



TARTAN
BUILDERS

A Division of Agate 2000, LLC

Michael P. Giebel

Operations Manager

mobile: (630) 675-6030

office: (630) 655-0559

fax: (630) 655-3920

mike@tartan-builders.com

Tartan-Builders.com

RBS PLANET, INC.
www.rbsplanet.com

Randi Borne

630-229-0272

630-701-2346 fax

815-341-4888 cell

Randi@rbsplanet.com

info@rbsplanet.com

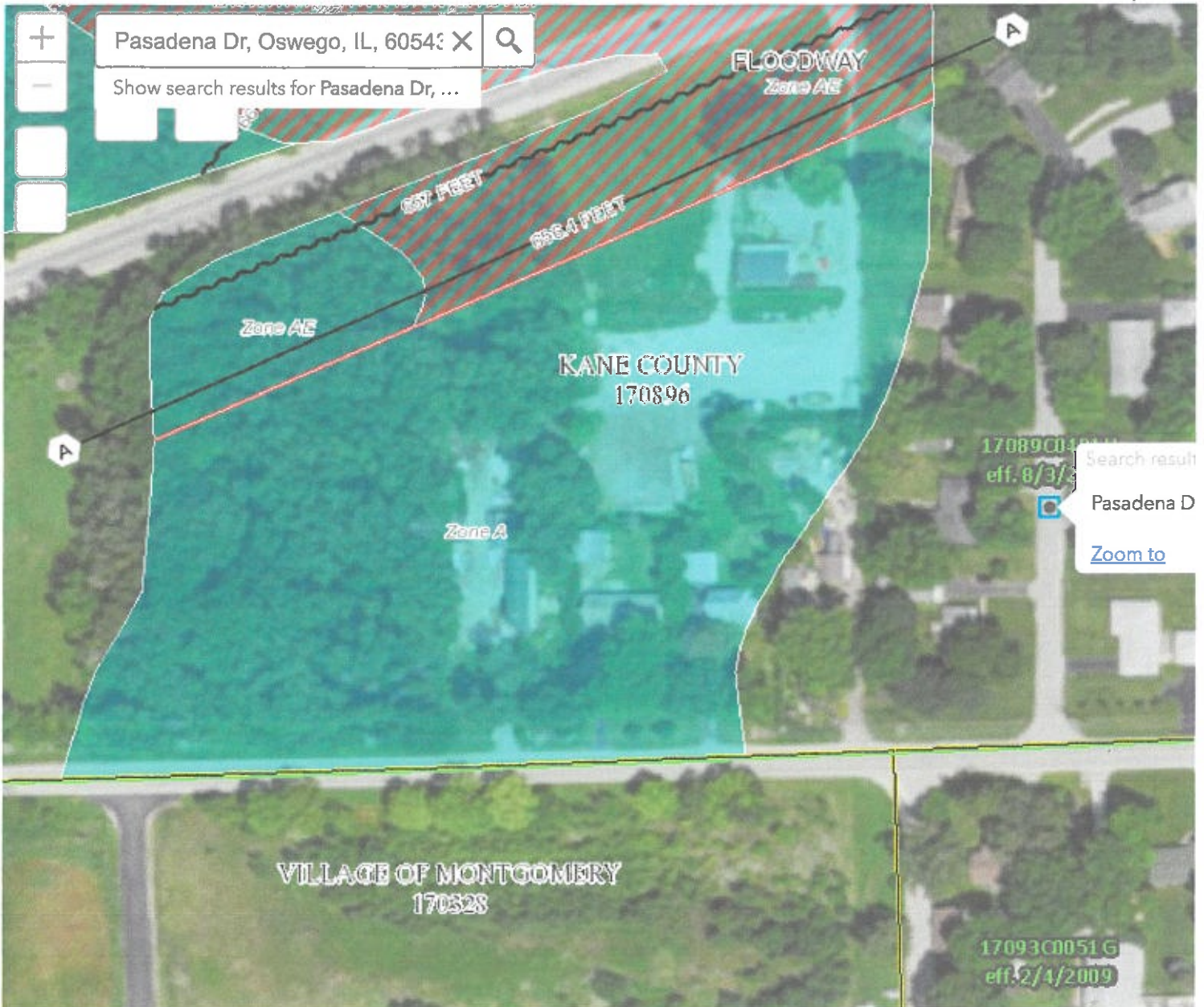
17 Pasadena Dr. Oswego, IL 60543-6003

KANE COUNTY BOARD COPY



FEMA's National Flood Hazard Layer (NFHL) Viewer

with Web App























March 9, 2019

Mr. Jerad Chipman
Senior Planner
Village of Montgomery
200 N. River Street
Montgomery, IL 60538

**Re: 283 U.S. Route 30 – CE Trucking – Storm Sewer
Kane County, Illinois**

Dear Mr. Chipman,

We are writing to address the concerns from Kane County regarding the Village's request for an easement to install a 30-inch storm sewer across a portion the CE Trucking property that will connect to the existing Pasadena Storm Sewer which currently ends on the CE Trucking property.

