

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, October 9, 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: September 11, 2024

Citizen's Comments

Public Hearings

1. PZC 2024-19 Steve Weber, on behalf of PTS Corp. (contract lessee and petitioner) and Fort Smith FD Partners, LLC (owner), has applied to the United City of Yorkville, Kendall County, Illinois, for special use authorization to establish a cannabis dispensary within the B-3 General Business District on a 1.33-acre parcel at 1508 N. Bridge Street, located in the northeast quadrant of Veteran's Parkway (U.S. Route 34) and N. Bridge Street. The petitioner is also seeking three variances to Section 10-4-14 of the Yorkville Unified Development Ordinance: 1) reducing the minimum distance between the dispensary and certain pre-existing institutions from 500 feet to 450 feet; 2) extending the permitted hours of operation to 9:00 a.m. to 9:00 p.m. Monday through Saturday, and 10:00 a.m. to 6:00 p.m. on Sundays; and 3) allowing more than one wall-mounted sign by adhering to the current signage regulations for similar B-3 businesses while complying with Illinois cannabis signage rules.

Unfinished Business

New Business

2. PZC 2024-19 Steve Weber, on behalf of PTS Corp. (contract lessee and petitioner) and Fort Smith FD Partners, LLC (owner), has applied to the United City of Yorkville, Kendall County, Illinois, for special use authorization to establish a cannabis dispensary within the B-3 General Business District on a 1.33-acre parcel at 1508 N. Bridge Street, located in the northeast quadrant of Veteran's Parkway (U.S. Route 34) and N. Bridge Street. The petitioner is also seeking three variances to Section 10-4-14 of the Yorkville Unified Development Ordinance: 1) reducing the minimum distance between the dispensary and certain pre-existing institutions from 500 feet to 450 feet; 2) extending the permitted hours of operation to 9:00 a.m. to 9:00 p.m. Monday through Saturday, and 10:00 a.m. to 6:00 p.m. on Sundays; and 3) allowing more than one wall-mounted sign by adhering to the current signage regulations for similar B-3 businesses while complying with Illinois cannabis signage rules.

Action Items

1. **PZC 2024-23 Kendall County Petition 24-26**, Timothy A. Tremain, petitioner, is requesting an approval of a map amendment (rezoning) for 3.6 +/- acres located on the north side of River Road and approximately 0.75 miles from East Eldamain Road between 11327 and 11209 River Road from R-1 One-Family Residential District to R-3 One-Family Residential District. The purpose of the request is to construct a maximum of two (2) single-family houses. The real property is located immediately north of River Road and approximately 0.75 miles from East Eldamain Road in unincorporated Kendall County.

Action Item

1.5 Mile Review

2. PZC 2024-24 Kendall County Petition 24-27, Steve W. Jeffers, on behalf of Revolution Investments, LLC, petitioners, are requesting approval of a Plat of Vacation to vacate the public easements between two (2) parcels (Lots 110 and 111) within the Whitetail Ridge subdivision. The purpose of the request is to construct a home in the center of the combined lots. The real property is located at 5862 and 5834 Championship Court, which is generally located at the north of the East Schoolhouse Road (IL Route 126) between Grove Road and Hopkins Road in unincorporated Kendall County.

Action Item

1.5 Mile Review

Additional Business

- 1. Appointment of new Vice Chair
- 2. City Council Action Updates
 - a. PZC 2024-01 Yorkville Renewables, LLC, contract lessee, and Daniel A. and Charene S. Nagel, property owners, petitioners, have filed applications with the United City of Yorkville, Kendall County, Illinois, requesting rezoning classification, special use authorization, and a bulk regulation variance approval. The real property is located on the southwest corner of Galena Road and Illinois Route 47. The petitioners are requesting rezoning approval from R-2 Single-Family Traditional Residence District to A-1 Agricultural District. The petitioners are also requesting special use permit approval for a solar farm and requesting a variance to Section 10-4-13.B of the Unified Development Ordinance to reduce the required north and south property lines setback from 100 feet to 50 feet.

Action Items

Rezoning, Special Use, and Variance

b. **PZC 2024-18 Kendall County Petition 24-07**, Jerry Styrczula, petitioner, on behalf of A&D Properties, LLC is requesting site plan approval to operate a trucking business for the sale and storage of semi-trailers, small trailers, semi-tractors, and similar uses at 7789 Route 47. The real property is located north of Ament Road and immediately west of South Bridge Street in unincorporated Kendall County.

Action Item

1.5 Mile Review

c. **PZC 2024-20 Kendall County Petition 24-22**, Leo M. Phillip is requesting an approval of a map amendment (rezoning) 11.6 +/- acres located at the northwest corner of Legion and East Highpoint Roads, commonly known as addressed 10835 Legion Road, from A-1 Agricultural District to R-1 One-Family Residential District. The purpose of the request is to construct approximately three (3) single-family houses.

Action Item

1.5 Mile Review

PLANNING & ZONING COMMISSION

City Council Chambers 651 Prairie Pointe Drive, Yorkville, IL Wednesday, September 11, 2024 7:00pm

Meeting Called to Order

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

Roll Call

Danny Williams-yes, Ryan Forristall-yes, Rusty Hyett-yes, Greg Millen-yes, Richard Vinyard-yes

Absent: Marge Linnane

Chairman Vinyard asked for a moment of silence to remember those who died or were injured during the September 11th, 2001 event, 23 years ago. He also noted that the country came together at this time and he encouraged everyone to focus on what we all have in common, rather than our differences.

City Staff

Krysti Barksdale-Noble, Community Development Director Sara Mendez, Planner I Megan Lamb, City Attorney

Other Guests

Lynn Dubajic Kellogg, City Consultant
Chris Vitosh, Vitosh Reporting Service
Dan Kramer, Attorney
Matt Asselmeier, Kendall County PBZ
Matt Walsh, Yorkville Renewables

Lauren Hillis, Atwell, LLC
Leo Phillipp, Landowner
Dan Nagel, Landowner
Justin Crable, Atwell, LLC

Previous Meeting Minutes August 14, 2024

Motion by Mr. Millen and second by Mr. Hyett to approve the minutes as presented. Roll call: Forristall-yes, Hyett-yes, Millen-yes, Vinyard-yes. Williams-yes. Carried 5-0.

Citizen's Comments None

Public Hearings

Chairman Vinyard explained the procedure for the Hearing and taking of the testimony and then swore in those persons who planned to present testimony during the Hearing.

Mr. Vinyard asked for a motion to open the Public Hearings. So moved and seconded by Mr. Williams and Mr. Forristall respectively, at approximately 7:04pm. Roll call: Forristall-yes, Hyett-yes, Millen-yes, Vinyard-yes, Williams-yes. Carried 5-0.

Chairman Vinyard read both Public Hearing descriptions:

- 1. **CONTINUED PZC 2024-17 United City of Yorkville,** petitioner, is requesting a text amendment to Chapter 8 UDO Review and Approval Procedures within the United City of Yorkville's Unified Development Ordinance. The proposed text amendment will revise and clarify general application requirements, board/commission review and procedures related to petitions for text and map amendments, annexations, annexation agreements and economic incentive/development agreements with the United City of Yorkville's Unified Development Ordinance.
- 2. **PZC 2024-01 Yorkville Renewables, LLC,** contract lessee and Daniel A. and Charene S. Nagel, property owners, petitioners, have filed applications with the United City of Yorkville, Kendall County, Illinois, requesting rezoning classification, special use authorization and a bulk regulation variance approval. The real property is located on the southwest corner of Galena Road and Illinois Route 47. The petitioners are requesting rezoning approval from R-2 Single-Family Traditional Residence District to A-1 Agricultural District. The petitioners are also requesting special use permit approval in pursuant to Section 10-8-5 of the Unified Development Ordinance for a solar farm. Lastly, the petitioners are requesting a bulk regulation variance to Section 10-4-13.B of the Unified Development Ordinance requesting a reduction in the north, west and south property lines setback from 50 feet to 8 feet.

At approximately 7:39pm, after all testimony was heard, a motion was made by Mr. Williams and seconded by Mr. Forristall to close the Public Hearing. Roll call: Forristall-yes, Hyett-yes, Millen-yes, Vinyard-yes, Williams-yes. Carried 5-0.

(See Court Reporter's transcript of Public Hearing)
(Petitioner requested finding of fact and agreements from Illinois Solar to become part of official record for PZC 2024-01)

Unfinished Business None

New Business

1. **PZC 2024-17 United City of Yorkville** (see full description above) There was no discussion.

Action Item

Text Amendment

A motion was made by Mr. Williams and seconded by Mr. Forristall to approve PZC 2024-17, Text Amendment. Mr. Williams read the motion as follows: In consideration of testimony presented during a Public Hearing on September 11, 2024 and discussions conducted at that meeting, the Planning and Zoning Commission recommends approval

to the City Council of a request to amend Chapter 8 of the UDO Review and Approval Procedures in the Unified Development Ordinance to revise and clarify general application requirements, board/commission review and procedures related to petitions for text and map amendments, annexations, annexation agreements and economic incentive/development agreements as presented in a staff memorandum dated September 4, 2024.

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

2. **PZC 2024-01 Yorkville Renewables, LLC.** (See full description above). Ms. Mendez presented a summary of this project and said the solar farm is proposed to be built on 23 acres at the SW corner of Galena Rd. and Rt. 47 and they are requesting rezoning from R-2 to A-1. The variance requested was clarified to be 100 feet to 50 feet on the north and south. She explained the setbacks requested had previously gone through a Plan Council meeting. There is a Memorandum of Understanding with the successor property owner and she also highlighted the remainder of the components of the petition.

Chairman Vinyard said the Commission would vote on each request: rezoning, special use and variance. He then reviewed the zoning standards for each of those requests. A motion and second was made by Commissioners Williams and Millen, respectively, to approve PZC 2024-01Yorkville Renewables, rezoning, special use and variance request.

Action Item

Rezoning

Mr. Williams read the motion as follows: In consideration of testimony presented during a Public Hearing on September 11, 2024 and discussion of the findings of fact, the Planning and Zoning Commission recommends approval to the City Council a request for rezoning from R-2 Single-Family Traditional Residence District to A-1 Agricultural District for the purpose of constructing a freestanding solar energy system, or solar farm, located immediately west of IL Route 47 (N. Bridge Street) and south of Galena Road. Roll call: Millen-yes, Vinyard-yes, Williams-yes, Forristall-yes, Hyett-yes. Carried 5-0.

Action Item

Special Use

Mr. Williams read the motion as follows: In consideration of testimony presented during a Public Hearing on September 11, 2024 and discussion of the findings of fact, the Planning and Zoning Commission recommends approval to the City Council a request for Special Use authorization to construct a freestanding solar energy system, or solar farm, as depicted in plans prepared by Atwell and submitted by Nexamp dated last revised 8/15/24 for approximately 23 acres located immediately west of IL Route 47 (N. Bridge Street) and south of Galena Road subject to staff recommendations in a memo dated September 4, 2024.

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

Action Item

Variance

Mr. Williams read the motion as follows: In consideration of testimony presented during a Public Hearing on September 11, 2024 and discussion of the findings of fact, the Planning and Zoning Commission recommends approval to the City Council for a request for bulk regulation variance to Section 10-4-13.B.8.b of the Unified Development Ordinance, reducing the north and south property lines setback from 100 feet to 50 feet. Roll call: Vinyard-yes, Williams-yes, Forristall-yes, Hyett-yes, Millen-yes. Carried 5-0.

3. **PZC 2024-18 Kendall County Petition 24-07,** Jerry Styrczula, petitioner, on behalf of A&D Properties, LLC is requesting site plan approval to operate a trucking business for the sale and storage of semi-trailers, small trailers, semi-tractors and similar uses at 7789 Route 47. The real property is located north of Ament Road and immediately west of South Bridge Street in unincorporated Kendall County.

Ms. Mendez presented a summary of this request saying Mr. Styrczula is requesting site plan approval for sales and storage to operate a trucking business. He is requesting approval for a map amendment from B-3 to M-1. The Kendall County Board has approved this. This is not consistent with the Yorkville Comprehensive Plan and could require a map amendment. She reviewed other components of the request. Ms. Mendez noted that at the May 7, 2024 EDC meeting, Attorney Dan Kramer clarified that only trailer sales would be conducted. This moves to the September 24th City Council meeting.

Attorney Kramer gave some history of the property use over the years. He confirmed there are no plans for a trucking business and that about 40 trailers that had been rented and are on the property, will be removed.

Action Item

1.5 Mile Review

Mr. Vinyard requested a motion to approve PZC 2024-18 Kendall County Petition 24-07. Mr. Williams read the motion as follows: In consideration of the proposed mile and one-half review of Kendall County Petition 24-07 for site plan approval to operate a trucking business for the sale and storage of semi-trailers, small trailers, semi-tractors and similar uses at 7789 Route 47, the Planning and Zoning Commission recommends to the City Council not to object to the request. (No second). Roll call: Williams-yes, Forristall-yes, Hyett-yes, Millen-yes, Vinyard-yes. Carried 5-0.

4. **PZC 2024-20 Kendall County Petition 24-22,** Leo M. Phillipp is requesting an approval of a map amendment (rezoning) 11.6 +/-acres located at the northwest corner of Legion and East Highpoint Roads, commonly known as addressed 10835 Legion Road, from A-1 Agricultural District to R-1 One-Family Residential District. The purpose of the request is to construct approximately three (3) single-family houses.

A summary of the request was given by Ms. Mendez who stated the property is 15 acres with a request to rezone 11.6 acres of the 15 acres from A-1 to R-1. She said several

zoning changes have occurred over the years. There is an existing home on the site already. She said there are differences in the bulk regulations for the city and county and it concerns density. If any future homes were clustered, it would be consistent with Yorkville's Comprehensive Plan. Input was requested and this will be brought forward to the September 24th City Council meeting.

Action Item

1.5 Mile Review

A motion was made and seconded by Mr. Williams and Mr. Hyett, respectively to approve PZC 2024-20 Kendall County Petition 24-22, Leo M. Phillipp. Mr. Williams read the motion as follows: In consideration of the proposed mile and half review of Kendall County Petition 24-22 for a map amendment 11.6 +/- acres located at the northeast corner of Legion and East Highpoint Roads, commonly known as addressed 10835 Legion Road, from A-1 Agricultural District to R-1 One-Family Residential District, the Planning and Zoning Commission recommends the City not object to the request. Roll call: Forristall-yes, Hyett-yes, Millen-yes, Vinyard-yes, Williams-yes. Carried 5-0.

Additional Business

1. City Council Action Updates

a. PZC 2024-16 2551 N. Bridge St. Illinois Department of Transportation. The variance request was approved at a PZC meeting and forwarded to the City Council as an informational item.

Ms. Noble said the Kelaka and Hagemann requests were approved at a prior City Council meeting, however, no update had been given to the PZC.

In addition, Ms. Noble said PZC training will be given on November 13th, at 5pm, prior to the regular meeting that night.

Chairman Vinyard noted that Commissioner Reagan Goins has resigned the Planning and Zoning Commission due to a possible conflict of interest with employment.

Adjournment

There was no further business and the meeting was adjourned at 8:12pm on a motion by Mr. Williams, seconded by Mr. Hyett and approved on a unanimous voice vote.

Respectfully submitted by Marlys Young, Minute Taker

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10	PLANNING AND ZONING COMMISSION	
11	PUBLIC HEARING	
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17	651 Prairie Pointe Drive	
18	Yorkville, Illinois	
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21	Wednesday, September 11, 2024	
22	7:00 p.m.	
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1	PZC- Public Hearings - September 11,	2024	
		-	3
1	I N D E X		
2	WITNESS:	PAGE:	
3	Daniel J. Kramer	13	
4	Matt Walsh	15	
5	Dan Nagel	33	
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(WHEREUPON, the following
 proceedings were had in public
 hearing:)

CHAIRMAN VINYARD: There are two public hearings scheduled for tonight's Planning and Zoning Commission meeting. Of course, the purpose of these hearings is to invite testimony from members of the public regarding the proposed request that is being considered this commission tonight.

Public testimony from persons

present who wish to speak may be for or against

the request or to ask questions of the petitioner

regarding the request being heard.

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

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

(The witnesses were thereupon duly sworn.)

CH	AIRMAN VINYARD:	Okay. So th	ne order
for receiv	ing testimony du	ring the publ	ic hearing
will be as	follows: The p	etitioner pre	sentation,
followed b	y those who wish	to speak in	favor of
the reques	t, and then those	e to speak in	L
opposition	of the request.		

May I have a motion to open the public hearing on Petitions number PZC 2024-17, United City of Yorkville requesting a text amendment of the UDO, and PZC 2024-01, Yorkville Renewables, LLC, requesting rezoning, special use and variance approvals.

MR. WILLIAMS: So moved.

MR. FORRISTALL: Second.

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

MS. YOUNG: Yes. Forristall.

MR. FORRISTALL: Yes.

MS. YOUNG: Hyett.

MR. HYETT: Yes.

MS. YOUNG: Millen.

MR. MILLEN: Yes.

MS. YOUNG: Vinyard.

CHAIRMAN VINYARD: Yes.

MS. YOUNG: And Williams.

MR. WILLIAMS: Yes.

CHAIRMAN VINYARD: Okay. So the public hearings up for discussion tonight are as follows: PZC 2024-17, United City of Yorkville, as the petitioner is requesting a text amendment to the Chapter 8 of the UDO, Review and Approval Procedures, within the United City of Yorkville's Unified Development Ordinance.

The proposed text amendment will revise and clarify general application requirements, board commission review, and procedures related to petitions for text and map amendments, annexations, annexation agreements, and the Economic Incentives Development Agreement with the United City of Yorkville Unified Development Ordinance.

And then PZC 2024-01, Yorkville

Renewables, LLC, contract lessee, Daniel A. and

Charene S. Nagel, property owners, petitioners,

have filed an application with the United City of

Yorkville, Kendall County, requesting rezoning

classification, special use authorization and

bulk regulation variance approval.

The real property is located on the southwest corner of Galena Road and Illinois Route 47.

The petitioners are requesting rezoning approval from R-2 Single-Family Traditional Residence District to A-1 Agricultural District.

The petitioners are also requesting special use permit approval pursuant to Section 10-8-5 of the Unified Development Ordinance for a solar farm.

requesting a bulk regulation variance to Section 10-4-13.B of the Unified Development Ordinance requesting a reduction in the north, west and south property line setbacks from 50 feet to eight feet.

Is the petitioner for PZC 2024-17, United City of Yorkville, ready to present?

MS. NOBLE: I am.

CHAIRMAN VINYARD: Awesome.

MS. NOBLE. Okay. So this is the text amendment, so text amendments are changes to established ordinances that have been approved by

the City and codified.

So there is two main changes that we are proposing to Chapter 8 of the UDO, and that is, one is the clarification of the public hearing and mail notice requirements for annexation agreement requests, and the other is just a correction of additional inconsistencies and errors that staff found in Chapter 8.

So, if you recall, we adopted the UDO in January after several years of review.

Chapter 8 has to deal with specifically processes and authorities of various development approvals, special uses, PUDs, variances, and also it defines the roles of the zoning administrator and zoning officer.

So once we had our public hearing a few weeks -- I guess meetings ago for the Hagemann Trust annexation agreement, we found that there was a guidance table within the UDO that incorrectly required mailed public hearing notices to property owners within 500 feet seeking annexation.

So the inconsistency was between the text and the graphic. The whole point of the UDO

was to make minimal changes to the processes, but codify them and then create graphic tables that people can readily use, so we caused more confusion than we intended.

So what we are planning to do, there is a series of 12 amendments that we are requesting. Most have to do with the annexation requirements that I have talked about; some don't have to do with that, just minor changes.

I will go through them briefly and then we can discuss after the public hearing or if you have questions for me.

So the first one is in regards to text amendments, which is what we are proposing tonight. We added the word text in Section 10-8-2 to clarify that a text amendment does not require an application and can be initiated by the majority beneficiary of a land trust and the mayor or city staff or City Council, so that's not just an amendment, but a text amendment.

Annexation, we provided the table in 10-8-4, and what we did was we clarified a variation can also be authorized by the Planning and Zoning Commission. That wasn't clear in the

table before. We had one last meeting where it was a PZC authorized variance, so we made that clear.

We also separated annexations from annexation agreements. Annexations do not require PZC approval, nor do they require a public hearing if they are not requesting rezoning or any other entitlement or if they are not requesting annexation agreement.

An annexation agreement does require a public hearing, but the only notice goes to taxing bodies per another table, so we are just clarifying that.

And then we found a couple of little grammatical errors; we revised the table to reflect this. Voluntary petitions, as I mentioned, for annexation do not include requests for zoning and variations per -- Illinois Municipal Code state statute says that there is no public hearing required.

We also clarified that the plan council, which is a staff-level technical meeting, is an optional step and is determined by staff if that is required for rezonings,

annexations and annexation agreements.

The table that talks about the methods of notification, again, we created the other category of annexation agreements, clarified that, and we also clarified that the required notice for annexation agreements is only to the trustees, the fire protection district and township trustees and commission of highways if the land to be annexed includes a highway upon township jurisdiction.

The other minor corrections have to do with recording of documents. We wanted to clarify that a map amendment or rezoning is the requirement for recordation, it just said amendments, so we wanted to clarify that.

Amendments to subdivisions, we made a few amendments there on the processes. These are all processes that the City currently does, we just wanted to codify them and make sure that it matched throughout the UDO.

And, finally, we did relook at the standards for map amendments, which is rezoning, and we wanted -- the City Attorney and I wanted to look at the standards, they are called LaSalle

factors and Sinclair, they are based off of historic case law, and we decided to add that in. That was taken out as part of the UDO update, the two Sinclair factors, which has to do with if the request has a community need and the length of time that the property has been vacant, so we felt that that was important as a standard.

If you have any questions about any of the other minor changes that have to do with spelling errors or duplication of information, let me know, I can go through those in further detail.

CHAIRMAN VINYARD: Okay. Is there anyone present who wishes to speak in favor of the request?

(No response.)

CHAIRMAN VINYARD: Okay. Anyone present who wishes to speak in opposition of this request?

(No response.)

CHAIRMAN VINYARD: All right. Questions from the commissioners? Do you guys have anything? Looks like a lot of housekeeping.

Anybody else? Greg? Rusty? Everyone good?

(No response.)

CHAIRMAN VINYARD: All right. Is the petitioner for PZC 2024-01, Yorkville Renewables, LLC, ready to present?

MR. KRAMER: We are.

CHAIRMAN VINYARD: Very good, sir.

DANIEL J. KRAMER,

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

MR. KRAMER: Good evening. My name is Daniel J. Kramer. I am an attorney licensed to practice law in the state of Illinois. My address is 1107A South Bridge Street, Yorkville, Illinois.

I represent the petitioner,

Yorkville Renewables, and although Matt might not
be a familiar face to you, his counterpart Matt

Kwiatkowski was. We were here in front of you
several months ago getting a project approved on

Corneils Road for Nexamp, which is the parent
company.

I think, again, they are a great company for a couple reasons. It's appropriate, 9-11, it was started by two veterans who are

still the owners of the company. They have a main office in Illinois here in Chicago with I believe over 80 employees, and the most important thing to me in the solar companies I represent, it's a little bit like the wild west with a lot of people out trying to get options and leases from farmers, but these folks build what they acquire as far as the land or leases if they are the owners, they operate it and they don't sell it, so you're going see Matt and his team throughout, and I think that means a lot for a community, and this is a community project, not a large solar farm.

I don't see anybody in the audience, and I thought we might have a neighboring property owner who let us know they are going to object to it, I thought they would be here to give testimony tonight. They certainly don't have to be. But I want you to know that we are not stubborn or bull headed.

When I found they had some concern, we contacted their attorney, we offered to meet. They said well, they would contact their client and see, but we have no idea other than they

might just not like solar what their concern is, so I just want you to know that in the backdrop, full disclosure.

I'm not the expert in this, so I would call on Matt Walsh to do the presentation, and we do have technical people here, stormwater engineer and so on tonight if you've got questions along those lines. Happy to answer.

CHAIRMAN VINYARD: Thank you.

MR. KRAMER: Thanks. Matt?

CHAIRMAN VINYARD: Please.

MATT WALSH,

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

MR. WALSH: Thanks, Dan. Matt Walsh. I am with Nexamp and here representing Yorkville Renewables, LLC, the petitioner.

Thank you again for hearing our application tonight. It's been a long road to get here, I believe we started working on this project two years ago, and a lot of patience, but I think there's been a lot of great work that's been done on the project over the course of that time and I think we have a pretty good

application for you to review. So next slide, please.

Just a couple of things very

appropriate for September 11th. We were founded

in 2007. We had two -- our founders were two

Army captains, came back from tours of duty

following September 11th and felt like there is a

lot of conflict over natural resources.

They started this small solar company, started off focusing on small residential rooftop installations and quickly grew into the largest community solar developer in the country.

Community solar projects are kind of in the 20 to 30-acre range in terms of size as opposed to utility scale projects, which are hundreds or even thousands of acres.

Nexamp has a strong commitment to made in the USA. We just earlier this year had an announcement with a partnership we have with a manufacturer called Heliene that's located in Minnesota to purchase a very large volume of solar panels that will supply our projects into the future here, in addition to the iron and

steel that the solar panels sit on in the field. We are getting U.S. made steel as well so that we can have a domestic supply chain supporting these projects producing jobs right here in the U.S.A., including in Yorkville. Next slide, please.

So again, one of the largest community solar developers. We have projects all the way from northern Maine all the way to Hawaii and everywhere in between.

Chicago is our HQ2, second
headquarters. First headquarters is in Boston,
Massachusetts. In Illinois we are ramping up our
employment, so we currently have now more than
100 employees in Illinois.

We recently had an announcement with Governor Pritzker moving our headquarters here.

We have committed to hiring -- creating 3,000

jobs and employing \$2 billion of capital in the state of Illinois, so significant investment in the state creating a lot of jobs.

Currently we are building 20 projects across the state -- or we have 20 projects that have been built and operating, we have 30 more that are currently in construction,

and dozens and dozens more that are in various stages of permitting. Next slide, please.

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I know that you guys have heard community solar before, so I won't spends too much time on this slide, but the general idea is that the benefits that rooftop solar owners get saving money on their electric bill, this is an opportunity for folks that can't put solar on their roof, like for structural reasons, shading reasons, their HOA doesn't allow solar on their roof, this is an opportunity that we aggregate a fair number of panels into one centralized location, people subscribe to it, and then those credits that are generated by this are applied to their electric bill and reduces their energy costs, so there is a huge demand for this product, it's saving people money and supporting renewable energy. Next slide, please.

This is a couple pieces of equipment that you will see, so at the center of the site we have an equipment pad that has a utility transformer, a couple of inverters, a switch gear, and some remote monitoring equipment.

Below the solar panels, in

compliance with recommendations of IDNR and the village of Yorkville's solar ordinance -- or the City of Yorkville's solar ordinance, we will have pollinators below the solar panels, and then on the right, of course, what a solar panel looks like, and in this case we will not be using a farm fence, it will be a chain link fence with opaque slats so that it's not visible through the fence. Next slide, please.

We will have a camera at the center of the site so we can remotely monitor the facility. There will be no lighting, so when the facility is not operating at nighttime, there is no noise, no movement, but we do have eyes on the project.

And then, again, the last thing is the solar panels sit on metal I-beams that are pushed into the ground and there is what we call racking, which is essentially just a bar that goes in between the metal I-beams that hold the solar panels up.

This is a tracking system, so it does rotate very slowly throughout the day tracking the sun. Next slide, please.

Just a couple of local projects.

This is the one that's in the village of

Burlington. This is a 16-acre project that

serves nearly 400 people. Really good example of

pollinators, especially in the early stages, here

starting to see them flower under the solar

system.

Burlington, you will probably drive right by it because it's tucked back in the corner of the site and you probably don't really see it. There is landscaping that surrounds the perimeter, so very similar to what we are talking about here in Yorkville. Next slide, please.

This is one that's in Will County.

This one is not a pollinator site, Will County

prefers to have grass under their panels, so

that's what this represents, but, again, does

have some landscaping around the perimeter to

provide some screening. Next slide, please.

So just to dive into our project here, give you a little context, the project is located at the southwest corner of Galena Road and Route 47, so north side of the City of

Yorkville, kind of kitty-corner to Raging Waves.
Next slide, please.

So this is zooming in much closer so you can see Raging Waves down in the lower right corner, and then we are looking at a site that's approximately 73 acres, with the solar system tucked into the back more than 1,000 feet from Galena Road or Route 47 preserving the frontage of the property for future commercial development or residential development, however the landowner determines his best use, obviously with input of the City.

MR. KRAMER: Can I interrupt, Matt, for one minute?

MR. WALSH: Sure.

MR. KRAMER: Matt, if you would clarify for the Planning Commission, does the red outline comprise the Nagel holding?

MR. WALSH: Correct. So the red outline is the entire property boundary, the yellow outline is the outline of the solar area.

MR. KRAMER: Thank you very much, just for clarity of the record, please.

MR. WALSH: Yep. Thank you. The solar

area would be approximately 23 acres of the 73-acre parcel.

What you will see is on the west side and north side of the property and even encroaching into the Nagel property is a landscaping recycling facility, so we kind of feel like this is a really good location that provides some buffering between a dusty facility that might not be conducive to have residential use directly adjacent to it, but with that buffering, we don't really care what our neighbors are doing as long as they're not disturbing our facility, but outside of the solar facility, you know, I think it would be a good buffer for residential use or commercial use along the frontage of one of those major roads.

Our driveway -- well, wait until we go to the next slide. Just real quick, this is a five megawatt project, and our agreement with the landowner is for this project to last between 30 and 40 years, so in a sense it's a temporary use because it will be removed, there will be a decommissioning bond.

There is requirements both from the

state and from the city to remove this project at the end of its life, but it is for a long-term period. Next slide.

Over the course of the last

two years we have done quite a bit of due

diligence, we have executed a lease, we have

completed surveys, completed our studies with the

utility. We now have an interconnection

agreement and ComEd is procuring materials to

offer interconnection to the project.

We have received sign-off from the state Historic Preservation Office, the IDNR for endangered species. We have had a wetland delineation completed and subsequently a jurisdictional determination from the Army Corps for the wetlands that were discovered on-site.

We've had FAA sign-off, we have completed drain tile investigations, geotechnical investigation. We've had initial sign-off from the Rob Roy Drainage District, we are progressing to kind of a final sign-off, and we are still pending IDOT driveway permit for a little stub road for IDOT -- or for ComEd to be able to enter along Route 47.

Through this process also we have been able to work with Dan Nagel and his neighbors to kind of clean up the recycling center that's been encroaching on his property to try to clean up the area a little bit.

We have been identifying property lines and helping with unwinding simple PUDs that kind of allow more development in the area by completing that, so a long process that I think is beneficial.

We won't take credit for doing it, but for participating in that process and allowing some more development opportunities to be unlocked in this area. Next slide, please.

So this is the site plan. There is an existing asphalt grinding road that goes from Galena Road down to the project area. We will be upgrading that with a gravel driveway. That leads to the center of the site, which is where the equipment pad is.

The inverters, transformers and everything will be kind of tucked into -- I kind of call this the boot, the shape of the property. It will kind of be in the toe of the boot there.

What we are asking for is a variance. Initially when we had applied two years ago the setbacks were eight feet from the property lines. The zoning ordinance has been updated that requires 50-foot setbacks from the west property line, 100-foot setbacks from the north and south property lines.

We are requesting that be reduced to 50 feet, so we are far in excess of the original requirement that we had initially applied under, but less than what the zoning ordinance now requires, but we are -- go ahead.

MS. NOBLE: I'm sorry, can you specify which boundaries you are requesting the reduction to 50 feet?

MR. WALSH: The entire northern property line that abuts the Undesser property and the entire southern property line that abuts the Tequila Sunrise, LLC property.

MS. NOBLE: Thank you.

MR. WALSH: Is that -- Okay. All right. Through this process we have advanced the plans far beyond what's required of the special use, so we are approaching what we would consider almost

construction civil plans, so we have been working closely with city staff and EEI, your civil engineering consultant, and the landscape consultant to finalize the design of the project.

We are very close. There is a few landscaping requirements that we need to address and a few other odds and ends, but I think we are at a place where everyone is pretty satisfied where the project has been designed in terms of compliance with the code.

We have had review from the police department, the KDOT, Kendall County DOT, for their jurisdiction over Galena Road. They've approved the access point and we are now just awaiting IDOT approval of our small access road.

It doesn't go all the way to the solar farm, but it's a little stub that allows

ComEd to park a car off of 47 rather than on the shoulder so that they can get out and read the meter.

So our project will have all underground electric lines except for a couple poles that will be along 47 that will allow ComEd to interconnect our project with their grid, so

with those poles, one of the poles will host a meter which they need to read on a monthly basis.

Next slide, please.

And then quickly just the landscape plan. This project has pretty substantial landscaping, so along the north, south and east property -- east fence lines there is substantial landscaping screening the project from all the neighboring uses that are either residential or a main thoroughfare.

Again, the perimeter fence is going to be opaque. It's a chain link fence with slats in it, so the site will -- it won't be invisible, but it will be screened and the view will be improved.

Underneath the solar panels, again, there is going to be pollinator -- a beta pollinator mix that will enhance habitat, and then along the Route 47 property boundary and the Galena Road property boundary, if you scroll just a little bit, is some parkway trees that are required by the code that will be installed as well. Next slide.

And then to kind of close it out,

just a couple of pictures for viewsheds, so this is the current view looking west on Route 47, right on Route 47 looking towards the project.

If you look real hard, you can maybe see the landscape facility that has 60-foot high piles of dirt.

Our solar panels -- well, we are asking for approval for up to 20 feet. The product that we are planning to use is about -- the top of the solar panel is about 12 feet high, so if you can't see a 60-foot pile of dirt in this picture, it's going to be hard to see a 12-foot solar panel. Next slide, please.

And then we did a couple of photo simulations, so this is looking from the Raging Waves parking lot. This is the before picture. If you go to the next slide, this is the after picture, so hard to really see anything from the parking lot, but there are landscape trees that are added here that are barely visible. Next slide, please.

And then this is the existing access point that we will be utilizing for the new access point. Again, can kind of make out the

hills in the background that comprise the landscape facility, but very difficult to make that out from Galena Road or the adjacent residential properties that are here along Galena Road. Next slide, please.

This is the before picture, next slide, this is the after, so you can see some landscape screening that's along the property boundary, and then the top of the solar panels when they are at full tilt, you will see just above the fence until the landscape fully grows in. Next slide.

And then I just wanted to touch on decommissioning really quickly. So we have executed an agricultural impact mitigation agreement with the Illinois Department of Agriculture that requires us to take certain steps to design the project to easily remove it at the end of its life, and we are also required to post a bond, which is also a requirement of Yorkville, so we have submitted a decommissioning estimate that has been reviewed by EEI.

It's significant and it will require us to remove everything and ensure funds are in

place that everything is removed.

And just in terms of just some basic deconstructing and construction items that Nexamp is pretty proud of, we are -- we have supplemented a recycling program so 100 percent of -- during construction inevitably some solar panels break, we recycle those. They are put on pallets and shipped to a warehouse. Once we have a critical mass of them we send them to a recycling center that's in the St. Louis area that will -- that takes them apart and harvests all the recoverable pieces on them.

We will have three dumpsters out there, one that's for pallets, one that's for metal pieces and then one that's for plastics, so we are trying to recycle as much as possible.

Our waste bin is probably the smallest dumpster that has the least amount of activity in it, but we are taking steps to make sure that we are trying to do right by the environment recycling everything possible.

I think with that, that's the end of our presentation.

MR. KRAMER: If I may, just briefly,

again, for the record, Dan Kramer. That's my favorite slide that they show during the presentation, and again, you can view it at sites that that's what they do, it's not just a pretty picture.

I can't stress enough as well, the last slide when Matt mentioned the AIMA agreement, you can really tell a good solar company that comes before you from a bad one because we actually see a lot of proposed leases and options come in without mentioning that there will be an AIMA agreement, and that's absolutely crucial because the landowner here, Dan Nagel, I can take a ride back in history a bit, when I was a green young lawyer, his dad and his uncle owned a dairy farm where I grew up right next door that I used to hunt on, and Dan and his dad hired me to do my first zoning project 47 years ago with the city of Batavia.

I think we sold or they sold and I did the zoning for Metronet for high speed internet service in Batavia about five years ago, so it took about 42 years to finish it out, but it was a good project, and I hope Dan lives

another 40 years to see the end of this lease. If not, he's got some nice kids.

So, again, if there is no other public testimony tonight, I would ask that you close the public hearing tonight, it's not quite what I expected, and I will comment on Tequila to the south has been in contact with us from day one working on getting rid of the old PUD and they are fully in support of us, so we have no problems with them whatsoever, so thank you for your time, and if you would close the public hearing, I am great with that.

MS. NOBLE: So, Dan, do you want the -- CHAIRMAN VINYARD: Finding of facts?

MS. NOBLE: Yeah, your finding of facts for each of the applications submitted into the record?

MR. KRAMER: We would, please. Thank you, Krysti.

CHAIRMAN VINYARD: Is there anyone here that wishes to speak in favor of the request?

MR. KRAMER: Dan, if you want to pipe up you are in favor.

CHAIRMAN VINYARD: I assumed you were.

DAN NAGEL,

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

MR. NAGEL: Dan Nagel, owner of the property that they are going through. I think it's a very good offer for the city because of the housing that could be proposed up against the land area, so I think that's one of the reasons why I looked at it. I said it would be better suited there to give a good buffer because it's about 1,000 feet away from any houses and the rest of it, so that I think is a very good use of land.

The pollinators, we need that for agricultural, we have farms up by Sugar Grove, so, anyway, this is not Dan and I's first go-around, so anyway, that's about all I can say. Thank you.

CHAIRMAN VINYARD: Thank you, sir.

MR. NAGEL: Appreciate a positive vote.

MR. KRAMER: I hate to keep popping up,

22 but could we make part of the record a

publication on AIMA agreements for Illinois

solar? I think that would be useful. I will

1 pass it to the court reporter.

I promise that's the last time.

3 Thank you.

CHAIRMAN VINYARD: That's all right. Is there anyone present that wishes to speak in opposition of the request?

(No response.)

CHAIRMAN VINYARD: We did receive a protest to this, everybody got a copy of it. You guys all take a look at it. Do you have any questions about that? This is -- very inexperienced when it comes to this last minute here, so this will be the time for us to ask the questions for it.

MR. WILLIAMS: Did they give any indication as to why they were protesting?

MS. NOBLE: We just received the letter.

MR. WILLIAMS: Okay. That was my main concern, is it says they are in protest, but gave no reasoning behind it.

CHAIRMAN VINYARD: Sure. I guess if they were really against it, they probably would have showed up. Okay.

Just wanted everyone to be aware

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that we did have one last minute, so, okay. Do you guys have any questions for the presenter? MR. WILLIAMS: My only real question was do you have any plans to expand? I know that was quite a large piece of land. Are you planning on just keeping the initial 22 acres? MR. WALSH: Yeah, we have no intention of expanding this one; in fact, our agreement with the landowner exclusively requires us to stay in that area of the property. Much like some of the wishes of the county and the setbacks that are required of a thousand feet, the landowner also wishes to preserve his frontage for future commercial development, so we not only don't have intention of expanding, but are unable to. MR. WILLIAMS: Makes sense. Thank you.

MR. WILLIAMS: Makes sense. Thank you.

CHAIRMAN VINYARD: Anybody else have
questions?

MS. LAMB: Might I ask a question?

CHAIRMAN VINYARD: Please.

MS. LAMB: Hello, everybody. I am the City attorney. I work with Kathy Orr, by the way.

1 Matt, did you receive a copy of the 2 protest or did just Kramer's office receive a 3 copy? MR. WALSH: I haven't received one. 4 5 MS. LAMB: Okay. 6 MR. WALSH: Candidly, I haven't been in our office today. I was there yesterday, nothing 8 came in the mail, so I have not been made aware 9 of any protest. 10 MS. LAMB: All right. Then I would like 11 to note that we should follow up on that because the UDO requires a protest be served both on the 12 applicant and the applicant's attorney, so it's 13 just something for us to follow up on. 14 15 MS. NOBLE: On the letter itself it says 16 it was sent to Christopher Clark in your office. 17 MR. WALSH: Yeah, that's our chief 18 development officer. I spoke to him on the way 19 here, he did not mention anything about a protest 20 that had come through. 21 MS. NOBLE: Okay. Thank you. 22 CHAIRMAN VINYARD: Anything else?

