line
10.4 + 4 =
14.4 feet
from W. Prop. Line
5.0 feet
from S. Prop Line

FRED & ROBERT A GATES
8813 HOPKINS ROAD
YORKVILLE, IL, 60560

WALTER E III & KATHLEEN SCHNEITER
144 BRAMSWELL RD
POOLER, GA, 31322

MARTHA L GREEN TRUST
P O BOX 116
WAYNE, IL, 60184

MOHLER AMANDA C ASSELL CHAD R &
702 S MAIN ST
YORKVILLE, IL, 60560

STEVEN & SANDRA GREENBLATT
703 S MAIN ST
YORKVILLE, IL, 60560

CINTHYA CASTELO
701 STATE ST
YORKVILLE, IL, 60560

WILEY FAMILY TRUST
& JOAN M DAMRON
2288 N 30TH RD
MARSEILLES, IL, 61341

AMANDA JOAN ROBB IRREVOC TR
806 ADRIAN ST
YORKVILLE, IL, 60560

JEREMIAH & ADDISON FARRELL
707 STATE ST
YORKVILLE, IL, 60560

HARVEST PROPERTY MANAGEMENT LLC
PO BOX 51
YORKVILLE, IL, 60560

MARAMA LEIFHEIT TRUST
802 S MAIN ST
YORKVILLE, IL, 60560

CRAIG LEIFHEIT
9993 PENMAN RD
YORKVILLE, IL, 60560

MANTHEI REVOCABLE LIVING TRUST
% ANDREW C MANTHEI TRUSTEE
2656 LEYLAND LN
AURORA, IL, 60504

GREEN FAMILY TRUST
% MICHELE MOLZAHN GREEN TTEE
501 W MADISON ST
YORKVILLE, IL, 60560

LARRY GREITER
PO BOX 663
YORKVILLE, IL, 60560

STEVEN & SANDRA GREENBLATT
703 S MAIN ST
YORKVILLE, IL, 60560

MCGANN WENDY RIES GAIL &
807 STATE ST
YORKVILLE, IL, 60560

MICHAEL J RUSS
44 S CYPRESS DR
BRISTOL, IL, 60512

LYNNE M HARRIS
705 S MAIN ST
YORKVILLE, IL, 60560

KEVIN HEFFERNAN
4600 DOUGLAS RD
OSWEGO, IL, 60543

BANK OF PONTIAC TR 2853
PO BOX 710
PONTIAC, IL, 61764

WILLIAM C & LAURA J MOLITOR
601 S MAIN ST
YORKVILLE, IL, 60560

MARK P & PRISCILLA LACOCO
103 W WASHINGTON ST
YORKVILLE, IL, 60560

VALERIE MOSER
305 W WASHINGTON ST
YORKVILLE, IL, 60560

DEAN E & NANCY C SOMMERS
307 W ORANGE ST
YORKVILLE, IL, 60560

ALFARO EDGAR RUIZ & GARCIA SUEBY PEREZ ALFARO DE RUIZ DARIA & CAMARGO MARTIN RUIZ
706 STATE ST
YORKVILLE, IL, 60560

GREGORY A HUBER
105 E ORANGE ST
YORKVILLE, IL, 60560

ALEJANDRO ALFARO
604 STATE ST
YORKVILLE, IL, 60560

DAHL MANAGEMENT LLC
4N558 HIDDEN OAKS RD
SAINT CHARLES, IL, 60175

RICHARD A SAUNDERS
609 S MAIN ST
YORKVILLE, IL, 60560

KIM CROWE
P O BOX 395
YORKVILLE, IL, 60560

DAHL MANAGEMENT LLC
4N558 HIDDEN OAKS RD
SAINT CHARLES, IL, 60175

DONALD A & GAYLE SCHOENFIELDER
606 S MAIN ST
YORKVILLE, IL, 60560

SHAWN J & ALIED R BEYER
306 W WASHINGTON ST
YORKVILLE, IL, 60560

MARTHA L GREEN TRUST
P O BOX 116
WAYNE, IL, 60184

NELION & KATHRYN NELSON
802 ADRIAN ST
YORKVILLE, IL, 60560

DAHL MANAGEMENT LLC
4N558 HIDDEN OAKS RD
SAINT CHARLES, IL, 60175

STEPHANIE S GESFORD
801 S BRIDGE ST
YORKVILLE, IL, 60560

ROBERT C & JILL M SANTORO
808 STATE ST
YORKVILLE, IL, 60560

RYAN C & ABBEY VATH
3805 WHEELER RD
YORKVILLE, IL, 60560

LARRY D & DIANE C KOT
607 STATE ST
YORKVILLE, IL, 60560

JAESON & DAYSI COLON
610 STATE ST
YORKVILLE, IL, 60560

ROBERT M HARTMAN
608 STATE ST
YORKVILLE, IL, 60560

WENDLING LIVING TRUST
204 W ORANGE ST
YORKVILLE, IL, 60560

JOHANNA L BYRAM
605 STATE ST
YORKVILLE, IL, 60560

EUGENE R & HOLLY A MITCHELL
607 S MAIN ST
YORKVILLE, IL, 60560

JOSEPH & CORA FIALCO
208 W WASHINGTON ST
YORKVILLE, IL, 60560

COUNTY OF KENDALL
COUNTY OFFICE BLDG & ANNEX BLDG
111 W FOX ST
YORKVILLE, IL, 60560

DIANGIKES SALES LLC
% THEODORE DIANGIKES
605 S BRIDGE ST
YORKVILLE, IL, 60560

ROBERTS BRADY HANAGAN REBEKAH &
804 S MAIN ST
YORKVILLE, IL, 60560

DANIEL WILLIAM ARNOLD
808 S MAIN ST
YORKVILLE, IL, 60560

JBNM ASSOCIATES LLC
12651 YORKSHIRE DR
HOMER GLEN, IL, 60491

THOMJOHN PROPERTIES INC
971 CANYON TRAIL CT
YORKVILLE, IL, 60560

DALE HENDRICKSEN
464 BURR OAK DR
OSWEGO, IL, 60543

SANTIAGO & COLLEEN RIVERA
704 ADRIAN ST
YORKVILLE, IL, 60560

THOMJOHN PROPERTIES INC
971 CANYON TRAIL CT
YORKVILLE, IL, 60560

KIM CROWE
P O BOX 395
YORKVILLE, IL, 60560

KEVIN R GENENBACHER
705 STATE ST
YORKVILLE, IL, 60560

RYAN J & BECKY L RANDALL
304 W FOX RD
YORKVILLE, IL, 60560

WV STEEL LLC
404 E MAIN ST
YORKVILLE, IL, 60560

STEVE & KIMBERLY XOAKOS
505 S MAIN ST
YORKVILLE, IL, 60560

ANTHONY & J'NAE NUTONI
709 STATE ST
YORKVILLE, IL, 60560

THEODORE DIANGIKES TRUST
7520 RT 34
OSWEGO, IL, 60543

ADAM & SUSAN ESCALONA SAURO
704 S MAIN ST
YORKVILLE, IL, 60560

SANTOS & SARA DENOVA
608 S MAIN ST
YORKVILLE, IL, 60560

JOHN M & JUDITH MARSH
106 W WASHINGTON ST
YORKVILLE, IL, 60560

GOLDIE BEHRENS LIV TR
708 STATE ST
YORKVILLE, IL, 60560

STATE OF ILLINOIS
% LAND ACQUISITION
700 E NORRIS DR
OTTAWA, IL, 61350

MICHAEL RUSS
10 MAPLE RIDGE LN
YORKVILLE, IL, 60560

CHRISTOPHER KOERBER
604 S MAIN ST
YORKVILLE, IL, 60560

RONALD D & CAROL BENNINGER
402 W FOX ST
YORKVILLE, IL, 60560

JOHN M & JUDITH MARSH
106 W WASHINGTON ST
YORKVILLE, IL, 60560

MARCO GROLESKE
707 S BRIDGE ST
YORKVILLE, IL, 60560

RONALD & VIRGINIA STIBBE
605 S MAIN ST
YORKVILLE, IL, 60560

NOLAN LEE
805 S BRIDGE ST
YORKVILLE, IL, 60560

ELIZABETH A HUNT
706 S MAIN ST
YORKVILLE, IL, 60560

NOLAN LEE
805 S BRIDGE ST
YORKVILLE, IL, 60560

Sold To:
United City of Yorkville - CU00410749
651 Prairie Pointe Drive
Yorkville,IL 60560

Bill To:
United City of Yorkville - CU00410749
651 Prairie Pointe Drive
Yorkville,IL 60560

Certificate of Publication:

Order Number: 7550662
Purchase Order:

State of Illinois - Kendall

Chicago Tribune Media Group does hereby certify that it is the publisher of the The Beacon-News. The The Beacon-News is a secular newspaper, has been continuously published Daily for more than fifty (50) weeks prior to the first publication of the attached notice, is published in the City of Aurora, Township of Aurora, State of Illinois, is of general circulation throughout that county and surrounding area, and is a newspaper as defined by 715 IL CS 5/5.

This is to certify that a notice, a true copy of which is attached, was published 1 time(s) in the The Beacon-News, namely one time per week or on 1 successive weeks. The first publication of the notice was made in the newspaper, dated and published on 12/22/2023, and the last publication of the notice was made in the newspaper dated and published on 12/22/2023.

This notice was also placed on a statewide public notice website as required by 715 ILCS 5/2. 1.

PUBLICATION DATES: **Dec 22, 2023.**

The Beacon-News

In witness, an authorized agent of The Chicago Tribune Media Group has signed this certificate executed in Chicago, Illinois on this

23rd Day of December, 2023, by

Chicago Tribune Media Group



Jeremy Gates

**PUBLIC NOTICE
NOTICE OF PUBLIC HEARING
BEFORE
THE UNITED CITY OF YORKVILLE
PLANNING & ZONING COMMISSION
PZC 2024-02**

NOTICE IS HEREWITH GIVEN THAT Steve Greenblatt, petitioner, has filed an application with the United City of Yorkville, Kendall County, Illinois, requesting relief from Section 10-3-5 of the Zoning Ordinance requiring the location of an accessory structure to be a minimum distance of 5 feet from any side or rear property line for a residential parcel located at 703 S. Main Street. The petitioner is also seeking a variance to Section 10-3-5 to allow a detached accessory structure closer than ten (10) feet to any main building. The purpose of this request is to allow for the installation of a shed. The real property, zoned R-2 Traditional Family Residence District, consists of two (2) contiguous parcels owned by the petitioner and is located at the southwest corner of West Washington Street and South Main Street in Yorkville, Illinois.

The legal description is as follows:

PARCEL TWO-A:

THAT PART OF LOT 1 OF THE OLD COUNTY PROPERTY, IN THE VILLAGE OF YORKVILLE, ACCORDING TO THE PLAT THEREOF RECORDED IN BOOK OF DEEDS, PAGE 171, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE WEST LINE OF MAIN STREET IN SAID VILLAGE OF YORKVILLE, WHICH POINT IS 156.30 FEET NORTH OF THE SOUTHEAST CORNER OF SAID LOT 1; THENCE WESTERLY PARALLEL WITH THE NORTH LINE OF ORANGE STREET IN SAID VILLAGE OF YORKVILLE, 135 FEET; THENCE NORTHERLY PARALLEL WITH THE WEST LINE OF SAID MAIN STREET 13.70 FEET; THENCE EASTERLY PARALLEL WITH THE NORTH LINE OF SAID ORANGE STREET, 135 FEET TO THE WEST LINE OF SAID MAIN STREET; THENCE SOUTHERLY ALONG THE WEST LINE OF MAIN STREET, 13.70 FEET TO THE POINT OF BEGINNING, IN THE VILLAGE OF YORKVILLE, KENDALL COUNTY, ILLINOIS.

PARCEL TWO-B:

THE EAST HALF (EXCEPT THE SOUTH 170 FEET) OF LOT 1 OF THE OLD COUNTY PROPERTY, IN THE VILLAGE OF YORKVILLE, ACCORDING TO PLAT THEREOF RECORDED IN BOOK A OF DEEDS, PAGE 171, IN THE VILLAGE OF YORKVILLE, KENDALL COUNTY, ILLINOIS.

PINs: 02-32-436-004 and 02-32-436-008

NOTICE IS HEREWITH GIVEN THAT the Planning and Zon-

CHICAGO TRIBUNE

media group

ing Commission for the United City of Yorkville will conduct a public hearing on said application on Wednesday, January 10, 2024 at 7:00 p.m. at the United City of Yorkville, City Council Chambers, located at 651 Prairie Pointe Drive, 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, 651 Prairie Pointe Drive, 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
12/22/2023 7550662



Memorandum

To: Planning and Zoning Commission
From: Krysti J. Barksdale-Noble, Community Development Director
CC: Bart Olson, City Administrator
Date: December 8, 2023
Subject: **PZC 2024-03 – Kendall Co. Petition 23-32 & 23-33 (Rezone)**
1.5 Mile Review (Grainco FS, Inc. & A.B. Schwartz)

SUMMARY:

Staff has reviewed a request from Kendall County Planning and Zoning Department along with the subsequent documents attached. This property is located within one and a half miles of the planning boundary for Yorkville, allowing the city the opportunity to review and provide comments to Kendall County. The petitioners, Grainco FS, Inc. (owner) and A.B. Schwartz, LLC. (contract purchaser), are requesting approval of a map amendment (rezoning) and an amendment to Kendall County’s Future Land Use Map. The purpose of the request is to rezone the property located at 8115 IL Route 47 from A-1 Agricultural District to M-1 Limited Manufacturing District. Additionally, the petitioners are requesting to amend the Kendall County Future Land Use Map from “Transportation Corridor” to “Mixed Use Business”. The real property and is located north of Ament Road and immediately west of S. Bridge Street in unincorporated Kendall County.

PROPERTY BACKGROUND:

The property is located at 8115 IL Route 47 in unincorporate Kendall County and consists of five (5) parcels totaling ~20-acres. Currently owned by Grainco FS, Inc., the site has a total of seven (7) agricultural style buildings as well as various diesel fuel/propane structures situated across two (2) parcels. The property is immediately southwest of Yorkville’s corporate boundary, approximately 0.30 miles (~1,600 feet) from the Windett Ridge residential subdivision.

In 1966, the property was rezoned to M-1 by Kendall County but was subsequently zoned back to A-1 in 1974 and granted a special use as part of a County-wide rezoning approval. The parcel has operated as Grainco F.S. (formerly Kendall-Grundy F.S), a provider of agronomic grain and energy products, since at least the 1970’s. Ceasing its retail, farm equipment, and truck repair operations over 5 years ago, Grainco F.S. will continue its gas and fuel storage business a tenant of the new owner, A.B. Schwartz.



REQUEST SUMMARY:

A.B. Schwartz is under contract to purchase the ~20-acre property from Grainco F.S. for the purpose of operating a tile business, offices, warehouses, fuel storage, and other light industrial uses within existing structures (see images of the structures on the following page). Due to the change in use from agriculture in nature to industrial, the petitioners are requesting rezoning from A-1 to M-1. This will also necessitate an amendment to the Kendall County Future Land Use Map contained in the Land Resource Management Plan from Transportation Corridor to Mixed Use Business. Grainco FS utilized the property for fuel and ammonia storage, retail and wholesale agricultural feed, agricultural supply sales, and repair of farm equipment, semi-tractors/trailers, and automobiles. As proposed, A.B. Schwartz, LLC, will utilize the main structures for a tile business, but intend to lease out some of the remaining buildings for various construction related businesses.



YORKVILLE COMPREHENSIVE PLAN:

Yorkville's 2016 Comprehensive Plan designation for this property is Estate/Conservation Residential (ECR) and Agricultural Zone (AZ). The ECR future land use is intended to provide flexibility for residential design in areas in Yorkville that can accommodate low-density detached single-family housing but also include sensitive environmental and scenic features that should be retained and enhanced. The AZ future land use designation is primarily intended for lands expected to remain for agricultural uses, both general farming and restricted forms such as pastures, gardening, kennel, riding stables, nurseries, and greenhouses.