EEI designed the Pasadena Storm Sewer for Aurora Township in 1999. The original design had the 30-inch storm sewer starting at the existing 18" culvert under Route 30. Aurora Township never constructed the sewer and Kane County took over the project later and constructed the storm sewer through the Pasadena Subdivision. Kane County did not extend the storm sewer to Route 30 because they could not obtain permission from the property owner. This extension of the storm sewer complies with the original design intent for the Pasadena Storm Sewer.

The proposed extension to Route 30 will collect runoff from the existing 18" culvert under Route 30. This runoff currently enters the Pasadena Storm Sewer at the existing inlets on the CE Trucking Property, so this does not introduce new flow to the storm sewer system. The extension will also pick up the existing drain tile under Route 30 which is also currently connected to the Pasadena sewer and does not introduce new flow to the system.

This storm sewer is important to the Village as an outfall for potential regional stormwater improvements north of Route 30, which would reduce the flows coming south of 30 into the Pasadena storm sewer. In addition, the future drainage improvements planned for the widening of Route 30 by IDOT will reduce the flows south of Route 30 tributary to the Pasadena Storm Sewer.

For the above reasons, we are confident the proposed extension of the Pasadena Storm Sewer will not create an additional burden on the Pasadena Storm Sewer.

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

HOW??

Respectfully Submitted

ENGINEERING ENTERPRISES, INC.

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

*No Data!
opinion
ONLY
Paulson*

Pc: PGW, EEI

G:\Public\MONTGOME\2018\MO1847-D Carlos Property - CE Trucking (Route 30 & Baseline)\Docs\StormSewer01.docx

APPENDIX B-ZONING

Sec. 4.7. Amendments.

4.7-1 Initiation of Amendments.

For the purposes of this section, the term "text amendment" means an amendment to the text of this ordinance, which affects the whole county, and the term "map amendment" means an amendment to the zoning map which affects an individual parcel or parcels of land. Amendments may be proposed by the County Board, the Zoning Board of Appeals or by any person, firm, corporation, or other legal entity having a freehold interest in the subject property, or a possessory interest entitled to exclusive possession, or a contractual interest which may become a freehold interest and which is specifically enforceable. Proposed amendments shall be directed to the Zoning Board of Appeals for consideration and report to the County Board.

4.7-2 Public Hearing.

No amendment to this ordinance shall be made without a hearing before the Zoning Board of Appeals. At least 15 days notice of the time and place of such hearing shall be published in a newspaper of general circulation in Kane County. Hearings on text amendments shall be held in the court house or other county building with more adequate facilities for such hearings. Hearings on map amendments shall be held in the township or road district affected by the terms of such proposed amendment or in the court house, or other county building with more adequate facilities for such hearings. Provided, that if the owner of any property affected by such proposed map amendment so requests in writing, such hearing shall be held in the township or road district affected by the terms of such proposed amendment. Within 30 days after the final hearing, the Zoning Board shall file a report with the County Board.

4.7-3 Action by the County Board.

- a. **Text Amendments:** Text amendments may be passed at a county board meeting by a simple majority of the elected county board members, unless-
1. written protests against the proposed text amendments are signed by 5% of the land owners of the County,
 2. a written protest by resolution of the corporate authorities of a zoned municipality is filed with the County Clerk, or
 3. in the case of a text amendment affecting an unincorporated area of a township having a plan commission, written objections are submitted by the township board of trustees to the County Board within 30 days after the hearing before the Zoning Board of Appeals,

in which case such amendments shall not be passed except by the favorable vote of 3/4 of all the members of the County Board.

- b. **Map Amendments:** Map amendments may be passed at a County Board meeting by a simple majority of the elected County Board members, except that in case of written protest against any proposed map amendment that is either
1. Signed by the owner or owners of at least 20% of the land to be rezoned; or
 2. Signed by the owner or owners of land immediately touching, or immediately across a street, alley, or public right-of-way from at least 20% of the perimeter of the land to be rezoned; or
 3. In cases where the land affected lies within 1 1/2 miles of the limits of a zoned municipality, by resolution of the corporate authorities of the zoned municipality filed with the county clerk, or
 4. In the case of a map amendment affecting an unincorporated area of a township having a plan

APPENDIX B-ZONING

commission, written objections are submitted by the township board of trustees to the County Board within 30 days after the hearing before the Zoning Board of Appeals,

such amendment shall not be passed except by the favorable vote of 3/4 of all members of the County Board.