CHAIRMAN VINYARD: Okay. Awesome.

MS. LAMB: That is all.

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p.m.)

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STATE OF ILLINOIS)

(COUNTY OF LASALLE)

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

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

That the foregoing public hearing transcript, Pages 1 through 39, was reported stenographically by me by means of machine shorthand, was simultaneously reduced to typewriting via computer-aided transcription under my personal direction, and constitutes a true record of the testimony given and the proceedings had;

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

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

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 18th day of September, 2024.

IsI Christine M. Vitosh

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

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APPLICATION FOR REZONING

REZONING STANDARDS

PLEASE STATE THE EXISTING ZONING CLASSIFICATION(S) AND USES OF THE PROPERTY WITHIN THE GENERAL AREA OF THE PROPOSED REZONED PROPERTY:

The surrounding zonings are a mix of Untied City of Yorkville Residential to the North, United City of Yorkville Residential south of Corneils Road; a mix of County A-1 Agricultural uses to the immediate south and west; Special Uses for compost facility to the northwest in both the United City of Yorkville and County of Kendall; and a mix of Kendall County A-1 Agricultural Zoning, United City of Yorkville B-3; and United City of Yorkville Residential to the east and southeast.

The proposed A-1 Special Use fits in with the overall Comprehensive of Plan of a mixed-use City Development, and is certainly a lowering of density from the compost facilities located in both Kendall County and the United City of Yorkville to the north and west of the subject property.

PLEASE STATE THE TREND OF DEVELOPMENT, IF ANY, IN THE GENERAL AREA OF THE PROPERTY IN QUESTION, INCLUDING CHANGES, IF ANY, WHICH HAVE TAKEN PLACE SINCE THE DAY THE PROPERTY IN QUESTION WAS PLACED IN ITS PRESENT ZONING CLASSIFICATION:

While there has been substantial zoning activity both at the Kendall County and United City of Yorkville levels from 2000 onward in regard to the subject and surrounding properties, basically all zoning activity and construction came to a long interruption starting in 2007 when the local real estate economy along with national economy suffered a serve decrease in activity and a market crash generally in real estate.

There is a trend of newer development in the area and an interest of potential developers bringing to fruition a residential project to the north of the subject parcel and there is activity of interest on both sides of Route 47 from various business and residential developers with no concrete approved plans as of yet.

PLEASE STATE THE EXTENT TO WHICH PROPERTY VALUES ARE DIMINISHED BY THE PARTICULAR ZONING RESTRICTIONS:

The diminshment in market value has basically been area wide since 2007 and had started to show signs of increasing in value. At this point in time there is not marketability as the property is zoned and the construction of the solar array would be the highest and best use of the subject property.

PLEASE STATE THE EXTENT TO WHICH THE DESTRUCTION OF PROPERTY VALUES OF PETITIONER PROMOTES THE HEALTH, SAFETY, MORALS, AND GENERAL WELFARE OF THE PUBLIC:

The proposed solar array will be an enhancement to the United City of Yorkville in that it will provide a source of solar collection through the solar array being constructed by Yorkville Renewables, LLC which will hook directly to the Commonwealth Edison Grid. It dovetails perfectly with the Federal Government's Green Energy Plans and the Build Back America Program; and is environmentally friendly. The panels contain no toxic materials and the landscaping under them will be an environmentally friendly grass. Applicant further intends to introduce other environmentally friendly development methods on the site. There is no harm to surrounding property owners, no detrimental effect to public health, safety, or morals. The encouragement of using solar energy in lieu of fossil fuels is an excellent alternative source of green energy.



APPLICATION FOR REZONING

REZONING STANDARDS

PLEASE STATE THE LENGTH OF TIME THE PROPERTY HAS BEEN VACANT AS ZONED CONSIDERED IN THE CONTEXT OF LAND DEVELOPMENT IN THE AREA IN THE VICINITY OF THE SUBJECT PROPERTY:

The property was vacant farmland going back to the beginning of the 20th century and continues to basically either be vacant farmland or lying fallow even though it was rezoned under an overall Planned unit Development Agreement in approximately 2005.

PLEASE STATE THE COMMUNITY NEED FOR THE PROPOSED LAND USE:

The proposed solar array will be an enhancement to the United City of Yorkville in that it will provide a source of solar collection through the solar array being constructed by Yorkville Renewables, LLC which will hook directly to the Commonwealth Edison Grid. It dovetails perfectly with the Federal Government's Green Energy Plans and the Build Back America Program; and is environmentally friendly. The panels contain no toxic materials and the landscaping under them will be an environmentally friendly grass. Applicant further intends to introduce other environmentally friendly development methods on the site. There is no harm to surrounding property owners, no detrimental effect to public health, safety, or morals. The encouragement of using solar energy in lieu of fossil fuels is an excellent alternative source of green energy.

WITH RESPECT TO THE SUBJECT PROPERTY, PLEASE STATE THE CARE WITH WHICH THE COMMUNITY HAS UNDERTAKEN TO PLAN ITS LAND USE DEVELOPMENT:

The community took care in zoning originally for the Planned Unit Development but it was at time where the United City of Yorkville was experiencing substantial growth prior to 2007 and at that point in time Crains Magazine has predicted the United City of Yorkville would be grown to a population in excess of 200,000 by the year 2020. Those projections in the early part of this century did come to fruition given the serious real estate depression from 2007 until approximately 2015. So a revamp of the use of the property is in order and the soar array is an excellent use for the benefit of the public as whole moving forward.

PLEASE STATE THE IMPACT THAT SUCH RECLASSIFICATION WILL HAVE UPON TRAFFIC AND TRAFFIC CONDITIONS ON SAID ROUTES; THE EFFECT, IF ANY, SUCH RECLASSIFICATION AND/OR ANNEXATION WOULD HAVE UPON EXISTING ACCESSES TO SAID ROUTES; AND THE IMPACT OF ADDITIONAL ACCESSES AS REQUESTED BY THE PETITIONER UPON TRAFFIC AND TRAFFIC CONDITIONS AND FLOW ON SAID ROUTES (ORD. 1976-43, 11-4-1976):

There will be virtually no impact on traffic or any kind of negative nature to the community as far as development, public safety, morals, or use of surrounding property. It is an extremely low impact use and will have no effect on the school system as far as student impact and will produce way less traffic than a residential development would on the site.



APPLICATION FOR REZONING

REZONING STANDARDS

PLEASE STATE THE RELATIVE GAIN TO THE PUBLIC AS COMPARED TO THE HARDSHIP IMPOSED UPON THE INDIVIDUAL PROPERTY OWNER:

The proposed solar array will be an enhancement to the United City of Yorkville in that it will provide a source of solar collection through the solar array being constructed by Yorkville Renewables, LLC which will hook directly to the Commonwealth Edison Grid. It dovetails perfectly with the Federal Government's Green Energy Plans and the Build Back America Program; and is environmentally friendly. The panels contain no toxic materials and the landscaping under them will be an environmentally friendly grass. Applicant further intends to introduce other environmentally friendly development methods on the site. There is no harm to surrounding property owners, no detrimental effect to public health, safety, or morals. The encouragement of using solar energy in lieu of fossil fuels is an excellent alternative source of green energy.

PLEASE STATE THE SUITABILITY OF THE SUBJECT PROPERTY FOR THE ZONED PURPOSES:

There has been virtually no interest in developing the subject parcel its zoned residential purpose which makes converting the use to the Agricultural A-1 Special Use for the solar array an ideal purpose.

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 ISTHROUGH MY OWN FAULT AND I MUST THEREFORE FOLLOW THE REQUIREMENTS OUTLINED ABOVE.

xh	2/6/23	
PETITIONER SIGNATURE Christopher F. Clark, SVP	DATE	
OWNER HEREBY AUTHORIZES THE PETITIONER TO PURSUE THE APPROPRIATE ENTITIONER TO PURSUE THE APPROPRIATE ENTIT OF THE APPROPRIET ENTIT OF THE APPROPRIET ENTIT OF THE APPROPR	ITLEMENTS ON THE PROPERTY. 3/9/23 DATE	

THIS APPLICATION MUST BE NOTARIZED PLEASE NOTARIZE HERE:

Yorkville Renewables, LLC



APPLICATION FOR SPECIAL USE

SPECIAL USE STANDARDS

PLEASE STATE HOW THE ESTABLISHMENT, MAINTENANCE OR OPERATION OF THE SPECIAL USE WILL NOT BE UNREASONABLY DETRIMENTAL TO OR ENDANGER THE PUBLIC HEALTH, SAFETY, MORALS, COMFORT OR GENERAL WELFARE:

The proposed solar array will be an enhancement to the United City of Yorkville in that it will provide a source of solar collection through the solar array being constructed by Yorkville Renewables, LLC which will hook directly to the Commonwealth Edison Grid. It dovetails perfectly with the Federal Government's Green Energy Plans and the Build Back America Program; and is environmentally friendly. The panels contain no toxic materials and the landscaping under them will be an environmentally friendly grass. Applicant further intends to introduce other environmentally friendly development methods on the site. There is no harm to surrounding property owners, no detrimental effect to public health, safety, or morals. The encouragement of using solar energy in lieu of fossil fuels is an excellent alternative source of green energy.

PLEASE STATE HOW THE SPECIAL USE WILL NOT BE INJURIOUS TO THE USE AND ENJOYMENT OF OTHER PROPERTY IN THE IMMEDIATE VICINITY FOR THE PURPOSE ALREADY PERMITTED, NOR SUBSTANTIALLY DIMINISH AND IMPAIR PROPERTY VALUES WITHIN THE NEIGHBORHOOD:

The proposed solar array will be constructed in a manner that will cause no damage to surrounding property owners.

PLEASE STATE HOW THE ESTABLISHMENT OF THE SPECIAL USE WILL NOT IMPEDE THE NORMAL AND ORDERLY DEVELOPMENT AND IMPROVEMENT OF SURROUNDING PROPERTY FOR USES PERMITTED IN THE DISTRICT:

The intended construction and operation of the solar array in no way determinately effects the operation and development of surrounding real property nor does it imped the use of existing property.

PLEASE STATE HOW ADEQUATE UTILITIES, ACCESS ROADS, DRAINAGE OR OTHER NECESSARY FACILITIES HAVE BEEN OR ARE BEING PROVIDED:

The project is suitably located in that there is readily available connection sources to the Commonwealth Edison electrical grid. There is great access for repair and maintenance off of Illinois Route 47. Third, there is an access road planned under the previous City Planned Unit Development accessing the Property off of Galena Road. It is an excellent site for this use and one that is a transitional use to surrounding zoning classifications in a complimentary fashion.



APPLICATION FOR SPECIAL USE

SPECIAL USE STANDARDS

PLEASE STATE HOW ADEQUATE MEASURES HAVE BEEN OR WILL BE TAKEN TO PROVIDE INGRESS OR EGRESS SO DESIGNED AS TO MINIMIZE TRAFFIC CONGESTION IN THE PUBLIC STREETS:

There will be a minimum amount of traffic in and out during the construction phase of the solar array. There will be virtually no traffic in an out on a daily basis once the system is operational. The only traffic in and once the system is operational will be regular maintenance checks and maintenance of the underlying site itself.

PLEASE STATE HOW THE SPECIAL USE SHALL IN ALL OTHER RESPECTS CONFORM TO THE APPLICABLE REGULATIONS OF THE DISTRICT IN WHICH IT IS LOCATED, EXCEPT AS SUCH REGULATIONS MAY IN EACH INSTANCE BE MODIFIED BY THE CITY COUNCIL PURSUANT TO THE RECOMMENDATIONS OF THE PLANNING AND ZONING COMMISSION:

The Special Use complies with all United City of Yorkville requirements for solar arrays, as well as all State requirements for the use of such facilities and all materials are in compliance with Federal and State Laws.

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 Christopher F. Clark, SVP

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

OWNER SIGNATURE

OWNER SIGNATURE

OWNER SIGNATURE

DATE

THIS APPLICATION MUST BE NOTARIZED PLEASE NOTARIZE HERE:

Yorkville Renewables, LLC



APPLICATION FOR VARIANCE

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Section 10-4-3(B)(8) of the United City of Yorkville Zoning Ordinance. Petitioner request a 8' setback Variance for the north, west, and south setback areas that would allow a 42' setback from the property line in each of those directions, which was permissible when Original Zoning Application was filed.

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 original zoning application on the subject parcel was designed both as site plan and engineering submitted to the City and its outside consultant, Engineering Enterprises, for review under the then-existing ordinance. The entire stormwater plan and site has been engineered in conformity with the privously existing ordinance. To modify that plan now would substantially change the location of the proposed stormwater facilities, the solar array and cause great expense and hardship to the Applicant that was not caused by any modifications of the Applicant or failure to comply to the ordinances that were in existence at the time of filing.

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:

We believe that the circumstances stated above are unique to this Applicant because to our knowledge it is the only Applicant that applied at the time that totally engineered and created a site plan which has previously been approved by City Staff, outside consulting engineer, and some of City Alderman.

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:

See statements above about compliance with prior ordinance.



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 Variance Request for the south, north, and west setback lines by eight feet causes no harm to any existing adjacent owners in that there is no current development on any of the adjacent real property in any of those three directions. There is substantial buffering and a fence that will be installed by the applicant within the setback boundaries that ameliorates any concern to adjoining property. There is no detrimental effect to public health, safety, or welfare.

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

There is nothing in regard to granted the Variance that will impair adequate supply of life or air to adjacent properties or increase any traffic whatsoever. The Variance requested in no way impact public safety or diminish or impair adjoining property values. The adjoining properties being zoned R-2 due to the cancellation of the Westbury planned unit development agreement. There currently are no plans in front of the city that would indicate what zoning class the owners of those adjoining properties will seek if, and when, they seek to develop. They very well may not be developed with the residential use whatsoever given surrounding property conditions and uses.

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.

Yorkville Renewables, LLC

Matthew R. Walsh, VP of Business Development

OWNER HEREBY AUTHORIZES THE PET/TIQUERTO PORSUNTHE APPROPRIATE ENTITLEMENTS ON THE PROPERTY.

OWNER SIGNATURE

OWNER SIGNATURE

DATE

DATE

THIS APPLICATION MUST BE NOTARIZED PLEASE NOTARIZE HERE:

VARIANCE EXPLANATION

The Petitioner/Owners request that a Variance be granted from the rear and side setback areas on the north, west, and south property lines as contained in the site improvement plans previously filed herein.

The site plan showing the solar array totally conformed to the then current United City of Yorkville setback requirements at the time the Application for Zoning and Application for Special Use was filed by the Petitioner and consented to by the Owner in writing.

Stormwater storage was contemplated in the north setback area as defined by the then current setback ordinance.

It would work an extreme hardship on the applicant at this time to modify the site plan since it would result in a substantial change in the solar array, stormwater management fill facilities previously designed and recommended for approval by City Consulting Engineer. Applicant hereby requests permission to allow an eight-foot Variance from the new city ordinance for the south, west, and north side and rear setback line as detailed in the current ordinance. There still would be sufficient setback green area buffering the solar array and all three of those directions.

The front setback area of 1,000 feet has more than been met by the existing solar array plan and needs no variance.

Therefore, Petitioner prays that the site plan of Petitioner be approved Varying the current ordinance requirement by eight feet on the south, west, and north setback property lines.

YORKVILLE RENEWABLES, LLC

By: X Matthew Walsh, VP of Business DEVELOPMENT

YPN Workshop
Weather/Climate
Precision Farming
Corn Belt Ag
Policy Outlook
Sustainability
Generational Issues
Ag Tour & Rapid Fire

Annual

Annual

November 18-21

November 18-21

Westin Crown Center
Kansas City, MO

♦ BACK TO BLOG LIST

Solar's Impact on Rural Property Values



By ASFMRA Press posted 02-15-2021 10:23

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RECOMMEND

The difference that experience makes when it comes to the perceived and actual impacts of solar on nearby property values.

In recent years, publicity surrounding solar farms has gained the attention of property owners and appraisers. As with any large-scale development, the change represented by utility-scale solar can be cause for concern. Naysayers express worries



involving impacts to viewshed, drainage problems, the idea of replacing productive agricultural lands with an industrial use, and more. Much of this worry comes back to one thing: the potential impact on property values.

A <u>recently completed study</u> from the University of Rhode Island looked at 400,000 transactions in New England over the course of 15 years, finding that suburban

residential property values suffered negative impacts when nearby solar farms replaced resources perceived as scarce, such as green space. On the other hand, this same study found no associated impact on property values for solar farms located in rural areas.

Meanwhile, a <u>survey by the University of Texas at Austin</u> asked 37 appraisers a series of questions about property value impacts based upon proximity to utility-scale solar projects. On average, the surveyed appraisers believed that there was a negative relationship between solar farms and nearby property values, though the appraisers with strong negative opinions also answered "No" when asked whether they had prior experience assessing property located near large solar installations. Dr. Varun Rai, who led the study, stated that the results "suggest that experience assessing near a solar installation is associated with a much less negative estimate of impact." He also noted that "the median and mode of all estimates of impact was zero, suggesting negative estimates from a few respondents were pulling down the mean."

Patricia McGarr, who serves as the National Director of <u>CohnReznick</u> Advisory's Valuation Practice, has conducted a number of property value impact studies involving solar, and spoke on the subject at the ASFMRA Illinois Chapter's Annual Meeting in 2019. McGarr's studies found no consistent negative impact on residential property value that could be attributed to nearby solar farms. She also asserted that township and county assessors have tremendous amounts of data that point in the same direction.

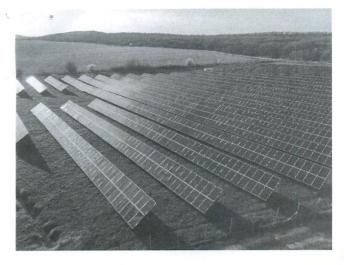
McGarr referenced the 1,000-acre "North Star" solar project located in Chisago County, Minnesota. There, the county assessor found <u>no adverse impact</u> on nearby property values, noting, "It seems conclusive valuation hasn't suffered."

McGarr has attended many public hearings on proposed solar developments and listened to residents taking issue with the idea of putting good farm land out of production and potential impacts to viewsheds and drainage tiles. "Owners of transitional ag lands, or lands that are in the path of development, are concerned about any changes that could have future impacts on sale values," she explained.

But McGarr believes solar developers are addressing these issues. It's now common practice for developers to include vegetative screening as a visual buffer between solar farms and adjacent properties to account for aesthetic concerns. In regards to drainage, developers are "conducting drainage tile studies and being vigilant [...] so that they don't reroute the drainage."

"Solar is an interim use," McGarr added. "There are no contaminants and the land sits fallow, allowing the soil quality to improve. It's not like you're paving things over."

Donald Fisher, ARA, served six years as Chair of the ASFMRA's National Appraisal Review



Committee and 19 years as Chair of the Editorial Committee. Donald is the Executive Vice President of <u>CNY Pomeroy Appraisers</u>, and has done several market studies examining the impact of solar on surrounding residential values.

"Most of the locations were in either suburban or rural areas, and all of those studies found either a neutral impact or, ironically, a positive impact, where values on properties after the

installation of solar farms went up higher than time trends," he explained.

According to Fisher, solar development has begun to compete with rural residential development and Concentrated Animal Feeding Operation (CAFO) farmers seeking new acreage. "In certain markets," he said, "the solar developers are paying as much as rural residential developers and CAFO farmers."

Howard Halderman, AFM, President and CEO of <u>Halderman Real Estate and Farm Management</u>, attended a recent solar talk hosted by the Indiana Chapter of the ASFMRA. Halderman's takeaway was that properties immediately adjacent to a solar farm may see a negative impact, but tactics to hide the solar farm from view could help offset those effects.

Halderman believes that other rural properties would likely see no impact, and farmers and landowners should even consider possible benefits. "In some cases, farmers who rent land to a solar company will insure the viability of their farming operation for a longer time period. This makes them better long-term tenants or land buyers so one can argue that higher rents and land values will follow due to the positive economic impact the solar leases offer," he explained.

Rich Kirkland, who owns <u>Kirkland Appraisals</u> in Raleigh, North Carolina, began exploring solar a little over a decade ago, or as he puts it, "right around the whole recession period, when solar really began to take off around here."

Since then, Kirkland has prepared property value impact studies for solar developers in 19 states, performing nearly 100 matched-pair analyses along the way. In a large majority of those comparisons, he observed a -5% to 5% difference in square-foot sales prices, a range that he describes as statistically insignificant.

"If you take all of those matched-pairs and average them out, you'll find a difference of about 1%. That's not enough to make a claim on," he says.

Similar to Halderman, Kirkland believes that issues can arise if a solar development is situated too close to a property, or if nothing is done to conceal it from view. However, he concluded, "In rural and suburban areas, I'm not finding any consistent negative impact from solar farms as long as there's at least 100 feet between the [solar] farm and the property, and enough landscaping to hide the panels."

0 comments

62 views

Permalink

https://www.asfmra.org/blogs/asfmra-press/2021/02/16/solars-impact-on-land-values

Memorandum



To: Planning and Zoning Commission

From: Krysti J. Barksdale-Noble, Community Development Director

Alexandria Sandoval, Planning Intern

CC: Bart Olson, City Administrator

Sara Mendez, Planner I

Date: October 3, 2024

Subject: PZC 2024-19 Consume Cannabis Dispensary (Special Use & Variance)

1508 N. Bridge Street- Proposed Adult Use Cannabis Dispensary

SUMMARY:

The petitioner, Steve Weber, on behalf of PTS Corp., contract lessee and petitioner, and Fort Smith FD Partners, LLC, owner, has filed an application with the United City of Yorkville, Kendall County, Illinois, requesting special use authorization for a cannabis dispensary business within the B-3 General Business District for an approximately 1.33-acre parcel located at 1508 N. Bridge Street, within the northeast quadrant of Veteran's Parkway (U.S. Route 34) and N. Bridge Street in Yorkville, Illinois.

The petitioner is also requesting the following three (3) variances to Section 10-4-14: Medical and Adult Use Cannabis Use Standards of the Yorkville Unified Development Ordinance (UDO):

- 1. To decrease the minimum distance a cannabis dispensing organization can be located to a preexisting public or private nursery school, preschool, primary or secondary school, day care center, day care home, residential care home, or religious institutions from five-hundred feet (500') to four-hundred fifty feet (450').
- 2. To change the permitted hours of operation from "10:00 a.m. to 8:00 p.m. Monday through Saturday and 12:00 p.m. to 5:00 p.m. on Sundays" to "9:00 a.m. to 9:00 p.m. Monday through Saturday and 10:00 a.m. to 6:00 p.m. on Sundays".
- 3. Relief from the maximum one (1) wall-mounted sign per cannabis business to allow the petitioner to follow the current signage regulations for similar B-3 General Business District uses while maintaining compliance with Illinois State signage regulations for cannabis businesses.

PROPERTY INFORMATION:

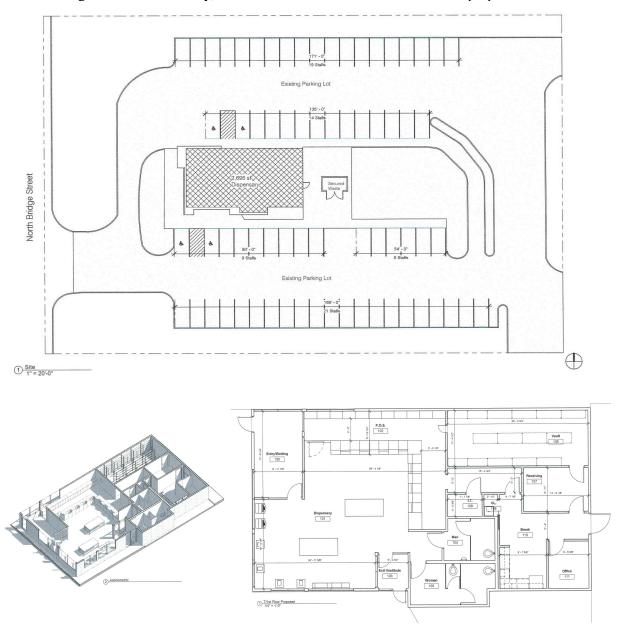
This property is currently improved with a vacant ~2,700 square foot single-story brick building with a drive-through window. The structure was originally built in 1988 and previously occupied by various fast-food restaurants.

The subject property is currently zoned as B-3 General Business District. The following table depicts the current immediate surrounding properties' zoning and land uses:

	Zoning	Land Use
North	B-3 General Business District	Self-storage facility
South	B-3 General Business District	Yorkville Moose Lodge
East	B-3 General Business District	Super 8 Motel
West	B-2 Mixed Use Business (PUD)	Kendall Crossing/Countryside Center Transportation Land Use (N. Bridge Street/IL Rte. 47)

PROJECT DESCRIPTION:

PTS Corp (Progressive Treatment Solutions) is a vertically integrated cannabis company involved in cultivation, manufacturing, and distribution (dispensary) services, with operations in Illinois, Arizona, Michigan, and Ohio. The submitted plans, as seen below, detail the petitioner's intent to repurpose the existing former restaurant building and maintain the current parking lot, which has a single access drive from N. Bridge Street. Additionally, some interior and exterior renovations are proposed.



SITE PLAN/LAND USE:

The proposed cannabis dispensary use was reviewed by various City departments and outside agencies to ensure compliance with applicable adult-use cannabis ordinances, regulations, and standards such as minimum land use separations, maximum operational floor area, parking, business hours, bulk regulations, signage, and consistency with the comprehensive plan. Following are the summaries of those reviews.

Cannabis Dispensing Organization – Special Use

Cannabis Dispensing Organizations are defined in Section 10-2-3 in the Yorkville Unified Development Ordinance as: A facility operated by an organization or business that is licensed by the department of

financial and professional regulation to acquire cannabis from a state-licensed cultivation center, craft grower, processing organization, or another dispensary for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia, or related supplies to purchasers or to qualified registered medical cannabis patients and caregivers as allowed by the Cannabis Regulation and Tax Act (410 ILCS 705/1 et seq.) and regulations promulgated thereunder.

According to Table 10-3-12(B) of the Yorkville Unified Development Ordinance (UDO), the proposed use is allowed as a special use in the B-3 General Business District. Per Section 10-4-14(D), Cannabis Dispensing Organizations are limited to one (1) facility within the boundaries of the City of Yorkville. Currently, there are no other permitted cannabis dispensing organizations in Yorkville, and if approved, this would be the only such facility permitted within the entire city.

Additionally, Section 10-4-14(A)(2) <u>prohibits the on-premises consumption</u> of cannabis products in cannabis business operations. The petitioner has acknowledged in writing that there will not be any on-premises consumption. **Staff recommends** signage be posted within the business stating this prohibition.

Minimum Land Use Separation

Per Section 10-4-14(D)(1), the following minimum land use separations identified by staff shall apply:

LAND USE	REQUIRED MINIMUM SEPARATION*	IDENTIFIED EXISTING LAND USE	PROPOSED SEPARATION**
Pre-existing public/private nursey school, preschool, primary or secondary school, day care center, day care home, residential care home, or religious institutions, regardless of corporate boundary	500'	Parkview Christian Academy Private School (B-3 Zoning) 202 E. Countryside Pkwy (PIN #02-28-126-019)	~ 460'
Pre-existing property zoned or used for residential purposes, regardless of corporate boundary	250'	N/A	N/A

^{*}As measured property line to property line.

A map depicting the surrounding land uses prepared by staff and spreadsheet of distances from the subject property prepared by the petitioner are attached for your review.

Bulk Regulations

All bulk regulations for the B-3 District, per Table 10-3-9(A) of the Yorkville Unified Development Ordinance (UDO), are met with the existing site plan as detailed below:

BULK REQUIREMENT	REQUIRED MINIMUM	EXISTING CONDITIONS
Min. Lot Size	10,000 sq. ft.	~ 57,963 sq. ft.
Min. Front Yard Setback	50'	~ 60 ft.
Min. Side Yard Setback	20'	~ 75 ft./~ 85 ft.
Min. Rear Yard Setback	20'	~ 150 ft.
Min. Parking Lot Setback	20'	~ 50 ft.

Per Table 10-3-9(A) of the Yorkville Unified Development Ordinance (UDO), the maximum lot coverage for the B-3 General Business District (inclusive of sidewalks, parking areas and all impervious surfaces) is 80%. Based upon staff calculations, the existing structure, parking lot, and walkways are approximately 45,000 square feet or 78% of the approximately 57,963 square foot lot.

^{**}Measurement based upon aerial GIS, as no measurement was provided by petitioner.

Maximum Gross Floor Area

Per Section 10-4-14(D)(3), Cannabis Dispensing Organizations shall have a maximum gross floor area of five thousand (5,000) square feet, of which at least seventy-five (75) percent of the floor area occupied by a dispensing organization shall be devoted solely to the activities the dispensing cannabis or cannabis products as authorized by the Act and shall not sell food or alcohol for consumption on the premises.

The existing building on the subject property to be used for the Cannabis Dispensing Organization is less than 5,000 sq. ft. (approx. 2,696 sq. ft.) The petitioner has confirmed 100% of the total floor area will be dedicated to the cannabis dispensing operation and that no food or alcohol for consumption will be sold on the premises. The petitioner has also acknowledged, in writing, that no food or alcohol for consumption will be sold on the premises.

Parking and Drive-Through

According to site plan submitted, there will be 69 total parking stalls provided for the Cannabis Dispensing Organization including four (4) indicated as ADA handicapped accessible within the existing parking lot. Per Table 10-5-1 of the Yorkville Unified Development Ordinance, a Cannabis Dispensing Organization is required to have a minimum of 3 parking spaces per 1,000 square feet of net floor area. Based on the existing building size of ~2,700 square feet, the minimum required parking is nine (9) parking spaces. Therefore, the proposed land use is adequately parked.

Additionally, per Section 10-4-14(D)(5-6) of the Unified Development Ordinance, drive-through facilitates and e-commerce delivery service platforms are prohibited for cannabis dispensing organizations. It is noted that the existing fast-food restaurant structure has a drive-through facility. According to the proposed site plan, the drive-through facility will be removed. The petitioner has also acknowledged in writing that no e-commerce delivery services will be offered, and they will not be requesting drive-through use at this time. Should the petitioner seek to utilize the drive-though in the future, it will require a public hearing and City Council approval via a variance or text amendment to the UDO.

Appearance Code

The petitioner has submitted elevations and renderings which illustrate that the exterior building façade will comply with the City's Appearance Code (Section 8-15-5):

Criteria for Appearance of the City Code, new non-residential structures shall have at least fifty percent (50%) of the total building constructed of masonry products or precast concrete. The existing brick and plank siding will be preserved, repainted in a uniform light white/grey color, while the red metal awning will also be retained.



Signage

According to Section 10-4-14(A)(3) of the Yorkville Unified Development Ordinance (UDO), specific signage regulations apply to cannabis dispensaries. Recreational cannabis dispensaries are limited to one wall-mounted sign per business, and all cannabis establishments are prohibited from using electronic message board signs. Additionally, signage must not feature cannabis-related imagery such as "leaves, plants, smoke, paraphernalia, or cartoon-like" designs. The petitioner is seeking an exception to the rule limiting cannabis businesses to a single wall-mounted sign, proposing to follow the current signage guidelines for similarly zoned B-3 General Business District uses while still adhering to Illinois State regulations for cannabis signage.

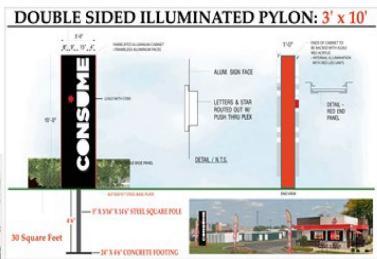
Section 10-6-6(A)(4) of the UDO states single-tenant buildings in the B-3 District are permitted a maximum of two primary wall signs or one primary sign per 100 linear feet of building frontage, with an additional sign allowed for each extra 100 feet. However, only one primary wall sign is permitted per building façade. The cannabis dispensary ordinance is silent regarding monument signage, so staff defers to the UDO regulations.

The petitioner's updated signage plan below, submitted September 16, 2024, proposes two primary wall signs. The first sign displays the name "Consume Cannabis Company" along with a star logo on the west elevation (IL Rte. 47/Bridge St.) totaling approximately 34.6 sq. ft. The proposed second sign is located on the south elevation and reads "Consume" totaling approximately 22.5 sq. ft.

The signage plan also includes a doubled-sided, internally illuminated pylon monument sign positioned along IL 47 which reads "Consume" in vertically-oriented text. The sign material is a black fabricated aluminum cabinet with white plexiglass letters routed through the sign face. The ends of the cabinet will be backed with red acrylic and internally illuminated with red LED units. The overall height for the monument sign is approximately ten feet (10') and approximately three-feet (3') wide for a total sign area of 30 sq. ft.







The chart below compares the permitted wall sign criteria outlined in the Unified Development Ordinance (UDO) for B-3 zoned properties and cannabis dispensaries with the petitioner's request.

Signage Criteria	B-3 Zoned Properties	Cannabis Dispensaries	Petitioner Proposed Signage
Wall Signs	Max. 2 (1 per façade) or 1 per 100 ft of façade.	Max. 1 Wall Sign	Two (2) Wall Signs
Wall Sign Area • West Façade (IL Rte. 47/Public Entrance) • South Façade (Public Entrance)	Max. 2 sq. ft. per 1 linear ft. and up to 75% of building façade length (Public Entrance or Facing a Public Road) ~40 linear ft. = Max. Sign Area 80 sq. ft. Max. Sign Length 30 ft. ~70 linear ft. = Max. Sign Area 140 sq. ft., Max. length 52.5 ft.	Same as B-3 Zoned Properties	34.6 sq. ft. 13 ft. 22.5 sq. ft. 15 ft.
Monument Signs	High Quality Sign (Steel material) Max. Sign Area = 48 sq. ft. Max. Sign Height = 12 ft. Base Landscape Req. = 1/2 Sign Area	Not Specified	30 sq.ft. 10 ft. None Provided

The petitioner is seeking relief from the maximum one (1) wall sing for cannabis dispensary uses. The petitioner is proposing to meet all the other sign area, length, and height requirements. Staff understands the request for an additional wall sign, particularly on the south elevation above the public entrance. Should the petitioner not be granted the variance for the second wall sign, other options available to the wall sign on the south or west elevation is an awning/canopy sign and/or window sign. With regard to the monument sign, **staff recommends** the petitioner install a minimum of fifteen (15) square feet of sign base landscaping per Section 10-6-6(B)(1)(b) of the UDO.

Business Hours

Per Section 10-4-14(A)(1), business hours for all cannabis businesses shall be from 10:00 a.m. to 8:00 p.m. Monday through Saturday and 12:00 p.m. to 5:00 p.m. on Sundays. The petitioner is requesting to extend the business hours, allowing for earlier openings and later closings on both weekdays and weekends.

According to the petitioner's statement, the extended hours are needed to align with the operating hours of the following two (2) closest competitors:

- Market 96 Neighborhood Dispensary 1144 Douglas Road, Oswego, IL 60543 Hours (per website): Monday-Sunday 9:00am – 9:00pm https://www.market-96.com/
- Ivy Hall Dispensary
 1970 Caterpillar Drive, Montgomery, IL 60538
 Hours (per website): Monday-Thursday 9:00am-9:00pm; Friday-Saturday 9:00am -10:00pm;
 Sunday 9:00am 7:00pm
 https://ivyhalldispensary.com/

COMPREHENSIVE PLAN:

Future Land Use for this site is Destination Commercial (DC) which is consistent with the existing B-3 General Business District. The Destination Commercial designation is intended for large format retail, strip center development and auto-oriented land uses located along significant commercial corridors such as IL 47 (Bridge Street) and US 34 (Veterans Parkway) that attract both Yorkville residents and customers from the surrounding areas. Therefore, the proposed use is consistent with the designated future land use plan.

RESEARCH OF NEARBY COMMUNITIES:

The Community Development Department's summer intern, Alexandria Sandoval, conducted research on cannabis dispensary ordinances from ten (10) other municipalities (see attached). The findings show that, on average, these communities allow two (2) dispensaries each, which is more than Yorkville's ordinance, which permits only one. Additionally, the research highlights that the distance between existing dispensaries and nearby schools or daycare facilities in other municipalities ranges from approximately 220 feet (Carol Stream) to 970 feet (Naperville). Similarly, the distances to residential areas range from roughly 180 feet (St. Charles) to 430 feet (Morris).

While Yorkville's minimum distance requirement for cannabis dispensaries near schools and residential areas aligns with the average of surrounding communities, the available locations for dispensaries in Yorkville are extremely limited (see attached map). Given the petitioner's request and the city-wide cap of one (1) dispensary, a reduction in the minimum required distance from 500 feet to 450 feet (a 10% reduction) from a nearby school is consistent with approved dispensary locations in other area municipalities.

COMMUNITY MEETING/WRITTEN OBJECTION:

As per Section 10-8-5(B)(1)(A) of the Yorkville Unified Development Ordinance (UDO), the Plan Council recommended that the petitioner hold a community meeting with area and neighborhood property owners to explain the proposed special use prior to the Planning and Zoning Commission hearing. This meeting took place on September 12, 2024, at the Hampton Inn Yorkville from 4pm-6pm. According to the petitioner and the attached sign-in sheet, no members of the public attended.

Staff has also received feedback from an attorney representing Parkview Christian Academy, who submitted a written objection to the proposed cannabis dispensary use on August 20, 2024 (attached for reference). The petitioner's attorney provided a written response to this objection on August 22, 2024, which is also attached for your reference and consideration.

ADDITIONAL SPECIAL USE CONSIDERATIONS:

As a condition of the Special Use approval, staff <u>recommended</u> the following additional information be provided by the petitioner for the requested cannabis dispensary:

- a. Applicant name and the business name of the proposed adult-use cannabis establishment for which the special use is sought, including addresses, telephone numbers and e-mail addresses of (1) sole proprietors; (2) business entities with financial interest in the business, and (3) all officers, directors, partners, managers, and owners. A post office box may not be submitted as the address of the applicant.
 - i. **Petitioner has provided** information which will remain on file with the Yorkville Police Department.
- b. Copy of licensure or registration that the organization is authorized to conduct an adult-use cannabis business establishment in the State of Illinois.
 - i. **Petitioner has provided** the attached letter from the Illinois Department of Financial and Professional Regulation.
- c. Written statement that the applicant has under contract the property of the proposed adult-use cannabis establishment.
 - i. **Petitioner has provided** a copy of the sub-sublease contract for the property. It is important to note that the contract submitted to the City by the petitioner by and between Fort Smith FD Partners (Landlord), RHS Yorkville, LLC (tenant, sublandlord) and Leahy Enterprises 2 LLC (subtenant) lists the permitted uses for the premises as: operating a cannabis dispensary, consumption lounge, restaurant and any ancillary and associated uses and for no other use, and in compliance with all laws, ordinances, rules,

and regulations. As referenced above, the petitioner states they will not allow on-site consumption or serve alcohol or food.

- d. Copy of a business plan to be kept on file with the Yorkville Police Department and confidential to the extent permitted by law, including but not limited to the following:
 - i. Proposed number of employees. <u>Petitioner states</u> there will be twenty (20) Hourly employees plus two (2) salaried managers.
 - ii. A description of the products and services that the proposed adult-use cannabis establishment will offer. <u>Petitioner states</u> products sold will be state compliant cannabis flower, cannabis vapes, cannabis infused edibles, cannabis drinks, and accessories such as rolling papers, t-shirts, and hats.
 - iii. Description or statement of training and education that will be provided to the proposed adult-use cannabis dispensary agents/staff. <u>Petitioner has provided</u> information which will remain on file with the Yorkville Police Department.
 - iv. A security plan that will describe how the proposed use will address concerns related to inventory tracking and prevention of theft; measures to control customer overflow and access to restricted areas; employee restrictions to limited access areas and restricted area; and video surveillance/alarm system. Petitioner has provided information which will remain on file with the Yorkville Police Department.
 - v. Waste management plan for the storage, security and disposal of discarded cannabis products and materials. <u>Petitioner has provided</u> information which will remain on file with the Yorkville Police Department.