The current land use and A-1 zoning is consistent with Yorkville's Comprehensive Plan, however, the proposed industrial land use is not. If approved, the proposed map amendment to M-1 and change to the Kendall County future land use designation from Transportation Corridor to Mixed Use Business would necessitate a review and potential amendment to Yorkville's Comprehensive Plan's future land use plans for this area. An appropriate future land use designation would be General Industrial (GI) which is intended for a broad range of warehousing and manufacturing activities.

STAFF COMMENTS

Staff is seeking input from the Planning and Zoning Commission as the one-and-a-half-mile review allows for the City to make comments and requests to the petitioner and County prior to their public meetings. This review will also be brought to the City Council at the January 23, 2024 meeting. This item was delivered to the City on November 17, 2023.

PROPOSED MOTION

In consideration of the proposed mile and one-half review of Kendall County Petitions 23-32 and 23-33 for a map amendment from A-1 to M-1 and an amendment to the Kendall County Future Land Use Map from Transportation Corridor to Mixed Use Business for an approximately 20-acre property consisting of five (5) parcels commonly known as 8115 Route 47, the Planning and Zoning Commission recommends to the City Council to (object or not to object) to the request.

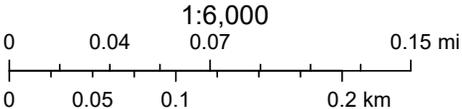
ATTACHMENTS

1. Application with Attachments

Distance from 8115 Rte. 47 to Nearest Residential Parcel in Windett Ridge



12/11/2023, 1:04:31 PM





DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 203

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

Petition 23-32

**Alan Drake on Behalf of Grainco FS, Inc. (Current Owner) and
Andrew and Robert Schwartz on Behalf of A.B. Schwartz, LLC
(Contract Purchaser)**

**Amendment to Future Land Use Map in Land Resource
Management Plan**

Transportation Corridor to Mixed Use Business

INTRODUCTION

A.B. Schwartz, LLC would like an amendment to the Future Land Use Map contained in the Land Resource Management Plan for approximately nineteen point eight more or less (19.8 +/-) acres located on the west side of Route 47 addressed as 8115 Route 47. If the change to the Future Land Use Map is approved, the Petitioner would like to rezone the property to M-1 in order to operate a tile business, offices, warehouses, fuel storage, and other light industrial uses.

The application letter is included as Attachment 1. Pictures of the property are included as Attachments 2-8.

The map amendment request is a separate petition (Petition 23-33).

SITE INFORMATION

PETITIONERS: Alan Drake on Behalf of Grainco FS, Inc. and Andrew and Robert Schwartz on Behalf of A.B. Schwartz, LLC

ADDRESS: 8115 Route 47, Yorkville

LOCATION: West Side of Route 47 Approximately 0.33 Miles North of Ament Road



TOWNSHIP: Kendall

PARCEL #s: 05-09-300-006
 05-09-300-007
 05-16-100-003
 05-16-100-004
 05-16-100-020

LOT SIZE: 19.8 +/- Acres

EXISTING LAND USE: Vacant and Improved Commercial

ZONING: 05-09-300-006 A-1 Agricultural
 05-09-300-007 A-1 Agricultural with Special Use Permits
 05-16-100-003 A-1 Agricultural
 05-16-100-004 A-1 Agricultural with Special Use Permits
 05-16-100-020 A-1 Agricultural with Special Use Permits

LRMP: Future Land Use	Transportation Corridor (Petitioner is requesting a change to Mixed Use Business) Yorkville's Plan calls for the property to be Agricultural.
Roads	Route 47 is a State maintained arterial road.
Trails	There are no trails planned in this area.
Floodplain/Wetlands	There are no floodplains or wetlands on the property.

REQUESTED ACTIONS: Amendment to Future Land Use Map from Transportation Corridor to Mixed Use Business
 Map Amendment Rezoning Property from A-1 Agricultural and A-1 Agricultural with Special Use Permits to M-1 Limited Manufacturing District

APPLICABLE REGULATIONS: Section 13:07 – Map Amendment Procedures

SURROUNDING LAND USE

Location	Adjacent Land Use	Adjacent Zoning	Land Resource Management Plan	Zoning within ½ Mile
North	Improved Commercial and Agricultural	B-3	Transportation Corridor (County) Estate/Conservation Residential (Yorkville)	A-1, R-1, B-3 (County) R-2, R-3, B-1, and B-3 (Yorkville)
South	Transportation/Community/Utility (IDOT Yard) and Agricultural	A-1	Transportation Corridor and Commercial (County) Agricultural (Yorkville)	A-1, A-1 SU, R-3, and B-3

East	Agricultural/Farmstead	A-1 (County) R-2 and R-3 (Yorkville)	Transportation Corridor and Commercial (County) Agricultural (Yorkville)	A-1 (County) R-2 and R-3 (Yorkville)
West	Agricultural	A-1	Rural Residential (Max 0.65 DU/Acre (County) Agricultural (Yorkville)	A-1

The A-1 special use permits to the south are for a church, an illuminated sign, and a cemetery.

ACTION SUMMARY

KENDALL TOWNSHIP

Petition information was sent to Kendall Township on November 17, 2023.

UNITED CITY OF YORKVILLE

Petition information was sent to the United City of Yorkville on November 17, 2023.

BRISTOL-KENDALL FIRE PROTECTION DISTRICT

Petition information was sent to the Bristol-Kendall Fire Protection District on November 17, 2023.

ANALYSIS

The portions of the property identified by parcel identification numbers 05-09-300-007, 05-16-100-004, and 05-16-100-020 were originally rezoned to M-1 in 1966 by Ordinance 1966-08. These properties were rezoned back to A-1 and granted a special use permit during the County-wide rezoning in 1974. A special use permit was granted at these properties to expand the gas facilities in 1979 by Ordinance 1979-20. A special use permit for an illuminated sign was granted at the property in 1998 by Ordinance 1998-09. Ordinances 1966-08, 1979-20, and 1998-09 are included as Attachments 9-11.

In addition to the various zoning actions previously mentioned, the portion of the property identified by parcel identification number 05-16-100-020 was granted variances in 1997 for a reduction of the front yard setback by twenty feet (20') for a canopy and fuel pumps and a ten foot (10') front yard setback reduction for post placement. The information for this variance is included as Attachment 12.

Those portions of the property identified by parcel identification numbers 05-16-100-003 and 05-09-300-006 appear to have always been zoned A-1.

According to the definition of Transportation Corridor found on page 7-36 of the Land Resource Management Plan, this type of land use would be associated with the B-5 Business Planned Development District, B-6 Office and Research Park District, and limited B-3 Highway Business District.

The proposed tile business, offices, warehouses, fuel storage, and other light industrial uses would more applicably fit on properties zoned M-1, which more closely corresponds to the Mixed Use Business classification.

If the request is granted, the adjacent properties on the west side of Route 47 (the former Aux Sable Building and the Illinois Department of Transportation yard) could the submit the same reclassification request in the future. The types of uses of those building and properties could also fit into the Mixed Use Business classification.

RECOMMENDATION

Staff recommends approval of the requested amendment.

ATTACHMENTS

1. Application Letter
2. Picture of Main Building
3. Picture of Looking South by Main Building
4. Picture of South Side of Main Building and South Outbuildings
5. Picture South Outbuildings and Tanks
6. Picture Facing East
7. Picture Facing North
8. Picture of North Outbuilding
9. Ordinance 1966-08
10. Ordinance 1979-20
11. Ordinance 1998-09
12. Variance 1997-17

LAW OFFICES
OF

Daniel J. Kramer

1107A SOUTH BRIDGE STREET
YORKVILLE, ILLINOIS 60560
(630) 553-9500
Fax: (630) 553-5764

DANIEL J. KRAMER

KELLY A. HELLAND
D.J. KRAMER

November 15, 2023

Matt Asselmeier, Senior Planner
Kendall County Building & Zoning

Seth Wormley
Chairman of PB & Z Committee

Via E-mail: Masselmeier@co.kendall.il.us

RE: Grainco FS Owner Contract Purchaser A.B. Schwartz, LLC M-1 Zoning

Dear Gentlemen:

Let this letter stand as our Application and Request that we modify the existing Kendall County Land Resource Management Plan for tax parcels 05-16-100-004, 05-09-300-006, 05-16-100-003, 05-09-300-007, and 05-16-100-020 address 8115 Route 47, Yorkville, Illinois to be reclassified on the Future Land Use Map contained in the Kendall County Land Resource Management Plan from Transportation Corridor to Mixed Use Business for the purposes of the rezoning the properties to M-1 to allow for the operation of offices, warehouses, fuel storage and light industrial type uses.

Very truly yours,

Daniel J. Kramer

Daniel J. Kramer
Attorney at Law

DJK:cth



11/15/2023 15:27



11/15/2023 15:27



11/15/2023 15:28



11/15/2023 15:28



Attachment 7 Looking North



11/15/2023 15:27

Attachment 8 North Outbuilding



11/15/2023 15:27

05-16-100-004

005

05-09-300-007

Rezoned
A-1 SU after
74 Zoning change

ORDINANCE

66-8

now A-1-SU

79-20

AMENDING KENDALL COUNTY ZONING ORDINANCE AS AMENDED

WHEREAS, John T. Hoffman did petition the Zoning Board of Appeals of Kendall County for a public hearing in the manner required by law and the ordinances of Kendall County, Illinois for a proposed amendment to the Kendall County Zoning Ordinance adopted May 10, 1960, and

WHEREAS, said Zoning Board of Appeals did thereupon publish notice of a hearing on said proposed amendment to said Zoning Ordinance as provided by the Statutes of the State of Illinois, and did then hold a public hearing on said proposed amendment on the 6th day of May, A.D. 1966 on the site described in the petition and at the conclusion of said hearing said Zoning Board of Appeals voted in favor of recommending to the Board of Supervisors of Kendall County, Illinois that the petition be granted and the Zoning maps and ordinance be amended in the manner required by law

NOW THEREFORE, BE IT ORDAINED by the Board of Supervisors of Kendall County, Illinois that the following described property be and it is hereby rezoned from "A" Agriculture to "M1" Light Manufacturing and that the County Clerk be and is hereby ordered and directed to change the zoning map, to show the change in zoning classification;

Commencing at a point on the East line of the Northwest quarter of Section 16, Township 36 North, Range 7 East of the Third Principal Meridian at a point 869.22 feet South of the Northeast corner of said Northwest quarter of said section; thence West 39.6 feet to the West line of Highway Route 47, for a place of beginning; thence North 89°53' West, 575 feet; thence North 24°15' West, 769.2 feet; thence North 45°48' West, 886.9 feet to the West line of highway Route 47; thence Southerly along said Westerly line of highway Route 47, 1072.6 feet to the point of beginning, containing 15.25 acres, all in Kendall Township, Kendall County, Illinois,

Passed this 10th day of May, 1966.

[Redacted]

Chairman County Board of Supervisors
Kendall County

ATTEST:

[Redacted]

County Clerk

[Redacted]

05-09-300-007
05-16-100-004
05-16-100-005

ORDINANCE 79-20
AMENDING KENDALL COUNTY ZONING ORDINANCE AS AMENDED

F923

WHEREAS, Kendall-Grundy F. S. did petition the Zoning Board of Appeals of Kendall County for a public hearing in the manner required by law and the ordinances of Kendall County, Illinois for a proposed amendment to the Kendall County Zoning Ordinance adopted January 16, 1940; and

WHEREAS, said Zoning Board of Appeals did thereupon publish notice of a hearing on said proposed amendment to said Zoning Ordinance as provided by the Statutes of the State of Illinois, and did then hold a public hearing on said proposed amendment on the 3rd day of August, 1979, A.D., on the site described in the petition and at the conclusion of said hearing said Zoning Board of Appeals voted in favor of recommending to the County Board of Kendall County, Illinois that the petition be granted and the zoning maps and ordinance be amended in the manner required by law; and

Still A-154

NOW THEREFORE, BE IT ORDAINED by the County Board of Kendall County, Illinois that the following described property be and it is hereby rezoned from A1, Agricultural District Special Use to expand facilities and that the County Clerk be and she is hereby ordered and directed to change the zoning map, to show the change in zoning classification:

That part of the West half of Section 9 and that part of the Northwest quarter of Section 16, Township 36 North, Range 7 East of the Third Principal Meridian, described as follows: Commencing at the Northeast corner of said Section 16; thence Westerly along the northerly line of said Section 2672.0 feet to the tangent center line of Illinois State Route No. 47, extended from the South, thence South 0°00'00" East along said tangent center line of said tangent center line extended 869.22 feet; thence South 89°34'04" West 615.0 feet; thence North 24°54'19" West 778.36 feet to the point of beginning; thence continuing North 24°54'19" West 237.56 feet; thence North 65°13'06" East 942.72 feet to the westerly right of way line of said State Route No. 47 being 40.0 feet normally distance Southwesterly from the center line of said Route; thence Southeasterly along said Westerly right of way line being on a curve to the right having a radius of 5344.41 feet; an arc distance of 243.46 feet to a line drawn North 65°13'06" East from the point of beginning; thence South 65°13'06" West along said line 889.01 feet to the point of beginning; containing 5.00 acres,

AND, That part of the West half of Section 9 and that part of the Northwest quarter of Section 16, Township 36 North, Range 7 East of the Third Principal Meridian, described as follows: Commencing at the Northeast corner of said Section 16; thence westerly along the Northerly line of said Section 2672.0 feet to the tangent center line of Illinois State Route No. 47, extended from the South, thence South 0°00'00" East along said tangent center line and said Tangent center line extended, 869.22 feet; thence south 89°34'04" West 615.0 feet for the point of beginning; thence North 24°54'19" West 778.36 feet; thence North 65°13'06" East 889.01 feet to the Westerly right of way line of said State Route No. 47 being 40.0 feet normally distant southwesterly from the center line of said Route; thence Southeasterly along said Westerly right of way line being

on a curve to the right having a radius of 5344.41 feet; an arc distance of 1012.51 feet; thence South $0^{\circ}00'00''$ East along said Westerly right of way line being tangent to the last described curve at the last described point 67.82 feet to a line drawn North $89^{\circ}34'04''$ East from the point of beginning; thence South $89^{\circ}34'04''$ West 575.0 feet to the point of beginning; containing 15.4829 acres in the Township of Kendall, Kendall County, Illinois.

BE IT FURTHER ORDAINED that the above special use classification shall be expressly made subject to the following conditions:

1. The County Board to make determination of fencing requirement around berm.
2. Engineer shall make a study and recommendations to control water runoff and retain any chemical spills.
3. IDOT shall be contacted to make recommendations for improving ingress and egress to Rt. 47. F. S. to cooperate and install, within reason, recommended improvements.
4. Additional lighting shall be installed.

PASSED THIS 14th day of August, 1979.


Chairman, County Board of Kendall
County, Illinois

ATTEST:


[Signature]
County Clerk

05-16-100-004
05-09-300-007
05-16-100-005
Zoning Petition
#9808

State of Illinois
County of Kendall

listed as 79-2

ORDINANCE NUMBER 98-09

**GRANTING SPECIAL USE ZONING PERMIT
KENDALL- GRUNDY F.S.
SIGN - 8115 IL ROUTE 47**

WHEREAS, Larry Mattison, the operations manager and duly authorized agent for the Kendall-Grundy F.S. property at 8115 IL Route 47 in Section 16 of Kendall Township, filed a petition for special use approval of a sign; and

WHEREAS, said property is currently zoned A-1 Agricultural District with a Special Use in accordance with Ordinance 79-20, with tax parcel identification number 05-16-100-005, and is further identified on the attached Exhibit A: Legal Description; and

WHEREAS, said property and project site is further detailed on the attached Exhibit B: Plot Plan; and

WHEREAS, said property conducts motor fuel retail sales; and

WHEREAS, said petition is for an illuminated sign that would be two-sided, with face no greater than 36 square feet in area, and conforming to all other regulations, including the advertising the sale of products on the property; and

WHEREAS, said sign is further illustrated on the attached Exhibit C: Sign Dimensions; and

WHEREAS, all procedures required by the Kendall County Zoning Ordinance were followed including notice for public hearing, findings of fact, and recommendation by the Zoning Board of Appeals; and

WHEREAS, the Kendall County Board finds that said petition, along with the conditions specified in this ordinance, is in conformance with the provisions of the Kendall County Zoning Ordinance;

NOW, THEREFORE, BE IT ORDAINED, that the Kendall County Board hereby grants approval of a special use zoning permit to construct an illuminated sign on the property at 8115 IL Route 47 at the site specified on Exhibit B, and in the size and manner specified in Exhibit C, in conformance to the Kendall County Zoning Ordinance.

