KENDALL COUNTY
PLANNING, BUILDING & ZONING COMMITTEE MEETING
111 West Fox Street • Room 209 and 210 • Yorkville, IL • 60560
(630) 553-4141 Fax (630) 553-4179

AGENDA

May 12, 2014 – 6:30 p.m.

CALL TO ORDER

ROLL CALL: Amy Cesich, Lynn Cullick, Scott Gryder (Chair), Judy Gilmour (Vice-Chair) and Jeff Wehrli

APPROVAL OF AGENDA

APPROVAL OF MINUTES: Approval of minutes from the April 7, 2014 meeting.

EXPENDITURE REPORT- (handed out at meeting) Approval to forward the claims to the Finance Committee in an amount not to exceed $25,000

PETITIONS
1. 14-06 Reinert Fox Road Subdivision
   Request Preliminary & Final plat for a 2 lot subdivision
   Location 12345 Fox Road, Yorkville
   Purpose Preliminary and Final Plat for a 2 lot subdivision, rezoning to R-2 and 2 lots were approved in 1994 as Pet. 93-02

2. 14-13 New Day Montessori School
   Request A-1 Special Use
   Location 3437 Wolf Crossing Road, Oswego
   Purpose A-1 Special Use for a daycare and school facility. This is rectifying a 2008 resolution authorizing the settlement of a lawsuit.

NEW BUSINESS
High Grove Plat Extension for 1 year: Petition 05-43
Hofmeister Petition Extension for 1 year: Petition 07-28
Camelot Farms Plat Extension for 1 year: Petition 08-18

OLD BUSINESS
Update on Asphalt plant at 16805 Quarry Road

PUBLIC COMMENT

UPDATE ON HISTORIC PRESERVATION- A Proclamation declaring Historic Preservation Month in Kendall County for the month of May

UPDATE ON CMAP LAND USE COMMITTEE MEETING

PROJECT STATUS REPORT
PERMIT REPORT
REVENUE REPORT
CORRESPONDENCE
EXECUTIVE SESSION

ADJOURNMENT- Next meeting on June 9, 2014
CALL TO ORDER
The meeting was called to order by Chairman Scott Gryder at 6:31 p.m.

ROLL CALL
Present: Chairman Scott Gryder, Amy Cesich (6:32), Vice-Chair Judy Gilmour, Lynn Cullick and Jeff Wehrli
Absent: None
Also present: Planning & Zoning Manager: Angela Zubko, Administrator Jeff Wilkins & Code Enforcement Officer Brian Holdiman
In the audience: Kim Rickert, Chairman John Shaw and Brian Bentley.

APPROVAL OF AGENDA
Jeff Wehrli made a motion to approve the agenda moving Public Comment before New Business, Judy Gilmour seconded the motion. All agreed and the motion was approved.

APPROVAL OF MINUTES
Judy Gilmour made a motion to approve the minutes from March 10, 2014. Lynn Cullick seconded the motion. All agreed and the minutes were approved.

EXPENDITURE REPORT (handed out at meeting)
Lynn Cullick made a motion to approve the expenditure report in the amount of $15,064.95 and forward it onto the Finance Committee, Judy Gilmour seconded the motion. With a roll call vote all in attendance agreed and the motion was approved.

PUBLIC COMMENT- Scott Gryder stated everyone has 5 minutes to speak
Kim Rickert requesting that we reconsider the urban chicken ordinance. Since her last appearance there have been 2 additional police reports, one for shoveling chicken droppings into her yard. When she moved out here they checked the ordinances knowing it was a residential subdivision and the lot behind them was used for growing crops. Since then a house has been built behind her and the chicken ordinance passed. According to the residential district purpose and objectives tensions can occur over noise and agricultural operations. She called Rural King and they said you do not know if they are a chicken or rooster for 7-8 weeks. She is of the opinion her property values are being lowered due to the chickens. Planner Zubko stated the ad-hoc committee decided she has an extreme case but did not want to modify the ordinance at this time. Kim would like to note Brian was out at the site today doing an inspection. Mr. Holdiman stated the neighbors have repaired the fencing, there are 9 chickens on site and there still is an inoperable tractor and trying to also sell the inoperable boat which has been moved to the driveway for sale. Ms. Cesich asked Mr. Wehrli about the fence height and Mr. Wehrli stated the farm community and regulations put in place if followed property could contain the chickens. Planner Zubko also noted there is a regulation about containing the chickens even if the four foot complaint came up.
Brian Bentley lives at 804 McHugh Road. He had their family gathering recently and was unaware of the noise ordinance and the Sheriff’s did not have a decibel reading with them to prove the level of noise. The Sheriff’s office came out and kindly addressed the issue. He feels the levels are too low in the ordinance. He is of the opinion there should be a clause for personal events or live entertainment and have a permit fee, which might be able to be put into the ordinance. Mr. Wehrli stated we mirrored the surrounding towns and Yorkville has the same numbers. Planner Zubko passed out a map of where Mr. Bentley lives showing how many neighbors are around. Ms. Cesich stated the County Board just passed this ordinance and explained the current process. Mr. Gryder stated since this was an anonymous complaint there was no property line to take the decibel level from. Mr. Gryder suggested asking the Sheriff’s office how many complaints they have received so far and how many tickets have been written. Mr. Shaw told this gentleman to attend tonight and stated it would have been better for him to come here instead of County Board meeting. Mr. Wehrli wanted to bring this back to PBZ in June and see if we are getting more calls now than before.

**NEW BUSINESS**

1. Emerson Creek Amendment- Vote if it should be charged as a Major ($1,155) or Minor Amendment to their Special use ($150)- Planner Zubko stated there have been some Health Department and Building code issues at Emerson Creek. Also at that time it was discussed how the Special use does not really match what is currently going on out at the site. Planner Zubko feels an amendment would be appropriate but all they’re really changing are the amount of people and the fact that the pottery business is no longer the primary operation on the site. At this time Planner Zubko does not think the petitioners would be changing the site plan as they updated the site plan in 2011. If the site plan is not changing and just the numbers are to match what is current Planner Zubko suggests treating this as a minor amendment without a public hearing. Ms. Gilmour asked what types of violations are out there currently? Planner Zubko and Brian Holdiman stated mostly septic issues. Mr. Holdiman also explained the temporary bathroom situation. Ms. Cullick asked if there are any issues out there right now regarding the septic? Mr. Kramer stated the owners have had no septic issues out there to date. Mr. Kramer stated there are 6 months a year the septic is not used which is good. The septic designer is looking to do a large field to the south of the barn to accommodate all the uses on the property. Ms. Gilmour makes a motion for a minor amendment to the special use. Lynn Cullick seconded the motion. With a roll call vote of 4 ayes and Mr. Wehrli abstained the motion passed. The petitioners will file for a minor amendment.

2. Pending legislation eliminating County control of turbine regulations and siting- SB3263- Planner Zubko stated in the packet is a brief summary of the bill and the status of UCCI on 3.27.14. All this information was emailed out to the County Board members. Also in the packet is a resolution from Ogle County opposing the senate bill. Planner Zubko put this on the agenda as a discussion point to see if Kendall County would like to take a stance on this bill at this time. Mr. Gryder stated he is not opposed to passing a resolution. Jeff Wehrli made a motion to send a resolution opposing the senate bill to the County Board for a vote. My Cullick seconded the motion. Judy Gilmour agreed this is a good idea. All were in favor so a resolution will be presented to County Board.

3. Overview of residential home inspection process- Mr. Gryder stated Lynn and himself have been talking to a homeowner that has been having issues for 8 years and unhappy how her house is. Mr. Gryder thought it would be a good idea to discuss what goes into inspections and what is looked at. Brian Holdiman passed out a couple hand-outs to go through. He stated they have a checklist at the top of the pink sheet to make sure they supply the proper information. The bright yellow form is the actual building permit application showing what exactly they need to provide. He went through the checklist and then the inspection schedule one by one and what he does at each inspection. Mr. Gryder verified Mr. Holdiman is the only inspector. Mr. Holdiman stated yes except our plumbing
inspector. Mr. Gryder asked about the history of inspections in a day and how long each inspection takes. There was some discussion on grading and checking the grading. There was also some discussion on what happens if someone fails an inspection. There was discussion on drain tiles and what to do if they are found when a foundation is dug.