STANDARDS FOR GRANTING A VARIANCE:

Section 10-8-9 of the Unified Development Ordinance (UDO) states the Planning and Zoning Commission shall not grant a Variation from the regulations of the UDO unless it shall make findings based upon the evidence presented that the standards for hardships set forth in the Illinois Municipal Code are complied with in addition to the following:

- 1. A particular hardship to the owner would result because of the physical surroundings, shape, or topographical conditions of the subject property, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out.
- 2. The conditions upon which the petition for a Variation is based are unique to the subject property and are not applicable, generally, to other properties within the same zoning district.
- 3. The difficulty or hardship is not created by any person presently having an interest in the property.
- 4. 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, substantially increase the congestion in the public streets, increase the danger to the public, 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.

SPECIAL USE STANDARDS

Section 10-8-5-D of the UDO states specific standards for special use which all recommendation bodies will review. The petitioner has provided answers to each of the criteria in the application which are

included in the packet for your review and will be entered into the public record as part of the public hearing process. The standards are:

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

STAFF RECOMMENDATIONS:

Staff recommends the following conditions to the special use:

- 1. Signage posted within the business stating there will not be any on-premises consumption.
- 2. The petitioner installs a minimum of fifteen (15) square feet of sign base landscaping per Section 10-6-6(B)(1)(b) of the UDO.

Proposed Motions:

SPECIAL USE

In consideration of testimony presented during a Public Hearing on October 9, 2024 and discussion of the findings of fact, the Planning and Zoning Commission recommends approval to the City Council a request for Special Use authorization to operate a cannabis dispensary business within the B-3 General Business District for an approximately 1.33-acre parcel located at 1508 N. Bridge Street, subject to staff recommendations in a memo dated October 3, 2024 and further subject to... {insert any additional conditions of the Planning and Zoning Commission}...

VARIANCES

- 1. In consideration of testimony presented during a Public Hearing on October 9, 2024 and discussion of the findings of fact, the Planning and Zoning Commission recommends approval to the City Council a request for a variance to Section 10-4-14(D)(1) of the Unified Development Ordinance to decrease the minimum distance a cannabis dispensing organization can be located to a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home, residential care home, or religious institutions from five-hundred feet (500') to four-hundred fifty feet (450') for an approximately 1.33-acre parcel located at 1508 N. Bridge Street, subject to {insert any additional conditions of the Planning and Zoning Commission}...
- 2. In consideration of testimony presented during a Public Hearing on October 9, 2024 and discussion of the findings of fact, the Planning and Zoning Commission recommends approval to the City Council a request for a variance to Section 10-4-14(A)(1) of the Unified Development Ordinance to change the permitted hours of operation for a cannabis dispensary from "10:00 a.m. to 8:00 p.m. Monday through Saturday and 12:00 p.m. to 5:00 p.m. on Sundays" to "9:00 a.m. to 9:00 p.m. Monday through Saturday and 10:00 a.m. to 6:00 p.m. on

Sundays" for an approximately 1.33-acre parcel located at 1508 N. Bridge Street, subject to {insert any additional conditions of the Planning and Zoning Commission}...

3. In consideration of testimony presented during a Public Hearing on October 9, 2024 and discussion of the findings of fact, the Planning and Zoning Commission recommends approval to the City Council a request for a variance to Section 10-4-14(A)(3)(a) of the Unified Development Ordinance seeking relief from the maximum one (1) wall-mounted sign per cannabis business to allow the petitioner to follow the current signage regulations in Section 10-6-6(A)(4) for similar B-3 General Business District single-tenant uses while maintaining compliance with Illinois State signage regulations for cannabis businesses for an approximately 1.33-acre parcel located at 1508 N. Bridge Street, subject to {insert any additional conditions of the Planning and Zoning Commission}...

ATTACHMENTS:

- 1. Location Map
- 2. Petitioner Applications
- 3. Proposed plan and elevations prepared by Path Construction, dated 03.01.24
- 4. Plan Council packet
- 5. Plan Council Follow-Up letter dated August 22, 2024
- 6. Petitioner's Response Letter
- 7. List of Surrounding Land Uses zoning, distance to subject property and land use
- 8. Petitioner's Consent to Lease
- 9. IDFPR Letter re: Dispensing Organization Conditional License
- 10. Sign Plans prepared by Bright Signs & Awnings dated 9-9-24
- 11. Object Letter prepared by Antonio J. Senagore, Attorney, dated August 20, 2024
- 12. Response to Objection Letter prepared by Mitchel Kay, Attorney, dated August 22, 2024
- 13. Cannabis Buffer Map
- 14. Public Hearing Notice



1508 N BRIDGE ST

United City of Yorkville, Illinois Date: July 2, 2024

File Location: I:\ARCGIS TEMPLATES:\1508 N BRIDGE ST





INTENT AND PURPOSE

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

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

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

APPLICATION PROCEDURE

STEP 1 APPLICATION SUBMITTAL

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

The following must be submitted:

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

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

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

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

STEP 2 PLAN COUNCIL

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

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

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



STEP

3

ECONOMIC DEVELOPMENT

WITH THE OWN THE ASSESSMENT OF THE WORK THE WORK THE

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

STEP 4

COMMITTEE

PLANNING & ZONING COMMISSION

MEETS ON THE 2ND WEDNESDAY OF THE MONTH

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

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

Reducing a required setback by no more than twenty-five percent (25%).		Increasing by not more than twenty-five percent (25%) the maximum distance that			
Reducing the lot width or lot size regulation not less than ninety percent (90%) of the required		required parking spaces are permitted to be located from the use served.			
width or area.		Allowing for the deferment of required parking			
ermitting the same off street parking spaces		facilities for a reasonable period of time as			

for two or more uses provided each use does not take place at approximately the same hours of the same days of the week.

Increasing no more than ten percent (10%) the maximum gross floor area of any use so limited by the applicable regulations.

specified in the variance.

or loading spaces by no more than one (1) If eminent domain by any authorized or twenty percent (20%) of the regulations (whichever is greater).

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

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

STEP 5 CITY COUNCIL

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

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

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



Plan Council Meeting

Meeting Date

Signed and Notarized Application

Required Plans, Exhibits, and Fees

Certified Mailing of Public Notice

APPLICATION FOR VARIANCE

Detailed Schedule After Complete Submission

Posting of the Public Notice in a Local Newspaper

City Council

Public Notice Mailing Window

☐ Public Hearing Notice Language

SUMMARY OF RESPONSIBILITIES

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

11							idavit Meeting		***************************************	Jes					Г				-	g Sign ce & S				Reco	rding	3	
		M	ONT	H 1						MI		M	EET	ING	sc		DU	S-ST-LES	25 P.VI				MC	ONT	Н 4		
Su	M	Tu	W	Th	F	Sa 7	Su	М	Tu	W	Th	F	Sa	Su	М	Tu	w	Th	F	Sa 2	Su	M 2	Tu 3	W	Th	F	Sa 7
	9	10	11	12	13	14	6	7	8	9	10	11	12	3	i	5	6	7	8	9	8	9	10	11	12	13	14
	16	17	18	19	20	21	13	14	15	16	17	18	19	10	11	12	13	14	15	16	15	16	17	18	19	20	21
	23	24	25	26	27	28	20	21	22	23	24	25	26	17	18	19	20	21	22	23	22	23	24	25	26	27	28
,	30		-	A CONTRACTOR	-	-	27	28	29	30	31			24	25	26	27	28	29	30	29	30	31	-	+	-	+

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

Updated Materials Submitted for Meeting

Economic Development

Committee

Planning & Zoning Commission

Public Hearing



DORMANT APPLICATIONS

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

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

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

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



INVOICE & WORKSHEET PETITION APPLICATION									
CONCEPT PLAN REVIEW	☐ Engineering Plan Review deposit \$500.00	Total: \$							
AMENDMENT	☐ Annexation \$500.00 ☐ Plan \$500.00 ☐ Plat \$500.00 ☐ P.U.D. \$500.00	Total: \$							
ANNEXATION	\square \$250.00 + \$10 per acre for each acre over 5 acres								
	_x \$10 =+ \$250 = \$	Total: \$							
# of Acres Acres over 5	Amount for Extra Acres Total Amount								
	\$\square \\$200.00 + \\$10 per acre for each acre over 5 acres Trezoning to a PUD, charge PUD Development Fee - not Rezoning Fee \$\text{x} \\$10 = \text{+} \\$200 = \\$	Total: \$							
	Amount for Extra Acres Total Amount								
SPECIAL USE	\square \$250.00 + \$10 per acre for each acre over 5 acres	Total: \$							
5 = # of Acres	x \$10 = + \$250 = \$ Amount for Extra Acres								
ZONING VARIANCE	\square \$85.00 + \$500.00 outside consultants deposit	Total: \$							
PRELIMINARY PLAN FEE	☐ \$500.00	Total: \$							
PUD FEE	\$500.00	Total: \$							
FINAL PLAT FEE	\$500.00	Total: \$							
ENGINEERING PLAN REVIEW DEPOSIT	□ Less than 1 acre \$5,000.00 □ Over 1 acre, less than 10 acres \$10,000.00 □ Over 10 acres, less than 40 acres \$15,000.00 □ Over 40 acres, less than 100 acres \$20,000.00 □ Over 100 acres \$25,000.00	Total: \$							
OUTSIDE CONSULTANTS DEPOSIT Legal	land planner, zoning coordinator, environmental services								
	For Annexation, Subdivision, Rezoning, and Special Use:								
	□ Less than 2 acres \$1,000.00 □ Over 2 acres, less than 10 acres \$2,500.00 □ Over 10 acres \$5,000.00	Total: \$							
	TOTAL AMOUNT DUE								



DATE: 2/21/2024	PZC NUMBER:	DEVELOPMENT NAME: Consume						
PETITIONER INFORMATION								
NAME: Steve Weber		COMPANY: PTS Corp.	COMPANY: PTS Corp.					
MAILING ADDRESS: 4801 Emers	son Avenue, Suite 112							
CITY, STATE, ZIP: Palatine, IL, 60	0067	TELEPHONE: ⊙ BUSINESS ○ HOME 63	30-774-6908					
EMAIL: steve.weber@ptsgro	ws.com	FAX: N/A						
PROPERTY INFORMATION								
NAME OF HOLDER OF LEGAL TITLE:	Fort Smith Fd Partners LLC							
IF LEGAL TITLE IS HELD BY A LAND T	TRUST, LIST THE NAMES OF ALL HOLDERS	OF ANY BENEFICIAL INTEREST THEREIN:						
PROPERTY STREET ADDRESS: 150	8 N Bridge Steet	E						
DESCRIPTION OF PROPERTY'S PHYS LOT 1 COUNTRYSIDE CENT	SICAL LOCATION: ER UNIT 5 RESUB LT 3 CITY OF	YORKVILLE						
CURRENT ZONING CLASSIFICATION:	: B-3							
ZONING AND LAND USE OF SURF	ROUNDING PROPERTIES							
NORTH: B-3 Storage depot								
EAST: B-3 Super 8 Motel								
SOUTH: B-3 Moose Lodge								
WEST: PUD Hacienda Real,	Cinema, Staion One							
KENDALL COUNTY PARCEL IDEN	TIFICATION NUMBER(S)							
02-28-126-006	02-28-176-015	02-28-176-018	02-28-104-032					



ATTORNEY INFORMATION	
NAME: Mitchel Kay	COMPANY: PTS Corp.
MAILING ADDRESS: 4801 Emerson Ave. Suite 112	
CITY, STATE, ZIP: Palatine, IL, 60067	TELEPHONE: 847-404-6687
EMAIL: mitch@ptsgrowscom	FAX: N/A
ENGINEER INFORMATION	
NAME:	COMPANY:
MAILING ADDRESS:	
CITY, STATE, ZIP:	TELEPHONE:
EMAIL:	FAX:
LAND PLANNER/SURVEYOR INFORMATION	
NAME:	COMPANY:
MAILING ADDRESS:	
CITY, STATE, ZIP:	TELEPHONE:
EMAIL:	FAX:
ATTACHMENTS	
Petitioner must attach a legal description of the property to this application a	nd title it as "Exhibit A".
Petitioner must list the names and addresses of any adjoining or contiguous la under any applicable City Ordinance or State Statute. Attach a separate list to	ndowners within 500 feet of the property that are entitled notice of application this application and title it as "Exhibit B".
VARIANCE STANDARDS	
PLEASE CONFIRM THE PROPOSED VARIATION IS CONSISTENT WITH THE OFF POLICIES OF THE CITY.	ICIAL COMPREHENSIVE PLAN AND OTHER DEVELOPMENT STANDARDS AND

Exhibit A

LOT 1 COUNTRYSIDE CENTER UNIT 5 RESUB LT 3 CITY OF YORKVILLE

Exhibit B

PIN	OWNER	BILLING ADDRESS
228176012	FIRST NATIONAL BANK OF OMAHA TR NO 1695 C/O KISHOR PATEL	1510 N BRIDGE ST YORKVILLE, IL 60560
228176015	FIRST NATIONAL BANK OF OMAHA TR NO 1695 C/O KISHOR PATEL	1510 N BRIDGE ST YORKVILLE, IL 60560
228126015	MENARD INC	EAU CLAIRE, WI 54703
228176025	H D & B PARTNERSHIP ELLIS CHARLES RICHARD & RITA ANNE TRUST	416 SAN CARLOS RD MINOOKA, IL 60447
228176023	TOD & KARLA DUY TR	1290 CINDY LN SANDWICH, IL 60548
228176021	WILLIAMS GROUP LLC VETERANS PLAZA	107 S BRIDGE ST YORKVILLE, IL 60560
228176024	1820 INVESTMENTS LLC	135 E VAN EMMON ST YORKVILLE, IL 60560
228176019	% GRAHAM C STORES MACKIN LAND COMPANY LLC	39109 N US HIGHWAY 41 WADSWORTH, IL 60083-8915
228176018	YORKVILLE MOOSE LODGE 2371	1502 N BRIDGE ST YORKVILLE, IL 60560
228126006	CIG TSP LLC ET AL	150 BOUSH ST STE 300 NORFOLK, VA 23510
228126005	JAY LLC CHEHAR	1604 BRIDGE ST N YORKVILLE, IL 60560
228126003	ALDI INC	1 ALDI DR DWIGHT, IL 60420
228126019	BRENART EYE CLINIC	120 E COUNTRYSIDE PKWY YORKVILLE, IL 60560
228104023	NELSON MEMORIAL SERV PC	410 COUNTRYSIDE PKWY E YORKVILLE, 60560
228104033	KENDALL CROSSING LLC	207 W KENDALL DR YORKVILLE, IL 60560
228104038	% JAMES RATOS CASTLE BANK NA TRUST	207 W KENDALL DR YORKVILLE, IL 60560
228104039	KENDALL CROSSING	207 W KENDALL DR YORKVILLE, IL 60560
228104032	NCG YORKVILLE INC	314 E COMSTOCK OWOSSO, MI 48867
228104025	1ST ST BANK TR OF HAN PK C/O % EQUILON ENTERPRISES LLC	PO BOX 347 COLUMBUS, IN 47202
228104026	FRANCHISE REALTY INVESTMENT TRUST C/O SCHMITT YORKVILLE LLC	1975 W DOWNER PL # 302 AURORA, IL 60506
228104031	FRANCHISE REALTY INVESTMENT TRUST C/O EDWARD SCHMITT JR.	1975 W DOWNER PL # 302 AURORA, IL 60506
228104030	CASTLE BANK TRUST	207 W KENDALL DR YORKVILLE, IL 60560
228177033	MCOH1 0241 JP MORGAN CHASE BANK NA	LERETA/TEXAS PO BOX 35605 DALLAS, TX 75235
228177034	OREILLY AUTO ENTERPRISES LLC	PO BOX 9167 SPRINGFIELD, MO 65801-9167



VARIANCE STANDARDS

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

We are requesting 3 variances from the same ordinance:

1-(Ord. 2019-84, 11-26-2019) 10-6-1: Special conditions L-2, C-1.

500 foot buffer from all schools, daycares, parks and religious institutions.

Amend to 450ft buffer.

2-(Ord. 2019-84, 11-26-2019) 10-6-1: Special conditions L-3

Business Hours for dispensary change to 9am-9pm Monday through Saturday and 10:00am to 6pm Sunday.

3-(Ord. 2019-84, 11-26-2019) 10-6-1: Special conditions L-5

Signage- 1 wall mounted sign per business.

Amend to follow current sign code (Ord. 2014-73, 11-25-2014) as well as follow state signage restrictions.

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 addition of the proposed dispensary will not have a negative impact on the surrounding businesses or properties. A significant investment will be made in remodeling the existing building to suit the needs of the dispensary. The area is a commercial area with a variety of businesses in the vicinity. A dispensary will add to the variety and provide new options for local customers.

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:

- 1-Since we are an adult use dispensary per Yorkville code we need to be granted special use for the site. (Ord. 2019-84, 11-26-2019) this location is in a B-3 Zoning district and meets other criteria with the exception of the 500ft buffer.
- 2- We request our hours to be in line with nearest competitors. The two closest stores have hours of 9am-9pm.
- 3-We request to have same signage rules as any other business in B-3 while also following state signage rules.

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 is currently vacant and has been marketed by current tenant for over a year and has not been able to secure a tenant.



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 dispensary will install and use state-of-the art security technology to ensure the safety of employees and customers. There will be video surveillance of the entire store, both inside and out. Security for the surrounding business will be supplemented by the additional cameras. Further, there will be on-site security personal at the dispensary during all business hours. The staff of the dispensary will be trained in security, safety, and the protocols for dispensing cannabis to patrons. This includes preventing minors from accessing cannabis.

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 addition of the proposed dispensary will not have a negative impact on the surrounding businesses or properties. A significant investment will be made in remodeling the existing building to suit the needs of the dispensary. The area is a commercial area with a variety of businesses in the vicinity. A dispensary will add to the variety and provide new options for local customers.

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

ATE

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

This Ja

Manager of Fort Smith FD Partners, LLC

6/27/2024

OWNER SIGNATURE

DATE

THIS APPLICATION MUST BE NOTARIZED PLEASE NOTARIZE HERE:

OFFICIAL SEAL
ANGELA BARTLE
NOTARY PUBLIC, STATE OF ILLINOIS
MY COMMISSION EXPIRES: 8/17/2025

Angela Bartle 6/27/2024



In excess of one hundred (100.00) acres

APPLICANT DEPOSIT ACCOUNT/ ACKNOWLEDGMENT OF FINANCIAL RESPONSIBILITY

PROJECT NUMBER:	FUND ACCOUNT NUMBER:		PROPERTY ADDRESS: 1508 N. Bridge Street				
to cover all actual expenses occurred a Fund include, but are not limited to, pl to legal fees, engineering and other pl fund account is established with an initial deposit is drawn against to pay for the Party will receive an invoice reflecting the amount, the Financially Responsible Freviews/fees related to the project are rommissions may be suspended until the balance to the Financially Respons	rkville to require any petitioner is a result of processing such app an review of development appro an reviews, processing of other tial deposit based upon the estin se services related to the project the charges made against the acc arty will receive an invoice requequired. In the event that a depo the account is fully replenished. I tible Party. A written request mu istributed by the 15th of the follows.	olications and reported by a control of the control	al on a project or entitlement request to establish a Petitic equests. Typical requests requiring the establishment of a ng permits. Deposit account funds may also be used to cowapplications, recording fees and other outside coordination ervices provided in the INVOICE & WORKSHEET PETITION riodically throughout the project review/approval process, the the balance of the fund account fall below ten percent (1 nal funds equal to one-hundred percent (100%) of the intotal time of the project review by the administrative stands remain in the deposit account at the completion of the lab the Financially Responsible Party to the city by the 15t the refund checks will be made payable to the Financially Responsible to the Financially Responsibl	Petitioner Deposit Account er costs for services related and consulting fees. Each APPLICATION. This initial the Financially Responsible 0%) of the original deposit itial deposit if subsequent aff, consultants, boards and project, the city will refund h of the month in order for			
ACKNOWLEDGMENT OF FINANCIAL I	RESPONSIBILITY						
NAME: Steve Weber			COMPANY: PTS Corp.				
MAILING ADDRESS: 4801 Emerso	on Ave. Suite 112						
CITY, STATE, ZIP: Palatine, IL, 600	067	TELEPHONE: 630-774-6908					
EMAIL: steve.weber@ptsgrow	/s.com		FAX:				
Yorkville, I will provide additional fund Company/Corporation of their obligation	s the Financially Responsible Pa ds to maintain the required acco on to maintain a positive balanc	ount balance. Fure in the fund ac	may exceed the estimated initial deposit and, when requence ourther, the sale or other disposition of the property does not count, unless the United City of Yorkville approves a Chang or quested replenishment deposit is received.	ot relieve the individual or			
Steve Weber			Gov Affairs				
PRINTNAME	Λ.		TITLE				
I Mk			6/27/2024				
SIGNATURE*	<u> </u>		DATE				
*The name of the individual and the perpresent of the perpresent, Chairman, Secretary or Treason	irer)	nust be the same	e. If a corporation is listed, a corporate officer must sign the c	leclaration (President, Vice-			
ENGINEERING DEPOSITS:		1177	LEGAL DEPOSITS:				
Up to one (1) acre Over one (1) acre, but less than ten (10)	\$5,0 () acres \$10	,000 ,000	Less than two (2) acres Over two (2) acres, but less than ten (10) acres	\$1,000 \$2,500			
Over ten (10) acres, but less than forty		,000	Over ten (10) acres	\$5,000			
Over forty (40) acres, but less than one		,000					

\$25,000



INTENT AND PURPOSE

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

This packet explains the process to successfully submit and complete an Application for Special Use. It includes a detailed description of the process, outlines required submittal materials, and contains the application for special use.

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

APPLICATION PROCEDURE

STEP 1 APPLICATION SUBMITTAL

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

The following must be submitted:

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

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

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

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

STEP 2 PLAN COUNCIL

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

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



STEP

3

ECONOMIC DEVELOPMENT COMMITTEE

MEETS ON THE 1ST TUESDAY OF THE MONTH

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

STEP

4

PLANNING & ZONING COMMISSION

MEETS ON THE 2ND WEDNESDAY OF THE MONTH

The petitioner will attend and present their request at a public hearing conducted by the Planning and Zoning Commission. The Planning and Zoning Commission will conduct a public hearing on the request, take public comments, discuss the request, and make a recommendation to City Council. No special use shall be recommended by the Planning and Zoning Commission unless it follows the standards set forth in City's Zoning Ordinance.

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

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

STEP 5

COUNCIL

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

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

SUMMARY OF RESPONSIBILITIES

Below is a summary breakdown of what will be required by the petitioner and what will be completed by the (Bel	low is a summ	ary breakdowi	n of what will	be required b	y the petitioner and	what will be com	pleted by	the Ci	ty
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C.	Signed and Notarized Application
TY	Required Plans, Exhibits, and Fees
<u> </u>	Certified Mailing of Public Notice
T	Signed Certified Affidavit of Mailing
	Attendance at All Meetings

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☐ Public Hearing Notice Language

☐ Posting of the Public Notice in a Local Newspaper

☐ Public Hearing Sign Application

☐ Draft Ordinance & Signatures for Recording



SAMPLE MEETING SCHEDULE



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

DORMANT APPLICATIONS

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

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

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

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



INVOICE & WORKSHEET PETITION APPLICATION								
CONCEPT PLAN REVIEW	☐ Engineering Plan Review deposit \$500.00	Total: \$						
AMENDMENT	☐ Annexation \$500.00 ☐ Plan \$500.00 ☐ Plat \$500.00 ☐ P.U.D. \$500.00	Total: \$						
ANNEXATION	\square \$250.00 + \$10 per acre for each acre over 5 acres							
5=	x \$10 = + \$250 = \$	Total: \$						
# of Acres Acres over 5	Amount for Extra Acres Total Am	punt						
	\square \$200.00 + \$10 per acre for each acre over 5 acres rezoning to a PUD, charge PUD Development Fee - not Rezoning Fee $x $10 = + $200 = $$	Total: \$						
# of Acres Acres over 5	x \$10 = + \$200 = \$ Amount for Extra Acres	ount						
SPECIAL USE1.335=		Total: \$						
# of Acres Acres over 5	Amount for Extra Acres Total Am							
ZONING VARIANCE	\$85.00 + \$500.00 outside consultants deposit	Total: \$						
PRELIMINARY PLAN FEE	\$500.00	Total: \$						
PUD FEE	\$500.00	Total: \$						
FINAL PLAT FEE	\$500.00	Total: \$						
ENGINEERING PLAN REVIEW DEPOSIT	☐ Less than 1 acre \$5,000.00 ☐ Over 1 acre, less than 10 acres \$10,000.00 ☐ Over 10 acres, less than 40 acres \$15,000.00 ☐ Over 40 acres, less than 100 acres \$20,000.00 ☐ Over 100 acres \$25,000.00	Total: \$						
OUTSIDE CONSULTANTS DEPOSIT Legal	land planner, zoning coordinator, environmental services							
	For Annexation, Subdivision, Rezoning, and Special U Less than 2 acres \$1,000.00 Over 2 acres, less than 10 acres \$2,500.00 Over 10 acres \$5,000.00	Total: \$						
	TOTAL AM	OUNT DUE:						



DATE: 2/21/2024	PZC NUMBER:	DEVELOPMENT NAME: Consume				
PETITIONER INFORMATION						
NAME: Steve Weber		COMPANY: PTS Corp.				
MAILING ADDRESS: 4801 Emerson A	MAILING ADDRESS: 4801 Emerson Avenue, Suite 112					
CITY, STATE, ZIP: Palatine, IL, 60067		TELEPHONE: ⊙ BUSINESS ○ HOME 630-774-6908				
EMAIL: steve.weber@ptsgrows.c	om	FAX: N/A				
PROPERTY INFORMATION						
NAME OF HOLDER OF LEGAL TITLE: Fort	Smith Fd Partners LLC					
IF LEGAL TITLE IS HELD BY A LAND TRUST,	LIST THE NAMES OF ALL HOLDERS OF ANY	BENEFICIAL INTEREST THEREIN:				
PROPERTY STREET ADDRESS: 1508 N B	ridge Street					
DESCRIPTION OF PROPERTY'S PHYSICAL L LOT 1 COUNTRYSIDE CENTER U	OCATION: NIT 5 RESUB LT 3 CITY OF YORKV	TILLE				
CURRENT ZONING CLASSIFICATION: B-3		COMPREHENSIVE PLAN FUTURE LAND USE DESIGNATION: B-3				
REQUESTED SPECIAL USE:						
Adult use cannabis dispensary.						
ZONING AND LAND USE OF SURROUNE	ZONING AND LAND USE OF SURROUNDING PROPERTIES					
NORTH: B-3 Storage Depot						
EAST: B-3 Super 8 Motel						
SOUTH: B-3 Moose Lodge						
WEST: PUD Hacienda Real, Cinema, Station One						
KENDALL COUNTY PARCEL IDENTIFICA	ITION NUMBER(S)					
02-28-126-006						
02-28-176-015						
02-28-176-018						
02-28-104-032						



ATTORNEY INFORMATION	
NAME: Mitchel Kay	COMPANY: PTS Corp.
MAILING ADDRESS: 4801 Emerson Ave. Suite 112	
CITY, STATE, ZIP: Palatine, IL, 60067	TELEPHONE: 847-404-6687
EMAIL: mitch@ptsgrows.com	FAX: N/A
ENGINEER INFORMATION	
NAME:	COMPANY:
MAILING ADDRESS:	
CITY, STATE, ZIP:	TELEPHONE:
EMAIL:	FAX:
LAND PLANNER/SURVEYOR INFORMATION	
NAME:	COMPANY:
MAILING ADDRESS:	
CITY, STATE, ZIP:	TELEPHONE:
EMAIL:	FAX:
ATTACHMENTS	
Petitioner must attach a legal description of the property to this application	and title it as "Exhibit A".
Petitioner must list the names and addresses of any adjoining or contiguous I of application under any applicable City Ordinance or State Statute. Attach a	landowners within five hundred (500) feet of the property that are entitled notice a separate list to this application and title it as "Exhibit B".

Exhibit A

LOT 1 COUNTRYSIDE CENTER UNIT 5 RESUB LT 3 CITY OF YORKVILLE

Exhibit B

PIN	OWNER	BILLING ADDRESS
228176012	FIRST NATIONAL BANK OF OMAHA TR NO 1695 C/O KISHOR PATEL	1510 N BRIDGE ST YORKVILLE, IL 60560
228176015	FIRST NATIONAL BANK OF OMAHA TR NO 1695 C/O KISHOR PATEL	1510 N BRIDGE ST YORKVILLE, IL 60560
228126015	MENARD INC	EAU CLAIRE, WI 54703
228176025	H D & B PARTNERSHIP ELLIS CHARLES RICHARD & RITA ANNE TRUST	416 SAN CARLOS RD MINOOKA, IL 60447
228176023	TOD & KARLA DUY TR	1290 CINDY LN SANDWICH, IL 60548
228176021	WILLIAMS GROUP LLC VETERANS PLAZA	107 S BRIDGE ST YORKVILLE, IL 60560
228176024	1820 INVESTMENTS LLC	135 E VAN EMMON ST YORKVILLE, IL 60560
228176019	% GRAHAM C STORES MACKIN LAND COMPANY LLC	39109 N US HIGHWAY 41 WADSWORTH, IL 60083-8915
228176018	YORKVILLE MOOSE LODGE 2371	1502 N BRIDGE ST YORKVILLE, IL 60560
228126006	CIG TSP LLC ET AL	150 BOUSH ST STE 300 NORFOLK, VA 23510
228126005	JAY LLC CHEHAR	1604 BRIDGE ST N YORKVILLE, IL 60560
228126003	ALDI INC	1 ALDI DR DWIGHT, IL 60420
228126019	BRENART EYE CLINIC	120 E COUNTRYSIDE PKWY YORKVILLE, IL 60560
228104023	NELSON MEMORIAL SERV PC	410 COUNTRYSIDE PKWY E YORKVILLE, 60560
228104033	KENDALL CROSSING LLC	207 W KENDALL DR YORKVILLE, IL 60560
228104038	% JAMES RATOS CASTLE BANK NA TRUST	207 W KENDALL DR YORKVILLE, IL 60560
228104039	KENDALL CROSSING	207 W KENDALL DR YORKVILLE, IL 60560
228104032	NCG YORKVILLE INC	314 E COMSTOCK OWOSSO, MI 48867
228104025	1ST ST BANK TR OF HAN PK C/O % EQUILON ENTERPRISES LLC	PO BOX 347 COLUMBUS, IN 47202
228104026	FRANCHISE REALTY INVESTMENT TRUST C/O SCHMITT YORKVILLE LLC	1975 W DOWNER PL # 302 AURORA, IL 60506
228104031	FRANCHISE REALTY INVESTMENT TRUST C/O EDWARD SCHMITT JR.	1975 W DOWNER PL # 302 AURORA, IL 60506
228104030	CASTLE BANK TRUST	207 W KENDALL DR YORKVILLE, IL 60560
228177033	MCOH1 0241 JP MORGAN CHASE BANK NA	LERETA/TEXAS PO BOX 35605 DALLAS, TX 75235
228177034	OREILLY AUTO ENTERPRISES LLC	PO BOX 9167 SPRINGFIELD, MO 65801-9167



SPECIAL USE STANDARDS

PLEASE STATE HOW THE ESTABLISHMENT, MAINTENANCE OR O	PERATION OF THE SPECIAL USE WIL	LL NOT BE UNREASONABLY DETRIMEN	TAL TO OR ENDANGER THE PUBLIC
HEALTH, SAFETY, MORALS, COMFORT OR GENERAL WELFARE:			

The dispensary will install and use state-of-the art security technology to ensure the safety of employees and customers. There will be video surveillance of the entire store, both inside and out. Security for the surrounding business will be supplemented by the additional cameras. Further, there will be on-site security personal at the dispensary during all business hours. The staff of the dispensary will be trained in security, safety, and the protocols for dispensing cannabis to patrons. This includes preventing minors from accessing cannabis.

PLEASE STATE HOW THE SPECIAL USE WILL NOT BE INJURIOUS TO THE USE AND ENJOYMENT OF OTHER PROPERTY IN THE IMMEDIATE VICINITY FOR THE PURPOSE ALREADY PERMITTED, NOR SUBSTANTIALLY DIMINISH AND IMPAIR PROPERTY VALUES WITHIN THE NEIGHBORHOOD:

The addition of the proposed dispensary will not have a negative impact on the surrounding businesses or properties. A significant investment will be made in remodeling the existing building to suit the needs of the dispensary. The area is a commercial area with a variety of businesses in the vicinity. A dispensary will add to the variety and provide new options for local customers.

PLEASE STATE HOW THE ESTABLISHMENT OF THE SPECIAL USE WILL NOT IMPEDE THE NORMAL AND ORDERLY DEVELOPMENT AND IMPROVEMENT OF SURROUNDING PROPERTY FOR USES PERMITTED IN THE DISTRICT:

The addition of the proposed dispensary will not impede th development of the surrounding property. If anything, it will increase customer traffic to the area making development more attractive to other businesses.

PLEASE STATE HOW ADEQUATE UTILITIES, ACCESS ROADS, DRAINAGE OR OTHER NECESSARY FACILITIES HAVE BEEN OR ARE BEING PROVIDED:

The utilities have been researched and are sufficient for the needs of the dispensary. Because it is a prexisting facility that was recently remodeled all necessary needs are sufficient including drainage, access roads as well as parking.



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PLEASE STATE HOW ADEQUATE MEASURES HAVE BEEN OR WILL BE TAKEN TO PROVIDE INGRESS OR EGRESS SO DESIGNED AS TO MINIMIZE TRAFFIC CONGESTION IN THE PUBLIC STREETS:

The location is a pre-existing restaurant that has adequate ingress and egress via multiple points.

PLEASE STATE HOW THE SPECIAL USE SHALL IN ALL OTHER RESPECTS CONFORM TO THE APPLICABLE REGULATIONS OF THE DISTRICT IN WHICH IT IS LOCATED, EXCEPT AS SUCH REGULATIONS MAY IN EACH INSTANCE BE MODIFIED BY THE CITY COUNCIL PURSUANT TO THE RECOMMENDATIONS OF THE PLANNING AND ZONING COMMISSION:

As an applicant for this Special Use Permit, utilizing our legal and compliance team we have reviewed the Yorkville municipal code and confirm that the proposed use will meet and/or exceed all applicable provisions of the Yorkville municipal code. Furthermore the municipal code will be constantly monitored for any changes that may be passed by the City and we will make any necessary changes to remain compliant and good stewards of the City.

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

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

Manager of Fort Smith FD Partners, LLC

6/27/2024

OWNER SIGNATURE

DATE

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

OFFICIAL SEAL **ANGELA BARTLE** NOTARY PUBLIC, STATE OF ILLINOIS

MY COMMISSION EXPIRES: 8/17/2025



In excess of one hundred (100.00) acres

APPLICANT DEPOSIT ACCOUNT/ ACKNOWLEDGMENT OF FINANCIAL RESPONSIBILITY

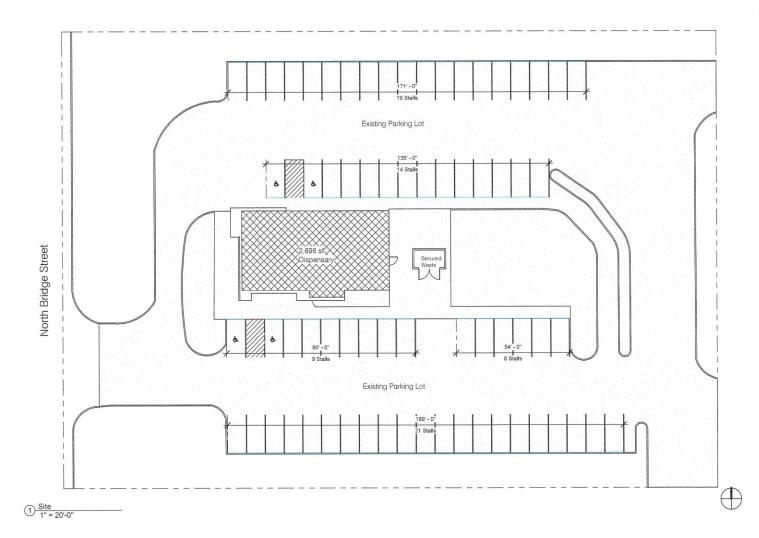
PROJECT NUMBER:	FUND ACCOUNT NUMBER:	PROPERTY ADDRESS: 1508 N. Bridge St.		
to cover all actual expenses occurred as Fund include, but are not limited to, pla to legal fees, engineering and other pla fund account is established with an initi deposit is drawn against to pay for these Party will receive an invoice reflecting th amount, the Financially Responsible Pareviews/fees related to the project are re commissions may be suspended until the balance to the Financially Responsible Pareviews/fees related to the project are re	eville to require any petitioner seeking appro a result of processing such applications and in review of development approvals/enginee in reviews, processing of other governmenta al deposit based upon the estimated cost for e services related to the project or request. Post the charges made against the account. At any to pure will receive an invoice requesting additional fully will receive an invoice requesting additional fully pured. In the event that a deposit account is re- ticulated by the 15th of the following month.	eval on a project or entitlement request to establish a Petition requests. Typical requests requiring the establishment of a Petition germits. Deposit account funds may also be used to cover a applications, recording fees and other outside coordination a services provided in the INVOICE & WORKSHEET PETITION A periodically throughout the project review/approval process, the time the balance of the fund account fall below ten percent (109 onal funds equal to one-hundred percent (100%) of the initinot immediately replenished, review by the administrative staffunds remain in the deposit account at the completion of the pred by the Financially Responsible Party to the city by the 15th All refund checks will be made payable to the Financially Resp	etitioner Deposit Account costs for services related and consulting fees. Each APPLICATION. This initial e Financially Responsible %) of the original deposit ial deposit if subsequent f, consultants, boards and oject, the city will refund of the month in order for	
ACKNOWLEDGMENT OF FINANCIAL R	ESPONSIBILITY			
NAME: Steve Weber		COMPANY: PTS Corp.		
MAILING ADDRESS: 4801 Emerson	n Ave. Suite 112			
CITY, STATE, ZIP: Palatine, IL, 600	67	TELEPHONE: 630-774-6908		
EMAIL: steve.weber@ptsgrows.com FAX:				
Yorkville, I will provide additional funds Company/Corporation of their obligatio	the Financially Responsible Party, expenses to maintain the required account balance.	may exceed the estimated initial deposit and, when request Further, the sale or other disposition of the property does not account, unless the United City of Yorkville approves a Change requested replenishment deposit is received. Gov Affairs	relieve the individual or	
PRINT NAME		GOV Aliairs TITLE		
PRINCIPALITY		6/27/2024		
SIGNATURE*		DATE		
*The name of the individual and the personant president, Chairman, Secretary or Treasur	rer)	me. If a corporation is listed, a corporate officer must sign the de	claration (President, Vice-	
ENGINEERING DEPOSITS: Up to one (1) acre Over one (1) acre, but less than ten (10) Over ten (10) acres, but less than forty (Over forty (40) acres, but less than one	40) acres \$15,000	LEGAL DEPOSITS: Less than two (2) acres Over two (2) acres, but less than ten (10) acres Over ten (10) acres	\$1,000 \$2,500 \$5,000	

\$25,000

CONSUME CANNABIS DISPENSARY

1508 NORTH BRIDGE ST. YORKVILLE, IL 60560







Construction Issue

DATE: DESCRIPTION:
03.01.24 Special Use Submission

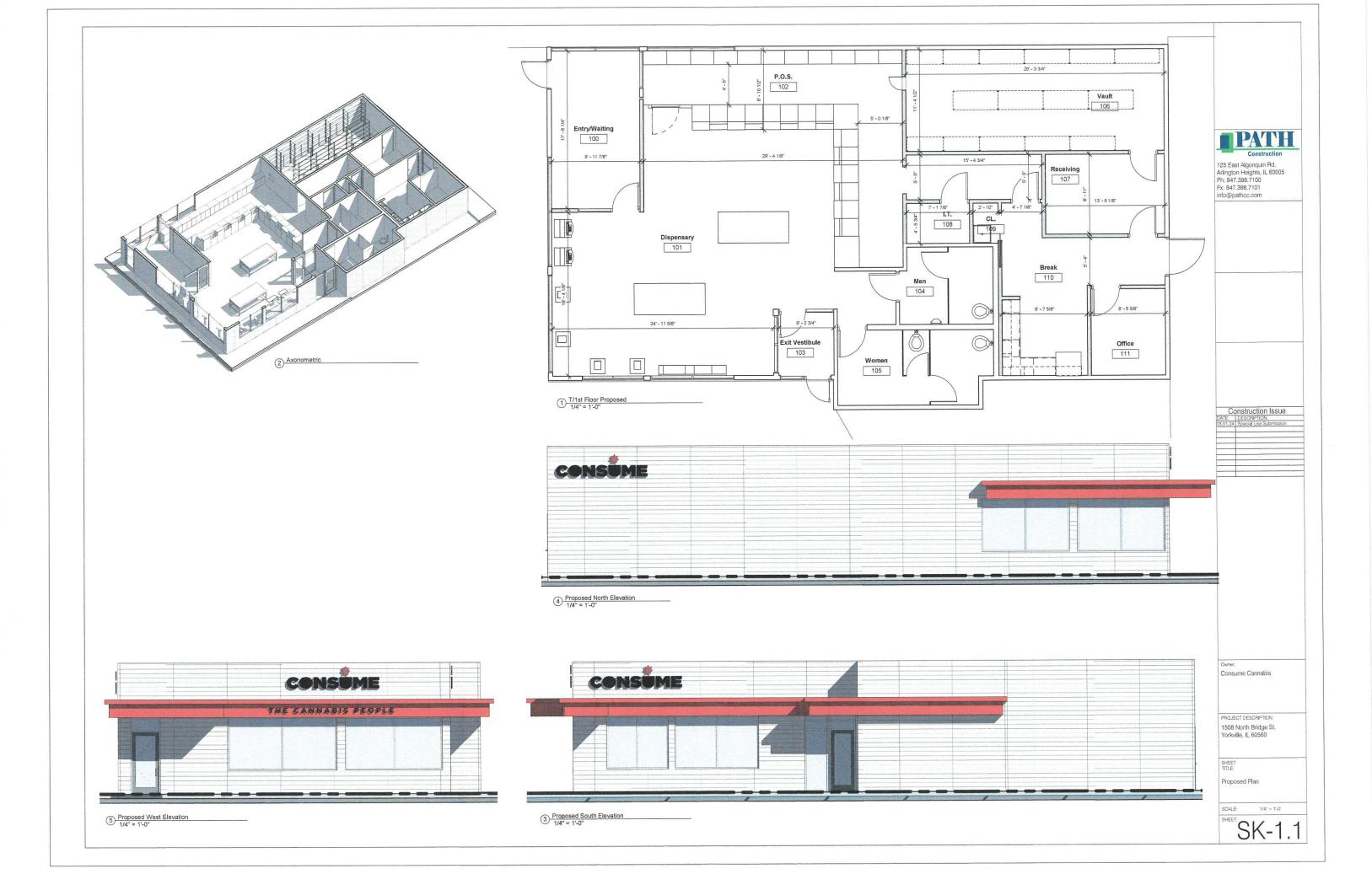
Owner: Consume Cannabis

> PROJECT DESCRIPTION: 1508 North Bridge St. Yorkville, IL 60560

SHEET TITLE:

SK-1.0

3 3D View 1





United City of Yorkville

651 Prairie Pointe Drive Yorkville, Illinois 60560 Telephone: 630-553-4350

Fax: 630-553-7575

PLAN COUNCIL AGENDA

Thursday, August 22, 2024
9:00 a.m.
City Hall
Community Development
3rd Floor – East Conference Room
Remote Access via Zoom

- 1. Minutes for approval: July 25, 2024
- 2. PZC 2024-19 Cannabis Dispensary Consume Cannabis –Special Use & Variance

Adjournment



Memorandum

To: Plan Council

From: Krysti Barksdale-Noble, Community Development Director

Date: July 9, 2024

Subject: PC 2024-19 Consume Cannabis Dispensary (Special Use & Variance)

1508 N. Bridge Street - Proposed Adult Use Cannabis Dispensary

I have reviewed the applications for special use permit and variance approval received July 1, 2024 as submitted by Steve Weber, on behalf of PTS Corp., contract lessee and petitioner, and Fort Smith FD Partners, LLC, owner, as well as the following documents/plans:

1) Site Plan, Exterior Elevations, and Floor Plans – dated 03.01.24 prepared by Path Construction

The petitioner is requesting special use authorization for a cannabis dispensary business within the B-3 General Business District for an approximately 1.33-acre parcel located at 1508 N. Bridge Street, within the northeast quadrant of Veteran's Parkway (U.S. Route 34) and N. Bridge Street in Yorkville, Illinois. Additionally, they are also requesting the following three (3) variances to Section 10-4-14: Medical and Adult Use Cannabis Use Standards of the Yorkville Unified Development Ordinance (UDO):

- 1. To decrease the minimum distance a cannabis dispensing organization can be located to a preexisting public or private nursery school, preschool, primary or secondary school, day care center, day care home, residential care home, or religious institutions from five-hundred feet (500') to four-hundred fifty feet (450').
- 2. To change the permitted hours of operation from "10:00 a.m. to 8:00 p.m. Monday through Saturday and 12:00 p.m. to 5:00 p.m. on Sundays" to "9:00 a.m. to 9:00 p.m. Monday through Saturday and 10:00 a.m. to 6:00 p.m. on Sundays".
- 3. Relief from the maximum one (1) wall-mounted sign per cannabis business to allow the petitioner to follow the current signage regulations for similar B-3 General Business District uses while maintaining compliance with Illinois State signage regulations for cannabis businesses.