Failure to comply with the terms of this ordinance may be cited as a basis for amending or revoking this special use permit.

IN WITNESS OF, this ordinance has been enacted on June 16, 1998.

[Redacted Signature]

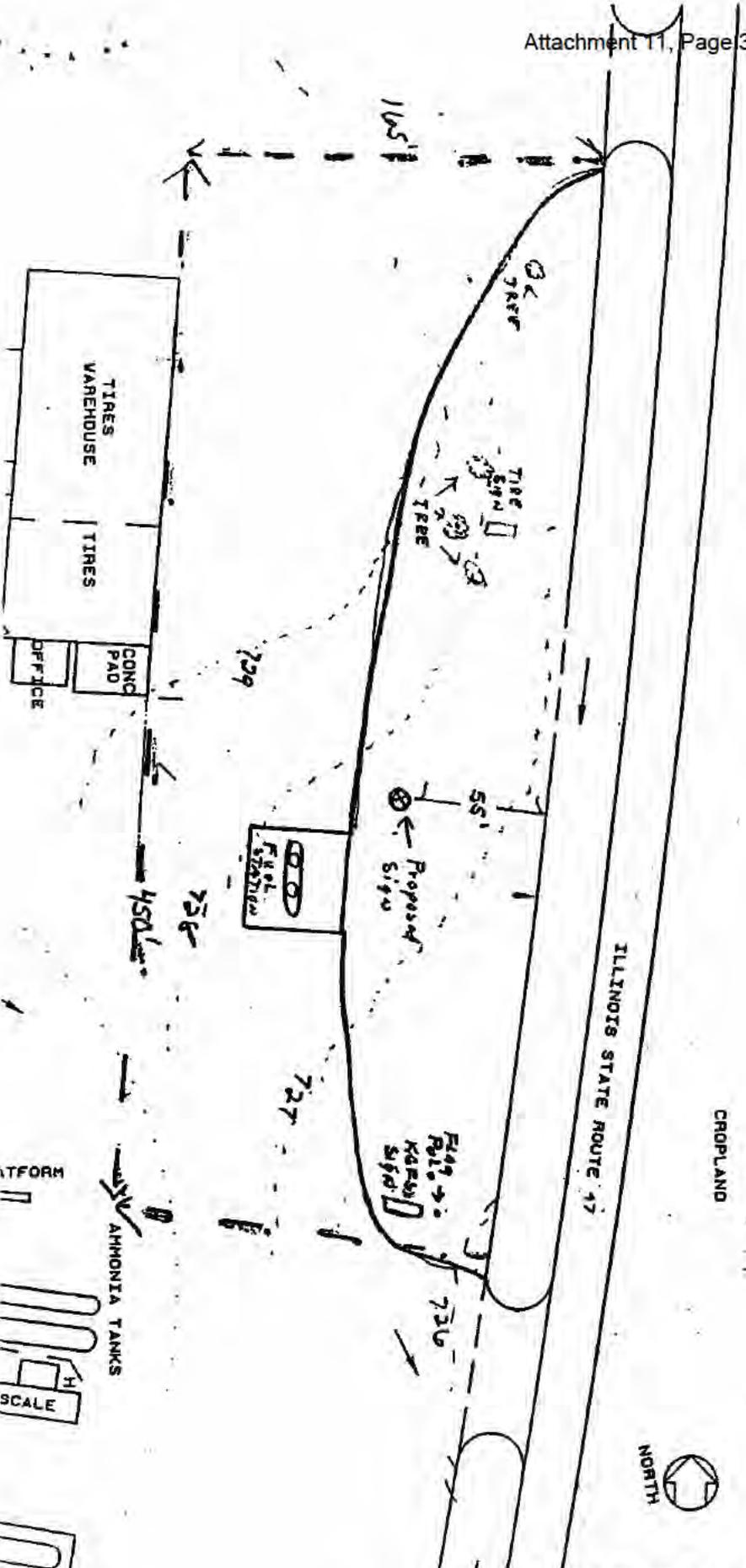
John A. Church
Kendall County Board Chairman

[Redacted Signature]

Paul Anderson
Kendall County Clerk

LEGAL DESCRIPTION
FOR KENDALL GRUNDY FS, INC.

THAT PART OF THE WEST HALF OF SECTION 9 AND THAT PART OF THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 36 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 16; THENCE WESTERLY ALONG THE NORTHERLY LINE OF SAID SECTION 2672.0 FEET TO THE TANGENT CENTER LINE OF ILLINOIS STATE ROUTE NO. 47, EXTENDED FROM THE SOUTH; THENCE SOUTH $0^{\circ}00'00''$ EAST ALONG SAID TANGENT CENTER LINE AND SAID TANGENT CENTER LINE EXTENDED, 869.22 FEET; THENCE SOUTH $89^{\circ}34'04''$ WEST 615.0 FEET FOR THE POINT OF BEGINNING; THENCE NORTH $24^{\circ}54'19''$ WEST 778.36 FEET; THENCE NORTH $65^{\circ}13'06''$ EAST 889.01 FEET TO THE WESTERLY RIGHT OF WAY LINE OF SAID STATE ROUTE NO. 47, BEING 40.0 FEET NORMALLY DISTANT SOUTHWESTERLY FROM THE CENTER LINE OF SAID ROUTE; THENCE SOUTHEASTERLY ALONG SAID WESTERLY RIGHT OF WAY LINE BEING ON A CURVE TO THE RIGHT HAVING A RADIUS OF 5344.41 FEET, AN ARC DISTANCE OF 1012.51 FEET; THENCE SOUTH $0^{\circ}00'00''$ EAST ALONG SAID WESTERLY RIGHT OF WAY LINE BEING TANGENT TO THE LAST DESCRIBED CURVE AT THE LAST DESCRIBED POINT 67.82 FEET TO A LINE DRAWN NORTH $89^{\circ}34'04''$ EAST FROM THE POINT OF BEGINNING; THENCE SOUTH $89^{\circ}34'04''$ WEST 575.0 FEET TO THE POINT OF BEGINNING; CONTAINING 15.4829 ACRES IN THE TOWNSHIP OF KENDALL, KENDALL COUNTY, ILLINOIS.



:ROWMARK INC. Engineering Services 781 Towanda Avenue Bloomington, Illinois 61791		Revisions PETRO TANKS 7/29/79 GENERAL 7/18/79 BULK NSERVE 11/29/81 GEN 4/25/84 CHANGE WHSE 8/31/84 NEW WHSE 11/24/84 RELOCATE 11/19/84 30,000 NH ₃ 3/25/88 ASCHEN UPDATE PERMIT 12/92 3/93, 2/95 EQUIP/TRUCK BLDGS 1/29/97 FUEL 24 3/14/97 LS 6/30/97 LS 8/4/97 LS		Date 7/23/78 Scale 1" = 50' 0" Designed by SANDS Drawn by MYERS		1 of 2 Dir 039 File 52-PP		WCKENDALL GRUNDY FS INC YORKVILLE, ILLINOIS One PLOT PLAN	
--	--	--	--	--	--	---------------------------------	--	---	--

EXHIBIT B: PLOT PLAN
 #9808 · Kendall-Grundy F.S. · Sign · Special Use

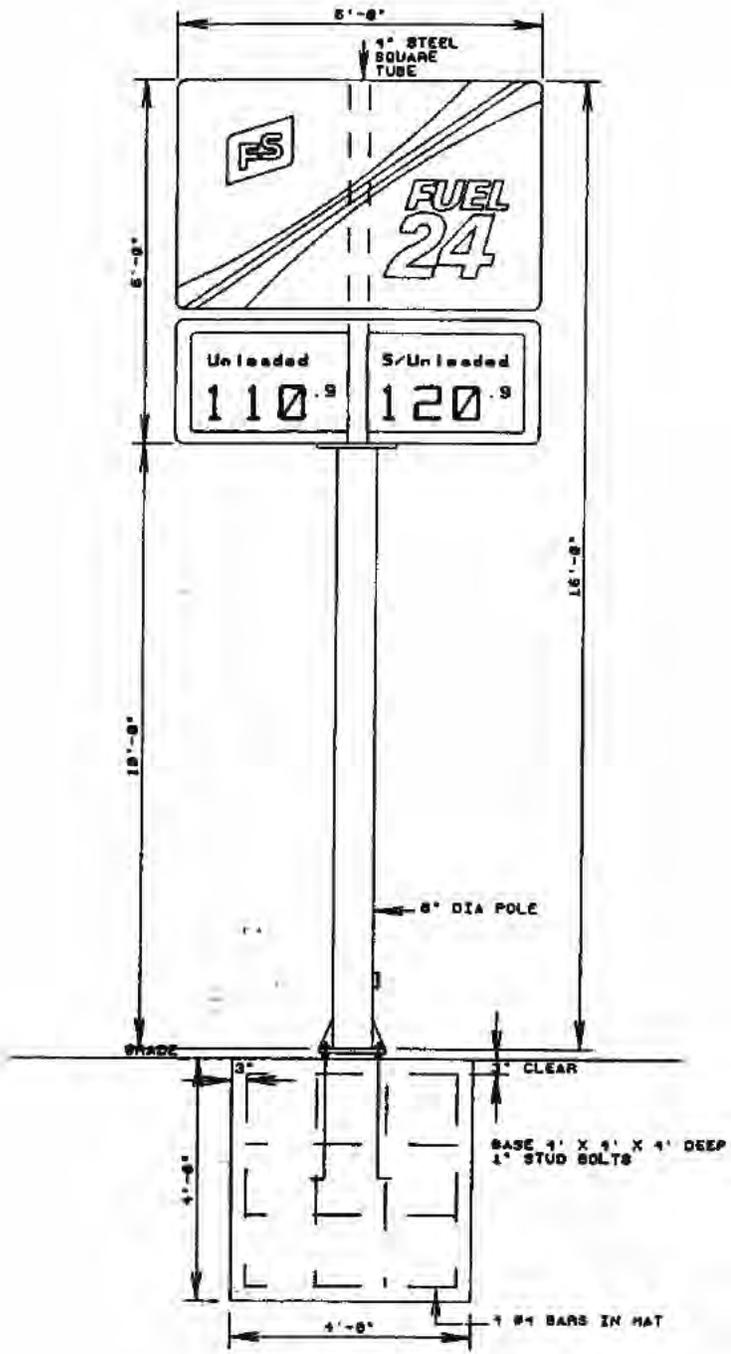


EXHIBIT C: SIGN DIMENSIONS
#9808 · Kendall-Grundy F.S. · Sign · Special Use

**ZONING BOARD OF APPEALS
COUNTY OF KENDALL
111 West Fox Street
Yorkville, Illinois 60560**

Roll Call:

		Hearing:	#740
Richard Bark	present		
Floyd Dierzen	present	File:	#9717
William Ford	present		
James Friedrich	present	Date:	July 29, 1997
Paul Scholtes	present		
Mary Ann Stees	present	Time:	7:00 p.m.

RE: Kendall - Grundy FS - Variation

An application for a variance from Section 7.0.D.1.A of the Kendall County Zoning Ordinance pursuant to Section 13.04.B.2 was submitted to the Kendall County Zoning Officer.

The applicant is requesting a variance of the front yard setback in the agricultural district.

After due notice as required by law, the Zoning Board of Appeals held a public hearing on Tuesday, July 29, 1997 at 7:00 p.m. in the Kendall County Board Room at 111 West Fox Street in Yorkville, Illinois.

At the hearing Mr. Manning explained a petition was received from the owner of the Kendall - Grundy Farm Service property for their facility located at 8115 So. Rt. 47, Kendall Township. The property currently has an A-1 Special Use. It was determined when that Special Use was established, that a petroleum service station and sales use of the property would be a permitted use. The petitioners would now like to establish and construct that on this property. They have submitted a site plan showing a pump island set back 90' from the right-of-way on Rt. 47 with an overhead canopy set back 80' from the right-of-way.

Mr. Manning stated he had received a letter from Andrew Sviria, an engineer for District 3 of IDOT. The letter contained IDOT's long range plan to shift the right-of-way for Rt. 47 and showed their drawing. The plan will shift the west right-of-way line another 20' west. When that occurs, it would put the canopy setback at 60'.

Dan Kramer, attorney, and Larry Matteson, FS manager, were sworn in by Chairman Ford. Mr. Kramer explained the current right-of-way is 120' (60' west and 60' east). He talked to Mr. Sviria and explained that the canopy would not be an enclosed building. Jason Poppen from IDOT called him and said the head engineer reviewed this and did not see a problem. Mr. Kramer asked for this to be put in writing as soon as possible. He said that when asking for a recommendation tonight, that the vote be contingent upon Mr. Manning receiving that letter withdrawing their objection.

Mr. Kramer entered petitioners exhibit #1 showing an aerial view of the property and pointed out the IDOT building is as close as the variance FS is asking for. (80' off the right-of-way line). FS plans on putting a two pump island in on this specific spot so there will be a wide enough swing area for the trucks.

This location is right next to the existing building which houses the computers and the cash register. There will be no additional buildings constructed. Mr. Kramer entered a color picture of the proposed canopy as exhibit #2. The canopy top will be 80' and will cover the two pumps north and south to the road. He is asking for a variance of 20' for the canopy and a 10' variance for the posts.

Mr. Manning questioned if there could not be other locations. Mr. Matteson explained why this location is the best in his opinion due to congestion and the loading docks. He said they will sell to the public both deisel and gas with the two pumps.

After testimony the Zoning Board made the following findings of fact: (13.04.A.2)

1. Are there particular physical surroundings, shape or topographical condition of the property involved that would result in a hardship upon the owner as distinguished from a mere inconvenience or loss of revenue? NO
2. The conditions upon the requested variation is based applicable to other property within the same zoning classification. UNIQUE
3. Does the alleged difficulty or hardship been created by any person having interest in the property? NO
4. At the granting of the variation detrimentally effect the public welfare or injurious to other property or improvements in the neighborhood. NO
5. Will the proposed variation impair adequate supply of light or air to adjacent property or increase congestion in the public street or increase danger of fire or endanger of public safety or substantially diminish or impair property values? NO, modest increase in traffic.
6. Does the proposed variance comply with the spirit and intent of the ordinance? YES

Member Dierzen motioned and Member Friedrich seconded to grant the variance request with the following stipulations: pending approval from the State of Illinois IDOT in writing.

VOTE:	Bark	YES	Dierzen	YES
	Friedrich	YES	Scholtes	YES
	Stees	YES	Ford	YES

MOTION CARRIED.

[Redacted Signature]

Recording Secretary

[Redacted Signature]

Chairman, Zoning Board of Appeals



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 203

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

Petition 23-33

**Alan Drake on Behalf of Grainco FS, Inc. (Current Owner) and
Andrew and Robert Schwartz on Behalf of A.B. Schwartz, LLC
(Contract Purchaser) Map Amendment Rezoning from A-1 and
A-1 SU to M-1**

INTRODUCTION

A.B. Schwartz, LLC would like a map amendment rezoning approximately nineteen point eight more or less (19.8 +/-) acres located on the west side of Route 47 addressed as 8115 Route 47 from A-1 Agricultural District and A-1 SU to M-1 Limited Manufacturing District in order to operate a tile business, offices, warehouses, fuel storage, and other light industrial uses.

The application materials are included as Attachment 1. Pictures of the property are included as Attachments 2-8.