4. Asphalt plant at 16805 Quarry Road—discuss options and vote on how to proceed. Planner Zubko stated the quick story is there was a mis-interpretation of the Zoning Ordinance and she has given Central Limestone the wrong information. Central Limestone came to Planner Zubko in about November to ask if they could erect an asphalt plant and what needed to be done besides a building permit for that use. Planner Zubko assumed because there was an asphalt plant in the past it would be permitted again and the fact they’re zoned M-2 which did allow asphalt plants as a permitted use and not a special use they’d be grandfathered in. So Planner Zubko told the petitioners they just needed to supply some history to prove there was an asphalt plant and they should be good. Once the plant was erected she received a call from the Village of Lisbon questioning if they were permitted to do that without a public hearing. Planner Zubko then requested the help of the SAO to see if the information provided was correct or incorrect. We received the findings from the SAO and their interpretation is Planner Zubko accidently gave the wrong information and due to the asphalt plant not being there for over 50 years they would need to follow our current zoning ordinance would require it be a special use in the M-3 district. Now the PBZ Committee has 3 legal options to chose from:

a. Do absolutely nothing. The asphalt plant could proceed “as is” with no further involvement by the County. If the County Board chooses this route, it will be nearly impossible to later reverse this decision and pursue any type of zoning ordinance violation and/or stop the asphalt operation.

b. Send a cease and desist letter to the property owner. Per our email dated March 25, 2014, a legal argument can be made that the previously nonconforming use of the property as an asphalt plant was abandoned and can no longer be asserted. Thus, the asphalt plant is not a permissible use absent approval of a special use. If the property owner were to continue asphalt operations following receipt of the cease and desist letter, the County would then file an action alleging a violation of the County’s zoning ordinance. As ASA Knight previously explained to you, there is a possibility that, even if we can establish that abandonment of the non-conforming use occurred, the court could still find the county is estopped from enforcing the zoning ordinance if the company can show that it took action in reliance upon your statement that an asphalt plant operation was permissible.

c. Contact the property owner and see if they are willing to file an application for a special use. If the property owner voluntarily obtains a special use to conduct its asphalt operations, then the County would not need to pursue any legal action alleging an ordinance violation.

Planner Zubko would like to know which option the PBZ Committee would like me to proceed with and apologizes for the mistake. Mr. Gryder is opposed to letter b and all agreed. Ms. Gilmour has been contacted by some of the neighbors upset about it being there. The neighbors do not feel they got any say or public hearing and would like to be heard. Ms. Gilmour would like to hear what their concerns are. Mr. Wehrl would prefer c over a and the County would eat the cost to rezone and special use including publication with no additional burden that is placed in the M-3 zoning like well protection, reclamation plans, etc. There was some discussion on if they could operate during the special use process. Mr. Gryder suggests maybe going with letter c and if they do not agree with getting a special use we reconvene. Jeff Wehrl made a motion to contact the property owner and see if they are willing to file an application for a special use and rezoning, with the county paying the fees and publications and waiving the other items like well protection and other plans requested in the M-3 zoning since it has already been in existence, Lynn Cullick seconded the motion. Ms. Gilmour asked what would happen if they do not willingly apply for a special use. There was some discussion and it was decided to go this route first. All were in favor and planner Zubko will take action ASAP.
5. One more item Planner Zubko would like to bring up, Mr. Fran Klaas asked me what a temporary concrete crusher would fall under for our Zoning Ordinance and if it’s something that would be permitted or a special use in the B-3 District? The closest thing Planner Zubko could find was a temporary concrete ready-mix or asphalt concrete plants, when necessary and incidental to a major construction project. It’s not really the same thing at all so wondered what the Committee thought of this temporary use and if we’d like to have a text amendment or how we would like Planner Zubko to proceed? Mr. Wehrli stated this is kind of like the excavating question, is the B-3 a good place for this type of use. There was some discussion it may not be a bad idea since we could put conditions on it and talked about maybe a temporary use and limit it to government properties. The Committee would like to get more feedback from Fran at the Highway Committee tomorrow.

PETITIONS-
#14-01 Building Code Update including building permit fees
Planner Zubko stated there have been no questions since the last PBZ meeting so we’re just looking for a motion to forward the building code update to the next COW and County Board meeting.

Lynn Cullick made a motion to approve the building code update including building permit fees and forward it onto the next Committee of the Whole meeting and to the full County Board meeting. Jeff Wehrli seconded the motion. All agreed and the text amendment will be forwarded on.

#13-29 Historic Preservation Ordinance Amendment
Planner Zubko stated in your packet are the proposed text changes that have been approved to become eligible for CLG status per the state. In the ordinance it states if an owner objects it would take an affirmative vote by a supermajority of the Board present. Catherine O’Conner will be attending the next COW meeting and give a short presentation on CLG status and the benefits and willing to answer any questions in relation to historic preservation.

Jeff Wehrli made a motion to approve the text amendment and forward it onto the next Committee of the Whole meeting and to the full County Board meeting. Lynn Cullick seconded the motion. Mr. Gryder will vote against it at this time due to if an owner objects and would like it to be a supermajority of the full board. Jeff Wehrli rescinded his motion and Ms. Cullick also rescinded her second. Lynn Cullick made a motion to forward the petition onto the COW and County Board with no recommendation at this time. Mr. Wehrli seconded the motion. All were favor and the motion passed.

#14-07 Land Cash Ordinance
Planner Angela Zubko stated in the Land Cash Ordinance it states the Fair Market Value (FMV) may be adjusted anytime by official action of the County Board. Since it’s been a year and the PTAX final abstracts are complete Planner Zubko has put together what the new FMV would be with this year’s numbers. As you can see the current FMV as of July 16, 2013 was $81,268. If we used today’s values the FMV would be reduced to $72,680 which on a 4 bedroom home comes to about $500 less. It is up the County Board if they would like to change the current FMV or keep it as is. Planner Zubko wanted to note this does not count for the land cash in approved subdivisions but only on new subdivisions approved now and houses built in the Agricultural district. Mr. Wehrli stated to be fair we owe it to the people to follow FMV as it is today so would like to change it.

Jeff Wehrli made a motion to approve the new fair market value and forward it onto the next County Board meeting. Lynn Cullick seconded the motion. Lynn Cullick says she agrees right now but the costs do not
change to send a kid to school, Ms. Gilmour agreed. Four were in favor except Gilmour was not in favor of the change.

OLD BUSINESS- None

UPDATE ON HISTORIC PRESERVATION- The Commission is looking for 2 more members if anyone knows of someone interested.

UPDATE ON CMAP LAND USE COMMITTEE MEETING- Planner Zubko stated the Land Use Committee meets next Wednesday and Planner Zubko plans on attending.

PROJECT STATUS REPORT– Reviewed
PERMIT REPORT– Reviewed
REVENUE REPORT– Reviewed
CORRESPONDENCE – None
EXECUTIVE SESSION- None

ADJOURNMENT- Next meeting will be on May 12, 2014
Lynn Cullick made a motion to adjourn the meeting. Jeff Wehrli seconded the motion. All agreed. Chairman Gryder adjourned the meeting at 9:14 p.m.

Respectfully Submitted,
Angela L. Zubko
Planning & Zoning Manager
DEPARTMENT OF PLANNING, BUILDING & ZONING
111 West Fox Street • Room 203
Yorkville, IL • 60560
(630) 553-4141 Fax (630) 553-4179

14-06
Reinert Fox Road Subdivision
Preliminary & Final Plat Approval

SITE INFORMATION
PETITIONERS  Ronald & George Reinert
ADDRESS       12345 Fox Road, Yorkville
LOCATION      On the north side of Fox Road, 0.2 miles east of Highpoint Road
TOWNSHIP      Fox
PARCEL #       04-01-402-004
SIZE           4.23 Acres
EXISTING LAND USE Residential
ZONING         R-2 Single Family Residential (Ordinance #1994-01)

LRMP
Land Use       Rural Residential (Max. Density 0.65 du/acre)
Roads          Fox Road is a major collector road
Trails         A trail is shown on the City of Yorkville’s plan; due to the realignment no easement is requested

REQUESTED ACTION Approval of a preliminary & Final plat for a 2 lot subdivision in which 1 lot is already built on.

APPLICABLE REGULATIONS §8.07 (R-2 Single Family Residence District)
$7.00- §7.04 (Subdivision Control Ordinance- Procedure for Approval & Requirements for Preliminary & Final Plats)
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<th>Location</th>
<th>Adjacent Land Use</th>
<th>Adjacent Zoning</th>
<th>LRMP</th>
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<td>RPD-2 (Fox River Bluffs)</td>
<td>Rural Residential</td>
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<td>Residential</td>
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<td>Rural Residential</td>
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**PHYSICAL DATA**

**ENDANGERED SPECIES REPORT**
The applicant is not zoned Agricultural any longer so an endangered species report is not required.

**NATURAL RESOURCES INVENTORY**
An executive summary was prepared with a SA score of 82 meaning the soils are well suited for agricultural uses.
- 100% of the soils are very limited for dwellings with basements
- Located within the Fox River Watershed & Hollenback Creek subwatershed
- This development should include soil & erosion control plan to be implemented during construction.

Site Assessment: 82
LEVEL OF PROTECTION: LOW

**ACTION SUMMARY**

**TOWNSHIP (Fox)**
The information was sent via mail to the Township Supervisor, Jim Friedrich on 3.21.14. The township did not have any comments or concerns on this petition.

**MUNICIPALITY (Yorkville)**
The information was sent via email to the Community Development Department (Chris) on 3.21.14. They did not have any comments or concerns.