This parcel is currently improved with a vacant \sim 2,700 square foot single-story brick building with a drive-through window. The structure was originally built in 1988 and previously occupied by various fast-food restaurants. The plans submitted indicate the petitioner will utilize the existing structure, making some interior and exterior renovations, as well as the current parking lot with a single access drive off of N. Bridge Street. Based upon my review of the application and site/floor plans, I have compiled the following comments:

GENERAL ZONING/PLANNING COMMENTS:

1. **ZONING** - The subject property is currently zoned as **B-3 GENERAL BUSINESS DISTRICT**. The following are the current immediate surrounding zoning and land uses:

	Zoning	Land Use	
North	B-3 General Business District	Self-storage facility	
South	B-3 General Business District	Yorkville Moose Lodge	
East	B-3 General Business District	Super 8 Motel	
West	B-2 Mixed Use Business (PUD)	Kendall Crossing/Countryside Center Transportation Land Use (N. Bridge Street/IL Rte. 47)	

- 2. CANNABIS DISPENSING ORGANIZATION Petitioner has indicated the proposed use for the property will be a "cannabis dispensing organization". Cannabis Dispensing Organizations are defined in Section 10-2-3 in the Yorkville Unified Development Ordinance as: A facility operated by an organization or business that is licensed by the department of financial and professional regulation to acquire cannabis from a state-licensed cultivation center, craft grower, processing organization, or another dispensary for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia, or related supplies to purchasers or to qualified registered medical cannabis patients and caregivers as allowed by the Cannabis Regulation and Tax Act (410 ILCS 705/1 et seq.) and regulations promulgated thereunder.
 - a. **Special Use** Per Table 10-3-12(B) of the Yorkville Unified Development Ordinance (UDO), such use is allowed as a special use in the B-3 General Business District.
 - b. **Maximum number of facilities** Per Section 10-4-14(D), Cannabis Dispensing Organizations shall be limited to one (1) facility within the boundaries of the City.
 - i. There are no other permitted cannabis Dispensing Organizations in Yorkville. <u>If approved, this will be the only such use permitted within the entirety of the city.</u>
 - c. **On-Premises Consumption** Per Section 10-4-14(A)(2), on-premises consumption of cannabis products in the cannabis business operations is prohibited.
 - i. Applicant must provide a written narrative acknowledging no on-premises consumption will be permitted. Staff further recommends internal signage be posted in the business stating such.
- 3. MINIMUM LAND USE SEPARATIONS Per Section 10-4-14(D)(1), the following minimum land use separations identified by staff shall apply:

LAND USE	REQUIRED MINIMUM SEPARATION*	IDENTIFIED EXISTING LAND USE	PROPOSED SEPARATION**
Pre-existing public/private nursey school, preschool, primary or secondary school, day care center, day care home, residential care home, or religious institutions, regardless of corporate boundary	500'	Parkview Christian Academy Private School (B-3 Zoning) 202 E. Countryside Pkwy (PIN #02-28-126-019)	~ 460'
Pre-existing property zoned or used for residential purposes, regardless of corporate boundary	250'	N/A	N/A

^{*}As measured property line to property line.

- a. Applicant must provide an aerial map of the subject property identifying the distance "property line to property line", current ownership, and zoning/land uses of all surrounding parcels within 500 feet.
- 4. MAXIMUM GROSS FLOOR AREA Per Section 10-4-14(D)(3), Cannabis Dispensing Organizations shall have a maximum gross floor area of five thousand (5,000) square feet, of which at least seventy-five (75) percent of the floor area occupied by a dispensing organization shall be devoted solely to the activities the dispensing cannabis or cannabis products as authorized by the Act and shall not sell food or alcohol for consumption on the premises.

^{**}Measurement based upon aerial GIS, as no measurement was provided by petitioner.

- a. The existing building on the subject property to be used for the Cannabis Dispensing Organization is less than 5,000 sq. ft. (approx. 2,700 sq. ft.).
- b. The applicant must verify, in writing, the total area dedicated to the cannabis dispensing operation (at least 75%) and that no food or alcohol for consumption will be sold on the premises.
- 5. **PARKING/DRIVE-THROUGH** According to site plan submitted, there will be 69 total parking stalls provided for the Cannabis Dispensing Organization including four (4) indicated as ADA handicapped accessible within the existing parking lot.
 - **a. Parking:** Per Table 10-5-1 of the Yorkville Unified Development Ordinance, a Cannabis Dispensing Organization is required to have a minimum of 3 parking spaces per 1,000 square feet of net floor area.
 - i. Based on the existing building size of ~2,700 square feet, the minimum required parking is nine (9) parking spaces. The proposed land use is adequately parked.
 - b. **Drive Through/E-Commerce** Per Section 10-4-14(D)(5-6) of the Unified Development Ordinance, drive-through facilitates and e-commerce delivery service platforms are prohibited for cannabis dispensing organizations.
 - i. It is noted that the existing fast-food restaurant structure has a drive-through facility. According to the proposed site plan, the drive-through facility will be removed.
 - ii. Applicant must provide a written narrative acknowledging no e-commerce delivery services will be offered.
- 6. **BUSINESS HOURS** Per Section 10-4-14(A)(1), Business hours for all cannabis businesses shall be from 10:00 a.m. to 8:00 p.m. Monday through Saturday and 12:00 p.m. to 5:00 p.m. on Sundays.
 - a. Petitioner is requesting relief from these regulations as stated above.
 - b. Applicant must provide a written narrative, additional details, etc. regarding stated claim of the need for extended hours to be consistent with the two (2) closest competitors businesses.
- 7. MAXIMUM LOT COVERAGE Per Table 10-3-9(A) of the Yorkville Unified Development Ordinance (UDO), the maximum lot coverage for the B-3 General Business District (inclusive of sidewalks, parking areas and all impervious surfaces) is 80%. <u>Based upon staff calculations</u>, the existing structure, parking lot, and walkways are approximately 45,000 square feet or 78% of the approximately 57,963 square foot lot.
- 8. **BUILK REGULATIONS** All bulk regulations for the B-3 District, per Table 10-3-9(A) of the Yorkville Unified Development Ordinance (UDO), are met with the existing site plan as detailed below:

BULK REQUIREMENT	REQUIRED MINIMUM	EXISTING CONDITIONS
Min. Lot Size	10,000 sq. ft.	~ 57,963 sq. ft.
Min. Front Yard Setback	50'	~ 60 ft.
Min. Side Yard Setback	20'	~ 75 ft./~ 85 ft.
Min. Rear Yard Setback	20'	~ 150 ft.
Min. Parking Lot Setback	20'	~ 50 ft.

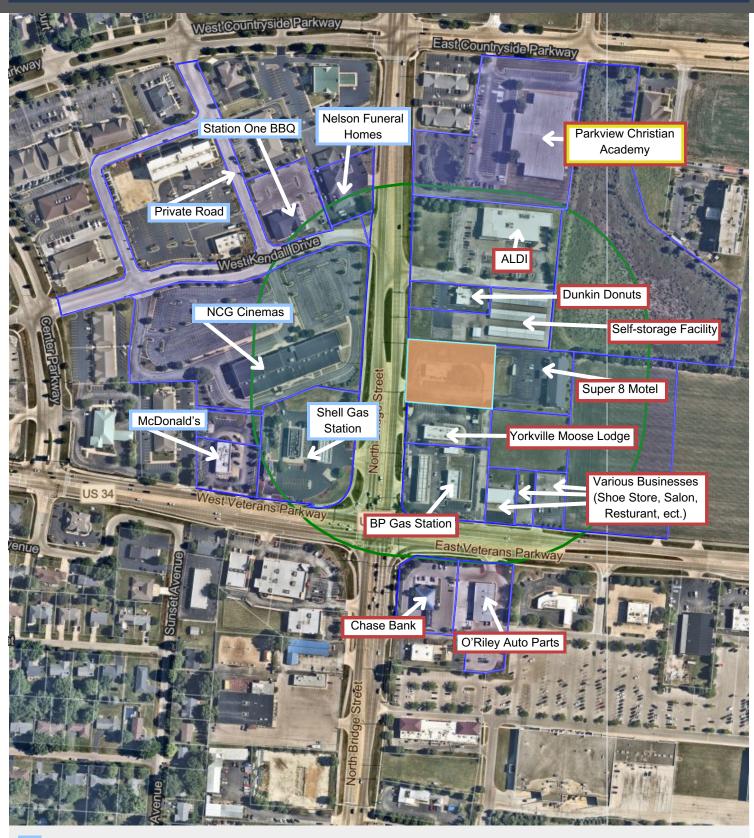
- 9. **SIGNAGE** Per Section 10-4-14(A)(3) of the Yorkville Unified Development Ordinance (UDO), signage for Cannabis dispensaries are as follows:
 - a. Recreational cannabis dispensaries shall be limited to one (1) wall-mounted sign per business.
 - b. All cannabis establishments shall be prohibited from having electronic message board signs.
 - c. Signage for cannabis establishments shall not contain cannabis imagery such as leaves, plants, smoke, paraphernalia, or cartoonish imageries.
 - d. The petitioner is seeking relief from the maximum one (1) wall-mounted sign per cannabis business to allow the petitioner to follow the current signage regulations for similar B-3 General Business District uses while maintaining compliance with Illinois State signage regulations for cannabis businesses.
 - i. The proposed elevation plan illustrates two (2) main wall signs "Consume" with a star styled logo—one (1) on the west and south elevations, in addition to a secondary wall sign on the south elevation "The Cannabis People".
 - 1. No sign dimensions were provided.
 - 2. No monument sign was provided.
 - ii. Per Section 10-6-6(A)(4) of the Yorkville Unified Development Ordinance (UDO), single tenant buildings shall be permitted a total of two (2) primary wall signs or one (1) primary wall sign per one hundred (100) linear feet of building frontage. One (1) additional wall sign shall be allowed per additional hundred (100) feet of building frontage. Only one (1) primary wall sign shall be displayed on any single building façade.
- 10. LANDSCAPE PLAN The petitioner has not prepared a landscape plan, assumingly because the site has existing landscape.
- 11. **COMPREHENSIVE PLAN** <u>Future Land Use for this site is Destination Commercial</u> (DC) which is consistent with the existing B-3 General Business District. The Destination Commercial designation is intended for large format retail, strip center development and auto-oriented land uses located along significant commercial corridors such as IL 47 (Bridge Street) and US 34 (Veterans Parkway) that attract both Yorkville residents and customers from the surrounding areas.
- 12. **COMMUNITY MEETING** Per Section 10-8-5(B)(1)(A) of the Yorkville Unified Development Ordinance (UDO), the Plan Council may recommend a community meeting of area/neighborhood property owners explaining the proposed special use conducted by the petitioner at their own expense and at a location of their choosing prior to the Planning and Zoning Commission hearing date.
 - a. It is staff recommendation that such a hearing be conducted by the Petitioner no later than Monday, September 23, 2024 and an attendance sheet be provided to staff of those property owners who attended.

13. ADDITIONAL SPECIAL USE CONSIDERATIONS:

b. Applicant name and the business name of the proposed adult-use cannabis establishment for which the special use is sought, including addresses, telephone numbers and e-mail addresses of (1) sole proprietors; (2) business entities with

- financial interest in the business, and (3) all officers, directors, partners, managers, and owners. A post office box may not be submitted as the address of the applicant.
- c. Copy of licensure or registration that the organization is authorized to conduct an adult-use cannabis business establishment in the State of Illinois.
- d. Written statement that the applicant has under contract the property of the proposed adult-use cannabis establishment.
- e. Copy of a business plan to be kept on file with the Yorkville Police Department and confidential to the extent permitted by law, including but not limited to the following:
 - i. Proposed number of employees.
 - ii. A description of the products and services that the proposed adult-use cannabis establishment will offer.
 - iii. Description or statement of training and education that will be provided to the proposed adult-use cannabis dispensary agents/staff.
 - iii. A security plan that will describe how the proposed use will address concerns related to inventory tracking and prevention of theft; measures to control customer overflow and access to restricted area; employee restrictions to limited access areas and restricted area; and video surveillance/alarm system.
 - iv. Waste management plan for the storage, security and disposal of discarded cannabis products and materials.

Feedback



- = Kendall Crossing PUD
- = B-3 General Business District
- = School

Cannabis Dispensary Research

Current Unified Development Ordinance Comments

Based on my research, the ordinances concerning cannabis dispensaries listed in the UDO are consistent with Illinois state law, and surrounding community ordinances.

All communities listed in the table below have a minimum distance of 250 feet from a school, followed by some variance of the following language: "commercial/trade schools shall not be classified as a public or private school for purposes of this section." One of the variances requested by the petitioner was to decrease the minimum distance from Parkview Christian Academy, from five hundred feet (500') to four-hundred fifty feet (450'). I looked at both definitions of schools listed in the UDO, in order to understand what kind of school Parkview Christian Academy is.

According to Section 10-2-3 of the UDO, a "Commercial/Trade School" is defined as "A school established to provide for the teaching of industrial, clerical, managerial, artistic skills or alternative education. This definition applies to schools that are owned and operated privately for profit or not for profit. Such schools may not contain an auditorium, gymnasium, or any other sort of recreational facilities." On the other hand, a "School, Public or Private" is defined as "Elementary, high school or college, public or private, or nonprofit junior college, college or university, other than trade, commercial and business schools, including instructional and recreational uses, with or without living quarters, dining rooms, restaurants, heating plants and other incidental facilities for students, teachers and employees. These schools typically contain an auditorium, gymnasium, cafeteria, or other recreational facilities." With these definitions in mind, I checked Parkview Christian's website, and a map of their facilities, and I believe that Parkview Christian Academy is classified as a private high school. This is because their curriculum focuses on a variety of topics, not just vocational or specialized skills. Additionally, the school also hosts sporting events, which would be inconsistent with the commercial school definition.

City/Municipality/Local Government	Distance Requirements for Dispensaries	Number of Dispensaries
Yorkville	500 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home, residential care home, or religious institutions. 250 feet if a property zoned or used for residential purposes.	0
Montgomery	500 feet of a lot zoned or used for residential purposes, or any residential care facility, day care center, day care home, school, college, university, or park. If a lot zoned or used for residential purposes is separated from a cannabis business by a major state roadway, the minimum spacing will be 250 feet.	1
Carol Stream	1,500 foot radius of any other dispensing organization located within or outside the village, or be located within 1,000 feet of the property line of a preexisting public or private preschool or elementary or secondary school or day care center, park, place of worship, or public library within or outside the village.	2
DeKalb	250 feet of the property line of a nursery school, preschool, primary or secondary school, daycare center, daycare home, or an academic building or residence hall of a State university. An adult-use cannabis dispensary organization may not be located within 1,500 feet of the property line of a pre-existing adult-use cannabis dispensary organization	2
Naperville	1,000 feet of a pre-existing primary or secondary school learning centers, fitness facilities, preschools, day care centers, and residential care homes.	3
St. Charles	1,000 feet of the property line of a preexisting public or private preschool or elementary or secondary school or day care center, day care home, group day care home, or part day childcare facility.	2
Aurora	750 feet, measured from property line to property line, of a grade school, middle school, alternative school, or high school.	4
Joliet	1,000 feet of the property line of a pre-existing public or private preschool or elementary or secondary school or day care center, day care home, group day care home, part day childcare facility, another dispensary, or an area zoned for residential use.	2
Bolingbrook	1,000 feet of the perimeter of school grounds, a playground, a recreation center or facility, a childcare center, a public park or public library, or a game arcade.	1
Oswego	500 feet of a lot zoned or used for residential purposes, or any residential care facility, day care center, day care home, school, college, university, or park. If a residential zone is separated from a cannabis business by a major state roadway, the minimum spacing may be reduced to 250 feet	2
Morris	250 feet of the property line of a preexisting public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home.	1

^{*}Codes abridged to be concise

Cannabis Dispensaries in Other Municipalities

Based on the surrounding codes, the requested variance from five hundred feet (500') to four hundred sixty feet (460') would be consistent with other communities' minimum distance requirements. In order to understand the reality of these communities, I have organized the dispensaries into two categories: dispensaries that are near residential areas, and dispensaries that are near schools. These are examples to help understand how other municipalities have handled planning of cannabis dispensaries. Please note that not all dispensaries researched were in the vicinity of these areas, and everything listed is public record.

Cannabis Dispensaries Located Near a Daycare or School Use

Municipality	Distance/Land Use
Carol Stream	~219.3 feet from a daycare
Naperville	~970 feet from a daycare
St. Charles	~560 from a school

^{*}As measured property line to property line.

The dispensary listed for Carol Stream is ~219.3 feet from a daycare, which is against their Village code. Based on Carol Stream's UDO, a cannabis dispensary is required to be 1,000 feet from a daycare. When looking for an application for variance and approval, I did not find anything about a variance, only a special use application. I did find a public hearing before the Planning and Zoning commission, and based on the transcript, the dispensary was within code, even with their proximity to the daycare. The application was approved by both the PZC and the Village board. This leads me to believe that either the variance was included in the special use, and not clearly communicated to the public, or the code was adjusted prior and the UDO was not updated. The dispensary is located near commercial retailers, the daycare, and restaurants.

The dispensary listed for Naperville is ~970 feet from a daycare, which is against Naperville's code. However, the daycare is in Lisle, so no action was taken by the City of Naperville or the petitioner. This dispensary is located near a strip mall, and other commercial uses.

The distance listed for the dispensary in St. Charles is not against their code, but it is important to note because of its proximity to a school use. The dispensary is located near a University of Illinois extension, residential use, and is in a strip mall.

Cannabis Dispensaries Located Near a Residential Use

Municipality	Distance/Land Use
Morris	~433.8 feet from a single-family residence
Oswego	~112 from duplexes
Bolingbrook	~290 feet from townhomes
St. Charles	~180 feet from a residential area

^{*}As measured property line to property line.

^{**}Measurement based upon ariel GIS

^{**}Measurements based upon ariel GIS

While this distance is not against Morris' code, it would be prohibited by several other municipalities that I researched. The dispensary, according to ariel GIS, is generally isolated by trees, so the residential area has no view of the dispensary. There are no other commercial uses for a stretch, besides the golf course on the other side of the street.

The dispensary listed for Oswego is ~112 feet from duplexes, which is against their Village code. According to Oswego's online code and UDO, the minimum distance from residential areas is five hundred feet (500'). When looking for the variance approval, I found a staff report stated that "facility may not be located within 250 feet of a preexisting incorporated public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home, and park." This note leads me to believe that the code was altered at some point, leading to the approval of this dispensary. The dispensary is located in a strip mall, while the duplexes are located across the street.

The distances listed for St. Charles and Bolingbrook is also not permitted by their codes, but I thought they were important to note because of their proximity to residential areas. The townhomes in Bolingbrook are located across the street, while the dispensary is located near business and restaurants. In St. Charles, the dispensary is in a strip mall with various uses and businesses, with the multi-family housing located behind the strip mall.



Date:

Yorkville Police Department Memorandum 651 Prairie Pointe Drive

Yorkville, Illinois 60560 Telephone: 630-553-4340 Fax: 630-553-1141

July 9, 2024

To:	Krysti Barksdale-Nob	ole (Community Development	: Director)		
From: James Jensen (Chief of Police)					
Reference:	Plan Review – PZC 2	2024 – 19 (Cannabis Dispens	sary (Consume C	Cannabis)	
	Project Name: Cannabis Dispensary		onsume Cannabi	is)	
	Applicant Name:	Steve Weber (PTS Corp)		•	
	Petitioner Name:	Steve Weber (PTS Corp)			
	Project Number:	PZC 2024 - 19			
	Project Location:	1508 N. Bridge Street			
The commen	its listed below are refe	renced to the above project:			
<u>Signage</u>					
	apped Signage Require	ed:	X Yes	No	
		andicapped parking require			
		*Signage must meet MUTCD Standard **Fine amount must be listed on sign			
Speed	Limit Signage Required	d/Recommended	Yes	X No	
;	School Zone Special Si	gnage	Yes _	X No	
;	Special Speed Zone Si	gnage Requested	Yes _	X No	
No Par	king Signage Recomm	ended?	Yes _	X No	
-	No Parking After 2	2" Snow Fall			
No Par	king Locations:				
•	 No parking locatio 	ns must be posted with app	propriate signaç	ge	
Dedica	ted Parking signage ne	eded?	Yes _	X No	
_	Located by Park				
_	School				
-	Common Parking	Area			
Are the	re Street Name Conflic	ts?	Yes	X No	



Yorkville Police Department Memorandum

651 Prairie Pointe Drive Yorkville, Illinois 60560 Telephone: 630-553-4340

Fax: 630-553-1141

Total Entrance/Exits for development?

Comments: N/A Pedestrian/Bike Path Crossing Signage? Yes **X** No Warning Ahead Signs are Required NO Construction Traffic Signage being requested? Yes **X** No Location: ***We request that all signage is posted prior to the first occupancy permit being issued for each POD or phase.*** ***All traffic control signage must conform to MUTCH Standards specific to location, size, color, and height levels*** Roadway Street Width: Should parking be allowed on BOTH sides of road? Yes No Yes Should parking be restricted to fire hydrant side? No Center Roadway Medians: Yes No Limit Parking on Median? Yes Signage Needed? ____ No Yes Room for Emergency Veh. w/ one lane Obstructed? Yes No Do you have intersection Concerns? Yes Concerns as listed below: andscape Low Growth or Ground Cover Landscaping? **X** Yes No Low Growth or Ground Cover Landscaping by windows? X_ Yes No Low Growth or Ground Cover Landscaping by Entrances X Yes No Comments: Low growth landscaping follows best practice CPTED standards. **Ingress / Egress** Entrance/Exits match up with adjacent driveways? Yes X No



Yorkville Police Department Memorandum 651 Prairie Pointe Drive Yorkville, Illinois 60560

Telephone: 630-553-4340 Fax: 630-553-1141

Are vehicle entrance/exits safe? Are warning signs for cross traffic requested? Raised Median & Signage for Right in & Right Out? Concerns: N/A	
Emergency Contact for after hours during construction:	Information needed
Is this a gated or controlled access development? If yes, will Police & Fire have Access? Comments: Emergency after hour contact inform	Yes No No No No mation should be provided.
<u>Miscellaneous</u>	
Individual Mailboxes?	Yes X No
Cluster Mailbox Kiosks?	Yes X No
Will this cause traffic choke points?	Yes <u>X</u> No
Are sidewalks being planned for the development?	Yes X No
Are sidewalk crosswalks needed?	Yes X No
Are there bike paths planned for this project?	Yes X No
Proper Signage needed for bike paths	Yes X _ No
Stop Signs Yield Signs Trespassing Other	NO Motorized Vehicles
Are there HOA Controlled Roadway OR Parking Areas?	Yes X No
Ample Parking on Site?	Yes No
Are there other City Ordinance Concerns? Noise Ordinance Alarm Ordinance	YesXNo dinances
<u>Security</u>	
Will security cameras be in use?	X YesNo



Yorkville Police Department Memorandum 651 Prairie Pointe Drive Yorkville, Illinois 60560

Telephone: 630-553-4340

Fax: 630-553-1141

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Will the business/management provide the police department	partment remote access to the camer
system (User credentials only)?	Yes No
Comments: If you will have camera access of have remote access into the system for eme	on site would the police departmen
What are the business Hours of Operation?	
Will the property be alarmed?	Yes No
Comments: Will the building be alarmed?	
Will the Secured Waste be alarr	med?
Will you provide Floor Plans/Maps to the police depart Comments:	rtment Yes No
 Will maps/floorplans be provided to the poli purposes only? 	ice department for emergency
Will there be on-site security?	

I hope you find this information helpful, and we look forward to reviewing the revisions. If you should have any questions, comments, or concerns please do not hesitate to contact me.

Engineering Enterprises, Inc.





July 19, 2024

Ms. Krysti Barksdale-Noble Community Development Director United City of Yorkville 651 Prairie Pointe Yorkville, IL 60560

Re: Consume Cannabis Dispensary

Special Use Submittal – 1st Submittal

United City of Yorkville

Dear Krysti:

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

- Concept Site Plan (2 sheets) dated March 1, 2024 and prepared by Path Construction
- Application for Special Use
- Application for Variance
- Other Supporting Documentation

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

General

- 1. The following permits may be required during final engineering and should be provided to the City when obtained. The City and EEI should be copied on all correspondence with the agencies.
 - IDOT for any work in the IL-47 (N. Bridge St) Right-of-Way
 - IEPA NPDES General Construction Permit may be required. The Notice of Intent must be filed with IEPA 30 days prior to start of construction.
 - IEPA Water and Sanitary Sewer Permits
 - Yorkville Bristol Sanitary District (YBSD) approval is needed for the connection of the proposed sanitary lines to the existing sanitary sewer.
 - City of Yorkville Stormwater Management Permit if more than 10,000 square feet is disturbed.

- 2. The following will need to be submitted with Final Engineering Plans:
 - a. Additional information as shown in the provided checklist.
 - b. Truck turning exhibits for delivery and emergency vehicles
 - c. Photometric plan
 - d. Landscape plan
 - e. Engineer's Opinion of Probable Costs

Concept Site Plan

3. The existing parking lot is in poor condition and will need to be reconstructed.

If you have any questions or require additional information, please contact our office.

Respectfully Submitted,

ENGINEERING ENTERPRISES, INC.

Bradley P. Sanderson, P.E. Chief Operating Officer / President

BPS/tnp/pgw2

pc: Mr. Bart Olson, City Administrator (via email)

Ms. Erin Willrett, Assistant City Administrator (via email)

Mr. Eric Dhuse, Director of Public Works (via email)

Mr. Pete Ratos, Building Department (via email)

Ms. Dee Weinert, Admin Assistant (via email)

Ms. Gina Nelson, Admin Assistant (via email)

Ms. Jori Behland, City Clerk (via email)

Mr. Steve Weber (via email))

Mr. Mitchel Kay (via email)

TNP, PGW2, EEI (via e-mail)



UNITED CITY OF YORKVILLE

GENERAL CHECKLIST FOR COMMERCIAL SITE PLANS/SINGLE LOT DEVELOPMENTS (EXTERNAL USE ONLY)

- · Professional engineer signature and seal on drawings and calculations
- · Location map and address, J.U.L.I.E. note included on plans
- Benchmarks based on NAVD 88 datum
- Existing utilities and topography to be provided
 - ✓ Existing elevations and contours shown at 1' intervals
- Compliance with subdivision grading plan (if applicable) and/or provide proposed grading plan
 - ✓ Proposed elevations and contours at 1' intervals
 - ✓ Indicate building top of foundation (2 ft. above H.W.L.)
 - ✓ Storm water drainage safe outlet available and adequate conveyance provided
- · Flood plain or flood way requirements to be addressed, if necessary
- Stormwater management
 - ✓ Per Kendall County/Yorkville stormwater management ordinance
 - ✓ Apply for storm water permit, if necessary
- Provide stormwater pollution prevention (SWPP) plan
 - ✓ Apply for NOI permit, if necessary
 - ✓ Note that receipt of NPDES permit required prior to construction
- Provide typical pavement sections
- Pavement markings and signage
- Entrance detail
- Handicap ramp detail (use IDOT standard)
- · Show water service and include City standard details and notes
- Show sanitary service with inspection manhole and include YBSD standard notes
- Apply for appropriate IEPA permits water and sanitary, if necessary
- Provide easements, if necessary
- Provide landscape plan
- · Provide photometric plan
- Compliance with zoning code
- Performance guarantee for public improvements
- Overall cost estimate for all site improvements for building permit fees



To United City of Yorkville:

Below are answers to the general zoning/planning comments:

1-PTS Corp. acknowledges that there will not be any on-premises permitted.

2-please see attached

3-All 2,696 sq ft will be used for the dispensary operation. No food or alcohol for consumption will be sold on the premises.

4-There will not be any e-commerce delivery services offered.

5- We will not be requesting the drive thru use at this time.

6-Per our request to be open from 9am-9pm M-Sat and 10am-6pm Sunday. We wanted to at least match or closely match their operating hours to maintain competitiveness.

The two closest competitor's hours are as follows:

Market 96 Oswego 1144 Douglas Rd. Sun-Thurs-9am-9pm F-Sat-9am-10pm

Ivy Hall Montgomery 1970 Caterpillar Dr. M-Thursday- 9am-9pm F-Sat-9am-10pm Sun 9am-7pm

7-please see attached

8-meeting will be held on 9/12 from 4pm-6pm at Hampton Inn 310 East Countryside Parkway Yorkville, IL

9a-9b-9c see attachment

9d- see attachment



9e-18-20 Hourly employees plus 2 salaried managers

9f- We will be selling all state tested and state compliant cannabis products in multiple formats: All the cannabis products are in state compliant sealed child resistant packaging. Cannabis Flower, Cannabis vapes, cannabis infused edibles, cannabis infused drinks. We will also be selling accessories such as rolling papers along with some T-shirts and hats.

9g-see atta	achment
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9h-see attachment

9i-see attachment

				line to property	
١	OWNER	BILLING ADDRESS	Zoning	line	Land Use
	228176012 FIRST NATIONAL BANK OF OMAHA TR NO 1695 C/O KISHOR PATEL	1510 N BRIDGE ST YORKVILLE, IL 60560	B-3	0 ft	empty land
	228176015 FIRST NATIONAL BANK OF OMAHA TR NO 1695 C/O KISHOR PATEL	1510 N BRIDGE ST YORKVILLE, IL 60560	B-3	0 ft	Super 8 motel
	228126015 MENARD INC	EAU CLAIRE, WI 54703	B-3	174 ft	empty land
	228176025 H D & B PARTNERSHIP ELLIS CHARLES RICHARD & RITA ANNE TRUST &	416 SAN CARLOS RD MINOOKA, IL 60447	B-3	255 ft	empty land
	228176023 TOD & KARLA DUY TR	1290 CINDY LN SANDWICH, IL 60548	B-3	192 ft	shoe store
	228176021 WILLIAMS GROUP LLC VETERANS PLAZA	107 S BRIDGE ST YORKVILLE, IL 60560	B-3	216 ft	vape & salon
	228176024 1820 INVESTMENTS LLC	135 E VAN EMMON ST YORKVILLE, IL 60560	B-3	250 ft	real estate office
	228176019 % GRAHAM C STORES MACKIN LAND COMPANY LLC	39109 N US HIGHWAY 41 WADSWORTH, IL 60083-8915	B-3	128 ft	BP gas station
	228176018 YORKVILLE MOOSE LODGE 2371	1502 N BRIDGE ST YORKVILLE, IL 60560	B-3	0 ft	moose lodge
	228126006 CIG TSP LLC ET AL	150 BOUSH ST STE 300 NORFOLK, VA 23510	B-3	0 ft	self storage facility
	228126005 JAY LLC CHEHAR	1604 BRIDGE ST N YORKVILLE, IL 60560	B-3	100 ft	Dunkin Donuts
	228126003 ALDIINC	1 ALDI DR DWIGHT, IL 60420	B-3	190 ft	Aldi
	228126019 BRENART EYE CLINIC	120 E COUNTRYSIDE PKWY YORKVILLE, IL 60560	B-3	460 ft	Parkview acadamy
	228104023 NELSON MEMORIAL SERV PC	410 COUNTRYSIDE PKWY E YORKVILLE, 60560	Kendal Crossing PUD	430 ft	Nelson Funeral Homes
	228104033 KENDALL CROSSING LLC	207 W KENDALL DR YORKVILLE, IL 60560	Kendal Crossing PUD	435 ft	station one bbg
	228104038 % JAMES RATOS CASTLE BANK NA TRUST	207 W KENDALL DR YORKVILLE, IL 60560	Kendal Crossing PUD	n/a	private road
	228104039 KENDALL CROSSING	207 W KENDALL DR YORKVILLE, IL 60560	Kendal Crossing PUD	n/a	empty land
	228104032 NCG YORKVILLE INC	314 E COMSTOCK OWOSSO, MI 48867	Kendal Crossing PUD	144 ft	NCG Cinemas
	228104025 1ST ST BANK TR OF HAN PK C/O % EQUILON ENTERPRISES LLC	PO BOX 347 COLUMBUS, IN 47202	Kendal Crossing PUD	150 ft	Shell gas station
	228104026 FRANCHISE REALTY INVESTMENT TRUST C/O SCHMITT YORKVILLE LLC	1975 W DOWNER PL # 302 AURORA, IL 60506	Kendal Crossing PUD	495 ft	McDonalds
	228104031 FRANCHISE REALTY INVESTMENT TRUST C/O EDWARD SCHMITT JR.	1975 W DOWNER PL # 302 AURORA, IL 60506	Kendal Crossing PUD	467 ft	McDonalds
	228104030 CASTLE BANK TRUST	207 W KENDALL DR YORKVILLE, IL 60560	Kendal Crossing PUD	n/a	empty land
	228177033 MCOH1 0241 JP MORGAN CHASE BANK NA	LERETA/TEXAS PO BOX 35605 DALLAS, TX 75235	B-3	495 ft	chase bank
	228177034 OREILLY AUTO ENTERPRISES LLC	PO BOX 9167 SPRINGFIELD, MO 65801-9167	B-3	495 ft	O'Riley Auto Parts

PIN

distance property

SUBLEASE

This Sublease ("<u>Sublease</u>") is made and entered into as of June 27, 2024 ("<u>Effective Date</u>"), by and between **Leahy Enterprises 2 LLC**, an Illinois limited liability company ("<u>Sub-Sublandlord</u>"), and **Kechwa LLC**, an Illinois limited liability company ("<u>Sub-Subtenant</u>").

RECITALS

- A. Sub-Sublandlord is the "Subtenant" under that certain Sublease dated on or about June 27, 2024 with RHS Yorkville, LLC, an Illinois limited liability company ("Sublandlord"), as "Landlord" ("Original Sublease"), pursuant to those terms and conditions under that certain Ground Lease Agreement by and between Sublandlord and Fort Smith FD Partner, LLC ("Master Landlord") (the "Master Lease"), together with the Original Sublease is hereinafter referred to as the "Lease") relating to those certain leased premises consisting of approximately 3,145 rentable square feet (as more particularly defined in the Lease and herein as the "Premises" or the "Leased Premises") in the building commonly known as 1508 N. Bridge St, Yorkville, IL 60560 ("Building"); and
- B. Subject to the terms and conditions set forth herein, Sub-Sublandlord desires to sublease the Leased Premises to Sub-Subtenant and Sub-Subtenant desires to sublease the Leased Premises from Sub-Sublandlord.