The amendment to the Future Land Use Map is a separate petition (Petition 23-32).

SITE INFORMATION

PETITIONERS: Alan Drake on Behalf of Grainco FS, Inc. and Andrew and Robert Schwartz on Behalf of A.B. Schwartz, LLC

ADDRESS: 8115 Route 47, Yorkville

LOCATION: West Side of Route 47 Approximately 0.33 Miles North of Ament Road



TOWNSHIP: Kendall

PARCEL #s: 05-09-300-006
 05-09-300-007
 05-16-100-003
 05-16-100-004
 05-16-100-020

LOT SIZE: 19.8 +/- Acres

EXISTING LAND USE: Vacant and Improved Commercial

ZONING: 05-09-300-006 A-1 Agricultural
 05-09-300-007 A-1 Agricultural with Special Use Permits
 05-16-100-003 A-1 Agricultural
 05-16-100-004 A-1 Agricultural with Special Use Permits
 05-16-100-020 A-1 Agricultural with Special Use Permits

LRMP: Future Land Use	Transportation Corridor (Petitioner is requesting a change to Mixed Use Business) Yorkville's Plan calls for the property to be Agricultural.
Roads	Route 47 is a State maintained arterial road.
Trails	There are no trails planned in this area.
Floodplain/Wetlands	There are no floodplains or wetlands on the property.

REQUESTED ACTIONS: Amendment to Future Land Use Map from Transportation Corridor to Mixed Use Business

Map Amendment Rezoning Property from A-1 Agricultural and A-1 Agricultural with Special Use Permits to M-1 Limited Manufacturing District

APPLICABLE REGULATIONS: Section 13:07 – Map Amendment Procedures

SURROUNDING LAND USE

Location	Adjacent Land Use	Adjacent Zoning	Land Resource Management Plan	Zoning within 1/2 Mile
North	Improved Commercial and Agricultural	B-3	Transportation Corridor (County) Estate/Conservation Residential (Yorkville)	A-1, R-1, B-3 (County) R-2, R-3, B-1, and B-3 (Yorkville)
South	Transportation/Community/Utility (IDOT Yard) and Agricultural	A-1	Transportation Corridor and Commercial (County) Agricultural (Yorkville)	A-1, A-1 SU, R-3, and B-3

East	Agricultural/Farmstead	A-1 (County) R-2 and R-3 (Yorkville)	Transportation Corridor and Commercial (County) Agricultural (Yorkville)	A-1 (County) R-2 and R-3 (Yorkville)
West	Agricultural	A-1	Rural Residential (Max 0.65 DU/Acre (County) Agricultural (Yorkville)	A-1

The A-1 special use permits to the south are for a church, an illuminated sign, and a cemetery.

PHYSICAL DATA

ENDANGERED SPECIES REPORT

EcoCAT Report submitted and consultation was terminated (see Attachment 1, Pages 18-20).

NATURAL RESOURCES INVENTORY

The application for NRI was submitted on November 12, 2023 (see Attachment 1, Page 17).

ACTION SUMMARY

KENDALL TOWNSHIP

Petition information was sent to Kendall Township on November 17, 2023.

UNITED CITY OF YORKVILLE

Petition information was sent to the United City of Yorkville on November 17, 2023.

BRISTOL-KENDALL FIRE PROTECTION DISTRICT

Petition information was sent to the Bristol-Kendall Fire Protection District on November 17, 2023.

GENERAL INFORMATION

The portions of the property identified by parcel identification numbers 05-09-300-007, 05-16-100-004, and 05-16-100-020 were originally rezoned to M-1 in 1966 by Ordinance 1966-08. These properties were rezoned back to A-1 and granted a special use permit during the County-wide rezoning in 1974. A special use permit was granted at these properties to expand the gas facilities in 1979 by Ordinance 1979-20. A special use permit for an illuminated sign was granted at the property in 1998 by Ordinance 1998-09. Ordinances 1966-08, 1979-20, and 1998-09 are included as Attachments 9-11.

In addition to the various zoning actions previously mentioned, the portion of the property identified by parcel identification number 05-16-100-020 was granted variances in 1997 for a reduction of the front yard setback by twenty feet (20') for a canopy and fuel pumps and a ten foot (10') front yard setback reduction for post placement. The information for this variance is included as Attachment 12.

Those portions of the property identified by parcel identification numbers 05-16-100-003 and 05-09-300-006 appear to have always been zoned A-1.

BUILDING CODES

Per the site plan (Attachment 1, Page 21), there are seven (7) buildings presently located on the property. Any new buildings, expansion of existing buildings, or remodeling of these buildings would require applicable building permits and the work would be required to meet applicable building codes. The Petitioners indicate that no new buildings are planned at this time. Any structures or uses that encroach into required setbacks would be considered lawfully non-conforming. Any changes to site, such as new buildings or expanded parking areas, would trigger site plan review and approval under the Zoning Ordinance.

UTILITIES

The site is serviced by a well and septic. There is electricity onsite. There are several LP tanks onsite.

ACCESS

The property fronts Route 47 and has two (2) access points off of Route 47. Deceleration lanes exist at both entrances on Route 47.

PARKING AND INTERNAL TRAFFIC CIRCULATION

The site plan shows several gravel and asphalt areas. No dedicated parking spaces appear onsite. Any new parking lots would have to meet applicable regulations.

ODORS

Based on the proposed uses, no new odors are foreseen. The owners of the property would have to follow applicable odor control regulations based on potential other future M-1 allowable uses.

LIGHTING

The site plan shows one (1) light pole and there are some existing lights on several of the buildings.

The amount of lighting could expand on the property if they install a larger parking lot or if different uses move onto the property.

LANDSCAPING AND SCREENING

No changes to the landscaping or property screening are proposed.

If improvements are made to the site in the future, landscaping and screening would be required as part of site plan review.

SIGNAGE

Any signage would have to meet applicable regulations and secure permits.

NOISE CONTROL

Based on the proposed uses, no new noise issues are foreseen. The owners of the property would have to follow applicable noise control regulations based on potential other future M-1 allowable uses.

STORMWATER

The site plan shows two (2) stormwater inlets.

Since no new buildings or impervious surfaces were proposed, a stormwater permit was not required. However, if additional buildings or impervious surfaces are added to the site in the future, stormwater permits could be required at that time.

FINDINGS OF FACT

§13:07.F of the Zoning Ordinance outlines findings that the Zoning Board of Appeals must make in order to recommend in favor of the applicant on map amendment applications. They are listed below in *italics*. Staff has provided findings in **bold** below based on the recommendation:

*Existing uses of property within the general area of the property in question. **The surrounding properties are used for agricultural purposes, larger lot single-family residential uses, Illinois Department of Transportation storage yard, and vacant commercial space that might seek rezoning to industrial in the future.***

*The Zoning classification of property within the general area of the property in question. **The surrounding properties are zoned A-1 and B-3 in the unincorporated area and R-2 and R-3 inside the United City of Yorkville.***

*The suitability of the property in question for the uses permitted under the existing zoning classification. **The Petitioners propose to use the property for more light industrial type uses that are not allowed in the***

A-1 Agricultural Zoning District.

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

Consistency with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. The Future Land Use Map in the Land Resource Management Plan classifies this property as Transportation Corridor. The United City of Yorkville's Plan calls for the property to be Agricultural. The Petitioners are also pursuing a change to the County's Future Land Use Map to Mixed Use Business. If this change is approved, then the requested map amendment would be consistent with the County's Land Resource Management Plan.

RECOMMENDATION

If the requested amendment to the Future Land Use Map in the Land Resource Management Plan reclassifying this property as Mixed Use Business is approved, Staff recommends approval of the proposed map amendment.

ATTACHMENTS

1. Application Materials
2. Picture of Main Building
3. Picture of Looking South by Main Building
4. Picture of South Side of Main Building and South Outbuildings
5. Picture South Outbuildings and Tanks
6. Picture Facing East
7. Picture Facing North
8. Picture of North Outbuilding
9. Ordinance 1966-08
10. Ordinance 1979-20
11. Ordinance 1998-09
12. Variance 1997-17



DEPARTMENT OF PLANNING, BUILDING & ZONING

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

APPLICATION

PROJECT NAME A.B. SCHWARTZ, LLC FILE #: _____

NAME OF APPLICANT (Including First, Middle Initial, and Last Name)		
A. B. SCHWARTZ, LLC		
CURRENT LANDOWNER/NAME(s)		
Grainco F.S.		
SITE INFORMATION ACRES	SITE ADDRESS OR LOCATION	ASSESSOR'S ID NUMBER (PIN)
19.8708	8115 Route 47, Yorkville, IL 80560	05-16-100-004, 05-09-300-006, 05-16-100-003
EXISTING LAND USE	CURRENT ZONING	LAND CLASSIFICATION ON LRMP
fuel storage, truck repair, contractor storage	A-1 Sepcial Use	A-1
REQUESTED ACTION (Check All That Apply):		
<input type="checkbox"/> SPECIAL USE	<input checked="" type="checkbox"/> MAP AMENDMENT (Rezone to <u>M-1</u>)	<input type="checkbox"/> VARIANCE
<input type="checkbox"/> ADMINISTRATIVE VARIANCE	<input type="checkbox"/> A-1 CONDITIONAL USE for: _____	<input type="checkbox"/> SITE PLAN REVIEW
<input type="checkbox"/> TEXT AMENDMENT	<input type="checkbox"/> RPD (<input type="checkbox"/> Concept; <input type="checkbox"/> Preliminary; <input type="checkbox"/> Final)	<input type="checkbox"/> ADMINISTRATIVE APPEAL
<input type="checkbox"/> PRELIMINARY PLAT	<input type="checkbox"/> FINAL PLAT	<input type="checkbox"/> OTHER PLAT (Vacation, Dedication, etc.)
AMENDMENT TO A SPECIAL USE (<input type="checkbox"/> Major; <input type="checkbox"/> Minor)		
PRIMARY CONTACT	PRIMARY CONTACT MAILING ADDRESS	PRIMARY CONTACT EMAIL
Daniel J. Kramer	1107A S. Bridge Street, Yorkville, IL 80560	dkramer@dankramerlaw.com
PRIMARY CONTACT PHONE #	PRIMARY CONTACT FAX #	PRIMARY CONTACT OTHER # (Cell, etc.)
630-553-9500	630-553-5764	
ENGINEER CONTACT	ENGINEER MAILING ADDRESS	ENGINEER EMAIL
NONE		
ENGINEER PHONE #	ENGINEER FAX #	ENGINEER OTHER # (Cell, etc.)
I UNDERSTAND THAT BY SIGNING THIS FORM, THAT THE PROPERTY IN QUESTION MAY BE VISITED BY COUNTY STAFF & BOARD/ COMMISSION MEMBERS THROUGHOUT THE PETITION PROCESS AND THAT THE PRIMARY CONTACT LISTED ABOVE WILL BE SUBJECT TO ALL CORRESPONDANCE ISSUED BY THE COUNTY.		
I CERTIFY THAT THE INFORMATION AND EXHIBITS SUBMITTED ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND THAT I AM TO FILE THIS APPLICATION AND ACT ON BEHALF OF THE ABOVE SIGNATURES. THE APPLICANT ATTESTS THAT THEY ARE FREE OF DEBT OR CURRENT ON ALL DEBTS OWED TO KENDALL COUNTY AS OF THE DATE OF THE APPLICATION.		
SIGNATURE OF APPLICANT		DATE
		11/8/2023

FEE PAID:\$ _____
 CHECK #: _____

¹Primary Contact will receive all correspondence from County

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


DEPARTMENT OF PLANNING, BUILDING & ZONING

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

APPLICATION

 PROJECT NAME A.B.SCHWARTZ, LLC FILE #: _____

NAME OF APPLICANT (Including First, Middle Initial, and Last Name)		
1 <u>A.B.SCHWARTZ, LLC</u>		
CURRENT LANDOWNER/NAME(s)		
<u>Grainco F.S.</u>		
SITE INFORMATION	SITE ADDRESS OR LOCATION	ASSESSOR'S ID NUMBER (PIN)
<u>ACRES</u> 19.8708	<u>8115 Route 47, Yorkville, IL 60560</u>	<u>05-01-300-007</u> <u>05-16-100-020</u> 05-16-100-004, 05-09-300-006, 05-16-100-003
EXISTING LAND USE	CURRENT ZONING	LAND CLASSIFICATION ON LRMP
<u>fuel storage, truck repair, contractor storage</u>	<u>A-1 Sepcial Use</u>	<u>A-1</u>
REQUESTED ACTION (Check All That Apply):		
<input type="checkbox"/> SPECIAL USE	<input checked="" type="checkbox"/> MAP AMENDMENT (Rezone to <u>M-1</u>)	<input type="checkbox"/> VARIANCE
<input type="checkbox"/> ADMINISTRATIVE VARIANCE	<input type="checkbox"/> A-1 CONDITIONAL USE for: _____	<input type="checkbox"/> SITE PLAN REVIEW
<input type="checkbox"/> TEXT AMENDMENT	<input type="checkbox"/> RPD (<input type="checkbox"/> Concept; <input type="checkbox"/> Preliminary; <input type="checkbox"/> Final)	<input type="checkbox"/> ADMINISTRATIVE APPEAL
<input type="checkbox"/> PRELIMINARY PLAT	<input type="checkbox"/> FINAL PLAT	<input type="checkbox"/> OTHER PLAT (Vacation, Dedication, etc.)
AMENDMENT TO A SPECIAL USE (<input type="checkbox"/> Major; <input type="checkbox"/> Minor)		
1PRIMARY CONTACT	PRIMARY CONTACT MAILING ADDRESS	PRIMARY CONTACT EMAIL
<u>Daniel J. Kramer</u>	<u>1107A S. Bridge Street, Yorkville, IL 60560</u>	<u>dkramer@dankramerlaw.com</u>
PRIMARY CONTACT PHONE #	PRIMARY CONTACT FAX #	PRIMARY CONTACT OTHER #(Cell, etc.)
<u>630-553-9500</u>	<u>630-553-5764</u>	
2ENGINEER CONTACT	ENGINEER MAILING ADDRESS	ENGINEER EMAIL
<u>NONE</u>		
ENGINEER PHONE #	ENGINEER FAX #	ENGINEER OTHER # (Cell, etc.)
I UNDERSTAND THAT BY SIGNING THIS FORM, THAT THE PROPERTY IN QUESTION MAY BE VISITED BY COUNTY STAFF & BOARD/ COMMISSION MEMBERS THROUGHOUT THE PETITION PROCESS AND THAT THE PRIMARY CONTACT LISTED ABOVE WILL BE SUBJECT TO ALL CORRESPONDANCE ISSUED BY THE COUNTY.		
I CERTIFY THAT THE INFORMATION AND EXHIBITS SUBMITTED ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND THAT I AM TO FILE THIS APPLICATION AND ACT ON BEHALF OF THE ABOVE SIGNATURES. THE APPLICANT ATTESTS THAT THEY ARE FREE OF DEBT OR CURRENT ON ALL DEBTS OWED TO KENDALL COUNTY AS OF THE DATE OF THE APPLICATION.		
SIGNATURE OF APPLICANT		DATE
<u>[Redacted Signature]</u>		<u>11-12-23</u>

 FEE PAID: \$ _____
 CHECK #: _____

¹Primary Contact will receive all correspondence from County

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

1. The surrounding and neighboring uses of the subject real property are consistent with the propose use of the Zoning Applicant/Contract Purchaser. Grainco F.S. and its predecessor in title used the subject site for years for fuel and ammonia storage, for retail and wholesale agricultural feed and agricultural supply sales, car/truck repair shop for farm equipment, semi tractors and trailers and automobiles. Usage of applicant is going to be primarily for a tile business but they do anticipate leasing out some of the buildings on-site for various construction businesses that could use the same type of building and usage previously undertaken by Grainco F.S. and its predecessors in title.
2. The uses in the area are similar and include A-1 Agricultural, B3 Highway, A-1 Special Use, the current IDOT Facility that I do not believe has any special zoning but is certainly an M-1 type of use with salt storage, storage of heavy machinery and construction equipment.
3. The property is suitable for the existing and requested uses of the Applicants. The difference is that currently the property has as an A-1 Special Use Zoning that is totally in relation Agricultural uses including the facility having been used for fuel storage, ammonia storage, farm vehicles, outdoor equipment storage, and truck and tractor repair inside the main building. It further served as a retail and wholesale outlet for agricultural input products, animal feed, and pet feed related products.