- c. *Written protests:* The original copy of a written protest must be filed with the Kane County Clerk not later than the Friday preceding the county board meeting. A copy of the written protests shall be served by the protestor or protestors on the applicant for the proposed amendment and a copy upon the applicant's attorney, if any, by certified mail at the address of such applicant and attorney shown in the application for the proposed amendment. Notwithstanding any other provision of this section, if a map amendment is proposed solely to correct an error made by the county as a result of a comprehensive rezoning by the county, the map amendments may be passed at a county board meeting by a simple majority of the elected board.

4.7-4 *Optional Revocation.*

In the case of property zoned by the County Board of Kane County but not used within one year from date of said zoning, for purposes permitted in classification to which said property has been zoned, or, if the use of said property has been discontinued for a continuous period of three (3) years, the Zoning Board of Appeals shall have the power to institute proceedings, on its own motion, to consider the rezoning of said property to another classification. (Ord. No. 78-79, §§ 3, 4, 6-13-78; Ord. No. 79-229, § 1, 12-11-79; Ord. No. 82-66, 5-11-82; Ord. No. 92-187, 9-8-92; Ord. No. 97-214, 8-12-97; Ord. No. 97-240, 9-9-97; Ord. No. 02-81, 3-12-02)

Sec. 4.8. Special uses.

4.8-1 *Purpose.*

The development and execution of this Ordinance is based upon the division of the County into districts within which districts the use of land and buildings, and the bulk and location of buildings and structures in relation to the land are substantially uniform. It is recognized, however, that there are certain uses which, because of their unique characteristics, cannot be properly classified in any particular district or districts, without consideration, in each case, of the impact of those uses upon neighboring land and of the public need for the particular use in the particular location.

To provide for the location of special classes of uses which are deemed desirable for the public welfare within a given district or districts, but which are potentially incompatible with typical uses herein permitted within them, a classification of "special uses" is hereby established.

4.8-2 *Public Hearing.*

Uses as hereinafter enumerated, which may be proposed for classification as "special uses", shall be considered at a public hearing before the Zoning Board, and its report of findings or fact and recommendations shall be made to the County Board following the public hearing; provided, that the County Zoning Board, in its report of findings or facts and recommendations to the County Board, shall not recommend a special use unless the Zoning Board shall find:

- (a) That 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;
- (b) 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;
- (c) 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;

APPENDIX B-ZONING

- (d) That adequate utility, access roads, drainage and/or other necessary facilities have been or are being provided;
- (e) 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 and roads;
- (f) 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 recommendations of the Zoning Board of Appeals.

4.8-3 Conditions and Guarantees.

* Prior to the granting of any special use, the Zoning Board may recommend and the County Board shall stipulate such conditions and restrictions, upon the establishment, location, construction, maintenance and operation of the special use as is deemed necessary for the protection of the public health, safety and welfare. In all cases in which special uses are granted, the County Board shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with.

It shall be required that a detailed plat of all improvements (site plan) shall be submitted to the Zoning Board of Appeals for approval or amendment at the public hearing. Such plat, when approved by the County Board, shall become a part of this Ordinance and development of the site shall be in accordance with said plat. Minor variations in the development of the approved plat may be authorized by the Development Committee.

4.8-4 Effect of Denial of a Special Use.

No application for a special use, which has been denied wholly or in part by the County Board, shall be resubmitted for a period of one year from the date of said order of denial, except on the grounds of new evidence or proof of change of conditions found to be valid by the Zoning Board or County Board.

4.8-5 Revocation.

In any case where a special use has not been established (substantially under way) within one year from the date of granting thereof, then, without further action by the County Board, the special use or authorization thereof shall be null and void, unless in the opinion of the Zoning Enforcing Officer, circumstances beyond the control of the permittee indicate that establishment of the use has been impossible.

If the special use has been established and subsequently discontinued, the Zoning Board of Appeals shall have the power to institute proceedings on its own motion to consider revocation of said special use.

4.8-6 Action by the County Board

- a. A Special Use may be passed at a county board meeting by a simple majority of the elected county board members.

Sec. 4.9. Fees.

4.9-1 Fee Schedule.

The fee schedule for activities associated with the enforcement of the requirements of this Zoning Ordinance shall be established by the Kane County Board, as amended from time to time.

4.9-2 Exemptions.

None of the fees established by the Kane County Board shall be collected from any municipal, public or