STATEMENT OF AGREEMENT

NOW, THEREFORE, in consideration of the Recitals, all of which are incorporated herein by this reference, the mutual covenants and agreements herein contained and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Sub-Sublandlord and Sub-Subtenant hereby agree as follows:

- 1. SUBLEASE. Sub-Sublandlord hereby subleases and demises to Sub-Subtenant, and Sub-Subtenant hereby subleases from Sub-Sublandlord, the Leased Premises, upon and subject to the terms, covenants and conditions set forth herein and in the Lease. Sub-Subtenant acknowledges and agrees that this Sublease is subject and subordinate to the Lease. Notwithstanding anything contained herein to the contrary, Sub-Sublandlord will remain bound by and liable for compliance with the terms and covenants of the Lease and Sub-Subtenant shall have no liability to Sub-Sublandlord for any breach of the Lease. In addition, (a) Sub-Sublandlord agrees to be bound to the covenants of the Lease to pay rent and other amounts due to Landlord due under the Lease, and (b) Sub-Sublandlord further agrees to take no action (or fail to take any action required of Sub-Sublandlord) under the Lease that would constitute a default under the Lease or result in Landlord terminating Sub-Subtenant's right to possession of the Leased Premises during the Term, except and to the extent the same arises out of Sub-Subtenant's default in the performance of its obligations hereunder.
- 2. **TERM.** The term of this Sublease ("<u>Term</u>") shall commence on the occurrence of the following events: (a) receipt by Sub-Subtenant of an Adult Use Dispensing Organization License the ("**Dispensing Organization License**"), issued by the IDFPR, pursuant to Section 15-36 of the Illinois Cannabis Regulation and Tax Act, 410 ILCS 705/1, et seq (the "<u>**Dispensing**</u>

Organization License Receipt"); and (b) receipt of all approvals from all applicable governmental authorities necessary for Sub-Subtenant to use and occupy the Leased Premises for the Permitted Use, including, without limitation, a certificate of occupancy, and (c) completion of the Improvements (defined below) (the "Commencement Date"). The Term shall expire on the earlier to occur of the following: (a) the date of termination of the Membership Interest Purchase Agreement among the Sub-Subtenant, Sub-Sublandlord, PTS Corp. (or its affiliate), and sellers signatory thereto, dated on or about the date hereof (the "Purchase Agreement") or (b) pursuant to the date of termination of the Lease, or (c) the date Sub-Sublandlord (or its affiliates) is no longer the "Tenant" under the Lease, or (d) unless sooner terminated as provided herein. Sub-Subtenant acknowledges and agrees that Sub-Sublandlord shall have no obligation (and Sub-Subtenant shall have no right) to exercise any right to extend the Term of the Lease, including, but not limited to, any of the three (3) Option Periods. Sub-Sublandlord shall deliver possession of the Leased Premises to Sub-Subtenant with all Improvements (defined below) in compliance with all applicable laws (including without limitation, building or construction rules, laws, regulations, zoning laws, and IDFPR regulations) on the date that the Company receives an Adult Use Dispensing Organization License the ("Dispensing Organization License"), issued by the IDFPR, pursuant to Section 15-36 of the Illinois Cannabis Regulation and Tax Act, 410 ILCS 705/1, et seq (the "Dispensing Organization License Receipt"). Sub-Sublandlord and Sub-Subtenant hereby agree that this Sublease will be in force and effect and binding on Sub-Sublandlord and Sub-Subtenant as of the Effective Date, subject however to Sub-Sublandlord's right to use and occupy the Leased Premises for the purpose of constructing the Improvements (as hereinafter defined), notwithstanding the fact that the Commencement Date will commence after the Effective Date.

- 3. <u>IMPROVEMENTS</u>; <u>REPAIR</u>; <u>UTILITIES</u>. Sub-Sublandlord shall be responsible, at its sole cost and expense, for obtaining all governmental permits, approvals, licenses, and other consents as necessary for the performance of the Improvements. Sub-Sublandlord will maintain possession and control of the Leased Premises prior to the Commencement Date and during the Term may occupy and is granted a license to operate the Leased Premises for any purpose, including, without limitation, repair, maintenance, operations, security, constructing the Improvements (as hereinafter defined), in each case at Sub-Sublandlord's sole cost and expense. Sub-Sublandlord shall be responsible for and promptly pay, as and when required under the Lease or otherwise, any and all additional costs related to the Lease. Sub-Sublandlord will be responsible and liable for payment of all taxes, utilities and insurance related to the Leased Premises and Permitted Use.
- 4. <u>USE</u>. Master Landlord, Sublandlord, Subtenant, and Sub-Subtenant hereby agree that the Permitted Use of the Property shall be for the purpose of operating a cannabis dispensary, consumption lounge, restaurant, and any ancillary and associated uses. Any other use shall require the prior written consent of Sublandlord and Master Landlord. Notwithstanding the foregoing, Sub-Subtenant shall in no event use the Sub-Sublease Premises in a way that will violate the terms, conditions, covenants, or restrictions of the Master Lease or any applicable law, ordinance, covenant or government requirement of any kind.
- 5. <u>**RENT**</u>. Beginning on the Commencement Date, monthly rent during the applicable term in the amounts as shown on <u>Schedule 1</u> hereto (the "**Sublease Base Rent**"; together with any Additional Rent (as defined in the Lease, the "**Rent**"). The Rent shall be accrued

and due and payable solely from the available revenues of the operations of the Dispensary after payment of all other expenses related to the operations of the Dispensary have been paid. For avoidance of doubt, Sub-Subtenant (or its affiliates) will have no recourse or liability whatsoever for payment of the Rent other than out of the revenues of the Dispensary. In addition, the Rent shall be subordinate to any amounts then due and payable for taxes, third party vendors, employees, contractors, and any other non-affiliated third-party expenses incurred in connection with the establishment and operations of the Dispensary. Rent or other amounts not paid hereunder due to subordination of any of the expenses identified in the immediately preceding sentence will not be deemed to be a default of this Agreement. Notwithstanding the foregoing or anything contained herein or other agreement to the contrary, in the event that this Agreement is terminated for any reason, except in the event termination of this Agreement is caused by Sub-Subtenant's material default (subject to a 30 day cure period upon written notice) in the performance of its obligations hereunder or other act in material breach of this Agreement and not due to Sub-Sublandlord's (or its agents or representatives) acts, omissions or guidance, Sub-Subtenant shall have no liability whatsoever for any accrued and unpaid Rent. This Agreement shall be subject to the limitations on liability set forth in the Purchase Agreement related to Dispensary Related Agreements (as defined in the Purchase Agreement).

- 6. <u>GUARANTY</u>. The Lease Guaranty from the Original Sublease shall apply to this Sub-Sublease, attached hereto as <u>Exhibit A</u>.
- 7. **INDEMNIFICATION.** Except and to the extent arising solely and directly from the grossly negligent or willful misconduct of Sub-Subtenant (not including any principal officers appointed by an affiliate of Sub-Sublandlord), Sub-Sublandlord shall indemnify and defend Sub-Subtenant against, and hold Sub-Subtenant harmless, from all claims, damages, costs, demands, liabilities and expenses (including reasonable attorneys' fees) in respect to, or arising from: (i) the non-performance or non-observance of any of Sub-Sublandlord's obligations under this Sublease, including Sub-Sublandlord's obligations under, or with respect to, the Lease, (ii) the conduct, operation or management of Sub-Sublandlord's business; (iii) any work or thing whatsoever done in or about the Leased Premises during the Term, including, without limitation, any accident, injury or damage whatsoever to any person or entity or to the property of any person or entity occurring in or about the Leased Premises at any time prior to the Commencement Date or during the Term, (iv) any claims against Sub-Subtenant made by Landlord, or (v) any claims related to the Permitted Use by any person or governmental authority.
- 8. <u>INSURANCE</u>. At Sub-Sublandlord's sole cost and expense, Sub-Sublandlord on its behalf and on behalf of Sub-Subtenant shall obtain and maintain, at all times, insurance coverages of the types, and in the amounts and limits, required to maintained by Sub-Sublandlord and Sub-Subtenant under the Lease, and such additional insurance as may be required by applicable law, including without limitation, the IDFPR and CRTA ("<u>Requisite Coverage</u>"). Such insurance shall name Sub-Subtenant and Sub-Sublandlord, Sublandlord, and Master Landlord if applicable, and any other persons or entities required under the Lease as additional insureds thereunder. Sub-Sublandlord shall deliver to Sub-Subtenant, Sublandlord, and Master Landlord (if applicable) certificates of insurance confirming that the Requisite Coverage is or will be in full force and effect not later than the Commencement Date and if the same does not reflect the Requisite Coverage will remain in effect for the balance of the Term, then a replacement certificate

shall be provided to Sub-Subtenant, from time to time during the Term, not later than 10 days prior to the stated expiration date of any portion of the Requisite Coverage.

- 9. <u>ASSIGNMENT AND SUBLEASE</u>. Sub-Subtenant shall not: (a) assign, pledge or encumber this Sublease, (b) sublease the Leased Premises, or any part thereof, (c) assign, transfer, convey or pledge all or substantially all of its assets, or (d) other than as provided in the Purchase Agreement, permit or consent to the assignment, transfer, conveyance or pledge of any of the membership or other ownership interests of Sub-Subtenant.
- 10. <u>CONDITION OF PREMISES</u>. Sub-Sublandlord shall deliver and maintain the Leased Premises in good working condition during the Term, in accordance with all applicable laws, including the IDFPR and CRTA and subject to Landlord's consent where required. Sub-Sublandlord, at its expense, shall at all times maintain the Leased Premises and every part thereof and all equipment, fixtures and improvements therein in good and sanitary order, condition and repair in accordance with the requirements of the Lease and in compliance with applicable law for operating a Dispensary. In addition, Sub-Sublandlord shall be responsible for Sub-Subtenant adhering to storage, inventory and security guidelines proposed by the IDFPR or any other law, zoning board or regulations governing operations of a Dispensary. Any work required to prepare the Leased Premises for its occupancy and operating a Dispensary shall be at the sole cost and expense of Sub-Sublandlord and shall be subject to all of the conditions set forth in the Lease.

The provisions of the preceding paragraph notwithstanding, following the Effective Date, Sub-Sublandlord shall construct at the Leased Premises, at its sole cost and expense, the improvements necessary for Sub-Subtenant to operate and continue to operate the Leased Premises as an adult use cannabis dispensary ("Dispensary") in accordance with all applicable laws, codes and regulations pertaining thereto ("Improvements") and in accordance with Section 12 of the Lease. Prior to the Commencement Date, Sub-Subtenant shall not occupy or use the Leased Premises for any purpose nor shall it access the Leased Premises without first notifying Sub-Sublandlord, Sublandlord, and Master Landlord in writing at least forty-eight (48) hours prior to the desired access. Any representative, agent, contractor, employee, licensee or invitee of Sub-Subtenant gaining access to the Leased Premises prior to Commencement Date must be accompanied by a representative of Sub-Sublandlord.

11. RELATIONSHIP TO ORIGINAL SUBLEASE AND MASTER LEASE.

- (a) Except as expressly set forth herein to the contrary, this Sublease is subject and subordinate to the terms of the Original Sublease and Master Lease, and to all leases, mortgages and other rights and encumbrances to which the Original Sublease and Master Lease are subject or subordinate. This provision is self-operative, but Sub-Subtenant shall within ten (10) days of Sub-Sublandlord's, Sublandlord's, or Master Landlord's request execute any instrument reasonably requested by Sub-Sublandlord, Sublandlord or Master Landlord to evidence or confirm the same
- (b) Except to the extent expressly or by reasonable implication inconsistent herewith, all terms and conditions of the Lease are incorporated herein, all references to Master Landlord therein shall apply to Sub-Sublandlord herein, all references to "Tenant" therein shall apply to

Sub-Subtenant herein, all references to the "Premises" therein shall apply to the Sublease Premises herein, and Sub-Subtenant shall perform and observe the terms and conditions to be performed on the part of the Sub-Sublandlord under the Master Lease with respect to the Premises other than those obligations that conflict with Sub-Subtenant's Permitted Use and/or are specific to Sub-Sublandlord's obligations related to Sub-Sublandlord's intended use. If Sub-Subtenant shall default hereunder and, following notice of such default, not cure such default within the time permitted for cure of such default under the Lease, Sub-Sublandlord shall have all remedies against Sub-Subtenant provided for Sublandlord under the Original Sublease and Master Landlord under the Master Lease, and if such default shall constitute a default under the Original Sublease or the Master Lease, the parties acknowledge that Sublandlord and Master Landlord shall have all remedies available to Sublandlord and Master Landlord thereunder. If the Sub-Subtenant shall default hereunder and, following notice of such default, not cure such default within the time permitted for cure of such default under the Master Lease, less five (5) days, then Sub-Sublandlord shall have the right, at Sub-Subtenant's full cost and expense, to cure such default. In the event that the Original Sublease or Master Lease shall terminate for any reason, this Sublease shall automatically terminate. Sub-Sublandlord shall not be liable for any such termination unless such termination shall have arisen out of an action, inaction, omission or default by Sub-Sublandlord under the Master Lease, but which default did not arise out of a default by Sub-Subtenant hereunder.

(c) Sub-Subtenant agrees to look solely to the Master Landlord, and not to Sublandlord or Sub-Sublandlord, for the performance of all services and obligations of the Master Landlord under the Master Lease with respect to the Sublease Premises, except for those specifically required to be performed by Sub-Sublandlord. At Sub-Subtenant's expense and request, Sub-Sublandlord will take all reasonable actions necessary to enable Sub-Subtenant to enforce the Sub-Sublandlord's rights as tenant under the Master Lease with respect to the Sublease Premises.

Except as expressly modified herein, Sub-Subtenant shall perform all of its obligations hereunder at such times, by such dates or within such periods as Sub-Sublandlord shall be required to perform its corresponding obligations under the Original Sublease and Master Lease. If Sublandlord or Master Landlord shall give any notice of failure or default under the Original Sublease or Master Lease arising out of any failure by Sub-Subtenant to perform any of its obligations hereunder, then Sub-Sublandlord shall promptly furnish Sub-Subtenant with a copy thereof. In no event shall this Paragraph extend the time, date or period by or within which Sub-Subtenant is required to perform as set forth in this Sublease. If Sub-Subtenant shall fail to perform any of its obligations hereunder and such failure shall continue beyond any cure period provided for herein, or if Sublandlord or Master Landlord shall give any notice of failure or default under the Original Sublease or Master Lease arising out of any failure by Sub-Subtenant to perform any of its obligations hereunder, then in either case, Sub-Sublandlord shall have the right (but not the obligation) to perform or endeavor to perform such obligation, at Sub-Subtenant's expense, and Sub-Subtenant shall, within ten (10) days of Sub-Sublandlord's demand from time to time, reimburse Sub-Sublandlord for all costs and expenses incurred by Sub-Sublandlord in so doing.

- 12. **SURRENDER.** Upon the expiration or earlier termination of this Sublease, Sub-Subtenant shall promptly vacate the Leased Premises and deliver possession thereof to Sub-Sublandlord. In the event the Lease requires any repairs, maintenance or replacements to be performed in order to deliver the Leased Premises in the requisite condition, or otherwise requires any alterations, improvements, equipment, fixtures or other property to be removed or placed in a different condition, then Sub-Sublandlord shall timely perform the same, at its sole cost and expense, prior to the expiration of the Term or the earlier termination thereof.
- 13. **NOTICES.** All notices and other communications required or permitted under this Sublease shall be given in the same manner as in the Lease. Notices shall be addressed to the addresses set forth below:

If to Sub-Sublandlord:

Leahy Enterprises 2, LLC 17w161 Leahy Road Oakbrook Terrace, IL 60181 Email: will@baselinedistribution.com If to Sub-Subtenant:

Kechwa LLC c/o Amalia Rioja 740 Ashland Ave. River Forest, IL 60305 Email: amalia@riojallc.com

With a copy to:

Javier Sandoval c/o Irina Dashevsky Greenspoon Marder LLP 227 West Monroe St. Ste. 3950 Chicago, IL 60606 E-mail: Irina.dashevsky@gmlaw.com Damien1js@gmail.com

Ashley Brandt, Tucker Ellis, LLP 233 S. Wacker Drive, Suite 6950 Chicago, IL 60606 Email: Ashley.Brandt@TuckerEllis.com

or at such other address(es) as either party may hereafter notify the other in writing.

- 14. **BINDING EFFECT.** This Sublease shall be binding upon and inure to the benefit of Sub-Sublandlord and Sub-Sublandlord's successors and assigns. This Sublease shall be binding upon and inure to the benefit of Sub-Subtenant and its successors and permitted assigns.
- 15. **NO WAIVER.** The receipt by Sub-Sublandlord of any Rent with knowledge of the breach of any covenant of this Sublease by Sub-Subtenant shall not be deemed a waiver of such breach or any subsequent breach of this Sublease by Sub-Subtenant and no provision of this Sublease shall be deemed to have been waived by Sub-Sublandlord unless such waiver be in writing signed by Sub-Sublandlord.
- 16. <u>TIME.</u> Time is of the essence of this Sublease and the performance of all obligations of Sub-Subtenant and Sub-Sublandlord under this Sublease.
- 17. **COUNTERPARTS**. This Sublease may be executed in multiple counterparts and shall be valid and binding with the same force and effect as if all parties had executed the same Sublease. A fully executed .pdf or facsimile copy of this Sublease shall be effective as an original.

[Signature Page Follows]

IN WITNESS WHEREOF, Sub-Sublandlord and Sub-Subtenant have caused this Sublease to be duly executed as of the Effective Date.

SUB-SUBLANDLORD: Leahy Enterprises 2, LLC, an Illinois limited liability company	SUB-SUE Kechwa, company			limited	liability
By: 2 My See 1 Name: Authorized Signatory Its: Will Pawlowski	By: Name: Its:				
Sublandlord Consent:					
Landlord hereby consents to Sub-Sublandlord's sublease of the Leased Premises to Sub-Subtenant upon the terms and conditions set forth in the above Sublease.					
RHS Yorkville LLC, an Illinois limited liability company					
By: Its:					
Date: , 2024 ("Sublandlor	rd's Conser	nt Date"	<u>')</u>		

IN WITNESS WHEREOF, Sub-Sublandlord and Sub-Subtenant have caused this Sublease to be duly executed as of the Effective Date.

SUB-SUBLANDLORD:	SUB-SUBTENANT:
Leahy Enterprises 2, LLC, an Illinois	Kechwa, LLC, an Illinois limited liability
limited liability company	company
By: Name: Its:	By: Name: Amalia Rioja Its: CEO
Sublandlord Consent:	
Landlord hereby consents to Sub-	
Sublandlord's sublease of the Leased	
Premises to Sub-Subtenant upon the terms	
and conditions set forth in the above	
Sublease.	
RHS Yorkville LLC, an Illinois limited	
liability company	
By:	
Its:	
Date:, 2024 (" <u>Sublandlor</u>	rd's Consent Date")

IN WITNESS WHEREOF, Sub-Sublandlord and Sub-Subtenant have caused this Sublease to be duly executed as of the Effective Date.

SUB-SUBLANDLORD:	SUB-SUBTENANT:					
Leahy Enterprises 2, LLC, an Illinois limited liability company	Kechwa, company	LLC,	an	Illinois	limited	liability
By: Name: Its:						
Sublandlord Consent:						
Landlord hereby consents to Sub-Sublandlord's sublease of the Leased Premises to Sub-Subtenant upon the terms and conditions set forth in the above Sublease.						
RHS Yorkville LLC, an Illinois limited liability. Company stew lamilton By: AD3473DF0A4D476 Its: Manager						
Date: 6/27/2024 2024 ("Sublandlor	d's Consen	nt Date"	")			

Schedule 1

Term	Annual Base Rent	Monthly Base Rent
Rent Commencement Date – October 31, 2025	\$118,000.00	\$9,833.33
November 1, 2025 – October 31, 2026	\$121,540.00	\$10,128.33
November 1, 2026 – October 31, 2027	\$125,186.20	\$10,432.18
November 1, 2027 – October 31, 2028	\$128,941.79	\$10,745.15
November 1, 2028 – October 31, 2029	\$132,810.04	\$11,067.50
November 1, 2029 – October 31, 2030	\$136,794.34	\$11,399.53
November 1, 2030 – October 31, 2031	\$140,898.17	\$11,741.51
November 1, 2031 – October 31, 2032	\$145,125.12	\$12,093.76
November 1, 2032 – October 31, 2033	\$149,478.87	\$12,456.57
November 1, 2033 – October 31, 2034	\$151,250.00	\$12,604.17
November 1, 2034 – October 31, 2035	\$151,250.00	\$12,604.17

EXHIBIT A

GUARANTY

June, 27 2024

PTS Corp., having an address for notices at 4801 Emerson Ave, Suite 112, Palatine, IL 60067, and an email address of: compliance@ptsgrows.com, as an individual (the "Guarantor"), have requested RHS Yorkville LLC, an Illinois limited liability company, having an address for notices of 7912 Tanglewood Trails Drive, Yorkville, Illinois 60560 (collectively with its successors and assignees, "Sublandlord"), to enter into both a Sublease (the "Sublease") of even date herewith with Leahy Enterprises 2 LLC, an Illinois limited liability company (the "Subtenant") and a Sub-Sublease (the "Sub-Sublease") of even date herewith with Kechwa LLC, an Illinois limited liability company ("Sub-Subtenant"). The Subtenant and Sub-Subtenant shall be referred collectively as the "Subtenants", and the Sublease and Sub-Sublease shall hereinafter be referred to collectively as the "Subleases". Any defined term that is not defined herein shall have its meaning in the Sublease.

1. GUARANTY.

- a. To induce Sublandlord to enter into the Subleases and in consideration of Sublandlord entering into the Subleases, Guarantor hereby guarantees, unconditionally and absolutely, to Sublandlord the full and faithful keeping, payment, performance and observance of all of Tenant's obligations under the Subleases, whether payment, performance (affirmative or negative), or otherwise (collectively, the "**Obligations**"). Commencing after the date of any default under the Subleases, Guarantor's liability pursuant to this Guaranty shall in no event be greater than the sum of five (5) years of Obligations under the Lease, commencing after the date of any default.
- b. Term. The obligations contained herein shall terminate on the date in which (i) the Sublease has expired or been earlier terminated, and (ii) all Obligations have been satisfied by Subtenants as provided thereunder.
- 2. <u>AMENDMENTS</u>. If (a) the Sublease be renewed or the Term be extended, (b) additional space be included in or substituted for all or any part of the Premises, or (c) the Sublease be otherwise amended or modified by agreement between Sublandlord and Subtenant, the Obligations shall extend and apply with respect thereto. Guarantor waives any right to approve, consent, or be notified of any renewal, extension, amendment, or other modification to the Sublease.

3. CERTAIN WAIVERS, REQUIREMENTS, AND CONDITIONS.

a. The obligations of Guarantor hereunder shall not be affected by any of the following: (a) the release or discharge of Subtenants in any creditors', receivership, bankruptcy, reorganization, insolvency, or other proceedings; (b) the rejection or disaffirmance in any such proceeding of the Subleases or any portion thereof; (c) the impairment or modification of the Subleases or any portion thereof, any remedy for the enforcement thereof, or the estate of Subtenants in bankruptcy that results from any present or future federal or state bankruptcy law or any other law of any kind or from the decision or order of any court or other governmental authority; (d) any defense of Subtenants; (e) the cessation of the

liability of Subtenants for any cause whatsoever; or (f) any disability or defense of any kind of Guarantor now existing with respect to any of the Obligations or any provision of this Guaranty.

- b. Guarantor, with respect to its liabilities and obligations under this Guaranty, hereby waives (i) all rights that are waived by Subtenants under the Subleases, (ii) any requirement of notice of non-payment, non-keeping, non-performance, or non-observance by Subtenants, (iii) any proof of notice of demand to Guarantor, (iv) any right to require that any action be brought against Subtenants or to require that resort be had to any security or to any other credit in favor of Subtenants; and (v) any right to interpose any counterclaim of whatever nature or description in any proceedings by Sublandlord pertaining to this Guaranty or the Subleases. If this Guaranty is held ineffective or unenforceable by any court of competent jurisdiction, then, at the election of Sublandlord, Guarantor shall be deemed to be a "Subtenant" under the Sublease with the same force and effect as if Guarantor were expressly named as a joint Subtenant therein and with joint and several liability. Guarantor hereby agrees that Guarantor may be joined in any action against Subtenant in connection with the Sublease, and recovery may be had against Guarantor in such action or in any independent action against Guarantor without Sublandlord first pursuing or exhausting any remedy or claim against Subtenant. Guarantor also agrees that, in any jurisdiction, it will be conclusively bound by the judgment in any such action by Sublandlord against Subtenant (wherever brought) as if Guarantor were a party to such action even though Guarantor is not joined as a party in such action.
- Guarantor's obligations under this Guaranty shall not be terminated or affected in any way c. or manner whatsoever by (a) Sublandlord's resort, or Sublandlord's omission to resort, to any summary or other proceedings, actions, or remedies for the enforcement of any of Sublandlord's rights under the Sublease, (b) any extensions of time or indulgences granted by Sublandlord, or (c) the assignment or surrender of all or any part of the Sublease or the Term and estate thereby granted or all or any part of the Premises except to the extent that Subtenant is released in writing by Sublandlord from any obligation in connection with any such assignment or surrender. Without limiting the foregoing, Sublandlord's consent to any subletting of all or any portion of the Premises by any party or to any assignment or assignments of the Sublease, and successive assignments by Subtenant and Subtenant's assignees of the Sublease, made with notice to Guarantor, shall not in any manner release Guarantor from any liability hereunder. The liability of Guarantor is coextensive with that of Subtenant and also joint and several, and action or suit may be brought against Guarantor and carried to final judgment and/or completion and recovery had, either with or without making Subtenant a party thereto. Insofar as the payment by Subtenant of any sums of money to Sublandlord is involved, this Guaranty is a guaranty of payment and not of collection, and shall remain in full force and effect until all Obligations are satisfied
- d. Guarantor hereby subordinates, and shall cause each affiliate of Guarantor to subordinate, any claims or liens of Guarantor or any of its affiliates against Subtenants of any kind (including any right of Guarantor to a return of any capital contributed to Subtenants) to Guarantor's obligations under this Guaranty and to any other claims or liens of Sublandlord against Subtenants or Subtenants' assets. Upon any notice by Sublandlord to Subtenant of any default under the Sublease, Guarantor and its affiliates shall enforce any of their claims or liens as trustee for Sublandlord, and shall cause any receipts to be paid over to Sublandlord on account of the Subleases without affecting in any manner the liability of Guarantor under this Guaranty, except to the extent of such payment. As long as no such notice of default has been given, Guarantor and its affiliates may apply to their own accounts payments made by Subtenants.
- 4. REPRESENTATIONS AND WARRANTIES. Guarantor represents, warrants, and covenants the

matters written below to Sublandlord.

- a. Guarantor has a financial interest in Subtenants and will derive a substantial benefit from the Subleases.
- b. The most recent financial statements delivered by Guarantor to Sublandlord in connection with the Sublease or this Guaranty (i) are true and complete in all material respects; (ii) have been prepared in accordance with generally accepted accounting principles consistently applied; and (iii) fairly present the financial condition of Guarantor. No materially adverse change has occurred in the financial condition of Guarantor since the dates of such financial statements. No actions, suits, or proceedings are pending or, to the best of Guarantor's knowledge, threatened against Guarantor that could materially and adversely affect its performance under this Guaranty.
- c. While a Default exists or a default under this Guaranty exists, Guarantor shall not sell, lease, transfer, lend, convey, or assign any of its assets (or any portion thereof) that would result in Guarantor's inability to satisfy its obligations under this Guaranty.
- d. This Guaranty constitutes Guarantor's valid and legally binding agreement in accordance with its terms. Neither the execution and delivery of this Guaranty nor the compliance with any of its terms or conditions will violate any presently existing law, regulation, order, writ, injunction or decree to which Guarantor is bound, or result in any default by Guarantor under any agreement to which it is a party.

5. BREACHES OR DEFAULTS BY GUARANTOR.

- The occurrence of any of the following, whether or not any performance or payment of the a. Subleases shall then be due, shall be a default under this Guaranty: (a) the dissolution, liquidation, bankruptcy, or insolvency of Guarantor; (b) the inability of Guarantor to pay its debts generally as they become due, or a general assignment by Guarantor for the benefit of creditors that would result in an inability of Guarantor to satisfy the obligations under this Guaranty; (c) any application for or consent to the appointment of a trustee, receiver, or other custodian for any Guarantor or any assets or property of any of them, or the institution of any proceeding by any Guarantor under any federal or state laws providing for the relief of debtors or otherwise alleging that such Guarantor is insolvent, bankrupt, or unable to pay its debts generally as they become due; (d) the institution of any proceeding against any Guarantor under any federal or state laws providing for the relief of debtors or otherwise alleging that any Guarantor is insolvent, bankrupt, or unable to pay its debts generally as they become due, which is not vacated within one hundred twenty (120) days of filing; (e) Guarantor breaches any of its representations or warranties in this Guaranty; or (f) Guarantor breaches or fails to perform any of its covenants, agreements, or obligations in this Guaranty.
- b. In connection with any default under this Guaranty, Sublandlord shall have all rights and remedies that may be available to it at law, in equity, or otherwise.

6. MISCELLANY.

a. No waiver of any term, provision, condition, covenant or agreement in this Guaranty shall be effective unless set forth in a writing signed by Sublandlord and Guarantor, and any such waiver shall be effective only to the extent set forth in such writing. No failure to exercise or delay in exercising by Sublandlord of any right, power, or privilege in this Guaranty shall operate as a waiver thereof, nor shall any single or partial exercise of any right, power, or privilege preclude any other or further exercise thereof or the exercise of

any other right or remedy provided by law, in equity, or otherwise. No consent or waiver, whether expressed or implied, by Sublandlord to or of any breach or default by any Guarantor in the performance of its obligations hereunder shall be deemed or construed to be a consent or waiver to or of any other breach or default in the performance of the same or any other obligations of Guarantor hereunder. Failure on the part of Sublandlord to company of any acts, or failure to act or to declare a Default or a default under this Guaranty, irrespective of the length of such failure, shall not constitute a waiver by Sublandlord of its rights hereunder or impair any rights, powers, or remedies on account of any breach or default by Guarantor.

- b. All of Sublandlord's rights and remedies under this Guaranty shall be distinct, separate, and cumulative. Within thirty (30) days of a written demand, Guarantor shall pay to Sublandlord all of Sublandlord's reasonable costs and expenses in enforcing this Guaranty (including reasonable attorneys' fees), provided Sublandlord was the prevailing party in such enforcement.
- c. All notices, requests, consents, approvals, demands and other communications required or allowed under this Guaranty (y) *must be* (i) in writing, (ii) delivered to the address/email address written in the preamble of this Guaranty (or to such other address/addresses as either party may from time to time specify in a notice to the other in accordance with this subsection), and (iii) delivered by email, personal delivery, a national overnight courier, or electronic mail; and (z) shall be effective when delivered or delivery is refused (whether affirmatively or due to the recipient failing to maintain a current address for receiving notices with the sender).
- d. Headings and titles in this Guaranty are for convenience only. Unless specifically written to the contrary, all instances of "include," "including," and other derivations of "include" shall mean "including, but not limited to," or "including, without limitation,". If any deadline or similar date herein falls on a non-business day, then such deadline shall be extended to the next business day. The invalidity or unenforceability of any provision of this Guaranty shall not affect or impair any other provisions of this Guaranty.
- e. This Guaranty shall be governed by, construed, and enforced in accordance with the laws of the State of Illinois. The exclusive venue and jurisdiction for any suit relating or pertaining to this Guaranty shall be any state or federal court located in Kendall County, Illinois. GUARANTOR WAIVES TRIAL BY JURY IN ANY ACTION, PROCEEDING, OR CLAIM BROUGHT BY OR AGAINST IT IN CONNECTION WITH THIS GUARANTY. This Guaranty shall be binding on Guarantor and its successors and assignees,; provided, however, that Guarantor may not assign, delegate, or otherwise transfer any of its obligations under this Guaranty without Sublandlord's prior approval, which may be withheld, delayed, or conditioned in Sublandlord's sole discretion.
- f. This Guaranty is the complete and entire agreement between Sublandlord and Guarantor with respect to the subject matter hereof, and it supersedes all prior discussions, understandings, and agreements (whether oral or written) between the parties hereto with respect to the subject matter hereof. No modification or amendment of this Guaranty shall be binding on Sublandlord unless it is in writing and signed by Sublandlord.
- g. This Guaranty may be executed in counterparts, each of which shall be considered an original and all of which together shall constitute the same instrument. Counterparts to this Guaranty may be delivered by email or facsimile, each of which shall be as effective as originals for all purposes.

[signature page follows]

<u>GUARANTOR</u>			
PTS CORP.			
By:	_		
Name:			
<u>Title:</u>			

IN WITNESS WHEREOF, Guarantor has executed this Guaranty as of the first date written above.

Division of Professional Regulation

idfpr.illinois.gov

CAMILE LINDSAY MARIO TRETO, JR. **JB PRITZKER** Governor Secretary **Acting Director**

June 30, 2024

To Whom It May Concern,

The Illinois Department of Financial and Professional Regulation ("Department") has reviewed the materials submitted by KECHWA, LLC regarding whether it has found a location pursuant to Section 15-25(e), Section 15-35(c) and Section 15-35.10(c) of the Cannabis Regulation and Tax Act ("CRTA") for license no. 284.000203-CL. Pursuant to the aforementioned Sections of the CRTA, KECHWA, LLC has satisfied the requirement to find a location within 720 days from when it was issued a conditional adult use dispensing organization license ("conditional license"). Accordingly, KECHWA, LLC remains eligible to become operational as an adult use dispensing organization licensee under Section 15-36 of the CRTA. Additional information may be found the Department's on https://idfpr.illinois.gov/profs/adultusecan.html. Whether KECHWA, LLC remains in good standing may be verified on the Department's website as well.

Should there be any changes to KECHWA, LLC's proposed location, KECHWA, LLC shall promptly notify the Department in order to demonstrate continued compliance with the CRTA.

Sincerely,

Vaughn G. Bentley

Deputy Director of the Cannabis Control Section Illinois Department of Financial and Professional Regulation 555 West Monroe Street, 5th Floor

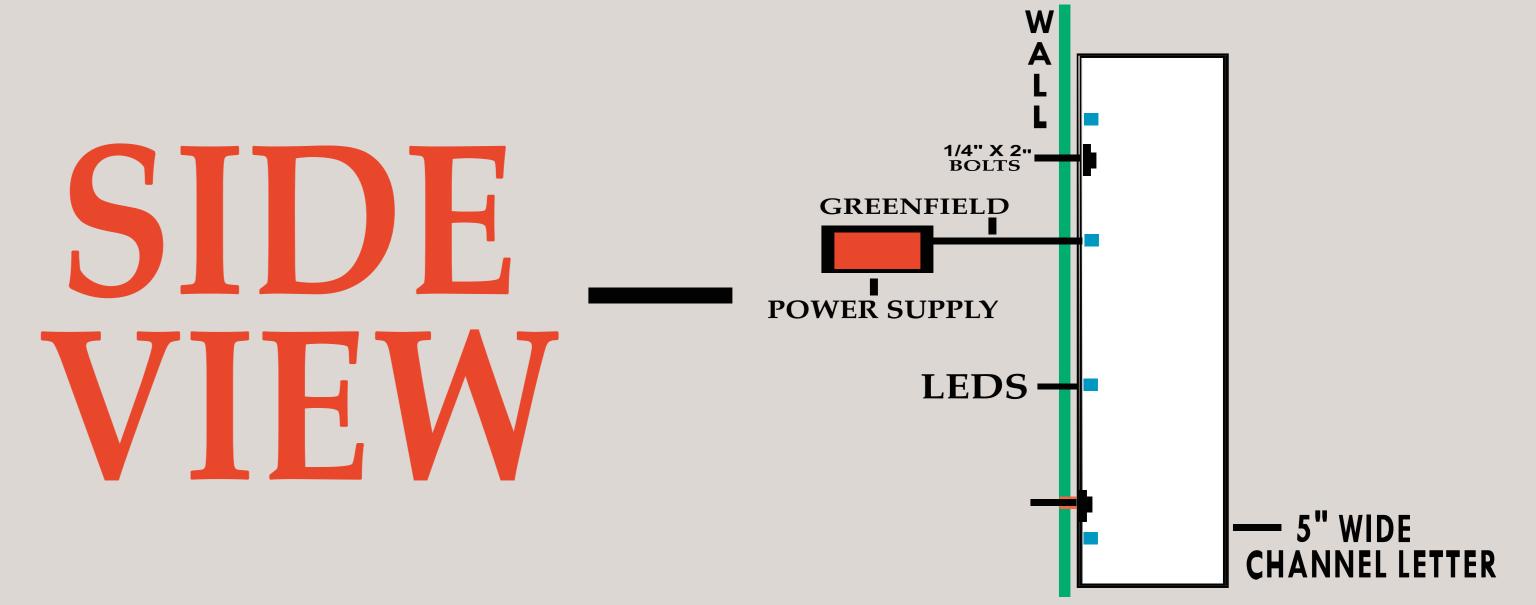
Chicago, IL 60661

INDIVIDUAL ILLUMINATED CHANNEL LETTERS: 32" X 13'



SPECS-

.040 BLACK ALUMINUM SIDEWALLS
.063 ALUMINUM BACKS
3/16" WHITE & RED PLEX FACES
BLACK 1" TRIM
WHITE LEDS/POWER SUPPLIES





1001 W. REPUBLIC DR. -16 ADDISON,IL.60101

630-629-7446 630-629-4655 FAX

BRIGHTSIGNSUSA@GMAIL.COM

MANUFACTURE INSTALL SERVICE ALL INDOOR & OUTDOOR SIGNS AND AWNINGS CLIENT: CONSUME

ADDRESS: 1508 N. BRIDGE ST.

CITY: YORKVILLE STATE: IL.

PLEASE PROOF, SIGN AND DATE IF AP PROVED.
APPROVAL IS ACCEPTANCE OF WORK AS DESCRIBED HERE IN

SIGNATURE:

DATE: 9-9-2024

SALESPERSON: GARY D.

COPYRIGHT NOTICE: THIS DESIGN REMAINS THE PROPERTY OF BRIGHT SIGNS AND AWNINGS, AND MAY NOT BE REPRODUCED IN ANY MANNER WITHOUT WRITTEN PERMISSION.

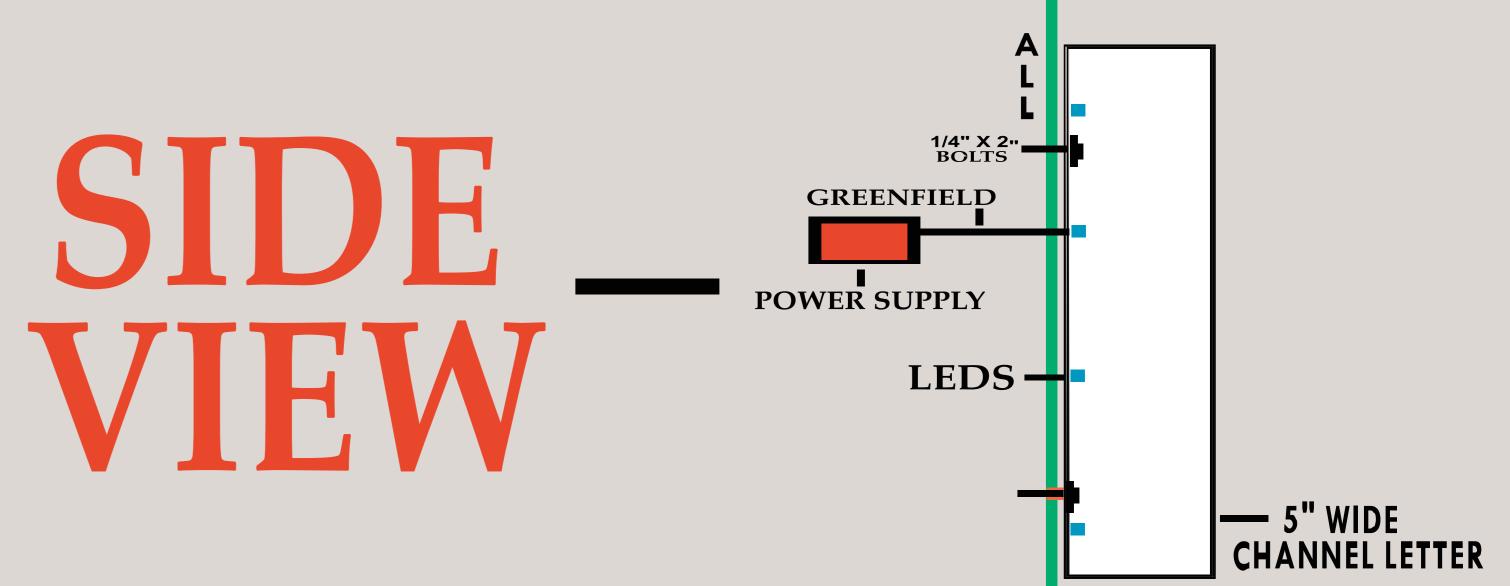
THE SCALE IN PHOTO RENDERINGS MAY NOT BE ACCURATE.
REFER TO THE DIMENSIONS IN THE DRAWING ABOVE.