**REQUESTED ACTION**

**GENERAL**
Approval of a preliminary & Final plat for a 2 lot subdivision in which 1 lot is already built on.
BACKGROUND  The property was rezoned from A-1 Agricultural to R-2 Single family for 2 residential lots back in 1994. During that process there were a few notes regarding the following:
- The soils on this parcel have extremely high groundwater elevations. The soils indicate that there are serious concerns with respect to a residence.
- Very high water in total area- very flat
- Both water and soil problems that have to be addressed. The site will have to be drained on both the north and east
- A basement would present a problem if sufficient sump pumps were not installed.
- Highway Department would like joint entrance- only one road cut for both houses.
- The property to the east is owned by Inland and they have agreed to grant an easement for drainage. A pond will also be located on the site.

SOILS  The petitioner has done a soil analysis (Health Department has received) and also has submitted the plat to the Health Department to review the proposed location of the septic and soil suitability. The Health Department had the following comment: Shallow seasonal high water table observed on Lot 2. This condition may prevent the installation of a conventional septic tank/soil absorption system. The modification of present site conditions, and/or the need for alternative wastewater treatment systems may need to be considered.

LOT SIZES  The petitioner proposed to have 2 lots, lot 1 will be 90,329.21 square feet including the ROW and lot 2 will be 94,072.57 square feet including the ROW. Since they currently own to the center of the roadway staff could count that towards their square footage.

ENGINEER COMMENTS  Our consulting engineer had two comments: 1. The Side Yard Drainage can be improved with some minor grade changes. See the marked up exhibit attached and 2. They do not recommend the sump pump drain for Lot 2 connect to the existing drain for Lot 1. Each pipe should be separate to the discharge outfall. This comment has been rectified and the drawings revised.

ACCESS  The property already has 2 access points off Fox Road. The PBZ Department will defer to the Highway Department with regards to granting another access point and previous discussions back in 1993. Mr. Fran Klaas stated due to the future realignment of Fox Road he does not have an issue with another access point. However, a variance will need to be applied for due to the distance from the current access points.

FLOODPLAIN  There are no floodplains on this property.

RECOMMENDATION  Staff recommends approval of the requested preliminary and final plat.

ATTACHMENTS
1. Information from Original Rezoning case (93-02)
2. Ordinance # 1994-01: Rezoning from A-1 to R-2 Single Family Residential
3. ZPAC Meeting minutes from 4.7.14
4. KCRPC Meeting minutes from 4.23.14
5. Draft Ordinance with Plat of Survey as Exhibit A
Mr. Chairman and Members of the County Board of Kendall County, Illinois:

Your Board of Appeals transmits for your consideration, recommendations on an application for an amendment to the County Zoning Ordinance affecting property consisting of 4.201 acres more or less located 750 feet east of the corner of Fox and Highpoint Roads on the north side of Fox Road. The application is to reclassify the subject property from its existing A1 Agricultural District to R2 Single Family District. The applicant represents that he intends to rezone two (2) residential lots.

After due notice, as required by law, the Board of Appeals held a public hearing on Friday, February 19, 1993 at 10:00 a.m. in the Kendall County Board Room. At the hearing, the applicant was represent by Attorney Tom Grant.

The Board discussed the petition, then Thurow moved, Dierzen seconded to grant the rezoning. Members Langeland, Thurow, Bark, Dierzen and Swanson voting aye. Members Smith and Klatt were absent.

The Board also made the following findings:

1. The existing use of property in the area is mixed with residential and agricultural zoning.
2. The present zoning of property in the area is A1 and R3.
3. The suitability of property for uses permitted as presently zoned is marginal. The size and location abutting a subdivision makes it more conducive for rezoning.
4. The trend of development in the area has slight growth.

Respectively submitted,
Torsten Swanson, chairman, present
Rudolph Langeland, present
Louis Thurow, present
Richard Bark, present
Roger Smith, absent
Floyd Dierzen, present
Thomas Klatt, absent
Robert Nordengren, secretary, absent
March 8, 1993

Building and Zoning Committee
Attn: Kay Hatcher
Yorkville, IL 60560

RE: Petition #9302 Shirley Torrence, Mary Backhoff

Dear Kay:

The Fox Township Planning Commission presented their recommendations to the Township Board of Trustees on March 8, 1993 concerning the above referenced petition. The Board of Trustees concurs with the Planning Commission in a favorable recommendation.

Respectfully Submitted,

Janet Whitfield Doll
Fox Township Supervisor

Enclosure
ZONING AND PLATTING ADVISORY COMMITTEE (ZPAC)
March 16, 1993
REPORT

ZPAC has reviewed the Zoning applications and plats that have been filed with the Building and Zoning Office. The comments relating to the following is informational only and are made to assist in the zoning and platting process.

#9302 Shirley Torrence (Mary Backhoff)

1. The site is below the County’s requirements for drainage calculations.

2. The soils on this parcel have extremely high groundwater elevations. The soils indicate that there are serious concerns with respect to a residence.

3. Very high water in total area - very flat. Soil and Water District states that they hit water with probe at approximately 4 inches. Could possibly tile to the east. Also states that the soil map as presented is wrong. A swale does run to the northeast. Soil shown as Drummer is really Elburn and Lisbon, very wet. Topo is correct.

4. Highway Department would like joint entrance - only one road cut for both houses.
Motion was made by Member Larson to approve the bills submitted for payment. Seconded by Member Scholtes. Motion was unanimously passed.

NEW BUSINESS

Petition #9302/Shirley Torrence
Section 1 Fox Township
A 1 to R 2

Chairman Gawne noted a change in the order of business. Petition #9302 was moved forward due to the possible length of time involved with the first order of business.

Petitioner Torrence was represented by Attorney Thomas Grant. Attorney Grant stated the property is a 4.2 acre parcel of real estate. The surrounding property is zoned "R-3" and resident property is zoned in the area. This petition was brought before Fox Township Plan Commission. They felt it would fit under their guidelines.

Attorney Grant mentioned that currently there are both water and soil problems that have to be addressed. The site will have to be drained on both the north and the east. The Highway Department has limited the area to a single road cut. The petitioner will dedicated 40 foot for highway right of way. The site is in the preliminary plat stage and the limited right of way will be addressed at a later date. The drainage issue will be addressed at the ZPAC meeting.

A question regarding water drainage problems was answered by Member Haldiman. He referred to the topography of the site and mentioned that it drains to the railroad side. A basement would present a problem if sufficient sump pumps were not installed. Elevation pads might be necessary as the LESA rating is 100.

Motion was made by Member Ford to approve the change in zoning from "A-1" to "R-2". Seconded by Member Haldiman. Motion was put to a roll call vote.

Jim Friedrich    aye    Sam Haldiman    aye
Ed Gawne         aye    Randy Mohr      aye
William Ford     aye    Mary Ann Stees aye
Terry Larson     aye    Paul Scholtes  may
David Krahn      aye

Motion passed.
Building & Zoning Committee/April 14, 1993/Page Two

County Highway Engineer Klaas felt the curve should be removed and traffic control devices installed where necessary.

Member Young agreed with Engineer Klaas's recommendation. Member Young further stated that the requested soil investigations had not been performed. He further stated that he felt there would be many problems with the soil and sewer should this petition for rezoning be approved. Member Young went on to mention a discussion with Village of Oswego Administrator Mary Distler regarding this petition. Ms. Distler stated that the hike and bike trails that were to be shown on the plat were not reflected as stated. She further mentioned a need for a soil survey of all questionable sites has not yet to be completed. Member Young felt there was still a considerable amount of work to be accomplished before a decision on rezoning could be rendered. Member Young stated he has also consulted with both Ms. Bennett and Mr. Pals of the Soil and Water Conservation Department regarding this matter. Both have expressed concerns with potential water and soil problems on this site.

Chairwoman Hatcher, Mr. Davidson, Member Hausler, and Sheriff Randall felt that the 90 degree curve should be eliminated as requested by Engineer Klaas.

When questioned regarding the upkeep on the 40 foot parcel of land that would remain after the curve straightening of Reservation Road, Attorney Kramer stated it would be dedicated to the neighbors and less mobility xe gi the lot. Jorgow asked If it was requested that a separate meeting be held with Ms. Distler, Jeff Humm, Ms. Bennett and/or Mr. Pals, the Oswegoland Park District, and the ZPAC. Arrangements will be made with all concerned parties to meet and resolve any and all differences regarding this rezoning request. Member Hausler stated that this matter will come before the Committee once more before being recommend to the County Board for approval.

| #9302/Shirley Torrence |
| Section 1 - Fox Township |
| A 1 to R 2 |

Director Millen presented a recap of Petition #9302. The petitioner was represented by Attorney Tom Grant. Attorney Grant stated that although a water problem exists, he feels it would fit in with the character of the land. He further stated that the Fox Township Planning Commission has recommended this petition for approval. In talking with Ms. Bennett, her concern was for proper water drainage at the site. Attorney Grant stated the water problem will be addressed in the platting stage. He further stated ZPAC has requested only one (1) road cut and dedication of 40 feet of right of way. The petitioner is in agreement and are trying to arrange for the allowance of ONE (1) acre in back for Ms. Mary Backoff. All other problems will be addressed at the platting stage.
Member Young felt that a foundation height should be established along with a prolific sewer system due to the six (6) inches of ground water near the surface ground area. He further stated that this property should not be divided into two (2) lots. He felt a water and sewer problem in this area was the reason building has not continued.