Applicants anticipate renting some of the existing buildings for inside storage of construction equipment and construction offices which require an M-1 Zoning.

4. The trend of development in the area is towards business, commercial, and transportation uses and has not generated any type of retail use currently.
5. The project is consistent with the Kendall County Land Resource Management Plan which encourages commercial and manufacturing uses on all weather highways with good transportation access which squarely is on point with Illinois Route 47. The proposed and existing uses conform to the other uses in the area. The applicants fully intends to comply with all Kendall County Zoning Ordinances and Regulations.

Petitioners are seeking a change in zoning from A1 Special Use to M-1 for the operation of a tile business, constructions business, storage of existing LP tanks and related uses under M-1 Zoning

LEGAL DESCRIPTION:

That Part of the West Half of Section 9 and that Part of the Northwest Quarter of Section 16, Township 36 North, Range 7 East of the Third Principal Meridian described as follows: Commencing at the Northeast Corner of said Section 16; thence Westerly, along the Northerly Line of said Section, 2672.0 feet to the tangent center line of Illinois State Route No. 47, extended from the South; thence South 00°00'00" East, along said tangent center line and said tangent center line extended, 869.22 feet; thence South 89°34'04" West, 615.0 feet for the point of beginning; thence North 24°54'19" West, 1015.92 feet; thence North 65°13'06" East, 942.72 feet to the Westerly Right of Way Line of said State Route No. 47, being 40 feet normally distant, Southwesterly from the center line of said Route; thence Southeasterly, along said Westerly Right of Way Line, being a curve to the right having a radius of 5344.41 feet, an arc distance of 1246.0 feet; thence South 00°00'00" East, along said Westerly Right of Way Line, being tangent to the last described curve at the last described point, 67.82 feet to a line drawn North 89°34'04" East from the point of beginning; thence South 89°34'04" West, 575.0 feet to the point of beginning;

LESS AND EXCEPT that portion of property conveyed to People of the State of Illinois, Department of Transportation from Kendall-Grundy F.S., Inc. by Warranty Deed dated May 29, 1990 and recorded July 9, 1990 in Deed Book 291, Page 269;

AND BEING a portion of the same property conveyed to Grainco FS, Inc. successor by virtue of merger with Kendall-Grundy FS, Inc., formerly Kendall Farmers Oil Company who acquired title from Robert A. Dhuse and Carol V. Dhuse by Deed dated December 2, 1974 and recorded December 2, 1974 in Instrument No. 74-5432.

LAW OFFICES
OF

Daniel J. Kramer

1107A SOUTH BRIDGE STREET
YORKVILLE, ILLINOIS 60560
(630) 553-9500
Fax: (630) 553-5764

DANIEL J. KRAMER

**KELLY A. HELLAND
D.J. KRAMER**

November 15, 2023

Matt Asselmeier
Kendall County Building & Zoning
111 W. Fox St.
Yorkville, IL 60560

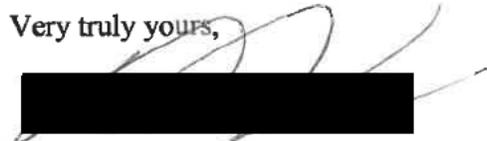
Re: A.B.Schwartz, LLC M-1 Zoning Application

Dear Matt:

Enclosed please find the deeds showing proof of ownership and if you look at the deeds you will see the Owner's Corporate names has changed but it has still remained the same owner.

Should you have any questions please feel free to call my office.

Very truly yours,



Daniel J. Kramer
Attorney at Law

DJK/cth
Encl.

201762

THE GRANTORS, ROBERT A. DHUSE and CAROL V. DHUSE, each in their own right and as husband and wife,

of the Township of Kendall County of Kendall State of Illinois

for and in consideration of the sum of Ten Dollars and other valuable consideration in hand paid Convey... and Warrant... to KENDALL-GRUNDY F.S., INC., formerly Kendall Farmers Oil Company

of the City of Yorkville County of Kendall State of Illinois

the following described Real Estate, to-wit:

That part of the West half of Section 9 and that part of the Northwest quarter of Section 16, Township 36 North, Range 7 East of the Third Principal Meridian, described as follows: Commencing at the Northeast corner of said Section 16; thence Westerly along the Northerly line of said section, 2672 feet to the tangent center line of Illinois State Route No. 47, extended from the South; thence South 0° 00' East along said tangent center line and said tangent center line extended, 869.22 feet; thence South 89° 34' 04" West 615 feet for the point of beginning; thence North 24° 54' 19" West 778.36 feet; thence North 65° 13' 06" East 889.01 feet to the Westerly right of way line of said State Route No. 47, being 40 feet normally distant Southwesterly from the center line of said Route; thence Southeasterly along said Westerly right of way line being on a curve to the right having a radius of 5344.41 feet, an arc distance of 1002.54 feet; thence South 0° 00' 00" East along said Westerly right of way line being tangent to the last described curve at the last described point 87.82 feet to a line drawn North 89° 34' 04" East from the point of beginning; thence South 89° 34' 04" West 575 feet to the point of beginning (except that part described as follows: Commencing at the Northeast corner of said Northwest quarter; thence South along the East line of said quarter section 869.22 feet; thence West 39.60 feet to the Westerly line of State Route No. 47 for the point of beginning; thence North 89° 53' West 575 feet; thence North 24° 15' West 512.80 feet; thence North 65° 48' East 816.70 feet to the Westerly

(Continued on Reverse Side)

situated in the Township of Kendall County of Kendall in the State of Illinois, hereby releasing and waiving rights under and by virtue of the Homestead Exemption Laws of the State of Illinois.

Instrument Prepared By: Dallas C. Ingemansson, Ingemansson & Bassak, Attorneys at Law, 108 W. Van Buren Street, Yorkville, Illinois 60560

Done this 2nd day of December, A.D. 1974

[SEAL] Robert A. Dhuse [SEAL] Carol V. Dhuse [SEAL]

I, the undersigned, a Notary Public in and for said County and State aforesaid, DO HEREBY CERTIFY that

Robert A. Dhuse and Carol V. Dhuse, each in their own right and as husband and wife, personally known to me to be the same persons

whose names subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that they signed, sealed and delivered the said instrument as their free and voluntary act, for the uses and purposes therein set forth, including the release and waiver of the right of homestead.

Given under my hand and Notarial seal, this 2nd day of December, A.D. 1974

Notary Public, Kendall County, Illinois

Document No. 74-5432 Filed for record in Recorder's Office of Kendall County, Illinois

NAME, Kendall-Grundy F.S., Inc., 115 Washington Street

74-5432 DEC 6 - 1974



201762

WARRANTY
DEED

City: Morris, Illinois 60450
Address: 116 E. Washington Street
Name: Kendall-Grundy F. S., Inc.

RETURN TO: *Improment & Bank*
Chicago Title Insurance Company
Kendall County Office
220 Bridge Street
Yorkville, Illinois 60550



Legal Description Continued:

line of said State Route No. 47; thence Southerly along said Westerly line 806.20 feet to the point of beginning); in the Township of Kendall, Kendall County, Illinois.

Subject to general real estate taxes for the year 1974 and subsequent years.

DEC 6 - 1974

AFFIDAVIT

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

STATE OF ILLINOIS)
COUNTY OF KENDALL) SS.

Document # 74-5432

Dallas C. Ingemanson, being duly sworn on oath,
states that he resides at Yorkville, Illinois

That the attached deed represents:

1. A distinct separate parcel on record prior to July 17, 1959.
2. A distinct separate parcel qualifying for a Kendall County building permit prior to August 10, 1971.
3. The division or subdivision of land into parcels or tracts of 5 acres or more in size which does not involve any new streets or easements of access.
4. The division of lots or blocks of less than 1 acre in any recorded subdivision which does not involve any new streets or easements of access.
5. The sale or exchange of parcels of land between owners of adjoining and contiguous land.
6. The conveyance of parcels of land or interest therein for use as right of way for railroads or other public utility facilities, which does not involve any new streets or easements of access.
7. The conveyance of land owned by a railroad or other public utility which does not involve any new streets or easements of access.
8. The conveyance of land for highway or other public purposes or grants or conveyances relating to the dedication of land for public use or instruments relating to the vacation of land impressed with a public use.
9. Conveyances made to correct descriptions in prior conveyances.
10. The sale or exchange of parcels or tracts of land existing on the date of the amendatory Act into no more than 2 parts and not involving any new streets or easements of access.
11. The sale of a single lot of less than 5 acres from a larger tract when a survey is made by a registered surveyor; provided, however, that this exemption shall not apply to the sale of any subsequent lots from the same larger tract of land.

CIRCLE NUMBER ABOVE WHICH IS APPLICABLE TO ATTACHED DEED.

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

SUBSCRIBED and SWORN to before me
this 6 day of December, 1974

[Redacted signature area]

This instrument prepared by [redacted]
108 W. Van Emmon St., Yorkville, Ill.

203032

THE GRANTEE, ROBERT DRUSE and CAROL DRUSE, husband and wife,

of the Township of Kendall County of Kendall State of Illinois
for and in consideration of the sum of Ten Dollars and other valuable consideration in hand paid Convey... and Warranty...
in KENDALL GRUNDFY FH, INC., an Illinois corporation

of the Township of Kendall County of Kendall State of Illinois

the following described Real Estate, to-wit: That part of the West half of Section 9 and that part of the Northwest Quarter of Section 16, Township 36 North, Range 7 East of the Third Principal Meridian, described as follows: Commencing at the Northeast corner of said Section 16; thence Westerly along the Northerly line of said Section 2672.0 feet to the tangent center line of Illinois State Route No. 47, extended from the South; thence South 0°00'00" East along said tangent center line of said tangent center line extended, 869.22 feet; thence South 89°34'04" West 615.0 feet; thence North 24°54'19" West 778.36 feet to the point of beginning; thence continuing North 24°54'19" West 237.56 feet; thence North 65°13'06" East 942.72 feet to the Westerly right of way line of said State Route No. 47 being 40.0 feet normally distant Southwesterly from the center line of said Route; thence Southeasterly along said Westerly right of way line being on a curve to the right having a radius of 5344.41 feet; an arc distance of 243.46 feet to a line drawn North 65°13'06" East from the point of beginning; thence South 65°13'06" West along said line 889.01 feet to the point of beginning, containing 5.00 acres,

situated in the Township of Kendall County of Kendall in the State of Illinois,
hereby releasing and waiving rights under and by virtue of the Homestead Exemption Laws of the State of Illinois.



Done this 10 day of December, A.D. 1975
Robert Druce (SEAL) Carol Druce (SEAL)
(SEAL) (SEAL)
(SEAL) (SEAL)

I, the undersigned, a Notary Public in, and for said County and State aforesaid, DO HEREBY CERTIFY that
KENDALL

ROBERT DRUSE and CAROL DRUSE, husband and wife, personally known to me to be the same person,



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

Given under my hand and notarial seal this 10 day of December, A. D. 1975 [redacted] (SEAL)
Notary Public.

MAIL TAX \$25.00 Document No. 75-5963 Filed for record in Recorder's Office of Kendall County, Illinois, Kendall

NAME: Kendall Grundfy FH, INC.
Address: 116 E. Washington Morris, Ill. 60450
MICROFILMED - INDEXED - TRACED
By [redacted] Deputy

DEC 11 1975
75-5963

DEC 11 1975

AFFIDAVIT

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

STATE OF ILLINOIS)
COUNTY OF KENDALL) SS.

Document # 75-5963

Dallas C. Ingerson, being duly sworn on oath,
states that he resides at Yorkville, Illinois

That the attached deed represents:

1. A distinct separate parcel on record prior to July 17, 1959.
2. A distinct separate parcel qualifying for a Kendall County building permit prior to August 10, 1971.
3. The division or subdivision of land into parcels or tracts of 5 acres or more in size which does not involve any new streets or easements of access.
4. The division of lots or blocks of less than 1 acre in any recorded subdivision which does not involve any new streets or easements of access.
5. The sale or exchange of parcels of land between owners of adjoining and contiguous land.
6. The conveyance of parcels of land or interest therein for use as right of way for railroads or other public utility facilities, which does not involve any new streets or easements of access.
7. The conveyance of land owned by a railroad or other public utility which does not involve any new streets or easements of access.
8. The conveyance of land for highway or other public purposes or grants or conveyances relating to the dedication of land for public use or instruments relating to the vacation of land impressed with a public use
9. Conveyances made to correct descriptions in prior conveyances.
10. The sale or exchange of parcels or tracts of land existing on the date of the amendatory Act into no more than 2 parts and not involving any new streets or easements of access.
11. The sale of a single lot of less than 5 acres from a larger tract when a survey is made by a registered surveyor; provided, however, that this exemption shall not apply to the sale of any subsequent lots from the same larger tract of land.

CIRCLE NUMBER ABOVE WHICH IS APPLICABLE TO ATTACHED DEED.

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

[Redacted Signature]