INDIVIDUAL ILLUMINATED CHANNEL LETTERS: 18" X 15'



SPECS-

.040 BLACK ALUMINUM SIDEWALLS
.063 ALUMINUM BACKS
3/16" WHITE & RED PLEX FACES
BLACK 1" TRIM
WHITE LEDS/POWER SUPPLIES





1001 W. REPUBLIC DR. -16 ADDISON,IL.60101

630-629-7446 630-629-4655 FAX

BRIGHTSIGNSUSA@GMAIL.COM

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ADDRESS: 1508 N. BRIDGE ST.

CITY: YORKVILLE STATE: IL.

PLEASE PROOF, SIGN AND DATE IF AP PROVED.
APPROVAL IS ACCEPTANCE OF WORK AS DESCRIBED HERE IN

SIGNATURE:

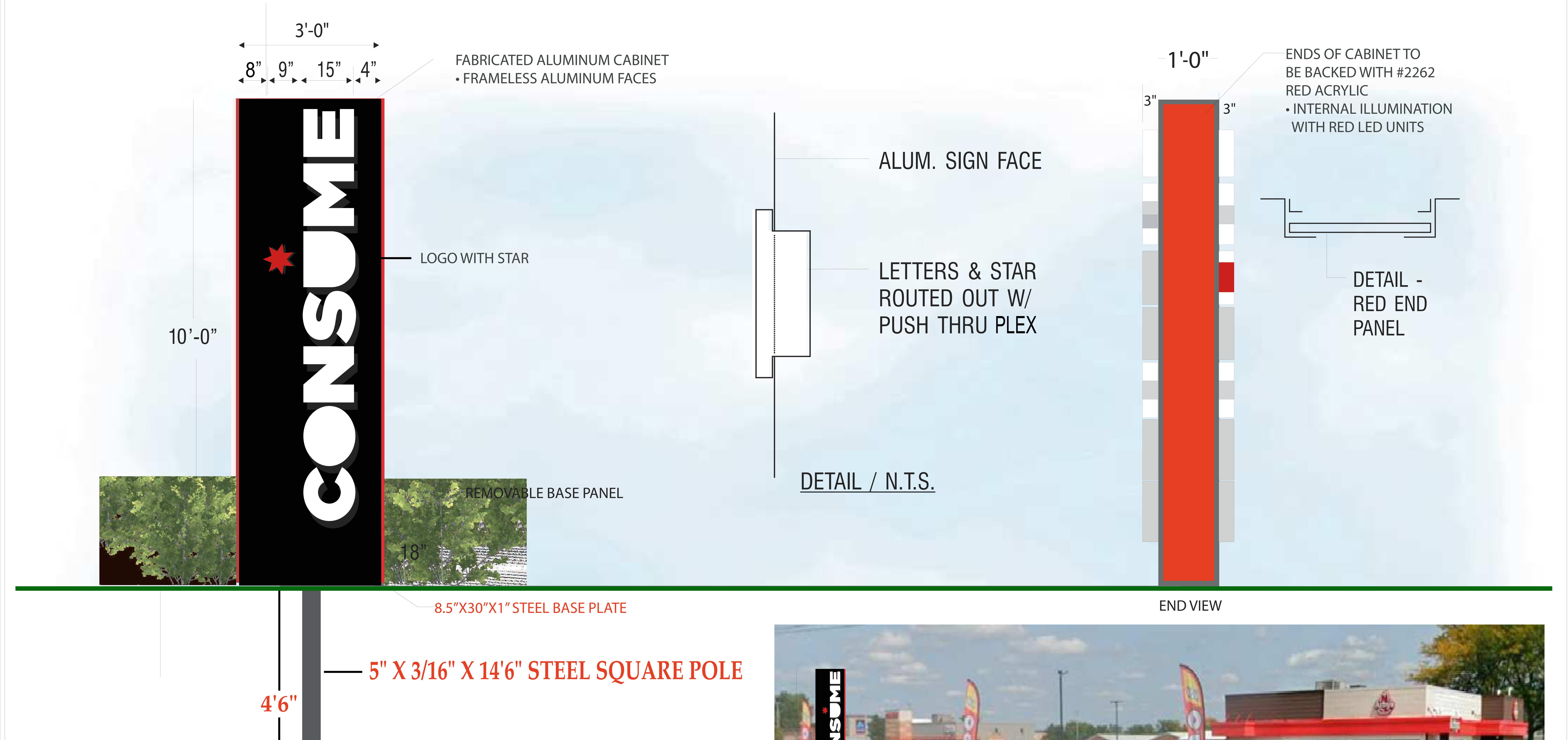
DATE: 9-9-2024

SALESPERSON: GARY D.

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DOUBLE SIDED ILLUMINATED PYLON: 3' x 10'



30 Square Feet

24" X 4'6" CONCRETE FOOTING

CLIENT: CONSUME

PLEASE PROOF, SIGN AND DATE IF APPROVED. APPROVAL IS ACCEPTANCE OF WORK AS DESCRIBED HERE IN.

1001 W. REPUBLIC DR. -16 ADDISON,IL.60101

630-629-7446 630-629-4655 FAX

BRIGHTSIGNSUSA@GMAIL.COM

MANUFACTURE INSTALL SERVICE ALL INDOOR & OUTDOOR SIGNS AND AWNINGS CITY: YORKVILLE STATE: MI

ADDRESS: 1508 N. BRIDGE ST.

DATE: 9-9-2024

COPYRIGHT NOTICE: THIS DESIGN REMAINS THE PROPERTY OF BRIGHT SIGNS AND AWNINGS, AND MAY NOT BE REPRODUCED IN ANY MANNER WITHOUT WRITTEN PERMISSION.

SIGNATURE:

SALESPERSON: GARY D.

THE SCALE IN PHOTO RENDERINGS MAY NOT BE ACCURATE. REFER TO THE DIMENSIONS IN THE DRAWING ABOVE.

August 28, 2024

To Whom It May Concern:

In regard to Consume Cannabis – Variance and Special Use – 1508 N. Bridge Street, Yorkville, IL, Tax PIN: 02-28-176-14, Application 2024-19, a community meeting on the matter shall be held as follows:

DATE: September 12, 2024

TIME: 4 PM - 6 PM

LOCATION: Hampton Inn Yorkville

310 East Countryside Parkway

Yorkville, IL 60560

Thank you,

Steve Weber

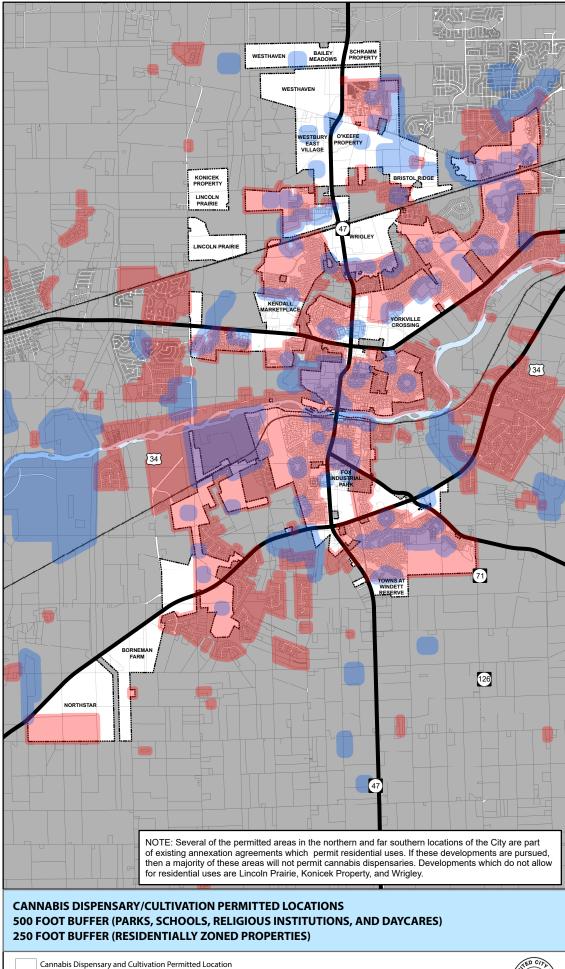
Community Meeting Sign-In Sheet

Organization: PTS Corp. / Consume

Date: 9.12.2024

Location of Project: 1508 N. Bridge Street, Yorkville, IL

NAME	ORGANIZATION NAME	PHONE	EMAIL
ALOXON ANDESSEN	1 Inmahan		



Cannabis Dispensary and Cultivation 250' Buffer from Residential

Cannabis Dispensary and Cultivation 500' Buffer from Parks, Schools, Religious Institutions, and Daycares

Overlap of Both Buffers





August 20, 2024

Via Email

Ms. Krysti Barksdale-Noble, Community Development Director United City of Yorkville
651 Prairie Pointe Drive
Yorkville, IL 60560
knoble@yorkville.il.us

RE: Objection to Cannabis Dispensary Zoning Applications 1508 N. Bridge Street, Yorkville, IL 60560

Dear Ms. Barksdale-Noble:

Our firm represents Parkview Christian Academy (the "Academy"), a private school located in the United City of Yorkville (the "City"). The Academy hereby objects to the variance and special use applications filed on June 27, 2024 ("Applications") by Steve Weber/PTS Corp. ("Applicant") to operate a cannabis dispensary at 1508 N. Bridge Street, Yorkville, Illinois ("Subject Property").

As explained in detail below, it is the Academy's position that the operation of a cannabis dispensary at the Subject Property would be contrary to Illinois law, the City's Unified Development Ordinance ("City Ordinance"), and the City's Comprehensive Plan. The Subject Property is within 500 feet of the Academy's upper campus located at 202 E. Countryside Parkway, a private primary and secondary school (see map attached hereto as Exhibit A). In addition, the Subject Property is adjacent to property already zoned as B-3 general business district (see zoning map attached hereto as Exhibit B). Thus, under Sections 10-4-14(D)(1) and 10-4-4(A)(1)(b) of the City Ordinance, the Subject Property cannot be operated as a cannabis dispensary. Moreover, the Application has not and cannot establish that the standards for variations and special use are met in this case. Thus, the Application must be denied. Please note that the Academy will pursue all avenues to prevent operation of the Subject Property as a cannabis dispensary, including, but not limited to, litigation if it becomes necessary.

DISCUSSION

A. The Applicant has not established that a cannabis dispensary can be operated at the Subject Property consistently with Illinois law.

Under the Cannabis Regulation and Tax Act (410 ILCS 705/1-1 et seq.), "[n]o cannabis business establishment nor any other person or entity shall place or maintain, or cause to

be maintained, an advertisement of cannabis or cannabis-infused product in any form or through any medium . . . within 1,000 feet of the perimeter of a school grounds[.]" 410 ILCS 705/55-20(b)(1). In addition, under the *Compassionate Use of Medical Cannabis Act* (410 ILCS 130/1 *et seq.*), a medical cannabis dispensing organization "may not be located within 1,000 feet of the property line of a pre-existing public or private preschool or elementary or secondary school." 410 ILCS 130/130.

Here, the Academy's upper campus at 202 E. Countryside Parkway, Yorkville, is located within 500 feet of the Subject Property. Ex. A. The cannabis dispensary sought by the Applications would, therefore, place signage and cannabis-infused products within 1,000 feet of a school. Further, to the extent the Applicant seeks to operate a "medical cannabis dispensing organization" at the Subject Property, such a facility would also be operating within 1,000 feet of the property line of a pre-existing private school. The Applicant has not established that the Subject Property can be operated as a cannabis dispensary consistent with the statutes outlined above. Consequently, the Application must be denied.

B. The operation of the Subject Property as a cannabis dispensary would violate City Ordinance.

As noted above, adult uses (such as a cannabis dispensary) are forbidden within 500 feet of a preexisting school (City Ord. 10-4-14(D)(1)) and within 700 feet of property zoned as general business district (B-3) (City Ord. 10-4-4(A)(1)(b)). Here, the Subject Property is within 500 feet of the Academy's upper campus at 202 E. Countryside Parkway, a private primary and secondary school. Ex. A. The Subject Property is also located adjacent to four B-3 zoned property and near several others. Ex. B. Consequently, the operation of the Subject Property as a cannabis dispensary would violate the City Ordinance, and the Application must be denied.

C. The Application fails to establish any of the requirements for sufficient variations to operate a cannabis dispensary on the Subject Property.

Under the City Zoning Ordinance (consistent with the *Municipal Code*¹), no variance shall be granted unless the following standards are met:

(a) A particular hardship to the owner would result because of the physical surroundings, shape, or topographical

¹ "In its consideration of the standards of practical difficulties or particular hardship, the board of appeals shall require evidence that (1) the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in that zone; and (2) the plight of the owner is due to unique circumstances; and (3) the variation, if granted, will not alter the essential character of the locality. A variation shall be permitted only if the evidence, in the judgment of the board of appeals, sustains each of the 3 conditions." 65 ILCS 5/11-13-4.



> conditions of the subject property, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;

- (b) The conditions upon which the petition for a Variation is based are unique to the subject property and are not applicable, generally, to other properties within the same zoning district;
- (c) The difficulty or hardship is not created by any person presently having an interest in the property;
- (d) 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;
- (e) The proposed Variation will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger to the public, or substantially diminish or impair property values within the neighborhood; and
- (f) The proposed Variation is consistent with the official comprehensive plan and other development standards and policies of the City. City Ord. 10-8-9(C).

Here, the Application seeks variations to operate a cannabis dispensary within 500 feet of the School, and to permit the Applicant to implement expanded business hours and certain signage at the property. See City Ord. §§ 10-4-14(A)(1) (business hours), (A)(3) (signage), and (D)(1) (proximity to schools). However, even though "[a]n adult use shall not be located within seven hundred (700) feet of any zoning district which is zoned for . . . general business district (B-3) [or] agricultural district (A-1)," the Application fails to seek a variance despite being located adjacent to B-3 zoned property. In addition, the cannabis dispensary is inconsistent with the City's Comprehensive Plan, which designates the surrounding area for Commercial Uses and does not expressly provide for any adult and/or cannabis-related uses of the Subject Property (see plan excerpt attached hereto as Exhibit C).

In any event, the Applicant has not and cannot demonstrate any hardship that would result from applying the current B-3 zoning requirements to the Subject Property. Nor are the conditions upon which the variance is requested unique to the Subject Property. Indeed, the difficulty or hardship is created by the Applicant, which is seeking to operate a cannabis dispensary at the Subject Property.

Allowing the Subject Property to operate at the Subject Property would be detrimental the public welfare and injurious to nearby properties, including the Academy's upper campus.



As noted above, a cannabis dispensary cannot be operated within 500 feet of a school consistently with Illinois law. Moreover, a cannabis dispensary opening within 500 feet of a school is on its face a bad idea for the public welfare. See, e.g., Cannabis and Teens, Centers for Disease Control and Prevention, https://www.cdc.gov/cannabis/health-effects/cannabis-and-teens.html (last visited Aug. 18, 2024) (noting the detrimental effect that cannabis use has on teenagers). The requested variation would also be injurious to the Academy's upper campus, as some parents understandably may not want their children to attend a school located in such close proximity to a cannabis dispensary, which could substantially diminish surrounding property values including the value of the Academy's upper campus. Further, as noted above, the use of the Subject Property as a cannabis dispensary is inconsistent with the current B-3 zoning and the City's Comprehensive Plan. Thus, the Application must be denied.

D. The Application fails to establish the requirements to be entitled to a special use of the Subject Property as a cannabis dispensary.

Finally, the special use sought by the Application must be denied. Under City Ordinance, a special use must meet all the following conditions:

- 1. The establishment, maintenance or operation of the Special Use will not be unreasonably detrimental to or endanger the public health, safety, morals, comfort, or general welfare;
- 2. The Special Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, nor substantially diminish and impair property values within or near the neighborhood in which it is to be located;
- 3. The establishment of the Special Use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district;
- 4. Adequate utilities, access roads, drainage or other necessary facilities have been or shall be provided;
- 5. Adequate measures shall be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets; and 6. The proposed Special Use is not contrary to the objectives of the

City's adopted Comprehensive Plan. City Ord. 10-8-5.

As with the requested variations, the Application also fails to establish that the special use standards have been satisfied in this case. The requested adult use within 500 feet of a school and adjacent to other B-3 zoned properties is forbidden under Illinois law and the City Ordinance as explained above. The operation of a dispensary under such circumstances would be detrimental to the public health, safety, morals, comfort and general welfare and would diminish surrounding property values as discussed above. Since



the comprehensive plan does not allow for adult and/or cannabis-related uses of the Subject Property, allowing a special use to operate a cannabis dispensary would also impede the normal and orderly development of the area. Nor has the Applicant established that adequate utilities, roads, facilities, and efforts to minimize traffic congestion in the public streets have been taken. Thus, the Application's requested special use must be denied.

CONCLUSION

For the reasons set forth above, the Applications must be denied. Please note that the Academy will consider all avenues for preventing the use of the Subject Property as a cannabis dispensary, including but not limited to future litigation. Among other avenues, a writ of mandamus action is available to compel a public official to act where officials have a mandatory duty to act and fails to do so. The Academy reserves the right to modify and resubmit this letter at later stages and to other applicable boards if necessary. Please provide the Academy with notice of all determinations concerning the Application.

If there are any questions or concerns, please contact me at (847) 670-9000.

Sincerely,

Antonio J. Senagore

cc: Dr. Ray Epperson, Superintendent, Parkview Christian Academy

Mr. John Purcell, Mayor, Unified City of Yorkville

Encl: Exhibits A-C

1284456.3



EXHIBIT A

Distance Between the Subject Property and the Academy's Upper Campus (per Kendall County GIS Map)



EXHIBIT B

ZONING MAP



ArcGIS Web Map



EXHIBIT C

EXCERPT FROM CITY'S COMPREHENSIVE PLAN

82

THE YORKVILLE PLAN . CONNECTING OUR PAST TO THE FUTURE

August 20, 2024

MONTGOMERY

RESIDENTIAL

A Mid-Density Residential land use zone is proposed in order to encourage new multi-family housing types in Order to encourage new multi-family housing types in Yorkville, new housing types could diversify housing opportunities and provide housing at different price points that what is currently offered in Yorkville's housing market. The Rural Neighborhood land use classification in the 2008 Comprehensive Plan is eliminated given that such residential development is unlikely to occur in the southeastern portions of the Yorkville planning area where there are significant infrastructure and market constraints. The primary infrastructure constraint is the need to construct a life ion along a ridge line, generally located south of ois Route 71. In its place, an Estate/Conservation

The general Commercial land use classification in the 2008 Plan is now designated Destination Commercial to recognize that shigh percentage of commercial and in Yorkville accommodates large format and chain store formats, usually Joseaded along major transportation thoroughfares. Destination Commercial uses have their own particular physical design and development issues and should be distinguished from commercial uses large formation of the Downtown and in neighborhood restall the state of the

AND USE CHANGES

Figure 4.1: Future Land Uses North of the Fox Rive

general land use categories (Residential Commercial industrial Open Space and Barka, and as on) that will set the framework for achieving the goals of the Comprehensive Plan. It is not a zoning map but should set the stage for future changes and modifications to the Yorkville Zoning Ordinance. The Land Use Strategy seeks to "re-position" Yorkville's future land use pattern given current development conditions in Yorkville since the 2008 coromic downtrum and the unlikelihood that the Prairie Parkvay will be constructed within this Plan's time horizon. Several charges in land use classifications are exproposed from those included in the 2008 Comprehensive Plan. The Land Use Strategy and Future Land Use Map presented above describes the distribution of

envisioned on various opportunity sites that expand the Downtown's footprint further to the east on Van Emmon Street with potential residential and commercial development. The need to address particular development design and land use issues within the Downtown necessities the need for a Downtown-specific land use classification.

Legend - Future Land Use Map CONNECTAL

Figure 4.5 Feture Land Uses South of the Fox River

MILLEBROOK

MILLEBROOK

AND THE PROPERTY OF THE PROPERTY O



August 22, 2024

Via Email (knoble@yorkville.il.us)

United City of Yorkville 651 Prairie Pointe Drive Yorkville, IL 60560

Attn: Krysti Barksdale-Noble, Community Development Director

RE: Response to Parkview Christian Academy Objection to **Cannabis Dispensary Zoning Application** 1508 N. Bridge Street, Yorkville, IL 60560 (the "Subject Property")

Dear Ms. Barksdale-Noble:

PTS Corp./Steve Weber (the "Applicant") is in receipt of the August 20, 2024 objection letter (the "Objection Letter") from Mr. Antonio J. Senagore (attorney at Hodges Loizzi Eisenhammer Rodick & Kohn), on behalf of his client, Parkview Christian Academy (the "Academy"), as it relates to the Applicant's requested special use and variance applications to operate a cannabis dispensary at the Subject Property, filed on June 27, 2024 (the "Applications") with the Unified City of Yorkville (the "City").

The Applicant contests the entirety of the Academy's Objection Letter, as provided below, and reinforces its request for approval for its Applications. Furthermore, the Applicant will not be dissuaded under the Academy's threat of litigation.

DISCUSSION

A. Response to the Academy's claim that the Applicant cannot operate at the Subject **Property**

The Academy incorrectly cites two (2) statutes as support for its position that the Subject Property cannot be operated as a cannabis dispensary.

First, the Academy cites 410 ILCS 705/55-20(b)(1) under the Cannabis Regulation and Tax Act, which states, in part that "[n]o cannabis business establishment nor any other person or entity shall place or maintain, or cause to o be placed or maintained, an advertisement of cannabis or a cannabis-infused product in any form or through any medium: (1) within 1,000 feet of the perimeter of school grounds, a playground, a recreation center or facility, a child care center, a public park or public library, or a game arcade to which admission is not restricted to persons 21 years of age or older[.]" Placing a cannabis dispensary at the Subject Property with standard signage, similar to any other business, is not and, has never been, considered to be an "advertisement", nor would it fall within the meaning proscribed under the CRTA. Furthermore, the placement of cannabis-infused products within a store is most definitely not an advertisement - contrary to the Academy's position.



The Academy then proceeds to cite a portion of 410 ILCS 130/130(d) of the Compassionate Use of Medical Cannabis Act, stating that "a medical cannabis dispensing organization "may not be located within 1,000 feet of the property line of a pre-existing public or private preschool or elementary or secondary school."" However, reading the entire text provides the necessary clarity whereby, it states that a "(d) A [medical cannabis] dispensing organization may not be located within 1,000 feet of the property line of a pre-existing public or private preschool or elementary or secondary school or day care center, day care home, group day care home, or part day child care facility. A registered dispensing organization may not be located in a house, apartment, condominium, or an area zoned for residential use. This subsection shall not apply to any dispensing organizations registered on or after July 1, 2019." (emphasis added). Not only is the proposed cannabis use at the Subject Property not a medical cannabis dispensary organization, but this particular statutory language expired over **five (5) years** ago.

For the purposes contained herein, the Academy's positions should be ignored and dismissed in their entirety, as both statutes are inapplicable to the Applicant.

B. Response to the Academy's claim that the operation of the Subject Property as a cannabis dispensary would violate City Ordinance

Similar to part A, the Academy again failed to properly vet the applicability of certain ordinances. Specifically, the Academy claimed that a cannabis dispensary is forbidden within 700 feet of property zoned as general business district (B-3) pursuant to City Ord. 10-4-4(A)(1)(b). Section 10-4-4(A)(1)(b) states that "[a]n adult use shall not be located within seven hundred (700) feet of any zoning district which is zoned for single-family suburban residence district (R-1), single-family traditional residence district (R-2), two-family attached residence district (R-2D), multi-family attached residence district (R-3), general multi-family residence district (R-4), local business district (B-1), mixed use district (B-2), general business district (B-3), agricultural district (A-1)." The Academy failed to provide the definition for "Adult-use" which the City clearly defines as falling into two categories: "A striptease club or pornographic movie theatre whose business is the commercial sale, dissemination, or distribution of sexually explicit material, shows, or other exhibitions or (ii) an adult bookstore or adult video store in which twenty-five (25) percent or more of its stock-in-trade, books, magazines, and films for sale, exhibition, or viewing on-premises are sexually explicit material." (10-2-1 "A"). A cannabis dispensary is, by definition, not considered an adult-use within the meaning provided by the City and thus this prohibition does not exist for the Applicant to overcome.

Even if the Applicant were subject to this prohibition, which it is not, a Cannabis Dispensing Organization is expressly permitted (under Table 10-3-12(B)) of the City's UDO), to apply for a Special Use Permit within B-3 and state its case.

In this same section, the Academy states that the Subject Property is within 500 feet of the Academy's upper campus at 202 E. Countryside Parkway, as provided on Exhibit A of its Objection Letter, and subject to City Ord. 10-4-14(D)(1). This ordinance states that a "[f]acility



may not be located within five hundred (500) feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home, residential care home, or religious institutions, regardless of corporate boundary. Commercial/trade schools shall not be classified as a public or private school for purposes of this section." The Applicant, out of an abundance of caution, and well-within its rights (as stated above), has applied for a variance related to the 500-foot requirement (based on certain measurements suggesting a distance of 494.38 from the Academy's property line).

However, the ordinance is clear that the prohibition is related to the distance from a facility to the property line of a pre-existing school. The distance from the facility on the Subject Property to the Academy's property line measures **539.10 feet** – meaning that a variance for this distance is not required. See Exhibit A.

Even if it is ultimately determined that this variance request must move forward, it is well within the Applicant's rights to apply for such variance.

For the purposes contained herein, the Academy's positions should be ignored and dismissed in their entirety.

C. Response to the Academy's claim that the Application fails to establish any of the requirements for sufficient variations to operate a cannabis dispensary on the **Subject Property**

The Academy lists the requirements needed for the City to grant a variance. It also provided a footnote asserting certain requirements in line with the *Municipal Code*, however the language provided in 65 ILCS 5/11-13-4 is predicated on municipalities with a population of 500,000 or more – a threshold the City does not meet. In the event it was deemed that such language was applicable to the Applicant, the Applicant can and will satisfy any evidence necessary under 65 ILCS 5/11-13-4.

The Academy's entire position weakly leans on many of the previously described inapplicable ordinances and a sweeping and subjective opinion that the Applicant cannot satisfy the requirements without any evidence and without the Applicant having been afforded its due process to present any required evidentiary material. Additionally, the Academy claims that because cannabis use is not expressly provided in the City's Comprehensive Plan, it cannot receive its requested variances. It is the Applicant's understanding that the entire purpose of a process to receive a variance is, as the City is well aware, to enable the City to weigh certain factors to accept a certain deviation from its proscribed rules. In this instance, it may (or may not, as discussed above) be the need for a variance related to the 500-foot setback from schools, as well as a variance for signage and business hours.

Furthermore, the Academy oddly inserted a misleading reference to cannabis use and teens. Any legal cannabis operator in the State of Illinois is not permitted to sell to individuals



under the age of 21 (save for (i) minors with a medical card and a valid caregiver and (ii) individuals aged 18-20 with a valid medical card).

Thus, the Applicant cannot and will not sell to anyone under 21 and is subject to strict regulations, regulators, and compliance oversight, including, without limitation, ID verification and security cameras.

As a counterpoint of reference to the Academy's concern related to teen usage of cannabis, the Applicant puts forth more recent studies, which have actually shown that cannabis use in teens has flatlined or decreased in states that have legal cannabis programs. The Applicant does not support (and directly opposes) underage usage of these products but strongly advocates for education as to the benefits of legal programs – which tend to stamp out the illicit market (where minors may more easily obtain such products). (See https://www.nytimes.com/2024/05/20/health/marijuana-weed-adolescents-coley.html).

Property value diminishment is also unfounded. On the contrary, studies have shown that cannabis organizations have increased surrounding property values by 2% (See https://www.cannabisbusinesstimes.com/news/cannabis-dispensaries-increase-home-values-2percent-study/#:~:text=Dispensary-"Study%3A%20Cannabis%20Dispensaries%20Increase%20Home%20Values%20by%202%20P ercentage%20Points,and%20Michigan%2C%20show%20positive%20impacts).

The Applicant can, and will, demonstrate its satisfaction of every requirement necessary to be granted any applicable variance it has applied or will apply for, at the appropriate time and in accordance with the City's procedural guidelines and any and all due process rights.

For the purposes contained herein, the Academy's positions should be ignored and dismissed in their entirety.

D. Response to the Academy's claim that the Application fails to establish the requirements to be entitled to a special use of the Subject Property as a cannabis dispensary.

Similar to Part C, the Academy sweepingly and subjectively asserts an inability to obtain a special use permit without any supportive evidence and prior to the Applicant demonstrating its ability to satisfy the listed requirements from the City's Ordinance 10-8-5.

As mentioned earlier, it is the Applicant's right, as shown in part on Table 10-3-12(B) to apply for a Special Use in Zone B-3.

The Applicant can, and will, demonstrate its satisfaction of every requirement necessary to be granted any applicable special use permit it has applied or will apply for, at the appropriate time and in accordance with the City's procedural guidelines and any and all due process rights.



For the purposes contained herein, the Academy's positions should be ignored and dismissed in their entirety.

CONCLUSION

The Academy's dubious Objection Letter was laden with inaccuracies, unsubstantiated statements, and subjective opinion, and for all of the reasons stated above (and more), should be disregarded in its entirety.

The Applicant operates all of its facilities with the utmost care, and with an emphasis on security, compliance and safety. The Applicant, in all municipalities it operates in, serves as a great corporate citizen, a local benefactor, and local partner. The Applicant knows that each municipality – including the City - has its own special community with distinct and important local goals and norms. The Applicant is eager and optimistic to open its doors in the City and operate in accordance with the City's own, special composition.

The Applicant reserves the right to modify and resubmit this letter at later stages and to other applicable boards and governing bodies, as needed.

Please do not hesitate to reach out to me at 847-404-8847 or via email at mitch@ptsgrows.com.

Thank you.

Sincerely,

Mitchel Kay

Mitchel Kay

General Counsel & Corporate Secretary

PTS Corp.

Cc. Mr. John Purcell, Mayor, Unified City of Yorkville

Encl: Exhibit A



EXHIBIT A





media group

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: 7696084

Purchase Order: 7696084 PZC 2024-19

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 9/13/2024, and the last publication of the notice was made in the newspaper dated and published on 9/13/2024.

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

PUBLICATION DATES: Sep 13, 2024.

The Beacon-News

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

14th Day of September, 2024, by

Chicago Tribune Media Group

Jeremy Gates

CHICAGO TRIBUNE

media group

PUBLIC NOTICE NOTICE OF PUBLIC HEARING BEFORE THE UNITED CITY OF YORKVILLE PLANNING & ZONING COMMISSION PZC 2024-19

NOTICE IS HEREWITH GIVEN THAT Steve Weber, on behalf of PTS Corp., contract lessee and petitioner, and Fort Smith FD Partners, LLC, owner, has filed an application with the United City of Yorkville, Kendall County, Illinois. requesting special HISP authorization for a cannabis dispensary business within the B-3 General Business District for an approximately 1.33-acre parcel located at 1508 N. Bridge Street, within the northeast quadrant of Veterans Parkway (U.S. Route 34) and N. Bridge Street in Yorkville, Illinois.

The petitioner is also requesting the following three (3) variances to Section 10-4-14: Medical and Adult Use Cannabis Use Standards of the Yorkville Unified Development Ordinance (UDO):

1. To decrease the minimum distance cannabis a dispensing organization can be located to a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home, residential care home, or religious institutions from five- hundred feet (500') to four-hundred fifty feet (450'). 2. To change the permitted hours of operation from "10:00 a.m. to 8:00 p.m. Monday through Saturday and 12:00 p.m. to 5:00 p.m. on Sundays" to "9:00 a.m. to 9:00 p.m. Monday through Saturday and 10:00 a.m. to 6:00 p.m. on Sundays".

 Relief from the maximum one (1) wall-mounted sign per cannabis business to allow the petitioner to follow the current signage regulations for similar B-3 General

CHICAGO TRIBUNE

media group

Business District uses while maintaining compliance with Illinois State signage regulations for cannabis businesses.

The legal description is as follows:

LOT 1 COUNTRYSIDE CENTER UNIT 5 RESUB LT 3 CITY OF YORKVILLE.

Tax PIN: 02-28-176-014

NOTICE IS HEREWITH GIVEN THAT the Planning and Zoning Commission for the United City of Yorkville will conduct a public hearing on said application on Wednesday, October 9, 2024 at 7:00 pm 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 can be accessed by scanning the QR code below. 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 60560. 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



Sept. 13, 2024 - 7696084

CHICAGO TRIBUNE

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Mayor Scott J. Gartner

Clerk Lori K. Romine



Trustees
Brent C. Bluthardt
Petrina Burman
Ed Macek
Rebecca McNeill
Mary J. Pedersen
Scott A. Pierce

September 3, 2024

To Whom it may Concern,

I am writing to provide details regarding the operations of Consume Antioch within the Village of Antioch.

Initially, the Village had approved another cannabis dispensary operator for special use, but they were unable to proceed with the project. This resulted in the loss of a key special-use location, leading to missed employment opportunities and the absence of a convenient and secure environment for patients and customers to purchase cannabis. Additionally, the Village lost out on anticipated cannabis tax revenues.

Consume Antioch subsequently expressed interest in developing a permanent store on an undeveloped site and inquired about the possibility of operating a temporary, state-approved, and compliant facility during the construction period. Recognizing the benefits this arrangement would provide to both our residents and the Village, we worked closely with Consume Antioch to facilitate the temporary location.

Since commencing operations, Consume Antioch has contributed approximately \$50,000 per month in payroll, much of which benefits local residents and is reinvested into the community. In addition, the dispensary has provided approximately \$15,000 per month to the Village's general fund, representing significant new revenue.

The construction of the permanent location is projected for completion early in the fourth quarter of this year, at which point the Village will also begin receiving property tax revenue from what was previously an undeveloped site. With over 100,000 people transacting in our trade area, Consume Antioch has been an invaluable addition to our community, and we look forward to continuing this successful partnership.

Sincerely,

Scott J. Gartner

Mayor of Antioch, Illinois





May 17, 2023

To whom it may concern:

The City of St. Charles greatly appreciates the contributions Consume Cannabis has made to the local business community by collaborating with nearby businesses, such as Global Brew, La Huerta, and West Valley Graphics.

Consume Cannabis has revitalized a retail location that has been unoccupied for 12 years, infusing fresh energy into the area. We genuinely hope for Consume Cannabis to continue thriving in St. Charles for many more years.

Best regards,

Lora A. Vitek

Mayor

MAYOR Paul Esposito

CITY CLERK Michael Shadley

CITY
ADMINISTRATOR
James Ritz



City of Oakbrook Terrace

WARD 1 Alderman Charlie Barbari Alderman Joseph Beckwith

WARD 2 Alderman Frank Vlach Alderman Dennis Greco

WARD 3 Alderman Robert Rada Alderwoman Mary Fitzgerald

May 22, 2023

To Whom It May Concern:

I would like to take this opportunity to extend our sincere appreciation to the business partnership we have with Consume Cannabis Company of Oakbrook Terrace. Since opening for business in our City of Oakbrook Terrace, the Consume Cannabis Company has provided the highest quality of professional services which exemplifies a tremendous product and customer service centric business model.

Establishing a great business model begins with meeting all mandatory State of Illinois and City of Oakbrook Terrace licensing requirements specifically related to their business operations -- along with hiring quality personnel which Consume Cannabis Company has exceeded in all aspects. Consume Cannabis has brought on a great staff who are highly trained and who meet all state and local training requirements while also educating the public about their business and service operations.

The City of Oakbrook Terrace truly values our business partnership and relationship with Consume Cannabis.

Please feel free to contact me if you would like further information regarding this communication.

Sincerely,

James Ritz

City Administrator



Memorandum

To: Planning and Zoning Commission

From: Sara Mendez, Planner I

Krysti Barksdale-Noble, Community Development Director

CC: Bart Olson, City Administrator

Date: October 2, 2024

Subject: PZC 2024-23 – Timothy A. Tremain (Rezoning)

1.5 Review

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 petitioner, Timothy A. Tremain is requesting an approval of a map amendment (rezoning) for 3.6 +/- acres located on the north side of River Road and approximately 0.75 miles from East Eldamain Road between 11327 and 11209 River Road from R-1 One-Family Residential District to R-3 One-Family Residential District. The purpose of the request is to construct a maximum of two (2) single-family houses. The real property is located immediately north of River Road and approximately 0.75 miles from East Eldamain Road in unincorporated Kendall County.

PROPERTY BACKGROUND:

The property is located in between 11327 and 11209 River Road unincorporated Kendall County, within Lot 1 of the Glen Nelson Subdivision. The approximately 3.6 +/acres of property consists of one (1) parcel totaling ~114,350 sq. ft. Currently owned by Timothy A. Tremain, the property is currently unimproved. The property fronts River Road and has one (1) access point off River Road. The property is immediately west of Yorkville's boundary, corporate approximately 0.94 miles (~4500 feet) from the White Oak Estates Subdivision.



The property is zoned as R-1 One-Family Residential District and underwent a map amendment (rezoning) in 2007 by Kenall County. In 2007, Ordinance 2007-03 granted the rezoning of the property from A-1 Agricultural District to R-1 One-Family Residential District.

REQUEST SUMMARY:

The petitioner, Timothy A. Tremain, is solely requesting the rezoning of the parcel from R-1 One-Family Residential District to R-3 One-Family Residential District. Due to the property being less than 10 acres in size, the property is eligible for rezoning under Section 8:07.H of the Kendall County Zoning Ordinance, which states, "no parcel originally larger than ten (10) acres in size shall qualify for rezoning to this category after January 1, 2001, unless an application has been submitted for such rezoning prior to that date".

Although, the names of the zoning district are identical, there are significant differences in density between the two zoning districts. To highlight the significant differences between the Bulk and Dimensional Standards of the Kendall County's R-1 One-Family Residential District, R-3 One-Family Residential District, and the City of Yorkville's R-3 Multi-Family Attached Residence District. the table below provides a clear comparison.

	Kendall County Regulations for R-1 One-Family Residential District	Kendall County Regulations for R-3 One- Family Residential District	City of Yorkville Regulations for R-3 Multi-Family Attached Residence District
Minimum Lot Size	130,000 sq. ft.	45,000 sq. ft.	9,200 sq. ft.
Minimum Lot Width	200 feet	Width at the established building line equal to forty percent of the depth.	70 feet (90 feet for attached units)
Maximum Lot Coverage	10%	20%	70%
Minimum Front Setback	1. 150 feet from the roadway centerline when fronting on a Federal, State or County roadway or 100 feet from the right-of-way, whichever is greater. 50 feet from the right-of way or access easement on all township or private roadways	50 feet	30 feet
Minimum Side Setback	50 feet	1. Interior lots recorded before October 18, 2005: 10% of the lot width 2. Interior lots recorded after October 18, 2005: 15 feet or 10% of the lot width 3. Side yard adjacent to a street: 30 feet	10 feet (20 feet for side yards adjoining a street)

Minimum Rear Setback	50 feet	50 feet	30 feet
Maximum Building Height	1. One-family detached dwellings: 40 feet and not more than two and one-half stories Other non-residential permitted or conditional buildings and structures: shall not exceed 45 feet and not more than three stories in height	1. One-family detached dwellings: 40 feet and not more than two and one-half stories Other non-residential permitted or conditional buildings and structures: shall not exceed 45 feet and not more than three stories in height	80 feet (30 feet for dwelling unit)

The primary differences between Kendall County's R-1 and R-3 One-Family Residential Districts center around lot size, lot coverage, and density. The R-1 district requires significantly larger lots, with a minimum size of 130,000 square feet and a width of 200 feet, while the R-3 district allows for smaller lots, with a minimum size of 45,000 square feet and a width equal to 40% of the lot's depth. Additionally, R-1 zoning permits less lot coverage, with a maximum of 10%, compared to 20% in R-3, leading to a more spacious, lower-density feel in R-1 areas. Although both districts share similar rear setbacks and building height restrictions, side yard setbacks in R-1 are uniformly 50 feet, whereas R-3 has variable side setbacks depending on the lot's width and when it was recorded

Lastly, the proposed rezoning request is still much larger than the lot sizes typically found in the City of Yorkville's R-3 Multi-Family Attached Residence District.