Surveyor Olson presented the Committee with his point of view regarding this site. He stated that it would be drained to the northeast in the ditch along the railroad tracks. Located just west of the tracks on Fox Road a six (6) inch field tile feeds off in three directions.

Motion was made by Member Hausler to approve petition #9302 for rezoning from "A 1" to "R 2". Seconded by Member Charest. Motion was put to a roll call vote:

Richard Young  nay  Kay Hatcher  aye
Thomas Charest  nay  Donald Hausler  aye

Motion failed. This matter will be referred to the County Board.

OTHER BUSINESS

Director Millen stated that 17 building permits have been issued with 8 new housing starts having a total value of $1,250,000.00.

It was noted that the County Board was in receipt of a letter from Ms. Gretchen A. Wendorf, 2481 Plainfield Road, East, of Oswego. Ms. Wendorf noticed a large bill board erected on the corners of Plainfield and Simmons Roads advertising a map of sub-divided lots for sale. It was noted that the builder has yet to contact the Building & Zoning Office regarding the rezoning of this property. The builder has been contacted and the sign has been removed. Mrs. Wendorf has conveyed her thanks for the prompt action in this matter.

Director Millen mentioned a problem with the 2-way radio in the Building & Zoning Department. The old system is sometimes unable to reach Mr. Hastings on his inspections due to the limited range. Director Millen has arranged for the purchase of a pager for Mr. Hastings that would suit the Departments purposes without a large cash outlay for a new two-way system. The pager enables the office to reach him at any given point and saves both time and fuel. The monthly charge for the pager is $10.00 or $120.00 per year which is considerably less the replacement price for a new two-way system.

Motion was made by Member Young approving the purchase of the pager for Mr. Hastings. Seconded Member Hausler. Motion unanimously approved by roll call vote.

The next item to be addressed by Director Millen regarded the recently approved amendment for the agricultural zoning - referred to the Ag amendment but more properly noted as the 7.01 A-2c. It was suggested that this amendment should be a separate district since there is no provision in the
May 5, 1993

Kendall County Building and Zoning Department
ATTN: Molly

RE: Shirley Torrence (Mary Backhoff)
Zoning application

Dear Molly:

The Torrence (Backhoff) zoning application is scheduled for hearing before the Building and Zoning Committee on Thursday, May 13, 1993. As you know, this matter was continued from last month to give us an opportunity to further study the water conditions and drainage on the property. We have not yet concluded the study. Accordingly, I request that this matter again be tabled before the Building and Zoning Committee. I would appreciate it if the matter can be passed and be placed on the Building and Zoning Committee agenda in June.

As you know, I will be travelling to Indianapolis on the evening of May 13 and I will not, accordingly, be able to be present at the Building and Zoning Committee meeting. I would appreciate it if you would bring this matter to the attention of the Building and Zoning Committee and request that they pass the matter into June.

On a related matter, the Mackenzie zoning application will be considered by the Building and Zoning Committee on May 13. While I will not be able to be there, Jim Olson will stand in for me and will be present with the Mackenzies.

As always, thank you for your cooperation.

Very truly yours,

[Signature]

Thomas W. Grant

TWG/paa
The meeting was called to order by Chairwoman Hatcher at 7:04 p.m.

Members present:

Dick Young
Kay Hatcher
Bill Page

Thomas Charest
Don Hausler

Others present:

Mollie Millen/Director of B & Z
Tom Fletcher/County Board Member
Liz Clark/WSPY
James Olson/Attorney

Floyd Sleezer/County Board Member
Larry Nelson/Comp Plan Commission
Ed Petka/Attorney

**OLD BUSINESS**

Petition #9302
Shirley Torrence
Section 1/Fox Township
"A-1" to "R-2"

Chairwoman Hatcher recapped this petition for the Committee. The petitioner was represented by Attorney James Olson. This was delayed due to family matters that the petitioner needed to attend to. Mr. Ted McCann concurred with the soil study. The property to the east is owned by Inland and they have agreed to grant an easement for drainage. A pond will also be located on the site. The septic system will be an aerobic system with an evaporation bath. Ms. Holbrook was in agreement with this type of system. Attorney Olson further stated that they would recommend against basements. Member Young would like to see that incorporated into the plat. Attorney Olson noted that the main concerns when this has been brought before the various committees had been: the need for a pond, drainage easement and a workable septic system. He feels that these concerns have been addressed and is requesting recommendation of this petition.
ORDINANCE 94 - 01
AMENDING KENDALL COUNTY ZONING ORDINANCE AS AMENDED

WHEREAS, Shirley Torrence, did petition Kendall County in the manner required by law and the ordinances of Kendall County, Illinois for a map amendment to the Kendall County Zoning Ordinance; and

WHEREAS, the required public hearing was held before the Kendall County Zoning Board of Appeals,

THEREFORE, BE IT ORDAINED by the County Board of Kendall County, Illinois that the following described property be and it is hereby rezoned and reclassified from A-1, Agriculture District to R-2 District One-Family Residential and the Zoning Administrator is hereby ordered and directed to change the zoning map to show the change in zoning classification:

That part of the East Half of Section 1, Township 36 North, Range 6 East of the Third Principal Meridian described as follows: Commencing at the intersection of the centerline of Fox Road with the centerline of Fox Court; thence northeasterly along said Fox Road centerline, 254.61 feet for a point of beginning; thence northeasterly along said Fox Road centerline, 290.23 feet to the East line of sublot 7 in said Section 1 as depicted on a plat recorded in Plat Book 3 on Page 1; thence northerly along said East line, 500.73 feet to the southerly line of the Burlington Northern Railway Company right-of-way; thence southwesterly along said southerly line 509.90 feet the northeasterly line, extended northerly, of Lot B as depicted on the plat of Fox Station recorded in Plat Book 4, Page 99; thence southerly along said extended northeasterly line and said northeasterly line, 210.67 feet to the southeasterly corner of said Lot B; thence northeasterly along the southeasterly line of said Lot B extended, 56.39 feet to a line drawn northwesterly, parallel with said northeasterly line of Lot B, from the point of beginning; thence southeasterly along said parallel line, 236.60 feet to the point of beginning in Fox Township, Kendall County, Illinois and containing 4.201 acres.

PASSED This 21st day of December, 1993.

[Signature]
Chairman, County Board of Kendall County, Illinois

ATTEST:
[Signature]
County Clerk
Planner Angela Zubko called the meeting to order at 9:02 a.m.

Present:
Megan Andrews – Soil & Water Conservation District
Scott Gryder – PBZ Member
Fran Klaas - County Highway Department
Angela Zubko – PBZ Planning & Zoning Manager

Absent:
Greg Chismark – Wills Burke Kelsey
Brian Holdiman - Building Inspector
Jason Petit - Forest Preserve
Aaron Rybski – Health Department
Phil Smith – Sheriff’s Office

Also present: Petitioner Ron Reinert

AGENDA

A motion was made by Scott Gryder to approve the agenda, Fran Klaas seconded the motion. All were in favor and the motion carried.

MINUTES

Scott Gryder made a motion, seconded by Megan Andrews, to approve the February 3, 2014 meeting minutes. All were in favor and the motion carried.

PETITIONS

#14-06 Reinert Fox Road Subdivision
Planner Angela Zubko did an overview of the request stating the property is located at 12345 Fox Road on the north side about 0.2 miles east of Highpoint Road. The petitioners are seeking approval of a preliminary & final plat for a 2 lot subdivision in which 1 lot is already built on. The property was rezoned in 1994 for 2 homes but never subdivided. During the approval of the rezoning there much discussion on water issues and the soils having extremely high groundwater elevations. Staff will defer to the Health Department, engineers and soil and water conservation district on this issues. Also at that time the Highway Department requested only 1 access point off Fox Road and that it line up with the driveway across the street. Since then a moon shaped driveway has been installed and they are requesting another entrance from the Highway Department. Staff will defer to Fran on this issue. The petitioner will have 2 lots, lot 1 will be 90,329.21 square feet including the ROW and lot 2 will be 94,072.57 square feet including the ROW. Since they currently own to the center of the roadway staff could count that towards their square footage. Staff will defer again to Fran with regards to ROW dedication. Our consulting engineer had two comments: 1. The Side Yard Drainage can be improved with some minor grade changes. See the marked up exhibit attached and 2. They do not recommend the sump pump drain for Lot 2 connect to the existing drain for Lot 1. Each pipe should be separate to the discharge outfall. Staff recommends approval of the requested preliminary and final plat with any suggested changes of the other departments.

Mr. Fran Klaas stated that no ROW needs to be dedicated at this time. Due to the Eldamain project and Fox Road realignment this part of Fox will be a local street so he is not too worried about another access. The petitioner would need to request a variance to add another access point at this time.

Ms. Megan Andrews from the Soil & Water Conservation District is working on the natural resources and executive summary. She stated taking a quick look the area is very flat and has hydric soils. She stated there will be limitations for a conventional septic system.
Mr. Scott Gryder stated Fran and Megan got the important issues and glad the water issues seem to be taken care of.