SUBSCRIBED and SWORN to before me
this 10th day of December, 19 75

[Redacted Notary Name]
Notary Public

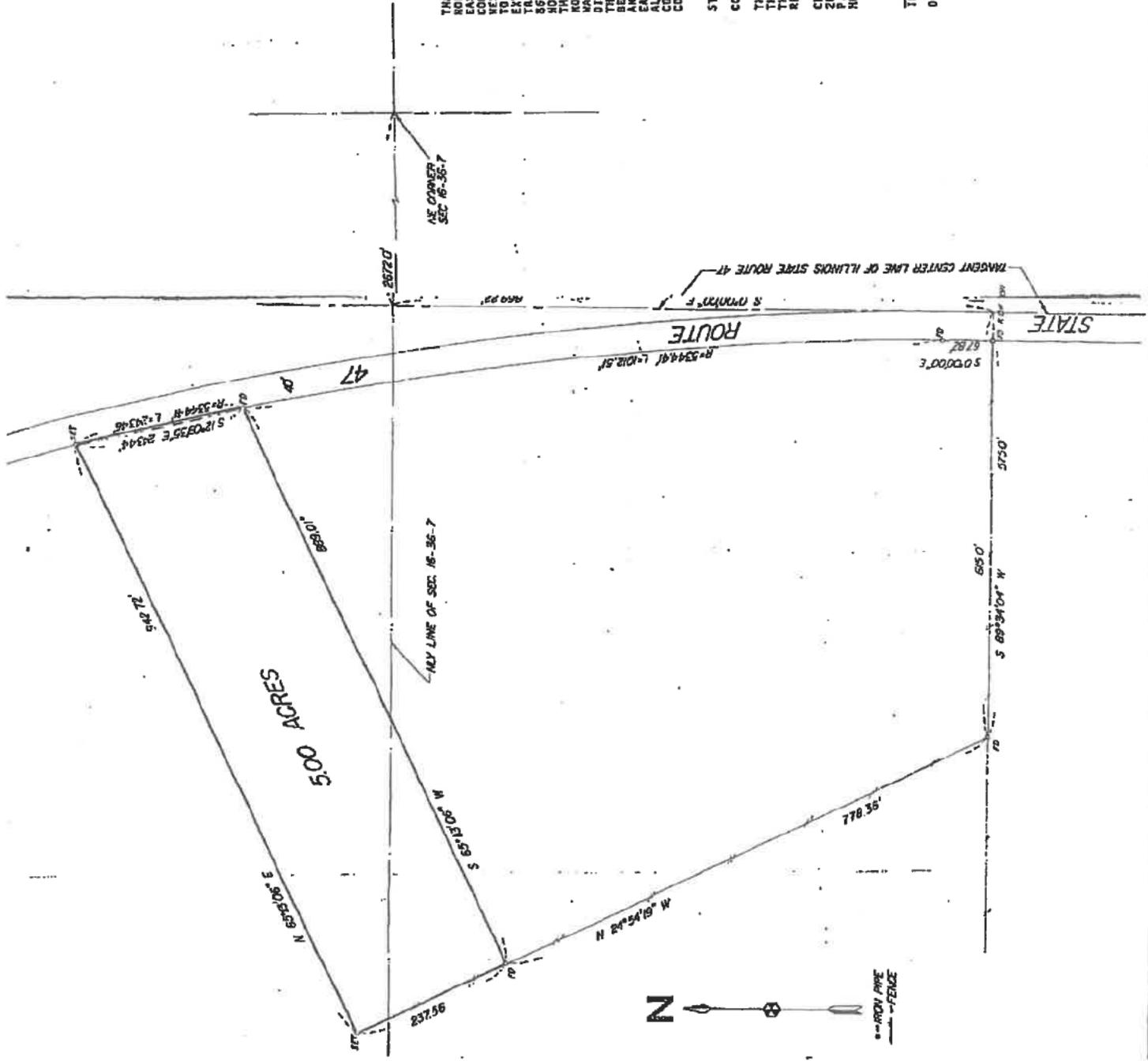
THAT PART OF THE WEST HALF OF SECTION 9 AND THAT PART OF THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 36 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 16, THENCE WESTERLY ALONG THE WEST LINE OF SAID SECTION 16, 252.0 FEET TO THE TANGENT CENTER LINE OF ILLINOIS STATE ROUTE NO. 47, EXTENDED TO THE SOUTH, THENCE S0°00'00" EAST ALONG SAID EXTENDED CENTER LINE OF SAID TANGENT CENTER LINE EXTENDED, 897.0 FEET; THENCE S00°34'04" WEST 813.0 FEET; THENCE N04°24'52" EAST 278.36 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 24°54'19" WEST 237.56 FEET; THENCE NORTH 65°13'06" EAST 842.72 FEET TO THE WESTERLY RIGHT OF WAY LINE OF SAID STATE ROUTE NO. 47 BEING 40.8 FEET NOMINALLY DISTANT SOUTHWESTERLY FROM THE CENTER LINE OF SAID ROUTE; THENCE SOUTHEASTERLY ALONG SAID WESTERLY RIGHT OF WAY LINE BEING ON A CURVE TO THE RIGHT HAVING A RADIUS OF 544 FEET, AN ARC DISTANCE OF 243.86 FEET, THENCE SOUTH 65°13'06" WEST ALONG SAID RIGHT OF WAY LINE 510.0 FEET TO THE POINT OF BEGINNING; CONTAINING 5.00 ACRES, IN THE TOWNSHIP OF KENDALL, KENDALL COUNTY, ILLINOIS.

STATE OF ILLINOIS : 55
 COUNTY OF K A H E :

THIS IS TO CERTIFY THAT WE HAVE SURVEYED THE PROPERTY HEREON DESCRIBED AND THAT THE PLAT HEREON IS A CORRECT REPRESENTATION OF SAID SURVEY.

CHARLES DE GRAFF & ASSOCIATES
 209 WEBSTER STREET
 P O BOX 67
 MONTGOMERY, ILLINOIS 60538

ILLINOIS REGISTERED SURVEYOR NO. [REDACTED]
 OCTOBER 17, 1975



CHARLES DEGRAFF & ASSOCIATES Surveyors, Engineers & Planners 1000 North 1st Street Montgomery, Illinois 60538			
SCALE:	INCHES BY FEET	DATE:	SHEET NO.
1" = 100'	SKU	OCT 1975	1175
PLAT OF SURVEY			SHEET NO.
KENDALL-GRANDY FS INC			

EXHIBIT A – REAL PROPERTY

Legal descriptions of real property in which the Mortgagor has a fee estate:

Kendall County, Illinois

The following described parcels of land are lying, being and situate in the County of Kendall, State of Illinois:

PARCEL 1:

The Easterly 165.0 feet of the Northerly 264.11 feet of that part of the Southwest quarter of Section 9, Township 35 North, Range 7 East of the Third Principal Meridian lying Westerly of a line drawn parallel with and 82.50 feet Westerly of the East line (measured at right angles to said East line) of said quarter, in the Township of Lisbon, Kendall County, Illinois.

AND BEING the same property conveyed to Farmers Cooperative Grain and Supply Company of Lisbon Center from James H. Clow by Deed dated July 01, 1974 and recorded July 01, 1974 in Instrument No. 74-3156.

Tax Parcel No. 08-09-300-002

PARCEL 2:

Tract 1:

That part of the West half of Section 9 and that part of the Northwest Quarter of Section 16, Township 36 North, Range 7 East of the Third Principal Meridian, described as follows: Commencing at the Northeast corner of said Section 16; thence Westerly along the Northerly line of said Section 2672.0 feet to the tangent center line of Illinois State Route No. 47, extended from the South; thence South 0°00'00" East along said tangent center line of said tangent center line extended, 869.22 feet; thence South 89°34'04" West 615.0 feet; thence North 24°54'19" West 778.36 feet to the point of beginning; thence continuing North 24°54'19" West 237.56 feet; thence North 65°13'06" East 942.72 feet to the Westerly right of way line of said State Route No. 47 being 40.0 feet normally distant Southwesterly from the center line of said Route; thence Southeasterly along said Westerly right of way line being on a curve to the right having a radius of 5344.41 feet; an arc distance of 243.46 feet to a line drawn North 65°13'06" East from the point of beginning; thence South 65°13'06" West along said line 889.01 feet to the point of beginning, containing 5.00 acres.

LESS AND EXCEPT that portion of property conveyed to People of the State of Illinois, Department of Transportation from Kendall-Grundy F.S., Inc. by Warranty Deed dated May 29, 1990 and recorded July 09, 1990 in Deed Book 291, Page 269.

AND BEING a portion of the same property conveyed to Grainco FS, Inc. successor by virtue of merger with Kendall-Grundy FS, Inc., an Illinois corporation who acquired title from Robert Dhuse and Carol Dhuse by Deed dated December 10, 1975 and recorded December 11, 1975 in Instrument No. 75-5963.

Tract 2:

That part of the West half of Section 9 and that part of the Northwest quarter of Section 16, Township 36 North, Range 7 East of the Third Principal Meridian, described as follows: Commencing at the Northeast corner of said Section 16; thence Westerly along the Northerly line of said Section, 2672 feet to the tangent center line of Illinois State Route No. 47, extended from the South; thence South 0° 00' East along said tangent center line and said tangent center line extended, 869.22 feet; thence South 89° 34' 04" West 615 feet for the point of beginning; thence North 24° 54' 19" West 778.36 feet; thence North 65° 13' 06" East 889.01 feet to the Westerly right of way line of said State Route No. 47, being 40 feet normally distant Southwesterly from the center line of said Route; thence Southeasterly along said Westerly right of way line being on a curve to the right having a radius of 5344.41 feet, an arc distance of 1002.54 feet; thence South 0° 00' 00" East along said Westerly right of way line being tangent to the last described curve at the last described point 67.82 feet to a line drawn North 89° 34' 04" East from the point of beginning; thence South 89° 34' 04" West 575 feet to the point of beginning (except that part described as follows: Commencing at the Northeast corner of said Northwest quarter; thence South along the East line of said quarter section 869.22 feet; thence West 39.60 feet to the Westerly line of State Route No. 47 for the point of beginning; thence North 89° 53' West 575 feet; thence North 24° 15' West 512.80 feet; thence North 65° 48' East 816.70 feet to the Westerly line of said State Route No. 47; thence Southerly along said Westerly line 806.20 feet to the point of beginning); in the Township of Kendall, Kendall County, Illinois.

LESS AND EXCEPT that portion of property conveyed to People of the State of Illinois, Department of Transportation from Kendall-Grundy F.S., Inc. by Warranty Deed dated May 29, 1990 and recorded July 09, 1990 in Deed Book 291, Page 269.

AND BEING a portion of the same property conveyed to Grainco FS, Inc. successor by virtue of merger with Kendall-Grundy FS, Inc., formerly Kendall Farmers Oil Company who acquired title from Robert A. Dhuse and Carol V. Dhuse by Deed dated December 02, 1974 and recorded December 02, 1974 in Instrument No. 74-5432.

Tax Parcel Nos. 05-09-300-006, 05-16-100-003, 05-16-100-004, 05-16-100-005

PARCEL 3:

Tract 1:

That part of the Southeast ¼ of Section 6, Township 35 North, Range 6 East of the Third Principal Meridian, described as follows:

Commencing at the Southwest corner of said Southeast ¼; thence East along the South line of said Southeast ¼ 1195.3 feet to the center line of a road, extended Southerly; thence Northerly along said extended center line and the center line of said road 989 feet for the point of beginning; thence Westerly along a line making an angle of 88 degrees 25 minutes measured from North to West with the last described line extended, 514.96 feet to the Southeasterly line of Illinois Route 71; thence Northeasterly along said Southeasterly right-of-way line 319 feet to an angle in said right-of-way line; thence Easterly along said right-of-way line 221.45 feet to the center line of said North and South Road; thence Southerly along the center line of said North and South Road 107.7 feet to the point of beginning, (excepting therefrom that part conveyed to the Village of Newark by Warranty Deed June 17, 1983 and recorded June 19, 1985 as Document 85-2687), in the Village of Newark, Kendall County, Illinois.

KENDALL COUNTY
DISCLOSURE OF BENEFICIARIES FORM

1. Applicant GRAINCO FS, Inc.
Address 3107 N. State Route 23
City OTTAWA State IL Zip 61350

2. Nature of Benefit Sought _____

3. Nature of Applicant: (Please check one)

- Natural Person
- Corporation
- Land Trust/Trustee
- Trust/Trustee
- Partnership
- Joint Venture

4. If applicant is an entity other than described in Section 3, briefly state the nature and characteristics of the applicant:

Cooperative

5. If your answer to Section 3 you have checked letter b, c, d, e, or f, identify by name and address each person or entity who is a 5% shareholder in case of a corporation, a beneficiary in the case of a trust or land trust, a joint venture in the case of a joint venture, or who otherwise has proprietary interest, interest in profits and losses or right to control such entity:

NAME	ADDRESS	INTEREST

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

Alan Drake, General Manager, GRAINCO FS, Inc. 3107 N. State Route 23, OTTAWA, IL 61350

VERIFICATION

I, _____, being first duly sworn under oath that I am the person making this disclosure on behalf of the applicant, that I am duly authorized to make the disclosure, that I have read the above and foregoing Disclosure of Beneficiaries, and that the statements contained therein are true in both substance and fact.

Subscribed and sworn to before me this 8th day of November, A.D. 2023

(seal) _____
Notary Public



KENDALL COUNTY
DISCLOSURE OF BENEFICIARIES FORM

1. Applicant A.B.SCHWARTZ, LLC
Address PO Box 325
City Newark State IL Zip 60541

2. Nature of Benefit Sought Co-Managers

3. Nature of Applicant: (Please check one)
 Natural Person
 ~~Corporation~~ Limited Liability Company
 Land Trust/Trustee
 Trust/Trustee
 Partnership
 Joint Venture

4. If applicant is an entity other than described in Section 3, briefly state the nature and characteristics of the applicant:

Co-Managers of an Illinois Limited Liability Company to operate Tile Business

5. If your answer to Section 3 you have checked letter b, c, d, e, or f, identify by name and address each person or entity who is a 5% shareholder in case of a corporation, a beneficiary in the case of a trust or land trust, a joint venture in the case of a joint venture, or who otherwise has proprietary interest, interest in profits and losses or right to control such entity:

NAME	ADDRESS	INTEREST
Andrew Schwartz	[REDACTED]	50%
Robert Schwartz	[REDACTED]	50%

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

Daniel J. Kramer, Attorney for the Applicants/Co-Managers

I, Daniel J. Kramer VERIFICATION, being first duly sworn under oath that I am the person making this disclosure on behalf of the applicant, that I am duly authorized to make the disclosure, that I have read the above and foregoing Disclosure of Beneficiaries and that the statements contained therein are true in both substance and fact.

Subscribed and sworn to before me this 15th day of November, A.D. 2023

(seal)



Colleen Hanson
Notary Public



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



NATURAL RESOURCE INFORMATION (NRI) REPORT APPLICATION

Petitioner: A. B. SCHWARTZ, LLC **Contact Person:** Attorney Daniel J. Kramer
Address: [REDACTED] **1107A S. Bridge Street**
City, State, Zip: [REDACTED] **Yorkville, Illinois 60560**
Phone Number: [REDACTED] **(630) 553-9500**
Email: [REDACTED] **dkramer@dankramerlaw.com**

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

Site Location & Proposed Use

Township Name Kendall Township 36 N, Range 7 E, Section(s) 16
 Parcel Index Number(s) 05-16-100-004, 05-09-300-006, 05-16-100-003, 05-09-300-007, 05-16-100-020
 Project or Subdivision Name Schwartz Zoning Number of Acres 19.8708
 Current Use of Site fuel storage, truck repair, constrcutior Proposed Use fuel storage, operation of tile business and storage
 Proposed Number of Lots 1 Proposed Number of Structures All existng structures in plat attached
 Proposed Water Supply existing well Proposed type of Wastewater Treatment existing septic
 Proposed type of Storm Water Management Use of existing facillities

Type of Request

Change in Zoning from A-1 Special Use to M-1
 Variance (Please describe fully on separate page)
 Special Use Permit (Please describe fully on separate page)
 Name of County or Municipality the request is being filed with: Kendall County Planning, Building, and Zoning

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

- Plat of Survey/Site Plan** – showing location, legal description and property measurements
- Concept Plan** - showing the locations of proposed lots, buildings, roads, stormwater detention, open areas, etc.
- if available: topography map, field tile map, copy of soil boring and/or wetland studies**
- NRI fee** (Please make checks payable to Kendall County SWCD)

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

Full Report: \$375.00 for five acres and under, plus \$18.00 per acre for each additional acre or any fraction thereof over five.
Executive Summary Report: \$300.00 (KCSWCD staff will determine when a summary or full report will be necessary.)

Fee for first five acres and under	\$	<u>375.00</u>
<u>15</u> Additional Acres at \$18.00 each	\$	<u>270.00</u>
Total NRI Fee	\$	<u>645.00</u>

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

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

X [REDACTED]
 Petitioner or Authorized Agent

11-12-13
 Date

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

FOR OFFICE USE ONLY

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



Applicant: Andrew Schwartz and Robert Schwartz
Contact: ATTORNEY DANIEL J. KRAMER
Address: [REDACTED]

IDNR Project Number: 2406562
Date: 11/07/2023

Project: Schwartz
Address: 8115 Route 47, Yorkville

Description: Change Zoning from A-1 Special Use to M-1 to operate tilling business, storage of equipment, storage of existing LP Tanks. All using existing buildings

Natural Resource Review Results

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

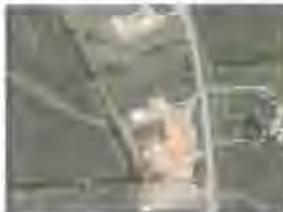
The Illinois Natural Heritage Database contains no record of State-listed threatened or endangered species, Illinois Natural Area Inventory sites, dedicated Illinois Nature Preserves, or registered Land and Water Reserves in the vicinity of the project location.

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

Location

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

County: Kendall
Township, Range, Section:
36N, 7E, 9
36N, 7E, 16



IL Department of Natural Resources
Contact
Bradley Hayes
217-785-5500
Division of Ecosystems & Environment

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

Disclaimer

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

IDNR Project Number: 2406562

Terms of Use

By using this website, you acknowledge that you have read and agree to these terms. These terms may be revised by IDNR as necessary. If you continue to use the EcoCAT application after we post changes to these terms, it will mean that you accept such changes. If at any time you do not accept the Terms of Use, you may not continue to use the website.