YORKVILLE COMPREHENSIVE PLAN:

Yorkville's 2016 Comprehensive Plan designation for this property is Estate/Conservation Residential. The Estate/Conservation Residential 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 proposed addition of approximately two (2) new single-family homes on 3.6 ± 7 acres, along with the requested rezoning of the property to the R-3 One-Family Residential District is consistent with Yorkville's Comprehensive Plan land use designation for this property. This consistency is due to the low density nature of the proposed development, which aligns with the Estate/Conservation Residential neighborhood.

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 City Council on October 22, 2024. This item was delivered to the City on August 23, 2024.

PROPOSED MOTION

In consideration of the proposed mile and one-half review of Kendall County Petition 24-26 for a map amendement 3.6 +/- acres located immediately north of River Road and approximately 0.75 miles from East Eldamain Road, between 11327 and 11209 River Road, from R-1 One-Family Residential District to R-3 One-Family Residential District, the Planning and Zoning Commission recommends to the City Council to (object or not to object) to the request.

ATTACHMENTS

1. Application with Attachments



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 203
Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

Petition 24-26 Timothy A. Tremain Map Amendment Rezoning from R-1 to R-3

INTRODUCTION

The Petitioners would like a map amendment rezoning approximately three point six more or less (3.6 +/-) acres located on north side of River Road between 11327 and 11209 River Road from R-1 One Family Residential District to R-3 One Family Residential District in order to build two (2) houses at the property.

The property was rezoned in 2007 by Ordinance 2007-03 and is Lot 1 of the Glen Nelson Subdivision.

The property is less than ten (10) acres in size as is eligible for rezoning under Section 8:07.H of the Kendall County Zoning Ordinance.

As of the date of this memo, the Petitioner has not indicated if they will be dividing the land through a Plat Act Exemption or if they will be pursuing a re-subdivision of the property.

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

SITE INFORMATION

PETITIONERS: Tim A. Tremain

ADDRESS: Between 11327 and 11209 River Road, Plano

LOCATION: North Side of River Road Approximately 0.75 Miles East of Eldamain Road



TOWNSHIP: Bristol

PARCEL #s: 02-30-400-013 and 02-31-201-014

LOT SIZE: 3.6 +/- Acres

EXISTING LAND Vacant

USE:

ZONING: R-1 One Family Residential District

LRMP:

Future Land Use	Rural Residential (Max 0.60 DU/Acre) (County) Estate/Conservation Residential (Yorkville)
Roads	River Road is a Township maintained Minor Collector.
Trails	The zoning plat (Attachment 2) shows a fifteen foot (15') trail easement along the southern portion of the property.
Floodplain/ Wetlands	There are no floodplains or wetlands on the property

REQUESTED ACTION:

Map Amendment Rezoning Property from R-1 One Family Residential District to R-3

One Family Residential District

APPLICABLE Section 13:07 – Map Amendment Procedures REGULATIONS:

SURROUNDING LAND USE

Location	Adjacent Land Use	Adjacent Zoning	Land Resource Management Plan	Zoning within ½ Mile
North	Agricultural	R-1	Rural Residential (County)	A-1 (County)
			Estate/Conservation Residential	
			(Yorkville)	
South	Wooded and Single- Family Residential	R-3	Rural Residential (County)	R-3 (County) There are homes on the south side of the
			Estate/Conservation Residential (Yorkville)	Fox River inside Yorkville within a ½ mile
East	Single-Family Residential	A-1	Rural Residential (County)	A-1, A-1 SU, and R-3
			Estate/Conservation Residential	
			(Yorkville)	
West	Single-Family Residential and Private Road	R-1	Rural Residential (County)	A-1 (County)
	1.600		Estate/Conservation Residential	
			(Yorkville)	

The A-1 special use permits to the east is for a campground (PNA Camp).

PHYSICAL DATA

ENDANGERED SPECIES REPORT

EcoCAT Report submitted and consultation was terminated; there were protected resources in the area, but adverse impacts were unlikely (see Attachment 1, Pages 12 and 13).

NATURAL RESOURCES INVENTORY

The application for NRI was submitted on August 20, 2024 (see Attachment 1, Page 11).

ACTION SUMMARY

BRISTOL TOWNSHIP

Petition information was sent to Bristol Township on August 23, 2024.

UNITED CITY OF YORKVILLE

Petition information was sent to the United City of Yorkville on August 23, 2024.

BRISTOL-KENDALL FIRE PROTECTION DISTRICT

Petition information was sent to the Bristol-Kendall Fire Protection District on August 23, 2024.

GENERAL INFORMATION

The Petitioners would like to rezone the property in order to build a maximum of two (2) houses on the property.

BUILDING CODES

The site is currently vacant. Any future buildings would have to meet applicable building codes.

UTILITIES

No utility information was provided.

ACCESS

The property fronts Glen Nelson Drive, which is a private road. The zoning plat (Attachment 2) notes that the property cannot access River Road.

PARKING AND INTERNAL TRAFFIC CIRCULATION

Any parking would be for residential purposes.

ODORS

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

LIGHTING

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

LANDSCAPING AND SCREENING

Landscaping would be for residential uses.

SIGNAGE

Signage would be for residential purposes and would have to meet applicable regulations.

NOISE CONTROL

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

STORMWATER

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

FINDINGS OF FACT-MAP AMENDMENT

§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 and single-family residential purposes.

The Zoning classification of property within the general area of the property in question. The surrounding properties are zoned A-1, R-1, and R-3. In particular, the properties immediate south of the subject property are zoned R-3.

The suitability of the property in question for the uses permitted under the existing zoning classification. One (1) single-family home could be built on the subject property under the present R-1 zoning classification. If a property owner wanted to construct additional homes, a map amendment to a zoning district that allows for small lots, such as the R-3 zoning classification, would be needed.

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

Consistency with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. The subject property is classified as Rural Residential on the Future Land Use Map and the R-3 Zoning District is consistent with this land classification.

RECOMMENDATION

Staff recommends approval of the proposed map amendment and variance.

ATTACHMENTS

- 1. Application Materials
- 2. Zoning Plat

PROJECT NAME Tremain



DEPARTMENT OF PLANNING, BUILDING & ZONING

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

FILE #:

APPLICATION

COMO			
NAME OF APPLICANT	(Including First, Middle Initial, and Last Name)	
Tim A. Tremain		**	
CURRENT LANDOWN	ER/NAME(s)		
Tim A. Tremain			
SITE INFORMATION ACRES	SITE ADDRESS OR LOCATION		ID NUMBER (PIN)
3.6318	River Road, Yorkville, IL 60560	02-30-400-	013 and 02-31-201-014
EXISTING LAND USE	CURRENT ZONING	LAND CLASS	IFICATION ON LRMP
vacant land	R1	Residenta	al
REQUESTED ACTION	(Check All That Apply):		
SPECIAL USE	X MAP AMENDMENT (Rezon	e to R=3	VARIANCE
ADMINISTRATIVE	ARIANCEA-1 CONDITIONAL USE for	-	SITE PLAN REVIEW
TEXT AMENDMEN	TRPD (Concept;Pre	eliminary; Final)	ADMINISTRATIVE APPEAL
PRELIMINARY PLA	T FINAL PLAT		OTHER PLAT (Vacation, Dedication, etc.)
AMENDMENT TO			
'PRIMARY CONTACT Daniel J. Kramer	PRIMARY CONTACT MAILI	NG ADDRESS	PRIMARY CONTACT EMAIL
PRIMARY CONTACT P	HONE# PRIMARY CONTACT FAX	*	PRIMARY CONTACT OTHER #(Cell, etc.)
² ENGINEER CONTACT NONE	ENGINEER MAILING ADDR	RESS	ENGINEER EMAIL
ENGINEER PHONE #	ENGINEER FAX #		ENGINEER OTHER # (Cell, etc.)
I UNDERSTAND THAT BY SIGNING THIS FORM, THAT THE PROPERTY IN QUESTION MAY BE VISITED BY COUNTY STAFF & BOARD/ COMMISSION MEMBERS THROUGHOUT THE PETITION PROCESS AND THAT THE PRIMARY CONTACT LISTED ABOVE WILL BE SUBJECT TO ALL CORRESPONDANCE ISSUED BY THE COUNTY. I CERTIFY THAT THE INFORMATION AND EXHIBITS SUBMITTED ARE TRUE AND CORRECT TO THE			
BEST OF MY KNO	WLEDGE AND THAT I AM TO FILE TO	HIS APPLICATIO	N 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			DATE
X			8/20/2024
	FEE PAID:\$		

CHECK #:

Last Revised: 10.17.22

¹Primary Contact will receive all correspondence from County ²Engineering Contact will receive all correspondence from the County's Engineering Consultants

Attachment 1, Page 2

Tremain Map Amendment Findings of Fact

- Contiguous and nearby properties are used for low density Single-Family
 Residences and a mixture of Agricultural uses, as well as Forested land which
 remains in its natural state.
- 2. There is a combination of R-1 Single Family, R-3 Single Family, and A-1 Zoning Districts.
- 3. The property primarily consists of vacant land R-1 Zoned Residential Land.
- 4. The trend of development has been slow growth R-1, R-3, and A-1 Allocation Single Family Residences.
- 5. The proposed use is consistent with the Kendall County Comprehensive Plan providing for low density Single Family Residential uses when there is a low Agricultural productivity and Low Site rating under the Kendall County LESA Rating Systems; as well as the United City of Yorkville Comprehensive Plan which shows low density Single-Family Residences being developed within a Mile and ½ of the City Limits.

LEGAL DESCRIPTION OF TRACT TO BE REZONED:

Lot 1 of Glen Nelson Subdivision, being a Subdivision of Part of the Northeast Quarter of Section 31 and Part of the Southeast Quarter of Section 30, Township 37 North, Range 7 East of the Third Principal Meridian in Bristol Township, Kendall County, Illinois, according to the Plat thereof recorded June 20, 2007 as Document 200700019233,

LEGAL DESCRIPTION OF TRACT "A":

That Part of Lot 1 of Glen Nelson Subdivision, Bristol Township, Kendall County, Illinois, according to the Plat thereof recorded June 20, 2007 as Document 200700019233, described as follows: Beginning at the Northwest Corner of said Lot 1; thence Southerly, along the West Line of said Lot 1, a distance of 198.03 feet; thence Easterly, perpendicular to the last described course 337.60 feet to the East Line of said Lot 1; thence Northerly, along said East Line which forms an angle of 93°58'36" with the last described course (measured clockwise therefrom), 182.10 feet to the Northeast Corner of said Lot 1; thence Westerly, along the North Line of said Lot 1, a distance of 350.61 feet to the point of beginning in Bristol Township, Kendall County, Illinois.

LEGAL DESCRIPTION OF TRACT "B":

Lot 1 of Glen Nelson Subdivision, Bristol Township, Kendall County, Illinois, according to the Plat thereof recorded June 20, 2007 as Document 200700019233, EXCEPT that Part described as follows: Beginning at the Northwest Corner of said Lot 1; thence Southerly, along the West Line of said Lot 1, a distance of 198.03 feet; thence Easterly, perpendicular to the last described course 337.60 feet to the East Line of said Lot 1; thence Northerly, along said East Line which forms an angle of 93°58'36" with the last described course (measured clockwise therefrom), 182.10 feet to the Northeast Corner of said Lot 1; thence Westerly, along the North Line of said Lot 1, a distance of 350.61 feet to the point of beginning in Bristol Township, Kendall County, Illinois.

WARRANTY DEED

Statutory (Illinois)

THE GRANTORS, GLEN A. NELSON and PAMALA A. NELSON, Husband and Wife



for and in consideration of Ten and 00/100 Dollars in hand paid, CONVEY AND WARRANT TO

TIM TREMAIN

whose address is:

all interest in the following described Real Estate situated in the County of Kendall In the State of Illinois, to wit:

SEE ATTACHED LEGAL DESCRIPTION

SUBJECT TO:

Existing easements, covenants, and restrictions of record, and 2006 and subsequent years real estate taxes.

hereby releasing and waiving all rights under and by virtue of the Homestead Exemption Laws of the State of Illinois.

Permanent Real Estate Index Number: Part of 02-31-201-008 Address of Real Estate: Vacant land on River Road, Plano, IL 60545

COUNTY OF KENDALL REAL ESTATE TRANSFER TAIL

ted for Record in COMMAN COMPAN HALFMOND 015 080ERBON 1 08 2006 06 1 11 40

Dated this 28# Day of_

GLEN A. NELSON

PAMALA A. NELSON

STATE OF ILLINOIS DEC.-8.06 KENDALL COUNTY



Ticor Title 674 Veterans Pkwy. #C Yorkville II ROSEN

Warranty Deed - Statutory

STATE OF ILLINOIS
)
SS
COUNTY OF

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, CERTIFY THAT Glen A. Nelson & Pamala A. Nelson personally known to me to be the same persons whose name s are subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that they signed, sealed and delivered this 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 28 cl Day of 1 1 20 06.

Notary Public

SEND SUBSEQUENT TAX BILLS TO:

Tim Tremain

Law Offices of Daniel J. Kramer 1107A S. Bridge Street Yorkville, IL 60560 630-553-9500

AFTER RECORDING RETURN TO:

THIS DOCUMENT PREPARED BY;

Law Offices of Daniel J. Kramer 1107A S. Bridge Street Yorkville, IL 60560 "OFFICIAL SEAL"
ANNA MARIE RANSON
Notary Public, State of Illinois
My Commission Expires 08/12/10

November 28, 2006

METES AND BOUNDS LEGAL DESCRIPTION OF PROPOSED LOT 1 AND PART OF RIVER ROAD

GLEN NELSON SUBDIVISION, BRISTOL TWP., KENDALL CO., ILLINOIS:

LEGAL DESCRIPTION OF PROPOSED LOT 1 AND PART OF RIVER ROAD:

That part of the Southeast Quarter of Section 30 and that part of the Northeast Quarter of Section 31, Township 37 North, Range 7 East of the Third Principal Meridian described as follows: Commencing at the Northeast Corner of said Northeast Quarter; thence Southerly, along the East Line of said Northeast Quarter, 268.29 feet to the centerline of River Road; thence Southwesterly, along said centerline, 1337.30 feet to the East Line of a Tract conveyed to Lloyd E. Nelson by a Warranty Deed recorded as Document 72-1896, as said Line is monumented and occupied, for the point of beginning; thence Northerly, along said East Line, 494.81 feet; thence Westerly, along a line which forms an angle of 88°42'02" with the last described course, measured clockwise therefrom, 350.61 feet; thence Southerly, along a line which forms an angle of 87°19'22" with the last described course, measured clockwise therefrom, 554.09 feet to said centerline; thence Easterly, along said centerline, 318.97 feet to the point of beginning in Bristol Township, Kendall County, Illinois, containing 4.0000 acres.

Attachment 1, Page 7

PLAT ACT AFFIDAVIT (FILE WITH THE RECORDER OF DEEDS OF KENDALL COUNTY)

STATE	OF ILLINOIS)	DOCUMENT #	
COUN	TY OF KENDALL)ss.)	DOCOMENT#	
DANII	EL J. KRAMER		, being duly sworn on oath, states that he resides at	
			That the attached deed represents:	
5	November 6780-set on the Lo			
1.	The subject property is u	ınsubdivided prop	perty.	
2.	A distinct separate parce	l qualifying for a	Kendall County building permit prior to August 10, 1971.	
3.	The division of subdivision streets or easements of a		into parcels or tracts of five acres or more in size which does not involve any new	
4.	The division is of lots or easements of access.	blocks of less tha	an one acre in any recorded subdivision which does not involve any new streets or	
5.	The sale of exchange of	parcels of land is	between owners of adjoining and contiguous land.	
6.	The conveyance is of par which does not involve a		terests therein for use as right of way for railroads or other public utility facilities, easement of access.	
7.	The conveyance is of land owned by a railroad or other public utility which does not involve any new streets or easements of access.			
8.	The conveyance is of land for highway or other public purposes or grants of conveyances relating to the dedication of land for public use or instruments relating to the vacation of land impressed with a public use.			
9.	The conveyance is made	to correct descrip	ptions in prior conveyances.	
10.			s of land following the division into no more than two parts of a particular parcel or d not involving any new streets or easements of access.	
11.	single lot is the first sale	from said larger t	acres from a larger tract, evidenced by a survey made by a registered surveyor which ract as determined by the dimensions and configurations thereof on October 1, 1973 requirements applicable to the subdivision of land.	
	CIRCL	E NUMBER AB	OVE WHICH IS APPLICABLE TO ATTACHED DEED,	
	further states that <u>he</u> not		DANIEL J. KRAMER, Attorney at Law	
SURSC	RIBED AND SWORN to	before me		
0	4		/	
this 20	Iday of Mouly	400		
	Notary Public			

"OFFICIAL SEAL"

ANNA MARIE RANSON

Notary Public, State of Illinois

My Commission Expires 08/12/10



WARRANTY DEED

FAJ711650 Mail to:

Tim Tremain

2010000002510

GILLETTE KENDALL COUNTY, IL

RECORDED: 2/8/2010 1:05 PM MD: 170.25 RHSPS FEE: 10.00 PAGES: 3

Name and address of taxpayer:

Tim Tremain

THE GRANTORS, Glen A. Nelson and Pamala A. Nelson, husband and wife, of for and in consideration of TEN DOLLARS, and other good and valuable consideration in hand paid, CONVEY and WARRANY to Tim Tremain, the following described Real Estate situated in the County of Kendall, in the State of Illinois, to wit:

Legal Description Attached

hereby releasing and waiving all rights under and by virtue of the Homestead Exemption Laws of the State of Illinois, 735 ILCS 5 12-901, et sed, SUBJECT TO: (1) general real estate taxes for 2009 and subsequent years; and (2) covenants, conditions and restrictions of record. THIS IS NOT HOMESTEAD PROPERTY.

Permanent Index Numbers: 02-30-400-010, 02-30-400-012 02-30-400-013

Property Address: Lot 2, Glen Nelson Subdivision, River Rd, Plano, Illinois

DATED this 23rd day of December, 2009.

(SEAL)

Seller

(SEAL)

Seller

Glen A. Nelson

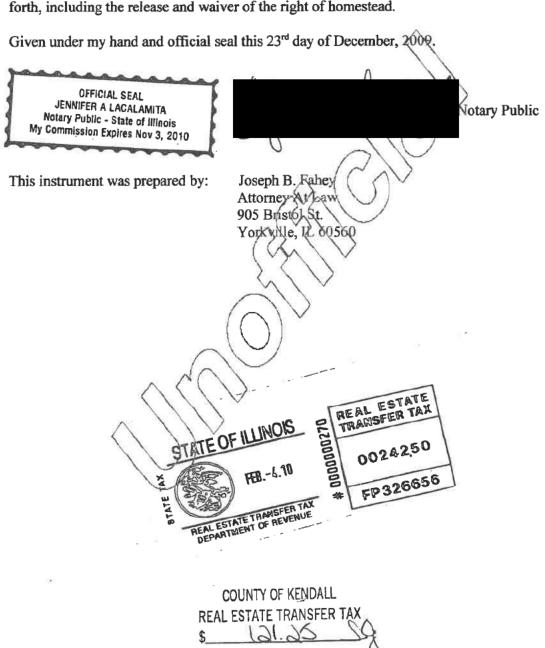
Pamala A. Nelson

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

CHAGO TITLE RESURANCE CO.

STATE OF ILLINOIS)
) ss
COUNTY OF KENDALL)

I, the undersigned, a Notary Public, in and for the County and State aforesaid, DO HEREBY CERTIFY that Glen A. Nelson and Pamala A. Nelson, personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that they signed 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.





CHICAGO TITLE INSURANCE COMPANY

ORDER NUMBER: 1410 SA3733050 YK

STREET ADDRESS: LOT 2 GLEN NELSON SUBDIVISION,

RIVER ROAD

CITY: PLANO

COUNTY: KENDALL

TAX NUMBER: 02-30-400-010-0000

LEGAL DESCRIPTION:

LOT 2 IN GLEN NELSON SUBDIVISION, BEING A SUBDIVISION OF PART OF THE NORTHEAST QUARTER OF SECTION 31 AND PART OF THE SOUTHEAST QUARTER OF SECTION 30, TOWNSHIP 37 NORTH, RANGE 7, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN PRISTOL TOWNSHIP, KENDALL COUNTY, ILLINOIS, RECORDED JUNE 20, 2007 AS DOCUMENT 200700019233.

LEGALD

KSB

02/04/10



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



	NATURAL NE	SOURCE INFORM	IATION (INI)	REPORT APPLI	CATION		
Petitioner: Ti	m A. Tremain		Contact Person	Daniel J. Kramer			
Address							
City, State, Zip): 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1						
Phone Number	eri				-15		
Email:							
Plea	se select: How would y	ou like to receive a co	ppy of the NRI Rep	oort? 🗹 Email 🗌	Mail		
	& Proposed Use			125 (2000)000 77	() 20		
Township Nar	ne Bristoi	12 and 02 21 201 01	Township 37	N, Range /	E, Section(s) 30		
Parcel Index N	lumber(s) 02-30-400-0	13 and 02-31-201-01	4	Number of As	3 6318		
	division Name Tremain f Site vacant land		Number of Acres 3.6318 Proposed Use 2 single family homes				
Proposed Nur			Proposed Numbe				
	ter Supply indivdual wel				nent individual septic		
	of Storm Water Manag		, roposed type of				
- A - A - A - A - A - A - A - A - A - A							
Type of Requi		to R-3					
	Zoning from R-1 Please describe fully on			- 0			
] 	se Permit (Please describ	[1] - [1] 1 [1] 1 [1] 1 [1] 1 [1] 1 [1] 1 [1] 1 [1] 1 [1] 1 [1] 1 [1] 1 [1] 1 [1] 1 [1] 1 [1] 1 [1] 1 [1] 1 [1]	age)				
Name of Cour	ity or Municipality the re	equest is being filed w	rith: Kendall Cou	nty Planning, Build	ing, and Zoning		
Concept f If availabl NRI fee (F The NRI fe	ive Summary Report: \$3	ons of proposed lots, d tile map, copy of soi able to Kendall County re as follows: res and under, plus \$1 100.00 (KCSWCD staff v	buildings, roads, and looring and loor was swCD) 8.00 per acre for early will determine whe	stormwater detenti etland studies each additional acre o	on, open areas, etc. or any fraction thereof over five. report will be necessary.)		
	Fee	for first five acres and	7. Table 1984 1984 1984 1984 1984 1984 1984 1984	375.00			
	Toh	Additional Acres a al NRI Fee	at \$18.00 each	375.00			
	A(0.5)		SA SE SECTION				
	itions are due by the 1 st submitted, please allow				g Agenda. Once a completed eport.		
Conservation		and conduct an evalu			ndall County Soil and Water he completed NRI report		
	Xc		7.	8/2	0/2024		
	Petitioner	or Authorized Agent		D	ate		
This rep	ort will be issued on a nondiscr	iminatory basis without rega	ard to race, color, religi	on, national origin, age, se	ex, handicap or marital status.		
FOR OFFICE !!	CF CANY						
FOR OFFICE U	Date initially recid	Data all re	oc'd	Board Meeting			
Fee Due S	Date initially rec'd Fee Paid \$	Check #	Over/Unde	er Pavment	Refund Due		
	1,00,1010,7	Olicon II					





08/20/2024

IDNR Project Number: 2502416

Applicant:

Tim A. Tremain

Contact: Address: DANIEL J. KRAMER

Project:

Tremain

Address:

River Road, Yorkville

Description: Rezone property from R-1 to R-3 to build two single family homes

Natural Resource Review Results

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

The Illinois Natural Heritage Database shows the following protected resources may be in the vicinity of the project location:

Fox River INAI Site

Butternut (Juglans cinerea)

Mottled Sculpin (Cottus bairdii)

Mottled Sculpin (Cottus bairdii)

Osprey (Pandion haliaetus)

River Redhorse (Moxostoma carinatum)

Rusty Patched Bumble Bee (Bombus affinis)

An IDNR staff member will evaluate this information and contact you to request additional information or to terminate consultation if adverse effects are unlikely.

Location

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

County: Kendall

Township, Range, Section:

37N, 7E, 30

37N, 7E, 31

IL Department of Natural Resources Contact

Adam Rawe 217-785-5500

Division of Ecosystems & Environment



Government Jurisdiction

Kendall County Planning, Building, and Zoning Matt Asselmeier 111 W. Fox Street

Yorkville, Illinois 60560



Illinois Department of **Natural Resources**

JB Pritzker, Governor

One Natural Resources Way Springfield, Illinois 62702-1271 http://dnr.state.il.us

Natalie Phelps Finnie, Director

August 20, 2024

DANIEL J. KRAMER

Tim A Tremain

RE: Tremain

Project Number(s): 2502416

County: Kendall

Dear Applicant:

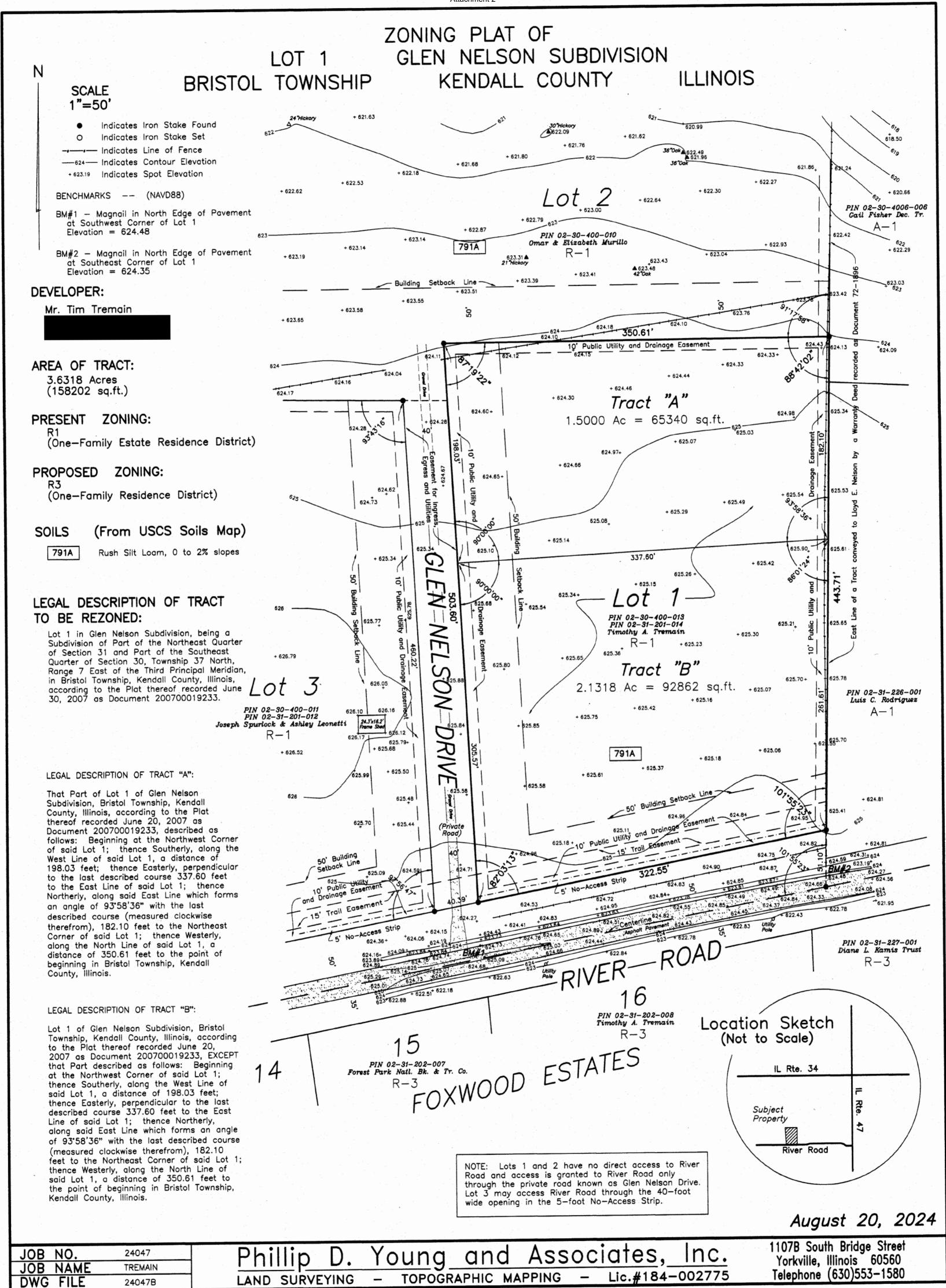
This letter is in reference to the project you recently submitted for consultation. The natural resource review provided by EcoCAT identified protected resources that may be in the vicinity of the proposed action. The Department has evaluated this information and concluded that adverse effects are unlikely. Therefore, consultation under 17 Ill. Adm. Code Part 1075 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.

The natural resource review reflects the information existing in the Illinois Natural Heritage Database at the time of the project submittal, 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, you must comply with the applicable statutes and regulations. Also, note that termination does not imply IDNR's authorization or endorsement of the proposed action.

Please contact me if you have questions regarding this review.

Adam Rawe Division of Ecosystems and Environment 217-785-5500





Memorandum

To: Planning and Zoning Commission

From: Sara Mendez, Planner I

Krysti Barksdale-Noble, Community Development Director

CC: Bart Olson, City Administrator

Date: October 2, 2024

Subject: PZC 2024-24 – Steve W. Jeffers on behalf of Revolution Investments,

LLC

1.5 Mile Review

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 petitioner, Steve W. Jeffers on behalf of Revolution Investments, LLC, are requesting approval of a Plat of Vacation to vacate the public easements between two (2) parcels (Lots 110 and 111) within the Whitetail Ridge subdivision. The purpose of the request is to construct a home in the center of the combined lots. The real property is located at 5862 and 5834 Championship Court, which is generally located at the north of the East Schoolhouse Road (IL Route 126) between Grove Road and Hopkins Road in unincorporated Kendall County.

PROPERTY BACKGROUND:

The property is located at 5862 and 5834 Championship Court in unincorporate Kendall County. The approximately 1.5-acre property, platted as two (2) separate parcels each totaling ~66,867 sq. ft. Currently, the property is unimproved. While the parcel is not immediately adjacent to incorporated Yorkville, it is approximately 2.3 miles (~12,200 feet) east of the Prestwick of Ashley Pointe subdivision.

REQUEST SUMMARY:

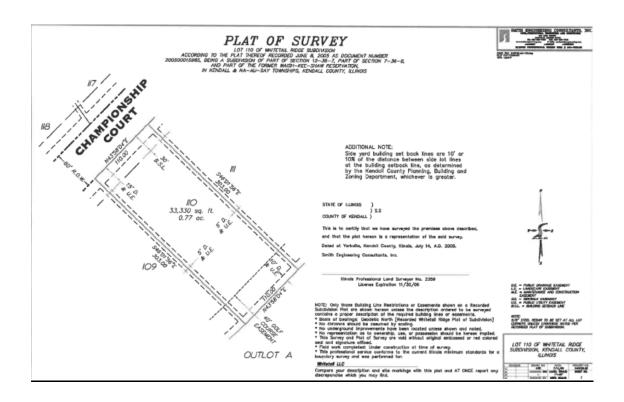
The petitioners are proposing to vacate the existing combined ten (10) foot drainage and utility easements between Lots 110 and 111 within the Whitetail Ridge for the purpose of constructing a home in the center of the combined lots.

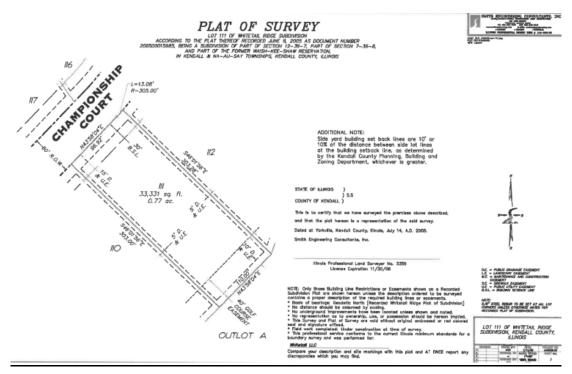
The County's engineering consultant,

WBK Engineering, reviewed the vacation of



the easement from the drainage perspective proposed and does not oppose the request to vacate the easements. The Whitetail Ridge Homeowners Association (HOA) also is agreeable to the request.





YORKVILLE COMPREHENSIVE PLAN:

Yorkville's 2016 Comprehensive Plan designation for this property is Estate/Conservation Residential. This future land use is intended to provide flexibility for residential design in areas 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 current land use within an open space golf course development and the proposed detached single-family home on a 1.5-acre lot is consistent with Yorkville's Comprehensive Plan land use designation for

this property. If approved, the proposed plat of vacation does not alter the land use and maintains its consistency with the areas future land use plans.

STAFF COMMENTS

Staff has reviewed the request for easement vacation and generally does not oppose the request. It will not affect the existing drainage within the planned development. Additionally, the land use is consistent with the City's Comprehensive Plan and the vacation of the drainage and utility easements will not affect the future use of the land as it will remain residential in nature.

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 City Council at the October 22, 2024 meeting. This item was delivered to the City on August 23, 2024.

PROPOSED MOTION

In consideration of the proposed mile and half review of Kendall County Petition 24-27 for a plat of vacation to vacate the public utility easement between two (2) parcels (Lots 110 and 111) within the Whitetail Ridge Subdivision commonly known as 5862 and 5834 Championship Court, the Planning and Zoning Commission recommends the City Council to (object or not object) to the request.

ATTACHMENTS

1. Application with Attachments



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 203 Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

Petition 24-27

Steve W. Jeffers on Behalf of Revolution Investments, LLC Plat of Vacation of a Drainage and Utility Easement in Whitetail Ridge Subdivision

INTRODUCTION

A ten foot (10') drainage and utility easement presently exists between Lots 110 and 111 in Whitetail Ridge Subdivision. The Petitioner own the subject lots and would like to construct a home in the center of the combined lots.

SITE INFORMATION

PETITIONER Steve W. Jeffers on Behalf of Revolution Investments, LLC

ADDRESS 5682 and 5834 Championship Court, Yorkville (Lots 110 and 111 of Whitetail Ridge)

LOCATION Approximately 0.10 Miles Northwest of the Intersection of Clubhouse Drive and Championship Court on the South Side of Championship Court



TOWNSHIP Na-Au-Say Township

PARCEL #s 06-07-374-004 and 06-07-374-005

LOT SIZE 1.5 +/- Acres

EXISTING LAND Residential/Vacant

USE

ZONING RPD-2

LRMP

Current Land Use	Vacant One-Family Residential
Future Land Use	Rural Residential (Max 0.65 Du/Acre)
Roads	Championship Court is a Township Road classified as a Local Road
Trails	None
Floodplain/ Wetlands	None

REQUESTED ACTION

Vacate a Ten Foot (10') Drainage and Utility Easement Between Lots 110 and 111

APPLICABLE REGULATIONS

Section 7.06 (Subdivision Control Ordinance)

SURROUNDING LAND USE

Location	Adjacent Land Use	Adjacent Zoning	Land Resource Management Plan	Zoning within ½ Mile
North	Single-Family Residential	RPD-2	Rural Residential (Max 0.65 DU/Acre)	N/A
South	Open Space (Golf Course)	RPD-2 SU	Open Space (Golf Course)	N/A
East	Open Space (Golf Course)	RPD-2 SU	Open Space (Golf Course)	N/A
West	Single-Family Residential	RPD-2	Rural Residential	N/A

The RPD-2 special use is for a golf course.

ACTION SUMMARY

NA-AU-SAY TOWNSHIP

Na-Au-Say Township was emailed information on August 23, 2024.

UNITED CITY OF YORKVILLE

The United City of Yorkville was emailed information on August 23, 2024.

BRISTOL-KENDALL FIRE PROTECTION DISTRICT

The Bristol-Kendall Fire Protection District was emailed information on August 23, 2024.

GENERAL

The application materials are included as Attachment 1. The plat of vacation is included as Attachment 2. The topographic information is included as Attachment 3.

On August 22, 2024, Greg Chismark sent an email stating that he had no objections to the vacation from a drainage perspective. This email is included as Attachment 4.

On August 22, 2024, a representative from the Whitetail Ridge Homeowners' Association submitted an email stating the HOA had no objections to the requested easement vacation. This email is included as Attachment 5.

As of the date of this memo, the Petitioner was still obtaining approvals from the utilities.

RECOMMENDATION

Staff recommends approval of the requested easement vacation provided that Lots 110 and 111 remain under the same ownership.

ATTACHMENTS

- 1. Application Materials
- 2. Plat of Vacation
- 3. Topographic Information
- 4. August 22, 2024, Email from WBK Engineering
- 5. August 22, 2024, Email from Homeowners' Association



DEPARTMENT OF PLANNING, BUILDING & ZONING

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

APPLICATION

PROJECT NAME	Revolution Investments, LLC	FILE #:	

CURRENT LANDOWNER/NAME Revolution Investments, LL			
SITE INFORMATION	SITE ADDRESS OR LOCAT		ASSESSOR'S ID NUMBER (PIN)
ACRES .0695 acres	Lots 110 and 111 Champ 60560	oionship Court, Yorkville, IL	06-07-374-004 06-07-374-005
EXISTING LAND USE	CURRENT ZONING	LAND CLASSIFICATION	ON ON LRMP
acant residential lots	PUD	PUD	
REQUESTED ACTION (Check A	Il That Apply):		
SPECIAL USE	MAP AMENDMENT	(Rezone to)V	ARIANCE
ADMINISTRATIVE VARIAN	CEA-1 CONDITIONAL U	JSE for: SI	TE PLAN REVIEW
TEXT AMENDMENT PRELIMINARY PLAT	RPD (Concept; FINAL PLAT	_ Preliminary; Final) AD _X_ OTH	MINISTRATIVE APPEAL ER PLAT (Vacation, Dedication, etc.)
	AL USE Major; Minor)		
PRIMARY CONTACT Attorney Daniel J. Kramer	PRIMARY CONTACT I	MAILING ADDRESS	PRIMARY CONTACT EMAIL
PRIMARY CONTACT PHONE #	PRIMARY CONTACT	FAX# PRIM	MARY CONTACT OTHER #(Cell, etc.)
*ENGINEER CONTACT	ENGINEER MAILING	ADDRESS	ENGINEER EMAIL
Eric at Todd Surveying			
	ENGINEER FAX #		ENGINEER OTHER # (Cell, etc.)
ENGINEER PHONE #			
		AT THE PROPERTY IN OU	ECTION MAY BE VICITED BY
I UNDERSTAND THAT BY COUNTY STAFF & BOAR THE PRIMARY CONTACT	D/ COMMISSION MEMBER	IAT THE PROPERTY IN QU RS THROUGHOUT THE PET SUBJECT TO ALL CORRES	TITION PROCESS AND THAT
I UNDERSTAND THAT BY COUNTY STAFF & BOAR THE PRIMARY CONTACT THE COUNTY. I CERTIFY THAT THE INF BEST OF MY KNOWLEDG ABOVE SIGNATURES. TO ALL DEBTS OWED TO KE	D/ COMMISSION MEMBER LISTED ABOVE WILL BE S ORMATION AND EXHIBITS SE AND THAT I AM TO FILE HE APPLICANT ATTESTS ENDALL COUNTY AS OF T	S THROUGHOUT THE PET	TITION PROCESS AND THAT PONDANCE ISSUED BY ND CORRECT TO THE ACT ON BEHALF OF THE DEBT OR CURRENT ON ATION.
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¹Primary Contact will receive all correspondence from County ²Engineering Contact will receive all correspondence from the County's Engineering Consultants

KENDALL COUNTY DISCLOSURE OF BENEFICIARIES FORM

1_{\parallel}	Applicant Revolution Investr	nents, LLC			
	Addres				
	City		State IL	Zip 60541	
2.	Nature of Benefit Sought Land	owner			
3.	Nature of Applicant: (Please che Natural Person (a) Corporation (b) Land Trust/Trustee (c) Trust/Trustee (d) Partnership (e) Joint Venture (f)		OM 0010	A	
4.	If applicant is an entity other the applicant: A Limited Liability Company	an described in Secti	on 3, briefly star	e the nature and characteri	stics of the
5.	If your answer to Section 3 you person or entity who is a 5% sha trust, a joint venture in the case profits and losses or right to con NAME	oreholder in case of a	corporation, a l	eneficiary in the case of a	trust or land
	Stephen Jeffers			50%	
	Angela Jeffers			50%	
6.	Name, address, and capacity of p		isclosure on beh	alf fithe applicant:	
naking ead the	this disclosure on behalf of the appropriate above and foregoing Disclosure obstance and fact.	blicant, that I am dul	eing first duly sw	yorn under oath that I am the make the disclosure, that I hats contained therein are true	2770
Subscrib	ped and swom to before me this	St day of A	ugust	, A.D. 2021	
seal)					
	"OFFICIAL S COLLEEN T HAN NOTARY PUBLIC, STATE O COMMISSION EXPIRES	SÓN PFILLINOIS 19188		Notary Public	



Business Entity Search

Entity Information

Entity

REVOLUTION INVESTMENTS LLC

Name

Principal

8942 WILCOX CT

Address

NEWARK,IL 605419119

File

11613802

Status

ACTIVE on 02-07-2024

Number

Entity Type

LLC

Type of

Jurisdiction

LLC

Domestic

Org.