With no further comments Scott Gryder made a motion, seconded by Fran Klaas to approve the preliminary and final plat and forward the petition onto the Plan Commission meeting in April. All were in favor and the motion carried.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD:
14-02 Dickson Valley Ministries- Approved at the 3.19.14 County Board meeting
14-03 Plat of Vacation- Approved at the 2.18.14 County Board meeting
13-26 Green Organics, Inc.- Approved at the 3.19.14 County Board meeting
13-31 Candice Hadley- Approved at the 2.18.14 County Board meeting

PUBLIC COMMENT- There were no comments.

OLD BUSINESS- None

NEW BUSINESS- None

AJOURNMENT- Next meeting on May 5, 2014
With no further business to discuss Megan Andrews made a motion, seconded by Fran Klaas to adjourn the meeting at 9:21 a.m. The motion carried.

Submitted by,
Angela L. Zubko
Planning & Zoning Manager
ROLL CALL
Members Present: Chair Bill Ashton, Tom Casey, Brian Leonard, Larry Nelson, Claire Wilson and Budd Wormald
Others present: Planning & Zoning Manager Angela Zubko
Members Absent: Bill Lavine, Vern Poppen, Tim Sidles and 1 vacancy (Big Grove & NaAuSay)
In the Audience: Ron Reinert, Gregg Ingemunson, Bob & Bill Adelizzi

APPROVAL OF AGENDA
Larry Nelson made a motion to approve the agenda as written. Claire Wilson seconded the motion. All were in favor and the agenda was approved.

APPROVAL OF MINUTES
Larry Nelson made a motion to approve the minutes from February 26, 2014 meeting, Tom Casey seconded the motion. All were in favor and the minutes were approved.

PETITIONS
#14-06 Reinert Fox Road Subdivision
Planner Angela Zubko did an overview of the request stating the property is located at 12345 Fox Road on the north side about 0.2 miles east of Highpoint Road. The petitioners are seeking approval of a preliminary & final plat for a 2 lot subdivision in which 1 lot is already built on. The property was rezoned in 1994 for 2 homes but never subdivided. During the approval of the rezoning there was much discussion on water issues and the soils having extremely high groundwater elevations. Staff will defer to the Health Department, engineers and soil and water conservation district on this issue. The Health Department had one comment that this lot has shallow seasonal high water table (less than 12 inches in some borings) observed on Lot 2. This condition may prevent the installation of a conventional septic tank/soil absorption system. The modification of present site conditions, and/or the need for alternative wastewater treatment systems, may need to be considered. Also in 1994 the Highway Department requested only 1 access point off Fox Road and that it line up with the driveway across the street. Since then a moon shaped driveway has been installed and they are requesting another entrance from the Highway Department the petitioner would need to
request a variance to add another access point at this time. Mr. Fran Klaas stated that
no ROW needs to be dedicated at this time due to the proposed realignment of Fox.
This part of Fox will be a local street so he is not too worried about acquiring any ROW
or the variance for another access.

The petitioner will have 2 lots, lot 1 will be 90,329.21 square feet including the ROW and
lot 2 will be 94,072.57 square feet including the ROW. Since they currently own to the
center of the roadway staff could count that towards their square footage. Staff will
defer again to Fran with regards to ROW dedication. Our consulting engineer had two
comments: 1. The Side Yard Drainage can be improved with some major grade
changes. See the marked up exhibit attached and 2. They do not recommend the sump
pump drain for Lot 2 connect to the existing drain for Lot 1. Each pipe should be
separate to the discharge outfall. Staff recommends approval of the requested
preliminary and final plat with the suggested changes from our engineer.

Budd Wormley stated this property has been for sale for a long time and asked if it was
not a buildable lot at that time. Mr. Reinert stated they were seeking a buyer before
subdividing but since the recession they are looking to subdivide before finding a buyer.

There was some discussion on the septic and well which the petitioner stated will be a
separate well and septic for a new home. Also the petitioner stated they will not tie in
the sump line into the existing drain for lot 1.

With no further suggestions or changes Claire Wilson made a motion, seconded by
Larry Nelson to recommend approval and forward the petition onto the PBZ Committee
meeting with the engineering suggested condition comment. A roll call vote all were in
favor.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD
14-02 Dickson Valley ministries- Passed at the March County Board Meeting

CITIZENS TO BE HEARD/ PUBLIC COMMENT
Attorney Gregg Ingemunson wanted to seek some advice from the Plan Commission
regarding a property on Route 126. The property currently has a special use for a
landscape company. Due to the downturn in the economy the petitioners are looking to
rezone the property to B-3 and in order to do that would need to amend the LRMP to
show this location being commercial instead of commercial. Attorney Ingemunson
stated on the Village of Oswego’s comprehensive plan it shows commercial across
Route 126 from this property.

Budd Wormley has some concerns on the drainage of this property. The Plan
Commission does not see a huge concern expanding the commercial district west to
this property. The next step would be to get consensus from the NaAuSay Township
Board and the owner to the east.
ORDINANCE NUMBER 2014 -

GRANTING APPROVAL OF A PRELIMINARY AND FINAL PLAT OF SUBDIVISION
FOR 4.23 ACRES
REINERT FOX ROAD SUBDIVISION

WHEREAS, George & Ronald Reinert have filed a petition for a preliminary and final plat within the R-2 Single Family Zoning District for a 4.23 acre property located on the north side of Fox Road, 0.2 miles east of Highpoint Road commonly known as 12345 Fox Road, (PIN# 04-01-402-004), in Fox Township; and

WHEREAS, said property is currently zoned R-2 Single Family Residential; and

WHEREAS, the County Board of Kendall County, Illinois did grant the petitioner said request for rezoning from A-1 Agricultural to R-2 Single Family residential for two lots as Ordinance 1994-01 on December 21, 1993; and

WHEREAS, said property is legally described as:

THAT PART OF THE EAST 1/2 OF SECTION 1, TOWNSHIP 36 NORTH, RANGE 6 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF THE CENTER LINE OF FOX ROAD WITH THE CENTER LINE OF FOX COURT; THENCE NORTHEASTERLY ALONG SAID FOX ROAD CENTER LINE, 254.61 FEET FOR A POINT OF BEGINNING; THENCE NORTHEASTERLY ALONG SAID FOX ROAD CENTER LINE 290.23 FEET TO THE EAST LINE OF SUB LOT 7 IN SAID SECTION 1 AS DEPICTED ON A PLAT RECORDED IN PLAT BOOK 3 ON PAGE 1; THENCE NORTHERLY ALONG SAID EAST LINE, 500.73 FEET TO THE SOUTHERLY LINE OF THE BURLINGTON NORTHERN RAILWAY COMPANY RIGHT-OF-WAY; THENCE SOUTHWESTERLY ALONG SAID SOUTHERLY LINE 509.90 FEET TO THE NORTHEASTERLY LINE, EXTENDED NORTHERLY, OF LOT B AS DEPICTED ON THE PLAT OF FOX STATION RECORDED IN PLAT BOOK 4, PAGE 99; THENCE SOUTHERLY ALONG SAID EXTENDED, NORTHEASTERLY LINE AND SAID NORTHEASTERLY LINE, 238.34 FEET TO THE SOUTHEASTERLY CORNER OF SAID LOT B; THENCE NORTHEASTERLY ALONG THE SOUTHEASTERLY LINE OF SAID LOT B EXTENDED, 56.37 FEET TO A LINE DRAWN NORTHWESTERLY, PARALLEL WITH SAID NORTHEASTERLY LINE OF LOT B, FROM THE POINT OF BEGINNING; THENCE SOUTHWESTERLY ALONG SAID PARALLEL LINE, 207.40 FEET TO THE POINT OF BEGINNING IN FOX TOWNSHIP, KENDALL COUNTY, ILLINOIS.

EXCEPT THAT PART OF THE SOUTHEAST QUARTER OF SECTION 1, TOWNSHIP 36 NORTH, RANGE 6 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF THE CENTER LINE OF FOX ROAD WITH THE CENTER LINE OF FOX COURT IN "FOX STATION"; THENCE NORTHEASTERLY ALONG SAID FOX ROAD CENTER LINE, 254.61 FEET TO A LINE DRAWN PARALLEL WITH AND 254.33 FEET, NORMALLY DISTANT, EASTERLY OF SAID FOX COURT CENTER LINE FOR A POINT OF BEGINNING; THENCE NORTHWesterLY ALONG SAID PARALLEL LINE 45.09 FEET; THENCE NORTHEASTERLY PARALLEL WITH SAID FOX ROAD CENTER LINE 365.65 FEET TO THE EAST LINE OF SUB LOT 7 OF SAID SECTION 1; THENCE SOUTHEASTERLY ALONG SAID EAST LINE 47.21 FEET TO SAID FOX ROAD CENTER LINE; THENCE SOUTHWESTERLY ALONG SAID CENTER LINE, 290.23 FEET
State of Illinois  
County of Kendall

TO THE POINT OF BEGINNING IN FOX TOWNSHIP, KENDALL COUNTY, ILLINOIS AND CONTAINING 0.308 ACRES, OF WHICH 0.169 ACRES IS IN THE EXISTING FOX ROAD RIGHT-OF-WAY.