1. The IDNR EcoCAT website was developed so that units of local government, state agencies and the public could request information or begin natural resource consultations on-line for the Illinois Endangered Species Protection Act, Illinois Natural Areas Preservation Act, and Illinois Interagency Wetland Policy Act. EcoCAT uses databases, Geographic Information System mapping, and a set of programmed decision rules to determine if proposed actions are in the vicinity of protected natural resources. By indicating your agreement to the Terms of Use for this application, you warrant that you will not use this web site for any other purpose.

2. Unauthorized attempts to upload, download, or change information on this website are strictly prohibited and may be punishable under the Computer Fraud and Abuse Act of 1986 and/or the National Information Infrastructure Protection Act.

3. IDNR reserves the right to enhance, modify, alter, or suspend the website at any time without notice, or to terminate or restrict access.

Security

EcoCAT operates on a state of Illinois computer system. We may use software to monitor traffic and to identify unauthorized attempts to upload, download, or change information, to cause harm or otherwise to damage this site. Unauthorized attempts to upload, download, or change information on this server is strictly prohibited by law.

Unauthorized use, tampering with or modification of this system, including supporting hardware or software, may subject the violator to criminal and civil penalties. In the event of unauthorized intrusion, all relevant information regarding possible violation of law may be provided to law enforcement officials.

Privacy

EcoCAT generates a public record subject to disclosure under the Freedom of Information Act. Otherwise, IDNR uses the information submitted to EcoCAT solely for internal tracking purposes.

IDNR Project Number: 2406562



EcoCAT Receipt

Project Code 2406562

APPLICANT

DATE

Andrew Schwartz and Robert Schwartz
ATTORNEY DANIEL J. KRAMER
[REDACTED]

11/7/2023

DESCRIPTION

FEE

CONVENIENCE FEE

TOTAL PAID

EcoCAT Consultation

\$ 125.00

\$ 2.81

\$ 127.81

TOTAL PAID

\$ 127.81

Illinois Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702
217-785-5500
dnr.ecocat@illinois.gov

ZONING PLAT OF PART OF THE WEST HALF OF SECTION 9, and PART OF THE NORTHWEST QUARTER OF SECTION 16, T36N-R7E, 3rd P.M. KENDALL TOWNSHIP KENDALL COUNTY ILLINOIS

DEVELOPER:
Justin & Janet Schwartz

AREA TO BE REZONED:
18.8709 Acres

FLOODPLAIN STATEMENT:

The Subject Property is located in Zone II (Grade of adjacent flood hazard determined to be outside the 100-year flood plain) as shown on FEMA Flood Insurance Rate Map Panel No. 17080C0250 with an effective date of February 4, 2002.

SOILS (From Web Soil Survey)

- 306A Urban SR Loam, 05-25 slopes
- 306C Le Rose SR Loam, 05-12% slopes, arded
- 306D Le Rose City Loam, 05-12% slopes, severely arded
- 306A Pans City City Loam, 05-25 slopes
- 304B Cragmoor SR Loam, 25-55 slopes

PRESENT ZONING:
A1 and A1-SU (Ord # 79-09)

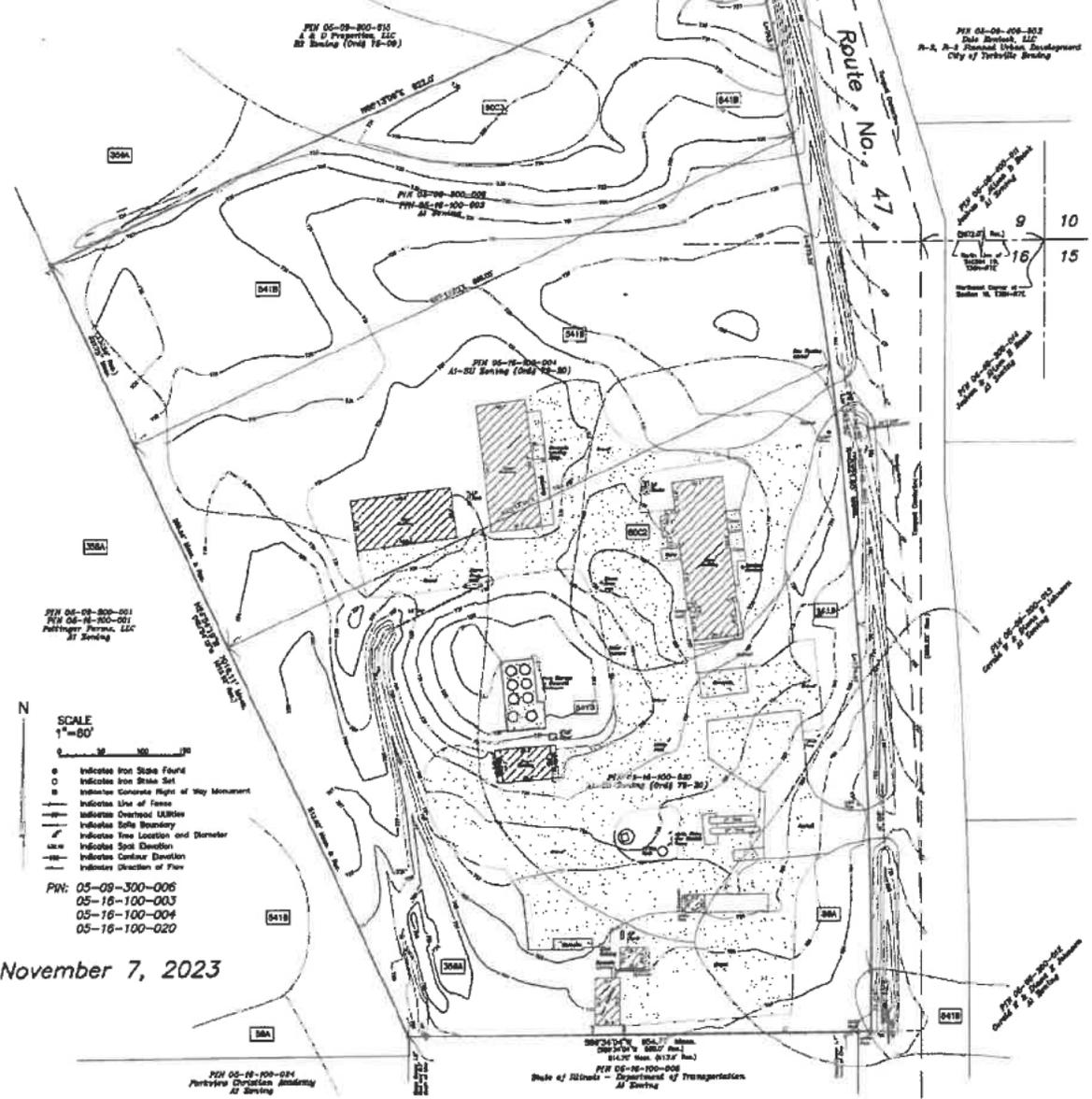
PROPOSED ZONING:
M-1

WETLANDS STATEMENT:

The National Wetlands Inventory Map does not depict any wetlands on the Subject Property.

LEGAL DESCRIPTION OF TRACT TO BE REZONED:

That Part of the West Half of Section 9 and that Part of the Northwest Quarter of Section 16, Township 36 North, Range 7 East of the Third Principal Meridian described as follows: Commencing at the Northeast Corner of said Section 16, Thence Northerly, along the North-South Line of said Section, 2872.0 feet to the longest center line of Illinois State Route No. 47, ascended from the South; Thence South 00°00'00" East, along said longest center line and said longest center line extended, 865.23 feet; Thence South 80°24'00" West, 816.0 feet to the point of beginning; thence North 24°34'10" West, 1013.82 feet; thence North 80°13'00" East, 842.72 feet to the Westerly Right of Way Line of said State Route No. 47, being 40 feet narrower distant; thence South 00°00'00" East, along said Westerly Right of Way Line, being a curve to the right having a radius of 2,544.1 feet, an arc distance of 1248.0 feet; thence South 00°00'00" East, along said Westerly Right of Way Line, being tangent to the last described curve at the last described point, 672.2 feet to a line drawn North 80°24'00" East from the point of beginning; thence South 80°24'00" West, 575.0 feet to the point of beginning;
LESS AND EXCEPT that portion of property conveyed to People of the State of Illinois, Department of Transportation from Kendall-Grandy P.S., Inc. by Homery Deed dated July 20, 1920 and recorded July 3, 1940 in Deed Book 121, Page 238; AND BEING a portion of the same property conveyed to Grando P.S. Inc. successor by virtue of merger with Kendall-Grandy P.S. Inc. formerly Kendall-Terrace OS Company who acquired OSs from Robert A. Druce and Carol V. Druce by Deed dated December 2, 1974 and recorded December 2, 1974 in Instrument No. 74-0432.



PN 05-09-005-015
A & D Properties, LLC
All Survey (Ord 76-09)

PN 05-09-008-012
Dale Zimnoch, LLC
A-A, A-B Planned Urban Development
City of Yorkville Ord.

PN 05-09-000-001
PN 05-16-100-001
Patterson Farms, LLC
All Survey

SCALE
1" = 60'

- Indicates Iron Stake Found
- Indicates Iron Stake Set
- Indicates Concrete Right of Way Monument
- Indicates Line of Fence
- Indicates Overlaid 1880s
- Indicates 1880s Boundary
- Indicates Line Location and Direction
- Indicates Spot Elevation
- Indicates Contour Elevation
- Indicates Direction of Flow

PN: 05-09-300-006
05-16-100-003
05-16-100-004
05-16-100-020

November 7, 2023

PN 05-16-100-004
Patterson Christian Academy
All Survey

PN 05-16-100-006
State of Illinois - Department of Transportation
All Survey

JOB NO.	23133
JOB NAME	ATY, KRAMER
DWG FILE	23133
REVISION DATE	

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

11078 South Bridge Street
Yorkville, Illinois 60560
Telephone (630)553-1580



11/15/2023 15:27



11/15/2023 15:27



11/15/2023 15:28



11/15/2023 15:28



Attachment 7 Looking North



11/15/2023 15:27

Attachment 8 North Outbuilding



11/15/2023 15:27

05-16-100-004

005

05-09-300-007

Rezoned
A-1 SU after
74 Zoning change

ORDINANCE

66-8

now A-1-SU

79-20

AMENDING KENDALL COUNTY ZONING ORDINANCE AS AMENDED

WHEREAS, John T. Hoffman did petition the Zoning Board of Appeals of Kendall County for a public hearing in the manner required by law and the ordinances of Kendall County, Illinois for a proposed amendment to the Kendall County Zoning Ordinance adopted May 10, 1960, and

WHEREAS, said Zoning Board of Appeals did thereupon publish notice of a hearing on said proposed amendment to said Zoning Ordinance as provided by the Statutes of the State of Illinois, and did then hold a public hearing on said proposed amendment on the 6th day of May, A.D. 1966 on the site described in the petition and at the conclusion of said hearing said Zoning Board of Appeals voted in favor of recommending to the Board of Supervisors of Kendall County, Illinois that the petition be granted and the Zoning maps and ordinance be amended in the manner required by law

NOW THEREFORE, BE IT ORDAINED by the Board of Supervisors of Kendall County, Illinois that the following described property be and it is hereby rezoned from "A" Agriculture to "M1" Light Manufacturing and that the County Clerk be and is hereby ordered and directed to change the zoning map, to show the change in zoning classification;

Commencing at a point on the East line of the Northwest quarter of Section 16, Township 36 North, Range 7 East of the Third Principal Meridian at a point 869.22 feet South of the Northeast corner of said Northwest quarter of said section; thence West 39.6 feet to the West line of Highway Route 47, for a place of beginning; thence North 89°53' West, 575 feet; thence North 24°15' West, 769.2 feet; thence North 45°48' West, 886.9 feet to the West line of highway Route 47; thence Southerly along said Westerly line of highway Route 47, 1072.6 feet to the point of beginning, containing 15.25 acres, all in Kendall Township, Kendall County, Illinois,

Passed this 10th day of May, 1966.

[Redacted]

Chairman County Board of Supervisors
Kendall County

ATTEST:

[Redacted]

County Clerk

[Handwritten signature]

05-09-300-007
05-16-100-004
05-16-100-005

ORDINANCE 79-20
AMENDING KENDALL COUNTY ZONING ORDINANCE AS AMENDED

F923

WHEREAS, Kendall-Grundy F. S. did petition the Zoning Board of Appeals of Kendall County for a public hearing in the manner required by law and the ordinances of Kendall County, Illinois for a proposed amendment to the Kendall County Zoning Ordinance adopted January 16, 1940; and

WHEREAS, said Zoning Board of Appeals did thereupon publish notice of a hearing on said proposed amendment to said Zoning Ordinance as provided by the Statutes of the State of Illinois, and did then hold a public hearing on said proposed amendment on the 3rd day of August, 1979, A.D., on the site described in the petition and at the conclusion of said hearing said Zoning Board of Appeals voted in favor of recommending to the County Board of Kendall County, Illinois that the petition be granted and the zoning maps and ordinance be amended in the manner required by law; and

Still A-154

NOW THEREFORE, BE IT ORDAINED by the County Board of Kendall County, Illinois that the following described property be and it is hereby rezoned from A1, Agricultural District Special Use to expand facilities and that the County Clerk be and she is hereby ordered and directed to change the zoning map, to show the change in zoning classification:

That part of the West half of Section 9 and that part of the Northwest quarter of Section 16, Township 36 North, Range 7 East of the Third Principal Meridian, described as follows: Commencing at the Northeast corner of said Section 16; thence Westerly along the northerly line of said Section 2672.0 feet to the tangent center line of Illinois State Route No. 47, extended from the South, thence South 0°00'00" East along said tangent center line of said tangent center line extended 869.22 feet; thence South 89°34'04" West 615.0 feet; thence North 24°54'19" West 778.36 feet to the point of beginning; thence continuing North 24°54'19" West 237.56 feet; thence North 65°13'06" East 942.72 feet to the westerly right of way line of said State Route No. 47 being 40.0 feet normally distance Southwesterly from the center line of said Route; thence Southeasterly along said Westerly right of way line being on a curve to the right having a radius of 5344.41 feet; an arc distance of 243.46 feet to a line drawn North 65°13'06" East from the point of beginning; thence South 65°13'06" West along said line 889.01 feet to the point of beginning; containing 5.00 acres,

AND, That part of the West half of Section 9 and that part of the Northwest quarter of Section 16, Township 36 North, Range 7 East of the Third Principal Meridian, described as follows: Commencing at the Northeast corner of said Section 16; thence westerly along the Northerly line of said Section 2672.0 feet to the tangent center line of Illinois State Route No. 47, extended from the South, thence South 0°00'00" East along said tangent center line and said Tangent center line extended, 869.22 feet; thence south 89°34'04" West 615.0 feet for the point of beginning; thence North 24°54'19" West 778.36 feet; thence North 65°13'06" East 889.01 feet to the Westerly right of way line of said State Route No. 47 being 40.0 feet normally distant southwesterly from the center line of said Route; thence Southeasterly along said Westerly right of way line being

on a curve to the right having a radius of 5344.41 feet; an arc distance of 1012.51 feet; thence South $0^{\circ}00'00''$ East along said Westerly right of way line being tangent to the last described curve at the last described point 67.82 feet to a line drawn North $89^{\circ}34'04''$ East from the point of beginning; thence South $89^{\circ}34'04''$ West 575.0 feet to the point of beginning; containing 15.4829 acres in the Township of Kendall, Kendall County, Illinois.

BE IT FURTHER ORDAINED that the above special use classification shall be expressly made subject to the following conditions:

1. The County Board to make determination of fencing requirement around berm.
2. Engineer shall make a study and recommendations to control water runoff and retain any chemical spills.
3. IDOT shall be contacted to make recommendations for improving ingress and egress to Rt. 47. F. S. to cooperate and install, within reason, recommended improvements.
4. Additional lighting shall be installed.

PASSED THIS 14th day of August, 1979.