Date/Admission03-23-2022

Date

Duration

PERPETUAL

Annual

Report

Agent

02-07-2024

Annual Report

2024

IL

Year

Filing Date

ANGIE JEFFERS

Information

Agent

Change

Date

03-23-2022

Services and More Information

Attachment 1, Page 4

Choose a tab below to view services available to this business and more information about this business.



Showing 1 to 2 of 2 entries

Previous 1 Next



5/1/2024 12:01PM Commitment for Title Insurance [2021 v. 01.00 (07-01-2021)]

ALTA COMMITMENT FOR TITLE INSURANCE issued by Fidelity National Title Insurance Company

NOTICE

IMPORTANT—READ CAREFULLY: THIS COMMITMENT IS AN OFFER TO ISSUE ONE OR MORE TITLE INSURANCE POLICIES. ALL CLAIMS OR REMEDIES SOUGHT AGAINST THE COMPANY INVOLVING THE CONTENT OF THIS COMMITMENT OR THE POLICY MUST BE BASED SOLELY IN CONTRACT.

THIS COMMITMENT IS NOT AN ABSTRACT OF TITLE, REPORT OF THE CONDITION OF TITLE, LEGAL OPINION, OPINION OF TITLE, OR OTHER REPRESENTATION OF THE STATUS OF TITLE. THE PROCEDURES USED BY THE COMPANY TO DETERMINE INSURABILITY OF THE TITLE, INCLUDING ANY SEARCH AND EXAMINATION, ARE PROPRIETARY TO THE COMPANY, WERE PERFORMED SOLELY FOR THE BENEFIT OF THE COMPANY, AND CREATE NO EXTRACONTRACTUAL LIABILITY TO ANY PERSON, INCLUDING A PROPOSED INSURED.

THE COMPANY'S OBLIGATION UNDER THIS COMMITMENT IS TO ISSUE A POLICY TO A PROPOSED INSURED IDENTIFIED IN SCHEDULE A IN ACCORDANCE WITH THE TERMS AND PROVISIONS OF THIS COMMITMENT. THE COMPANY HAS NO LIABILITY OR OBLIGATION INVOLVING THE CONTENT OF THIS COMMITMENT TO ANY OTHER PERSON.

COMMITMENT TO ISSUE POLICY

Subject to the Notice; Schedule B, Part I—Requirements; Schedule B, Part II—Exceptions; and the Commitment Conditions, Fidelity National Title Insurance Company (the "Company"), commits to issue the Policy according to the terms and provisions of this Commitment. This Commitment is effective as of the Commitment Date shown in Schedule A for each Policy described in Schedule A, only when the Company has entered in Schedule A both the specified dollar amount as the Proposed Amount of Insurance and the name of the Proposed Insured.

If all of the Schedule B, Part |—Requirements have not been met within 6 months after the Commitment Date, this Commitment terminates and the Company's liability and obligation end.

Law Offices of Daniel J. Kramer

By | Authorized Signatory

This page is only a part of a 2021 ALTA Commitment for Title Insurance issued by Fidelity National Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part II—Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.





5/1/2024 12:01PM Commitment for Title Insurance [2021 v. 01.00 (07-01-2021)]

Transaction Identification Data, for which the Company assumes no liability as set forth in Commitment Condition 5.e.:

ORIGINATING OFFICE: FOR SETTLEMENT INQUIRIES, CONTACT: Wheatland Title Company Wheatland Title Company 105 W. Veterans Parkway 105 W. Veteran's Parkway Yorkville, IL 60560 Yorkville, IL 60560 Main Phone: (630) 892-2323 Main Phone: 630-892-2323 x 9989 Email: closings@wheatlandtitle.com Email: closings@wheatlandtitle.com

Name & Address of Title Insurance Agent:

Law Offices of Daniel J. Kramer

Issuing Office File Number: WTC-HC-2024KL-11233

Property Address: 5834 & 5862 Championship Court, Yorkville, IL 60560

SCHEDULE A

- 1. Commitment Date: April 25, 2024
- 2. Policy to be issued:
 - 2021 ALTA® Owner's Policy

Proposed Insured: Revolution Investments, LLC Proposed Amount of Insurance: \$110,000.00 The estate or interest to be insured: FEE SIMPLE

2021 ALTA® Lender's Policy b.

Proposed Insured:

Proposed Amount of Insurance:

The estate or interest to be insured: FEE SIMPLE

3. The estate or interest in the Land at the Commitment Date is:

FEE SIMPLE

The Title is, at the Commitment Date, vested in:

Whitetail Developments, LLC

The Land is described as follows: 5.

See Exhibit A Attached

Fidelity National Title Insurance Company

f Daniel I Vromer

Authorized Signatory

This page is only a part of a 2021 ALTA Commitment for Title Insurance issued by Fidelity National Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I— Requirements; and Schedule B, Part II-Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic

Registered Agent: Law Offices of Daniel J. Kramer

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Attachment 1, Page 7



5/1/2024 12:01PM Commitment for Title Insurance [2021 v. 01.00 (07-01-2021)]

Exhibit A

LOTS 110 AND 111 OF WHITETAIL RIDGE SUBDIVISION OF PART OF SECTION 12, TOWNSHIP 36 NORTH, RANGE 7, PART OF SECTION 7, TOWNSHIP 36 NORTH, RANGE 8, AND PART OF THE FORMER WAISH-KEE-SHAW RESERVATION IN KENDALL AND NA-AU-SAY TOWNSHIPS, KENDALL COUNTY, ILLINOIS.

END OF SCHEDULE A

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5/1/2024 12:01PM Commitment for Title Insurance [2021 v. 01.00 (07-01-2021)]

SCHEDULE B, PART I—Requirements

All of the following Requirements must be met:

- The Proposed Insured must notify the Company in writing of the name of any party not referred to in this
 Commitment who will obtain an interest in the Land or who will make a loan on the Land. The Company may
 then make additional Requirements or Exceptions.
- Pay the agreed amount for the estate or interest to be insured.
- 3. Pay the premiums, fees, and charges for the Policy to the Company.
- Documents satisfactory to the Company that convey the Title or create the Mortgage to be insured, or both, must be properly authorized, executed, delivered, and recorded in the Public Records.
- Notice: Please be aware that due to the conflict between federal and state laws concerning the cultivation, distribution, manufacture or sale of marijuana, the company is not able to close or insure any transaction involving Land that is associated with these activities.
- 6. The "Good Funds" section of the Title Insurance Act (215 ILCS 155/26) is effective January 1, 2010. This Act places limitations upon our ability to accept certain types of deposits into escrow. Please contact your local Title office regarding the application of this new law to your transaction.
- 7. Effective June 1, 2009, pursuant to Public Act 95-988, satisfactory evidence of identification must be presented for the notarization of any and all documents notarized by an Illinois notary public. Satisfactory identification documents are documents that are valid at the time of the notarial act; are issued by a state or federal government agency; bear the photographic image of the individual's face; and bear the individual's signature.
- 8. The Proposed Policy Amount(s) must be increased to the full value of the estate or interest being insured, and any additional premium must be paid at that time. An Owner's Policy should reflect the purchase price or full value of the Land. A Loan Policy should reflect the loan amount or value of the property as collateral. Proposed Policy Amount(s) will be revised and premiums charged consistent therewith when the final amounts are approved.
- 9. We should be furnished a properly executed ALTA statement and, unless the land insured is a condominium unit, a survey if available. Matters disclosed by the above documentation will be shown specifically.
- Satisfy requirements for final utilities and any transfer stamps pursuant to the requirements set forth by municipality for which the subject property lies.
- 11. The company should be provided a statement from the borrower(s) relative to any mortgage shown on Schedule B disclosing whether the borrower(s) have entered into any forbearance or loan modification agreement with the lender relative to delayed or past postponed payments or other restructuring of the debt secured by the mortgage.
- 12. Any recorded lien shown in Schedule B-2 will appear as an exception in the policy unless a sufficient release of said lien is recorded in the county where the subject premises is located.

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Registered Agent: Law Offices of Daniel J. Kramer



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Attachment 1, Page 9



5/1/2024 12:01PM Commitment for Title Insurance [2021 v. 01.00 (07-01-2021)]

- 13. We should be furnished (A) a certification from the Illinois Secretary of State that Whitetail Developments, LLC has properly filed its articles of organization; (B) a copy of the articles of organization together with any amendments thereto; (C) a copy of the operating agreement together with any amendments thereto; (D) a list of incumbent managers or a roster of current members if managers have not been appointed; and (E) a certification that no event of dissolution has occurred.
 - In the event of a sale of all or substantially all of the assets of said limited liability company, we should be furnished a copy of the resolution adopted by the members of said limited liability company authorizing the sale and the execution and delivery of the anticipated deed. This commitment is subject to such additional requirements and/or exceptions as may be deemed necessary upon our review of these exhibits.
- 14. Upon any conveyance or mortgage of the land, a statement from the Secretary of the Board of Managers that there are no unpaid assessment liens arising by reason of the nonpayment of assessments should be furnished.

END OF SCHEDULE B, Part I

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\$/1/2024 12:01PM Commitment for Title Insurance [2021 v. 01.00 (07-01-2021)]

SCHEDULE B, PART II—Exceptions

Some historical land records contain Discriminatory Covenants that are illegal and unenforceable by law. This Commitment and the Policy treat any Discriminatory Covenant in a document referenced in Schedule B as if each Discriminatory Covenant is redacted, repudiated, removed, and not republished or recirculated. Only the remaining provisions of the document will be excepted from coverage.

The Policy will not insure against loss or damage resulting from the terms and conditions of any lease or easement identified in Schedule A, and will include the following Exceptions unless cleared to the satisfaction of the Company:

- Rights or claims of parties in possession not shown by the Public Records.
- 2. The effect on the Title of an encumbrance, violation, variation, adverse circumstance, boundary line overlap, or encroachment (including an encroachment of an improvement across the boundary lines of the Land), but only if the encumbrance, violation, variation, adverse circumstance, boundary line overlap, or encroachment would have been disclosed by an accurate and complete land title survey of the Land.
- 3. Easements, or claims of easements, not shown by the Public Records.
- Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the Public Records.
- 5. Taxes or special assessments which are not shown as existing liens by the Public Records.
- Loss or damage by reason of there being recorded in the Public Records, any deeds, mortgages, lis pendens, liens or other title encumbrances subsequent to the Commitment date and prior to the effective date of the final Policy.

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5/1/2024 12:01PM Commitment for Title Insurance [2021 v. 01.00 (07-01-2021)]

SCHEDULE B, PART II, CONTINUED

Taxes and assessments for the year 2023 and all subsequent years are a lien but not yet due and payable.

8 Tax Year: 2022

Tax ID #: 06-07-374-005

Taxes Assessed in the Name of: Whitetail Development LLC

18 Stonehill Rd Oswego, IL 60543 Total Annual Tax: \$1.26

First Installment Amount: \$0.63 First Installment Status: Paid Second Installment Amount: \$0.63 Second Installment Status: Paid

Note: Property is subject to a Special Assessment.

Tax Year: 2022

Tax ID #: 06-07-374-004

Taxes Assessed in the Name of: Whitetail Development LLC

18 Stonehill Rd Oswego, IL 60543 Total Annual Tax: \$1.26 First Installment Amount: \$0.63

First Installment Status: Paid Second Installment Amount: \$0.63 Second Installment Status: Paid

Note: Property is subject to a Special Assessment.

- 9. Intentionally Left Blank
- 10. Building setback line of 30 feet from the northwesterly lot line, 10 feet from the northeasterly and southwesterly lot line, and 50 feet from the southeasterly lot line as shown on the Plat of Subdivision recorded June 9, 2005 as Document No. 200500015985.
- 11. Easement for public utilities and drainage over and across the northwesterly 15 feet, northeasterly and southwesterly 5 feet, and southeasterly 10 feet of subject property as shown on the Plat of Subdivision recorded June 9, 2005 as Document No. 200500015985.
- 12. Easement for golf course over and across the southeasterly 40 feet of subject property as shown on the Plat of Subdivision recorded June 9, 2005 as Document No. 200500015985.

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5/1/2024 12:01PM Commitment for Title Insurance [2021 v. 01.00 (07-01-2021)]

- 13. Building Lines and Easements as shown on the Plat of Subdivision recorded June 9, 2005 as Document No. 200500015985; Document No. 200500015985.
- Covenants, conditions, restrictions and easements contained in Declaration of Protective Covenants for Whitetail Ridge Homeowners Association, recorded on June 9, 2005 as Document No. 200500015992; Document No. 200500015992.

Note: See document copy for particulars.

 Amendment to Declaration of Protective Covenants for Whitetail Ridge Subdivision Homeowners' Association recorded September 16, 2020 as Document Number 202000017966

Note: See document copy for particulars.

- Terms and conditions contained in By-Laws for Whitetail Ridge Subdivision Homeowners' Association recorded July 1, 2011 as Document No. 201100010720 in the Kendall County Recorder's Office.
- 17. Terms and conditions contained in Consent to Creation of Special Service Tax Area dated March 16, 2005 and recorded June 9, 2005 as Document No. 200500015986 made by Whitetail Development, LLC recorded in the Kendall County Recorder's Office.
- 18. Terms and conditions contained in an Ordinance establishing a back-up Special Tax Service Area Number 2005-32 for Whitetail Ridge Subdivision recorded June 9, 2005 as Document No. 200500015987 recorded in the Kendall County Recorder's Office.
- Terms and conditions contained in an Ordinance Establishing a back-up Special Tax Service Area Number 2005-33 recorded June 9, 2005 as Document No. 200500015988 made by the County of Kendall, recorded in the Kendall County Recorder's Office.
- 20. Terms and conditions contained in an Ordinance Establishing Back Up Special Tax Service Area 2005-30 recorded June 9, 2005 in Document No. 200500015990 made by County of Kendall, recorded in the Kendall County Recorder's Office.
- 21. Terms and conditions contained in an Ordinance enabling creation of Special Service Area 2005-31 recorded June 9, 2005 in Document No. 200500015991 made by County of Kendall, recorded in the Kendall County Recorder's Office.
- 22. Terms and conditions contained in a Grant of Conservation Easement dated May 16, 2005 and recorded June 9, 2005 as Document No. 200500015993 made by Whitetail Development, LLC to Whitetail Ridge Homeowners Association LLC recorded in the Kendall County Recorder's Office.

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- 23. Terms, conditions and provisions contained in Grant of Conservation Easement dated May 16, 2005 and recorded June 9, 2005 in Document No. 200500015994 made by Whitetail Development, LLC to Whitetail Ridge Golf Club, LLC recorded in the Kendall County Recorder's Office.
- 24. Rights of the public, the State of Illinois, the County, the Township and the Municipality in and to that part of the land, if any, taken or used for road purposes.
- 25. Rights of way for drainage ditches, tiles, feeders and laterals, if any.

END OF SCHEDULE B, Part II

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5/1/2024 12:01 PM Commitment for Title Insurance [2021 v. 01.00 (07-01-2021)]

COMMITMENT CONDITIONS

DEFINITIONS

- a. "Discriminatory Covenant": Any covenant, condition, restriction, or limitation that is unenforceable under applicable law because it illegally discriminates against a class of individuals based on personal characteristics such as race, color, religion, sex, sexual orientation, gender identity, familial status, disability, national origin, or other legally protected class.
- "Knowledge" or "Known": Actual knowledge or actual notice, but not constructive notice imparted by the Public Records.
- c. "Land": The land described in Item 5 of Schedule A and improvements located on that land that by State law constitute real property. The term "Land" does not include any property beyond that described in Schedule A, nor any right, title, interest, estate, or easement in any abutting street, road, avenue, alley, lane, right-of-way, body of water, or waterway, but does not modify or limit the extent that a right of access to and from the Land is to be insured by the Policy.
- d. "Mortgage": A mortgage, deed of trust, trust deed, security deed, or other real property security instrument, including one evidenced by electronic means authorized by law.
- e. "Policy": Each contract of title insurance, in a form adopted by the American Land Title Association, issued or to be issued by the Company pursuant to this Commitment.
- f. "Proposed Amount of Insurance": Each dollar amount specified in Schedule A as the Proposed Amount of Insurance of each Policy to be issued pursuant to this Commitment.
- g. "Proposed Insured": Each person identified in Schedule A as the Proposed Insured of each Policy to be issued pursuant to this Commitment.
- h. "Public Records": The recording or filing system established under State statutes in effect at the Commitment Date under which a document must be recorded or filed to impart constructive notice of matters relating to the Title to a purchaser for value without Knowledge. The term "Public Records" does not include any other recording or filing system, including any pertaining to environmental remediation or protection, planning, permitting, zoning, licensing, building, health, public safety, or national security matters.
- i. "State": The state or commonwealth of the United States within whose exterior boundaries the Land is located. The term "State" also includes the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, and Guam.
- i. "Title": The estate or interest in the Land identified in Item 3 of Schedule A.
- 2. If all of the Schedule B, Part I—Requirements have not been met within the time period specified in the Commitment to Issue Policy, this Commitment terminates and the Company's liability and obligation end.
- 3. The Company's liability and obligation is limited by and this Commitment is not valid without:
 - a. the Notice;
 - b. the Commitment to Issue Policy;
 - the Commitment Conditions;
 - d. Schedule A:
 - e. Schedule B, Part I-Requirements; and
 - f. Schedule B. Part II-Exceptions; and
 - g. a counter-signature by the Company or its issuing agent that may be in electronic form.

4. COMPANY'S RIGHT TO AMEND

The Company may amend this Commitment at any time. If the Company amends this Commitment to add a defect, lien, encumbrance, adverse claim, or other matter recorded in the Public Records prior to the Commitment Date, any liability of the Company is limited by Commitment Condition 5. The Company is not liable for any other amendment to this Commitment.

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5/1/2024 12:01PM Commitment for Title Insurance [2021 v. 01.00 (07-01-2021)]

LIMITATIONS OF LIABILITY

- a. The Company's liability under Commitment Condition 4 is limited to the Proposed Insured's actual expense incurred in the interval between the Company's delivery to the Proposed Insured of the Commitment and the delivery of the amended Commitment, resulting from the Proposed Insured's good faith reliance to:
 - comply with the Schedule B, Part I—Requirements;
 - ii. eliminate, with the Company's written consent, any Schedule B, Part II-Exceptions; or
 - acquire the Title or create the Mortgage covered by this Commitment.
- b. The Company is not liable under Commitment Condition 5.a. if the Proposed Insured requested the amendment or had Knowledge of the matter and did not notify the Company about it in writing.
- c. The Company is only liable under Commitment Condition 4 if the Proposed Insured would not have incurred the expense had the Commitment included the added matter when the Commitment was first delivered to the Proposed Insured.
- d. The Company's liability does not exceed the lesser of the Proposed Insured's actual expense incurred in good faith and described in Commitment Condition 5.a. or the Proposed Amount of Insurance.
- The Company is not liable for the content of the Transaction Identification Data, if any.
- f. The Company is not obligated to issue the Policy referred to in this Commitment unless all of the Schedule B, Part I—Requirements have been met to the satisfaction of the Company.
- g. The Company's liability is further limited by the terms and provisions of the Policy to be issued to the Proposed Insured.
- LIABILITY OF THE COMPANY MUST BE BASED ON THIS COMMITMENT; CHOICE OF LAW AND CHOICE OF FORUM
 - Only a Proposed Insured identified in Schedule A, and no other person, may make a claim under this Commitment.
 - b. Any claim must be based in contract under the State law of the State where the Land is located and is restricted to the terms and provisions of this Commitment. Any litigation or other proceeding brought by the Proposed Insured against the Company must be filed only in a State or federal court having jurisdiction.
 - c. This Commitment, as last revised, is the exclusive and entire agreement between the parties with respect to the subject matter of this Commitment and supersedes all prior commitment negotiations, representations, and proposals of any kind, whether written or oral, express or implied, relating to the subject matter of this Commitment.
 - d. The deletion or modification of any Schedule B, Part II—Exception does not constitute an agreement or obligation to provide coverage beyond the terms and provisions of this Commitment or the Policy.
 - Any amendment or endorsement to this Commitment must be in writing and authenticated by a person authorized by the Company.
 - f. When the Policy is issued, all liability and obligation under this Commitment will end and the Company's only liability will be under the Policy.
- IF THIS COMMITMENT IS ISSUED BY AN ISSUING AGENT

The issuing agent is the Company's agent only for the limited purpose of issuing title insurance commitments and policies. The issuing agent is not the Company's agent for closing, settlement, escrow, or any other purpose.

8. PRO-FORMA POLICY

The Company may provide, at the request of a Proposed Insured, a pro-forma policy illustrating the coverage that the Company may provide. A pro-forma policy neither reflects the status of Title at the time that the pro-forma policy is delivered to a Proposed Insured, nor is it a commitment to insure.

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9. CLAIMS PROCEDURES

This Commitment incorporates by reference all Conditions for making a claim in the Policy to be issued to the Proposed Insured. Commitment Condition 9 does not modify the limitations of liability in Commitment Conditions 5 and 6.

CLASS ACTION

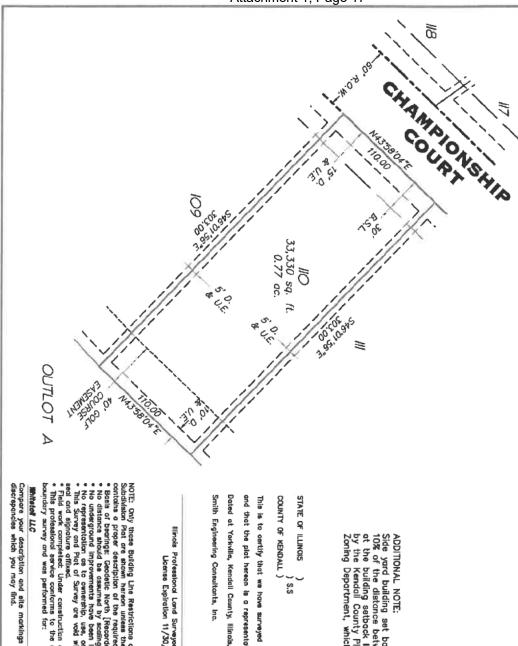
ALL CLAIMS AND DISPUTES ARISING OUT OF OR RELATING TO THIS COMMITMENT, INCLUDING ANY SERVICE OR OTHER MATTER IN CONNECTION WITH ISSUING THIS COMMITMENT, ANY BREACH OF A COMMITMENT PROVISION, OR ANY OTHER CLAIM OR DISPUTE ARISING OUT OF OR RELATING TO THE TRANSACTION GIVING RISE TO THIS COMMITMENT, MUST BE BROUGHT IN AN INDIVIDUAL CAPACITY. NO PARTY MAY SERVE AS PLAINTIFF, CLASS MEMBER, OR PARTICIPANT IN ANY CLASS OR REPRESENTATIVE PROCEEDING. ANY POLICY ISSUED PURSUANT TO THIS COMMITMENT WILL CONTAIN A CLASS ACTION CONDITION.

11. ARBITRATION

The Policy contains an arbitration clause. All arbitrable matters when the Proposed Amount of Insurance is \$2,000,000 or less may be arbitrated at the election of either the Company or the Proposed Insured as the exclusive remedy of the parties. A Proposed Insured may review a copy of the arbitration rules at http://www.alta.org/arbitration.

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PLATEY

ACCORDING TO THE PLAT THEREOF RECORDED JUNE 8, 2005 AS DOCUMENT NUMBER 20050015985, BEING A SUBDINISON OF PART OF SECTION 12-36-7, PART OF SECTION 7-36-8, AND PART OF THE FORMER MAISH. PERSERVATION, ILLINOIS
IN KENDALL & NA-AU-SAY TOWNSHIPS, KENDALL COUNTY, ILLINOIS

ADDITIONAL NOTE:
Side yard building set back lines are 10° or 10% of the distance between side lot lines at the building setback line, as determined by the Kendall County Planning, Building and Zoning Department, whichever is greater.

COUNTY OF KENDALL) STATE OF ILLINOIS

and that the plat hereon is a representation of the said survey. This is to certify that we have surveyed the premises above described,

Dated at Yorkville, Kendall County, Illinois, July 14, A.D. 2005.

flinois Professional Land Surveyor No. 3359 License Expiration 11/30/06

NOTE: Only those Building Line Restrictions or Easements shown on a Recorded Subdivision Plat are shown herson unless the description ordered to be surveyed contains a proper description of the required building lines or easements.

Basis of bearings: Geodetic North [Recorded Whitetail Ridge Plat of Subdivision]
No distance should be assumed by scaling.

No underground improvements have been located unless shown and neted. No representation as to awnership, use, or passession should be hereon implied. This Survey and Plot of Survey are void shitput original embossed or red colored.

sed and signoture offixed.

* Field work completed Under construction at time of survey.

* This professional service conforms to the current Illinois minimum standards for a boundary survey and was performed for:

with this plot and AT ONCE report any

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LE = LANGSUM CEAND CHASTRU

ME = HANGSUM CEAND CHASTRU

SE = SHEEL UTELTY EASSMENT

LES = SHEEL UTELTY EASSMENT

R.S.L. = BRALDING SETBACK LIME WESCLAR EASTERN
WESCLAR EASTERN
WATENWASE AND CONSTRUCTION
THEN!

NOTE: 9/8" STEEL REBAR TO BE SET AT ALL LOT COMMETS VALESS OTHERWISE NOTED PER RECORDED PLAT OF SUBENHISON.

LOT 110 OF WHITETAIL RIDGE SUBDIVISION, KENDALL COUNTY, ILLINOIS

Attachment 1, Page 18

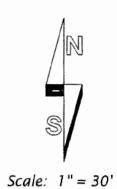
← BACK

revolution investment	s			Results: 8
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20240006856 6/18/2024 12:37:41 PM WARRANTY DEED Purchase more information and the image for this document	Parties Party 1: WHITETAIL DEVELOPMENT LIG Party 2: REVOLUTION INVESTMENTS LLG	Legals WHITETAIL RIDGE L. 11 WHITETAIL RIDGE L. 11		onal
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Contact FAQ

PLAT OF EASEMENT RELEASE PART OF LOTS 110 AND 111 WHITETAIL RIDGE KENDALL & NA-AU-SAY TOWNSHIPS KENDALL COUNTY ILLINOIS



Scale: 1" = 30"

PIN: 06-07-374-004 06-07-374-005

PROPERTY LOCATION:

5834 & 5862 CHAMPIONSHIP COURT YORKVILLE, ILLINOIS 60560

SURVEYOR'S NOTE:

* 10% OF LOT WIDTH

Cronted of the Court of the Cou

OWNER'S CERTIFICATE

COMMONWEALTH EDISON COMPANY
THE RELEASE OF THE EASEMENTS SHOWN HEREON ARE APPROVED AND ACCEPTED,
THIS, A.D. 20
BY:
BY:
TITLE:
AT&T
THE RELEASE OF THE EASEMENTS SHOWN HEREON ARE APPROVED AND ACCEPTED,
THIS, A.D. 20
BY:
SIGNATURE
PRINT NAME
TITLE:
COMCAST
THE RELEASE OF THE EASEMENTS SHOWN HEREON ARE APPROVED AND ACCEPTED,
THIS, A.D. 20
BY:
SIGNATURE BY:
PRINT NAME
TITLE:
NICOR
THE RELEASE OF THE EASEMENTS SHOWN HEREON ARE APPROVED AND ACCEPTED,
THIS, A.D. 20
BY:
SIGNATURE BY:
PRINT NAME
TITI F.

**SURVEYOR'S NOTE:
SIDEYARD SETBACK LINES ARE 10' OR 10% OF
WIDTH PER DETAIL ON WHITETAIL RIDGE
SUBDIVISION PLAT.

LEGAL DESCRIPTION OF EASEMENT TO BE RELEASED:

THE SOUTHWESTERLY 5.0 FEET OF LOT 111 (EXCEPT THE SOUTHEASTERLY 10.0 FEET AND THE NORTHWESTERLY 15.0 FEET THEREOF) AND THE NORTHEASTERLY 5.0 FEET OF LOT 110 (EXCEPT THE SOUTHEASTERLY 10.0 FEET AND THE NORTHWESTERLY 15.0 FEET THEREOF) ALL IN WHITETAIL RIDGE SUBDIVISION, BEING A SUBDIVISION OF PART OF SECTION 12, TOWNSHIP 36 NORTH, RANGE 7, PART OF SECTION 7, TOWNSHIP 36, RANGE 8, AND PART OF THE FORMER WAISH—KEE—SHAW RESERVATION, IN KENDALL AND NA—AU—SAY TOWNSHIPS, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 9, 2005 AS

DOCUMENT NO. 200500015985, IN KENDALL COUNTY, ILLINOIS.

) SS

SURVEYOR'S CERTIFICATE

STATE OF ILLINOIS)

COUNTY OF KENDALL)

WE, CORNERSTONE SURVEYING, P.C., AN ILLINOIS PROFESSIONAL DESIGN FIRM LAND SURVEYOR CORPORATION NO. 184.006522, DO HEREBY STATE THAT WE HAVE PREPARED THIS PLAT OF EASEMENT RELEASE FOR THE PROPERTY DESCRIBED HEREON.

DATED AT YORKVILLE, ILLINOIS ON JULY 31, 2024.

ERIC POKORNY P.L.S. NO.

STATE OF ILLINOIS)
COUNTY OF KENDALL)
THIS IS TO CERTIFY THAT WE,ANDARE THE OWNERS OF THE PROPERTY DESCRIBED HEREON, AND DO WILLINGLY ACCEPT AND APPROVE THE EASEMENT RELEASE DESCRIBED HEREON.
DATED AT, ILLINOIS
THIS, A.D. 20
(OWNER'S NAME)
(OWNER'S NAME)
NOTARY'S CERTIFICATE
STATE OF ILLINOIS)
) SS COUNTY OF KENDALL)
I,, A NOTARY PUBLIC IN AND FOR THE COUNTY AND STATE AFORESAID, TO HEREBY CERTIFY THAT AND, WHO ARE PERSONALLY KNOWN TO ME TO BE THE SAME PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE FOREGOING OWNER'S CERTIFICATE, APPEARED BEFORE ME THIS DAY, IN PERSON, AND ACKNOWLEDGED THE EXECUTION OF THE ANNEXED PLAT AND ACCOMPANYING INSTRUMENTS FOR USES AND PURPOSES THEREIN SET FORTH AS THEIR FREE AND VOLUNTARY ACT.
GIVEN UNDER MY HAND AND NOTARIAL SEAL,
THIS, A.D. 20
NOTARY PUBLIC

STATE OF ILLINOIS)

COUNTY OF KENDALL)

APPROVED BY THE COUNTY BOARD OF KENDALL COUNTY, ILLINOIS,

ON THIS ______ DAY OF ______, A.D. 20____.

CHAIRMAN OF COUNTY BOARD

COUNTY CLERK

COUNTY RECORDER'S CERTIFICATE

STATE OF ILLINOIS)

COUNTY OF KENDALL)

THIS INSTRUMENT NO. _____ WAS FILED FOR RECORD IN THE RECORDER'S OFFICE OF KENDALL COUNTY, ILLINOIS, AFORESAID,

ON THIS _____ DAY OF ______,

A.D. 20____, AT ______ O'CLOCK ___,M.

KENDALL COUNTY RECORDER

Legend

○=Found 3/4" Dia. Iron Pipe

●=Found 1/2" Dia. Iron Rod

○=Found 5/8" Dia. Iron Rod

(XX.XX')= Record Distance

XX.XX'= Measured Distance

N= North E= East
S= South W= West

R= Radius A= Arc Length

XXX = Fence

= Concrete/Asphalt

Michel C. Ensalaco, P.L.S. Exp. 11/30/2024
Eric C. Pokorny, P.L.S. Exp. 11/30/2024

TODD SURVEYING

Professional Land Surveying Services
"Cornerstone Surveying PC"

759 John Street, Suite D

Yorkville, IL 60560
Phone: 630-892-1309

MY COMMISSION EXPIRES _____.

Client: Revolution Builders

Book #: sheets Drawn By: JG. JJH | Plat #: 7249

Reference:
Field Work Completed: 7/19/2024

Rev. Date Rev. Description

Project Number:

2024-0533 Release

Survey is only valid if original seal is shown in red.

Topographic Exhibit

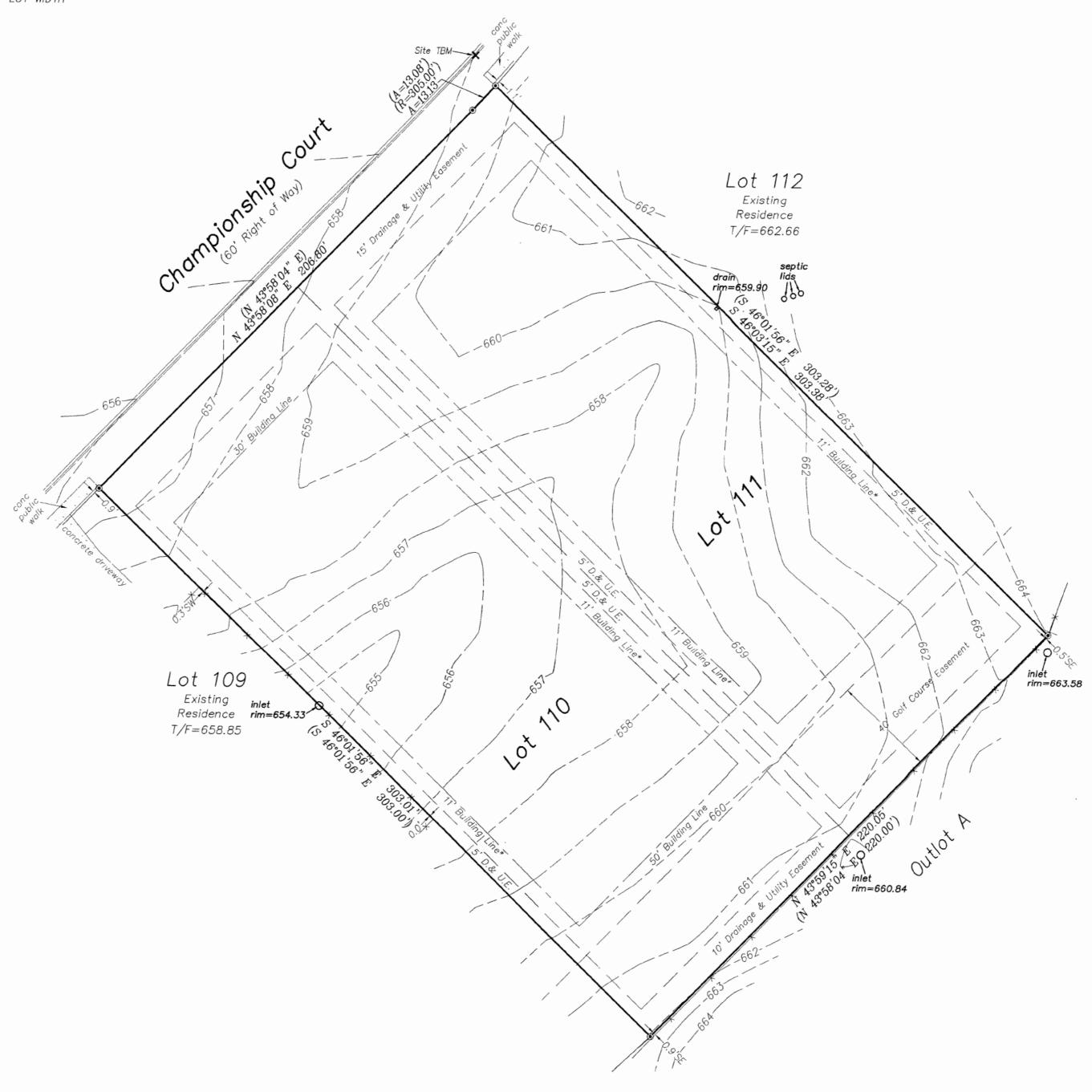
LOTS 110 AND 111 OF WHITETAIL RIDGE SUBDIVISION, A SUBDIVISION OF PART OF SECTION 12, TOWNSHIP 36, RANGE 7, PART OF SECTION 7, TOWNSHIP 36, RANGE 8, AND PART OF THE FORMER WAISH-KEE-SHAW RESERVATION, IN KENDALL AND NA-AU-SAY TOWNSHIPS, KENDALL COUNTY, ILLINOIS.

COMMONLY KNOWN AS: 5862 & 5834 CHAMPIONSHIP COURT, YORKVILLE, ILLINOIS.

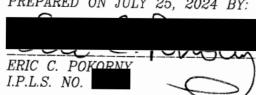
PROPERTY CONTAINS: 1.53 ACRES / 66,667.6 SQUARE FEET, MORE OR LESS

SURVEYOR'S NOTE:

* 10% OF LOT WIDTH



PREPARED ON JULY 25, 2024 BY:





Scale: 1" = 30'●=Found 5/8" Dia. Iron Rod (XX.XX')= Record Distance XX.XX'= Measured Distance N= North E= East S= South W= West R= Radius A= Arc Length -X - X - X = Fence= Concrete/Asphalt D.&U.E.= Drainage & Utility Easement Michel C. Ensalaco, P.L.S. Exp. 11/30/2024 Eric C. Pokorny, P.L.S. Exp. 11/30/2024

Professional Land Surveying Services "Cornerstone Surveying PC"
759 John Street, Suite D
Yorkville, IL 60560
Phone: 630-892-1309

Survey is only valid if original seal is shown in red.

Revolution Builders Book #: sheets Drawn By. JG. JJH Plat #: 7249 Field Work Completed: 7/19/2024 Rev. Date Rev. Description

Project Number:

2024-0533

Attachment 4

Matt Asselmeier

From:

Greg Chismark < gchismark@bodwegroup.com>

Sent:

Thursday, August 22, 2024 7:06 AM

To:

Matt Asselmeier

Subject:

[External]RE: Kendall County Petition 24-27

CAUTION - This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Matt.

I have no concerns. I checked the original subdivision plans and see no utilities. Drainage patterns should remain unaffected. Let me know if you want something more than this e-mail.

Greg

Greg Chismark, PE

Mobile 847-344-5619 | Office 630-338-8527 | gchismark@bodwegroup.com

From: Matt Asselmeier < masselmeier@kendallcountyil.gov>

Sent: Wednesday, August 21, 2024 1:08 PM

To: Greg Chismark < gchismark@bodwegroup.com>

Subject: Kendall County Petition 24-27

Greg:

The County received a request to vacated the public utility and drainage easement between lots 110 and 111 in Whitetail Ridge.

The topo is attached.

Do you have any concerns regarding this vacation from a stormwater perspective?

Thanks,

Matthew H. Asselmeier, AICP, CFM Director Kendall County Planning, Building & Zoning 111 West Fox Street Yorkville, IL 60560-1498

PH: 630-553-4139 Fax: 630-553-4179

Matt Asselmeier

From:

Debbie Mika <

Sent:

Thursday, August 22, 2024 7:53 AM

To:

Matt Asselmeier

Subject:

[External]Re: 5862 Championship Court

CAUTION - This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Matt,

The HOA has no issues.

Thanks.

Debbie Mika

From: Matt Asselmeier < masselmeier@kendallcountyil.gov>

Sent: Wednesday, August 21, 2024 1:09:48 PM

To: Debbie Mika <tdmika@live.com> Subject: 5862 Championship Court

Debbie:

The County received a request from Steve Jeffers on Behalf of Revolution Investment, LLC to vacate a public utility and drainage easement between Lots 110 and 111 in Whitetail Ridge in order to be able to construct a house in the middle of the combined lots.

Does the HOA have any objections to this vacation?

Thanks,

Matthew H. Asselmeier, AICP, CFM Director Kendall County Planning, Building & Zoning 111 West Fox Street Yorkville, IL 60560-1498

PH: 630-553-4139 Fax: 630-553-4179