WHEREAS, all procedures required by the Kendall County Subdivision Control Ordinance were followed including notice for public hearing and favorable recommendation from the Zoning, Platting Advisory Committee in accordance with Section 7.02 and Section 7.04 of the Subdivision Control Ordinance, and recommendation for approval by the Kendall County Regional Plan Commission on April 23, 2014; and

WHEREAS, the Kendall County Board has considered the recommendation of the Regional Plan Commission and finds that said petition is in conformance with the provisions and intent of the Kendall County Zoning Ordinance; and

NOW, THEREFORE, BE IT ORDAINED, that the Kendall County Board hereby approves a preliminary and final plat of subdivision for said tract of land entitles “Reinert Fox Road Subdivision” included as “Exhibit A” attached hereto and incorporated herein.

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

IN WITNESS OF, this ordinance has been enacted on May 20th, 2014.

Attest:

Debbie Gillette  
Kendall County Clerk

John Shaw  
Kendall County Board Chairman
LEGAL DESCRIPTION

THAT PART OF THE EAST 1/4 OF SECTION 1, TOWNSHIP 36 NORTH, RANGE 6 EAST OF THE THIRD PRINCIPAL MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF THE CENTER LINE OF FOX ROAD AND THE CENTER LINE OF FOX COURT; THENCE NORTHEASTLY ALONG SAID FOX ROAD CENTER LINE 234.89 FEET FOR A POINT OF BEGINNING; THENCE NORTHWESTERLY 68 FEET ALONG SAID FOX ROAD CENTER LINE 731.00 FEET TO THE EAST SERVICE LINE OF SUBLOT 7; AND SECTION 1 AS DESCRIBED ON A PLAT RECORDED IN PLAT BOOK 1, LOT 1, TOWNSHIP 36 NORTH, RANGE 6 EAST, LINE 102 FEET TO THE NORTHEASTERLY LINE OF THE BURLINGTON Northern RAILWAY COMPANY RIGHT-OF-WAY, THENCE WESTERLY 474.00 FEET TO THE NORTHEAST CORNER OF LOT 1; THENCE SOUTHEASTERLY 474.00 FEET TO THE SOUTH SERVICE LINE OF SAID LOT 1; AND SECTION 1 AS DESCRIBED ON A PLAT RECORDED IN PLAT BOOK 1, LOT 1, TOWNSHIP 36 NORTH, RANGE 6 EAST, LINE 102 FEET TO THE NORTHEASTERLY CORNER OF LOT 1; THENCE SOUTHEASTERLY 474.00 FEET TO THE SOUTH SERVICE LINE OF SAID LOT 1; THENCE SOUTHEASTERLY ALONG THE SOUTHEASTERLY LINE OF SAID LOT 1 EXTENDED 169.77 FEET TO THE LINE DRAWN NORTHWESTERLY PARALLEL WITH AND ALONG SAID CENTER LINE 57.00 FEET TO THE POINT OF BEGINNING.

EXCEPT THAT PART OF THE SOUTH SERVICE LINE OF SECTION 1, TOWNSHIP 36 NORTH, RANGE 6 EAST OF THE THIRD PRINCIPAL MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF THE CENTER LINE OF FOX ROAD AND THE CENTER LINE OF FOX COURT; THENCE NORTHWESTERLY ALONG SAID FOX COURT CENTER LINE 104.63 FEET TO A LINE DRAWN PARALLEL TO AND 294.22 FEET NORTHEAST OF EAST PARALLEL TO THE CENTER LINE OF FOX COURT CENTER LINE; THENCE NORTHWESERTLY ALONG SAID CENTER LINE 59 FEET AND 21.18 FEET ALONG SAID CENTER LINE, 599.00 FEET AND 21.18 FEET ALONG SAID CENTER LINE, 286.25 FEET TO THE POINT OF BEGINNING IN FOX TOWNSHIP, KENDALL COUNTY, ILLINOIS, AND CONTAINING 3.20 ACRES, OF WHICH 0.89 ACRES IS IN THE EXISTING ROAD RIGHT-OF-WAY.

SOIL IDENTIFICATION

59A = LISBON SILT LOAM
356A = ELPAZO SILT CLAY LOAM
198A = ELBURN SILT LOAM

SITE BENCHMARK

3001 FOX ROAD, IL-189 NET RAIL ROAD CROSSING BASE OF THE RAIL ROAD SIGNAL, ON THE NORTHWEST SIDE OF THE ROAD BRASS MARKER ON THE SOUTH SIDE OF THE BASE

ELEV. 662.04 (NAVD 88)

SET BENCHMARK ON TOP OF WELL FOR THE EXISTING RESIDENCE

ELEV. 661.04

OWNER/DEVELOPER

GEORGE & RONALD REINERT
1200 BADGER STREET
YORKVILLE, ILLINOIS 60560
PHONE: 630-327-1274

SURVEYING & ENGINEERING

RB & ASSOCIATES CONSULTING INC.
4 WEST MAIN STREET, SUITE 201
PLANO, ILLINOIS 60545
PHONE: 630-522-1452

TOTAL AREA = 184,491.78 SQ FT.
4.233 ACRES

LOCATION MAP

PREPARED: MARCH 20, 2014
REVISED: APRIL 28, 2014 - WBK COMMENTS
ORDINANCE NUMBER 2014 -

GRANTING SPECIAL USE
3437 WOLF CROSSING ROAD
SHARA STEPHENS D/B/A NEW DAY MONTESSORI SCHOOL

WHEREAS, Shara Stephens d/b/a New Day Montessori School filed a petition for a Special Use within the A-1 Agricultural Zoning District for the operation of a day care and school facility pursuant to Section §7.01.D.28 of the Kendall County Zoning Ordinance for a 2.6 acre property located on the north side of Wolf Crossing Road, west of Southbury Boulevard, commonly known as 3437 Wolf Crossing Road, (PIN# 03-16-176-002), in Oswego Township; and

WHEREAS, the subject property is improved with an existing single family residence which does not comply with the required front yard setbacks in the A-1 Zoning District; and

WHEREAS, said petition is to allow the operation of a day care and school facility with a maximum of 30 students; and

WHEREAS, said property is legally described as:


WHEREAS, all procedures required by the Kendall County Zoning Ordinance were followed including notice for public hearing, preparation of the findings of fact in accordance with Section 13.07.J of the Zoning Ordinance, and recommendation for approval by the Special Use Hearing Officer on January 23, 2007; and

WHEREAS, the findings of fact were approved as follows:

That the establishment, maintenance, and operation of the special use will not be detrimental to, or endanger, the public health, safety, morals, comfort, or general welfare.
(Staff) FALSE, as proposed. The proposed number of students (80), while less than originally proposed, will be generating an additional traffic burden in an area noted for residential usage – notwithstanding traffic studies to the contrary. The proposed hours of operation are from 7:00 am to 6:00 pm. Parents dropping off and picking up their children will be generating traffic backups when attempting to make left turns into the site, at times where the morning and evening rush hour traffic is already substantial. Once Wolf Crossing Road is upgraded to 5 lanes, the additional carrying capacity of the road will be such as to lessen this burden. As well, a student count of 30 or less will create a minimal traffic burden on the existing two-lane Wolf Crossing Road.

(Hearing Officer) There is a strong likelihood that the proposed special use as requested with 80 students will be detrimental to the public safety and general welfare. Traffic will increase at certain drop-off and pick-up times. Petitioner's traffic studies while showing that a left turn is unwarranted, is not convincing that there will not be ingress and egress dangers created on the well traveled two-lane road. The issue then becomes whether these traffic issues can be minimized by reducing the number of students in attendance.

That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The Zoning classification of property within the general area of the property in question shall be considered in determining consistency with this standard. The proposed use shall make adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open space and other improvements necessary to insure that the proposed use does not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a whole.

(Staff) FALSE, as proposed. The property immediately surrounding the site is in residential usage. The traffic levels during drop-off and pick-up of students may very well be injurious to the use and enjoyment of adjacent residential property. While the subject property is zoned A-1 Agricultural, property in the immediate vicinity along the north side of Wolf Crossing Road is zoned R-2 and R-3 One Family Residential, and the property across the street is in residential usage in the Village of Oswego. While the petitioner is providing a level of screening of the proposed parking area from view of these properties, it is doubtful that the proposed use at the proposed scale can be considered compatible with the surrounding area. After Wolf Crossing Road is upgraded to five lanes, it is anticipated that the area of Wolf Crossing Road between Route 34 and Douglas Road will transition to a mixture of residential and non-residential uses. As such, the compatibility of the proposed use with surrounding uses will gradually increase. Additionally, with a student population at 30 or under, the proposed use will more than likely blend in with the surrounding residential uses and not substantially diminish or impair property values within the two-lane Wolf Crossing Road neighborhood.