Chairman, County Board of Kendall
County, Illinois

ATTEST:


County Clerk

State of Illinois
County of Kendall

05-16-100-004
05-09-300-007
05-16-100-005
Zoning Petition
#9808

listed as 79-2

ORDINANCE NUMBER 98-09

**GRANTING SPECIAL USE ZONING PERMIT
KENDALL- GRUNDY F.S.
SIGN - 8115 IL ROUTE 47**

WHEREAS, Larry Mattison, the operations manager and duly authorized agent for the Kendall-Grundy F.S. property at 8115 IL Route 47 in Section 16 of Kendall Township, filed a petition for special use approval of a sign; and

WHEREAS, said property is currently zoned A-1 Agricultural District with a Special Use in accordance with Ordinance 79-20, with tax parcel identification number 05-16-100-005, and is further identified on the attached Exhibit A: Legal Description; and

WHEREAS, said property and project site is further detailed on the attached Exhibit B: Plot Plan; and

WHEREAS, said property conducts motor fuel retail sales; and

WHEREAS, said petition is for an illuminated sign that would be two-sided, with face no greater than 36 square feet in area, and conforming to all other regulations, including the advertising the sale of products on the property; and

WHEREAS, said sign is further illustrated on the attached Exhibit C: Sign Dimensions; and

WHEREAS, all procedures required by the Kendall County Zoning Ordinance were followed including notice for public hearing, findings of fact, and recommendation by the Zoning Board of Appeals; and

WHEREAS, the Kendall County Board finds that said petition, along with the conditions specified in this ordinance, is in conformance with the provisions of the Kendall County Zoning Ordinance;

NOW, THEREFORE, BE IT ORDAINED, that the Kendall County Board hereby grants approval of a special use zoning permit to construct an illuminated sign on the property at 8115 IL Route 47 at the site specified on Exhibit B, and in the size and manner specified in Exhibit C, in conformance to the Kendall County Zoning Ordinance.

Failure to comply with the terms of this ordinance may be cited as a basis for amending or revoking this special use permit.

IN WITNESS OF, this ordinance has been enacted on June 16, 1998.

[Redacted Signature]

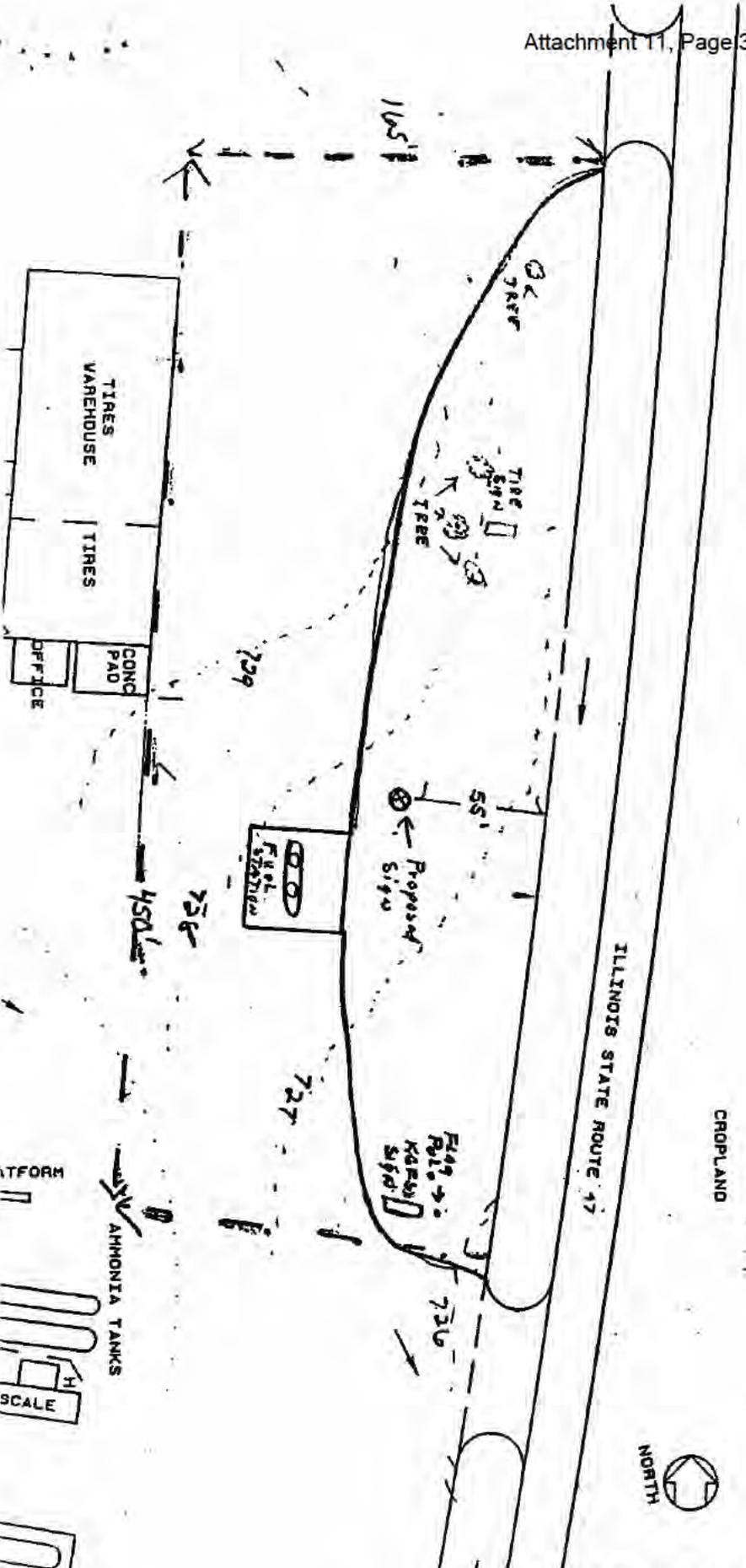
John A. Church
Kendall County Board Chairman

[Redacted Signature]

Paul Anderson
Kendall County Clerk

LEGAL DESCRIPTION
FOR KENDALL GRUNDY FS, INC.

THAT PART OF THE WEST HALF OF SECTION 9 AND THAT PART OF THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 36 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 16; THENCE WESTERLY ALONG THE NORTHERLY LINE OF SAID SECTION 2672.0 FEET TO THE TANGENT CENTER LINE OF ILLINOIS STATE ROUTE NO. 47, EXTENDED FROM THE SOUTH; THENCE SOUTH 0°00'00" EAST ALONG SAID TANGENT CENTER LINE AND SAID TANGENT CENTER LINE EXTENDED, 869.22 FEET; THENCE SOUTH 89°34'04" WEST 615.0 FEET FOR THE POINT OF BEGINNING; THENCE NORTH 24°54'19" WEST 778.36 FEET; THENCE NORTH 65°13'06" EAST 889.01 FEET TO THE WESTERLY RIGHT OF WAY LINE OF SAID STATE ROUTE NO. 47, BEING 40.0 FEET NORMALLY DISTANT SOUTHWESTERLY FROM THE CENTER LINE OF SAID ROUTE; THENCE SOUTHEASTERLY ALONG SAID WESTERLY RIGHT OF WAY LINE BEING ON A CURVE TO THE RIGHT HAVING A RADIUS OF 5344.41 FEET, AN ARC DISTANCE OF 1012.51 FEET; THENCE SOUTH 0°00'00" EAST ALONG SAID WESTERLY RIGHT OF WAY LINE BEING TANGENT TO THE LAST DESCRIBED CURVE AT THE LAST DESCRIBED POINT 67.82 FEET TO A LINE DRAWN NORTH 89°34'04" EAST FROM THE POINT OF BEGINNING; THENCE SOUTH 89°34'04" WEST 575.0 FEET TO THE POINT OF BEGINNING; CONTAINING 15.4829 ACRES IN THE TOWNSHIP OF KENDALL, KENDALL COUNTY, ILLINOIS.



:ROWMARK INC. Engineering Services 781 Towanda Avenue Bloomington, Illinois 61701		Revisions PETRO TANKS 7/29/79 GENERAL 7/18/79 BULK NSERVE 11/29/81 GEN 4/25/84 CHANGE WHSE 8/31/84 NEW WHSE 11/24/84 RELOCATE 11/19/84 30,000 NH/3 3/25/88 ASCHEN UPDATE PERMIT 12/92 3/93. 2/95 EQUIP/TRUCK BLDGS 1/29/97 FUEL 24 3/14/97 LS 6/30/97 LS 8/4/97 LS		Date 7/23/78 Scale 1" = 50' 0" Designed by SANDS Drawn by MYERS		1 of 2 Dir 039 File 52-PP		WCKENDALL GRUNDY FS INC YORKVILLE, ILLINOIS One PLOT PLAN	
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EXHIBIT B: PLOT PLAN

#9808 · Kendall-Grundy F.S. · Sign · Special Use

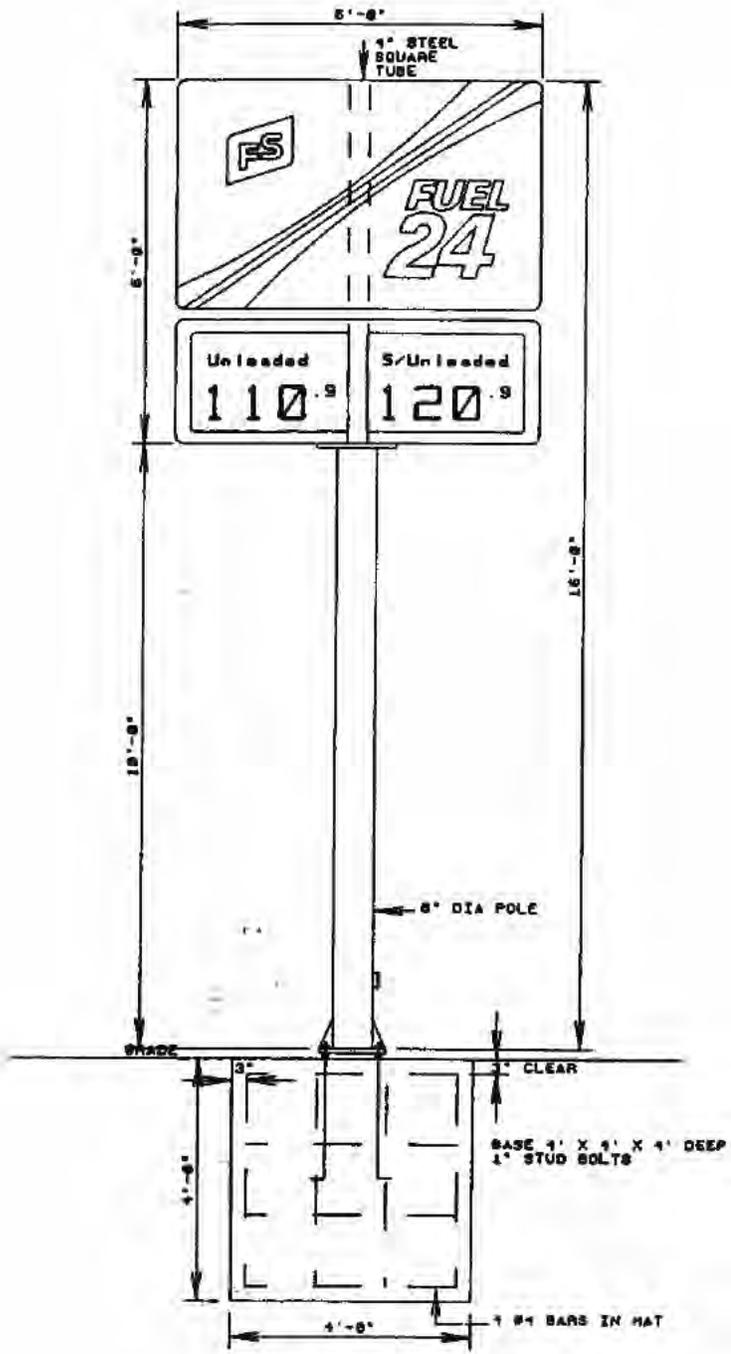


EXHIBIT C: SIGN DIMENSIONS
#9808 · Kendall-Grundy F.S. · Sign · Special Use

**ZONING BOARD OF APPEALS
COUNTY OF KENDALL
111 West Fox Street
Yorkville, Illinois 60560**

Roll Call:

		Hearing:	#740
Richard Bark	present		
Floyd Dierzen	present	File:	#9717
William Ford	present		
James Friedrich	present	Date:	July 29, 1997
Paul Scholtes	present		
Mary Ann Stees	present	Time:	7:00 p.m.

RE: Kendall - Grundy FS - Variation

An application for a variance from Section 7.0.D.1.A of the Kendall County Zoning Ordinance pursuant to Section 13.04.B.2 was submitted to the Kendall County Zoning Officer.

The applicant is requesting a variance of the front yard setback in the agricultural district.

After due notice as required by law, the Zoning Board of Appeals held a public hearing on Tuesday, July 29, 1997 at 7:00 p.m. in the Kendall County Board Room at 111 West Fox Street in Yorkville, Illinois.

At the hearing Mr. Manning explained a petition was received from the owner of the Kendall - Grundy Farm Service property for their facility located at 8115 So. Rt. 47, Kendall Township. The property currently has an A-1 Special Use. It was determined when that Special Use was established, that a petroleum service station and sales use of the property would be a permitted use. The petitioners would now like to establish and construct that on this property. They have submitted a site plan showing a pump island set back 90' from the right-of-way on Rt. 47 with an overhead canopy set back 80' from the right-of-way.

Mr. Manning stated he had received a letter from Andrew Sviria, an engineer for District 3 of IDOT. The letter contained IDOT's long range plan to shift the right-of-way for Rt. 47 and showed their drawing. The plan will shift the west right-of-way line another 20' west. When that occurs, it would put the canopy setback at 60'.

Dan Kramer, attorney, and Larry Matteson, FS manager, were sworn in by Chairman Ford. Mr. Kramer explained the current right-of-way is 120' (60' west and 60' east). He talked to Mr. Sviria and explained that the canopy would not be an enclosed building. Jason Poppen from IDOT called him and said the head engineer reviewed this and did not see a problem. Mr. Kramer asked for this to be put in writing as soon as possible. He said that when asking for a recommendation tonight, that the vote be contingent upon Mr. Manning receiving that letter withdrawing their objection.

Mr. Kramer entered petitioners exhibit #1 showing an aerial view of the property and pointed out the IDOT building is as close as the variance FS is asking for. (80' off the right-of-way line). FS plans on putting a two pump island in on this specific spot so there will be a wide enough swing area for the trucks.

This location is right next to the existing building which houses the computers and the cash register. There will be no additional buildings constructed. Mr. Kramer entered a color picture of the proposed canopy as exhibit #2. The canopy top will be 80' and will cover the two pumps north and south to the road. He is asking for a variance of 20' for the canopy and a 10' variance for the posts.

Mr. Manning questioned if there could not be other locations. Mr. Matteson explained why this location is the best in his opinion due to congestion and the loading docks. He said they will sell to the public both deisel and gas with the two pumps.

After testimony the Zoning Board made the following findings of fact: (13.04.A.2)

1. Are there particular physical surroundings, shape or topographical condition of the property involved that would result in a hardship upon the owner as distinguished from a mere inconvenience or loss of revenue? NO
2. The conditions upon the requested variation is based applicable to other property within the same zoning classification. UNIQUE
3. Does the alleged difficulty or hardship been created by any person having interest in the property? NO
4. At the granting of the variation detrimentally effect the public welfare or injurious to other property or improvements in the neighborhood. NO
5. Will the proposed variation impair adequate supply of light or air to adjacent property or increase congestion in the public street or increase danger of fire or endanger of public safety or substantially diminish or impair property values? NO, modest increase in traffic.
6. Does the proposed variance comply with the spirit and intent of the ordinance? YES

Member Dierzen motioned and Member Friedrich seconded to grant the variance request with the following stipulations: pending approval from the State of Illinois IDOT in writing.

VOTE:	Bark	YES	Dierzen	YES
	Friedrich	YES	Scholtes	YES
	Stees	YES	Ford	YES

MOTION CARRIED.

[Redacted Signature]

Recording Secretary

[Redacted Signature]

Chairman, Zoning Board of Appeals