(Hearing Officer) The special use of a school/child care facility should not be injurious to the use or enjoyment of nearby property, which is mostly large lot residential. Schools are placed in residential areas to accommodate the needs of young families. While not a public school, this facility is based upon a Montessori teaching method, which has a proven track record. The negative effects of this special use, such as noise, will be minimized by maintaining mostly indoor activities. All activities including the transportation of the students will occur during the less intrusive daytime. The size of the parcel (2.6 acres) will permit buffering and landscaping, particularly around the parking lot. The existing building with the proposed addition will preserve the residential character of the area. The proposed raising of goats on the premises will not adversely affect the nearby property owners if properly contained.

That 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.
(Staff) FALSE, as proposed. The scale of the proposed use will create, in effect, a commercial use surrounded on three sides by residential usage (to the north is a golf course). This may have the effect of accelerating the conversion of this area of Wolf Crossing Road from residential to commercial usage, which by definition will impede the normal and orderly development and improvement of surrounding property for uses permitted in the area. With a student population of 30 or less, the level of impediment to the normal and orderly development and improvement in the area of the two-lane Wolf Crossing Road is minimal.

(Hearing Officer) This proposed special use will not impede surrounding development. This is the type of commercial use, which complements the residential development since it provides an essential service in a convenient and unobtrusive setting. There is no indication that property values will decrease, and may in the greater area increase values since it will be meeting the community need for child care and pre-school. This is not the type of use that will accelerate commercial growth in the way that a convenience store or gas station would.

That adequate utilities, access roads, drainage, and/or other necessary facilities have been or are being provided.

(Staff) FALSE, as proposed. The petitioner has not proposed the provisioning of a left turn lane on Wolf Crossing Road to allow for through eastbound traffic to travel unimpeded. In addition, there is no provision for additional parking to handle activities at the day care that involve parent attendance and/or participation. With a student population of 30 or less, the need for turn lanes is minimal. Once Wolf Crossing Road is upgraded to five lanes with paved shoulders, the need for turn lanes is eliminated.

TRUE, to the extent that the site has – or will have – adequate utilities, drainage, and employee parking.

(Hearing Officer) There are adequate public utilities on the property. The existing building with the proposed addition will accommodate the child care/pre-school use for a reasonable number of students. The existing driveway provides an adequate access to the roadway. The pond on the premises presents safety issues that must be addressed. There is adequate space for a parking lot on the property. However, these same features most likely will not support the proposal for 80 students.

That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

(Staff) FALSE, as proposed. As mentioned previously, the level of vehicles entering the site during morning drop-off and evening pick-up of students will increase traffic congestion on Wolf Crossing Road. At a student population of 30 or less, the additional traffic congestion is minimal. As well, once Wolf Crossing Road is upgraded to five lanes with paved shoulders, traffic flow will be improved, the need for turn lanes is eliminated.

(Hearing Officer) As proposed, there have been no measures taken to minimize traffic congestion, except to suggest that Wolf Crossing Road can handle the increased traffic from 80 students. Wolf Crossing Road is a highly traveled two-lane road, which needs to be upgraded. Traffic ingress and egress from this property is a serious safety concern. The most persuasive approach is to limit the frequency of the ingress and egress by limiting the number of students.

That 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 County Board pursuant to the recommendation of the Hearing Officer.

(Staff) TRUE, if the requested variances to the County’s parking prohibition inside required yard areas, and
a variance to the County’s front yard area requirement for construction of the proposed addition to the primary structure, are approved.

(Hearing Officer) This finding is met to the extent that the ZBA has granted a front yard variance for the construction of the addition. However, with the denial of a setback variance for the parking lot, the petitioner must reconfigure the shape of the parking lot and its location.

That the special use is consistent with the spirit of the Land Resource Management Plan and other adopted County or municipal plans and policies.

(Staff) TRUE. The County’s LRMP designates this area as “Contiguous Growth Area-Suburban Residential”, which contemplates a mixture of uses.

(Hearing Officer) This special use is consistent with Kendall County’s LRMP designation of this area as Contiguous Growth-Suburban Residential. This designation contemplates a mixture of uses.

WHEREAS, the Kendall County Board has considered the findings and recommendation of the Hearing Officer and denied said petition on April 17, 2007; and

WHEREAS, a suit was filed naming County of Kendall as the defendant in case number 07 MR 50, Shara Stephens and New Day Montessori, Inc. v. County of Kendall, State of Illinois, n/k/a Kendall County; and

WHEREAS, Resolution 08-36 was approved authorizing the settlement of lawsuit on November 5, 2008; and

WHEREAS, a special use permit shall be granted to said property; and

WHEREAS, this special use shall be treated as a covenant running with the land and is binding on the successors, heirs, and assigns of the property owner as to the same special use conducted on the property; and

NOW, THEREFORE, BE IT ORDAINED, that the Kendall County Board hereby grants approval of a Special Use zoning permit for the use indicated in the recitals section of this Ordinance and as indicated on the submitted Site Plan included as Exhibit “A” attached hereto and incorporated herein, subject to the following conditions:

1. The maximum enrollment shall be limited to thirty (30) students with three (3) staff members. Any future expansion of the use will require submittal of an amendment to the Special Use for review and approval.
2. Goat manure shall be stored in enclosed dumpsters and removed from the site as appropriate.
3. Dedication of an additional 17’ of right-of-way to the Village of Oswego will be required prior to issuance of a building permit to provide a total R.O.W. width of 50’ from the centerline along Wolf Crossing Road.
4. The site shall be developed in substantial conformance with the site plan attached as Exhibit A.

5. A Site Development permit and engineering/landscape plan will need to be submitted for review and approval prior to the issuance of a building permit. The plans shall include:
   a. A detailed landscape plan which includes a planting plan for the berm that utilizes “salt tolerant” species that provide 100% screening year round.
   b. A plan for tree protection and preservation indicating that the existing tree line along the east and west sides of the property will be retained.
   c. Details demonstrating that the fencing to be employed around the goat enclosure is adequate to contain the animals.
   d. Details demonstrating that the fencing and signage to be employed around the pond is appropriate to minimize the hazard of drowning.
   e. Parking stalls must be 9’ x 20’ to comply with today’s parking ordinance and access ways and circulation aisles shall be designed to adequately accommodate emergency service vehicles.
   f. There must be a hard surfaced walkway from the handicap stall to the nearest entrance a minimum of 6’ wide.
   g. Must locate on the site plan one loading space that is 12’ x 30’ unless the Board decides it is not needed.
   h. Show signage for circulation pattern and stop sign onto Wolf Crossing to alert drivers.
   i. A photometric plan shall be submitted to demonstrate that any exterior lighting or parking lot lighting shall not exceed 0.2 foot candles at the property line.

6. Review and approval of the proposed well and septic systems prior to issuance of a building permit.

7. The special use may not open for business until it has been determined by the Kendall County PBZ Department that the existing structure meets the building code requirements for commercial structures including those requirements of the local fire protection district and issuance of an occupancy permit.

8. The structure on the property will also be used as a single family residence with shared parking for 1 employee.

9. In the event a drop off or by-pass lane is required for safety reasons, the petitioner is willing to incorporate these changes into the site design.

10. The parking stalls, a walking path from the handicap stall and up to the ROW must be paved. The remaining driveway shall be paved with asphalt within five (5) years of the date of the adoption of this ordinance.

11. Signage must comply with the provisions of the sign regulations of the Kendall County Zoning Ordinance.

12. Any change or modification to the Special Use that does not modify the original intent, purpose, or need for the Special Use, shall be submitted to and reviewed by the Planning, Building, & Zoning Department. Notice that a change or modification is sought shall be provided by the applicant in the manner provided in 55 ILCS 5/5-12009.5. Upon proper notice, the Planning, Building, & Zoning Department shall forward the request for
change or modification to the Planning, Building & Zoning Committee. The Committee may return the matter to ZPAC and/or Plan Commission for further consideration and findings or forward the matter to the full County Board to grant, deny, or return the requested change or modification to the Committee for further consideration and findings.

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

IN WITNESS OF, this ordinance has been enacted on May 20th, 2014.

Attest:

Debbie Gillette
Kendall County Clerk

John Shaw
Kendall County Board Chairman
SITE DEVELOPMENT PLAN
MORRISON SURVEYING CO., INC.
2621-D Libban Road, Morris, Illinois 60450-3629
Phone (815) 945-3629 FAX (815) 945-3629

THAT PART OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 37
NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE
NORTH CORNER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER, THENCE WEST ALONG
THE NORTH LINE OF SAID SOUTHEAST QUARTER OF THE NORTHWEST QUARTER, NORTH 89 DEGREES 22
MINUTES 21 SECONDS WEST, 300 FEET; THENCE SOUTH PARALLEL WITH THE EAST LINE OF SAID
SOUTHEAST QUARTER OF THE NORTHWEST QUARTER, SOUTH 00 DEGREES 12 MINUTES WEST, 428.74 FEET
TO THE CENTERLINE OF THE "OSWEGO-WOLF'S CROSSING ROAD"; THENCE NORTHEASTERLY ALONG SAID
CENTERLINE, NORTH 81 DEGREES 22 MINUTES EAST, 303.59 FEET TO THE EAST LINE OF SAID SOUTHEAST
QUARTER OF THE NORTHWEST QUARTER; THENCE NORTH ALONG THE EAST LINE OF SAID SOUTHEAST
QUARTER OF THE NORTHWEST QUARTER, NORTH 00 DEGREES 12 MINUTES EAST, 580.88 FEET TO THE
POINT OF BEGINNING, IN THE TOWNSHIP OF OSWEGO, KENDALL COUNTY, ILLINOIS.

EXHIBIT A
High Grove Petition:
Ordinance #06-42A- approving the concept and preliminary plat
Ordinance #06-43A- approving the rezoning from A-1 to RPD-2
Ordinance #06-44- approving the final plat
Rezone from A-1 to RPD-3; paid for review, was approved at ZPAC and then put on hold
March 30, 2010

Mr. Jerry Dudgeon
Director
Kendall County Planning, Building & Zoning
111 West Fox Street, Room 316
Yorkville, IL 60560-1498

Re: Camelot Farm Subdivision, Na-Au-Say Township, Kendall County, Illinois

Dear Jerry,

Last year, on June 2, 2009, we sent you a letter requesting that an extension be granted to delay the recording of the subdivision until June 1, 2010, approximately one year, which was intended to provide us with a reasonable amount of time to effect the sale of our large dairy barn home. In fact, at the time we were concerned about placing the home formally on the market until all the site development work was completed to the satisfaction of Strand Associates since the potential existed that we would need to make a change and did not want to put the home on the market until all site issues were resolved. Justin Miller met with us to review and close out the site development late in the summer of 2009 and approved all the site work at that time and we put the home on the market.

As you know, the residential home market, while it is beginning to show signs of life, is still very sluggish and our home, in particular, requires a unique buyer looking for a unique, energy efficient, Green home. We are asking for an additional one year extension on recording the subdivision at Camelot Farm in order to give us more time to sell the home. As we mentioned in our previous correspondence last year, the farm is owned as our primary residence by Tenants of the Entirety. A subdivision would nullify this legal protection. It is also our understanding that our liability insurance rates would go up significantly if we are no longer residents of the agricultural portion of the property.

As we previously discussed, the delay in recording would have no physical impact on the county, the property or our neighbors and would only assist us in properly sequencing the sale and final development of the approved changes.

Thank you in advance for your assistance in this regard. If you have any comments, questions or concerns, please feel free to call, email or write.

Respectfully submitted,

Massimo Bianchini and Susan Kovalik

Massimo_bianchini@mac.com • www.camelotfarmoswego.org
A PROCLAMATION
Declaring Historic Preservation Month in Kendall County, Illinois

WHEREAS, historic preservation is an effective tool for managing growth and sustainable development, revitalizing neighborhoods, fostering local pride and maintaining community character while enhancing livability; and

WHEREAS, historic preservation is relevant for communities across the nation, both urban and rural, and for Americans of all ages, all walks of life and all ethnic backgrounds; and

WHEREAS, it is important to celebrate the role of history in our lives and the contributions made by dedicated individuals in helping to preserve the tangible aspects of the heritage that has shaped us as a people; and

WHEREAS, "Discover America's Hidden Gems" is the theme for National Preservation Month 2014, cosponsored by Kendall County and the National Trust for Historic Preservation.

THEREFORE, the Board of Kendall County do proclaim May 2014 as National Preservation Month, and call upon the people of Kendall County to join their fellow citizens across the United States in recognizing and participating in this special observance.

ADOPTED BY THE COUNTY BOARD THIS 20th DAY OF May, 2014.

Attest:

Debbie Gillette
Kendall County Clerk

John Shaw
Kendall County Board Chairman
PBZ Projects and Activities-5.6.14

Active Zoning Petitions (not including petitions on hold)
12-19 LRMP Update- Trails
14-06 Reinert Fox Road Subdivision (Preliminary & Final Plat)
14-08 Zaranti (Variance)
14-09 Emerson Creek Pottery (Minor Amendment to Special Use)
14-10 Plano Rotary Club (Major Amendment to Special Use)
14-11 Concrete Crushing and stockpiling (Text Amendment)
14-13 New Day Montessori (A-1 Special Use)
14-14 Ultimate Sports Dome (Minor Amendment to Special Use)

12 potential petitions to be submitted (have talked to people about them)

Active Site Development Permits- 8 active

Subdivisions
Fields of Farm Colony- Complete, doing some odds and ends out there with remaining money
Subdivisions still open:
Highpoint Meadows- For Sale
Schaefer Glen- For Sale
Light Road Industrial park- Bought through foreclosure, nothing going on
High Grove- Sold some property to the Park District
Tanglewood Trails- Working on punchlist for bank to complete

Projects outside the office
Communities of Excellence Program (Waubonsee class)
NWPA Planning Committee
NWPA TAC Committee
Kane/Kendall Bike & Pedestrian Plan
County Director Meetings (CMAP)
Village of Montgomery’s Comp Plan meeting
Land Use Committee Meeting (CMAP)
Drainage District meetings through the Farm Bureau

Other Projects in the office
Investigate floodplain/zoning issues (3 water issues currently- Foxlawn Subdivision, Hawthorn Village, Wildy Road Bridge)
Stormwater mapping in the field- completed 53 subdivisions so far (Finished Little Rock Township)
Working on the windshield Survey for Historic Preservation- finished going through Oswego pictures
Continue improving the GIS website with regards to information on zoning, permits, etc. Work with mapping to convert hard copy allocation maps into an Ag Allocation layer in GIS
Convert information from pre 1993 permit cards into an excel database to create searchable system of old permit records by PIN or permit number.
Mobile Home Permits - 5 active, 1 is in violation (must be removed)
Cleaning up office with regards to getting old files scanned - All petitions are scanned, working on 2007 in building permits

FOIA's
Keep track of escrow accounts
Update website- minutes, applications and ordinances
Normal day-to-day things- phone calls, people with questions, organizing, scheduling, posting, etc.

A weekly log sheet showing what I’ve done for that week is available upon request and submitted to Mr. Wilkins

Night meeting hours attended in 2014 so far: 48.25 hours (26 Meetings)
Night meeting hours attended in 2013: 121.75 Hours (70 Meetings)
Night meeting hours attended in 2012: 111.00 Hours (67 Meetings)
Night meeting hours attended in 2011: 98.5 Hours (56 Meetings)
Night meeting hours attended in 2010: 77.50 Hours (37 Meetings)
Night meeting hours attended in 2009: 51.75 Hours (36 Meetings)
Night meeting hours attended in 2008: 53.5 Hours (27 Meetings)
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| 4/17/2014  | 012014048 | 01 House        | 0518229004    | WILLMAN JASON P &amp; HEATHER B | 10974 TANGLEWOOD TRAILS DR YORKVILLE, IL 60560- | TANGLEWOOD TRAILS | WILLMAN &amp; GROESCH |
| 4/24/2014  | 012014051 | 01 House        | 0327200008    | HIGENS, MARJorie          | 4050 DOUGLAS RD OSWEGO, IL 60543         |             |                |
| 4/17/2014  | 012014047 | 01 House        | 0417300002    | DICKSON VALLEY MINISTRIES | 8250 FINNIE RD NEWARK, IL 60541-       |             |                |
| 4/24/2014  | 012014053 | 01 House        | 0125378004    | LORD ALAN &amp; SUSAN          | 12546 ANDREW ST PLANO, IL 60545       | SCHAEFER WOODS NORTH UNIT 3 | CL DESIGN BUILD |
| 4/16/2014  | 022014044 | 02 Garage       | 0318403010    | STANISZEWSKI THADDEUS J &amp; MEGAN A | 71 OSAGE CT OSWEGO, IL 60543-    | HIGHLAND SUB |                |
| 4/25/2014  | 022014055 | 02 Garage       | 0529400006    | CHAVEZ MAGANA JOSE LUIS    | 10037 CATON FARM RD YORKVILLE, IL 60560- |             |                |
| 4/2/2014   | 022014026 | 02 Garage       | 0227376003    | ENLOW JOHN &amp; PIERCE JEANETTE | 208 TUMA RD YORKVILLE, IL 60560- | FOX RIVER GARDENS REPLAT LOTS 6-14 &amp; 15-58 | CONSTRUCTION ZONE |
| 4/28/2014  | 032014057 | 03 Accessory Buildings | 0116476007    | STEJSKAL THOMAS L &amp; CYNTHIA L | 11 S LINDEN DR PLANO, IL 60545- | MEYERBROOK UNIT 6 |                |
| 4/21/2014  | 032014049 | 03 Accessory Buildings | 0125461011    | GREEN ROBERT               | 12322 MITCHEL DR PLANO, IL 60545- | SCHAEFER WOODS SOUTH UNIT 2 |                |
| 4/9/2014   | 032014040 | 03 Accessory Buildings | 0305277005    | JACK ANTHONY R &amp; DWAYNA L  | 37 FERNWOOD RD MONTGOMERY, IL 60538- | BOULDER HILL UNIT 13 | TUFF SHED |
| 4/29/2014  | 042014058 | 04 Additions    | 0323276004    | NOVAK WILLIAM A &amp; BETH ANN | 51 PALOMINO LN OSWEGO, IL 60543- | GUSTAFSONS SUB | DJK CUSTOM HOMES |</p>
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