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**KENDALL COUNTY**  
**ZONING AND PLATTING ADVISORY COMMITTEE**  
111 West Fox Street • Rooms 209 and 210 • Yorkville, IL • 60560  
(630) 553-4141 Fax (630) 553-4179

**AGENDA**

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April 4, 2023 - 9:00 a.m.

CALL TO ORDER

ROLL CALL: **County Board:** Seth Wormley, PBZ Committee Chair; **County Highway Department:** Fran Klaas, County Engineer; **WBK Engineering, LLC:** Greg Chismark, Stormwater Consultant; **County Health Department:** Aaron Rybski, Director Environmental Health; **Forest Preserve District:** David Guritz, Director; **SWCD:** Alyse Olson, Resource Conservationist; **Sheriff's Office:** Commander Jason Langston; **GIS:** Meagan Briganti; **PBZ:** Brian Holdiman, Code Official; Matt Asselmeier, Senior Planner

APPROVAL OF AGENDA VV

APPROVAL OF MINUTES VV: Approval of February 28, 2023, ZPAC Meeting Minutes (Pages 3-11)

PETITIONS Roll Call Vote on All:

1. **Petition 23 – 17 – Kendall County Planning, Building and Zoning Committee (Pages 12-27)**  
Request: Text Amendments to Kendall County Zoning Ordinance Pertaining to Chickens on Residentially Zoned Property
  
2. **Petition 23 – 18 – Edward J. Brongiel on Behalf of Prairie Creek Trust (Pages 28-37)**  
Request: Site Plan Approval for the Demolition of Three Structures  
PIN: 02-28-278-001  
Location: 9120 Route 34, Yorkville in Bristol Township  
Purpose: Petitioner Wants to Demolish Three Structures; Property is Zoned B-3 Highway Business District
  
3. **Petition 23 – 19 – Brent A. Stary and Tracy A. Stary on Behalf of MCB52, Inc. (Property Owner) and Roman Correa on Behalf of R&S Landscaping and Nursery, Inc. (Tenant) (Pages 38-97)**  
Request: Special Use Permit for a Landscaping Business, Including Outdoor Storage, Variance to Section 4:05.B and Section 11:02.F.7 of the Kendall County Zoning Ordinance Allowing Parking and Loading No Closer Than Twenty-Five Feet from the Right-of-Way Line of Route 126 and to Allow the Handicapped Accessible Parking Space No Closer than Sixty-Nine Feet of the Right-Of-Way Line of Route 126, Variance to Section 11:02.F.4 of the Kendall County Zoning Ordinance to Allow Parking Spaces at a Depth of Eighteen Feet With a Two Foot Overhang, and a Variance to Section 4:09.A of the Kendall County Zoning Ordinance to Allow the Driveway Off of Grove Road to be less than Twenty Feet in Width Until Such Time as the Driveway is Replaced  
PINs: 06-18-200-011 and 06-18-200-013  
Location: 5022 Route 126, Yorkville in Na-Au-Say Township  
Purpose: Petitioner Wants to Operate a Landscaping Business at the Subject Property

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

None

OLD BUSINESS/ NEW BUSINESS

None

CORRESPONDENCE

PUBLIC COMMENT

ADJOURNMENT VV- **Next meeting on May 2, 2023**

If special accommodations or arrangements are needed to attend this County meeting, please contact the Administration Office at 630-553-4171, a minimum of 24-hours prior to the meeting time.

**ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)  
February 28, 2023 – Unapproved Meeting Minutes**

PBZ Chairman Seth Wormley called the meeting to order at 9:00 a.m.

Present:

Matt Asselmeier – PBZ Department  
Meagan Briganti – GIS Department  
David Guritz – Forest Preserve  
Brian Holdiman – PBZ Department  
Fran Klaas – Highway Department  
Commander Jason Langston – Sheriff's Department  
Alyse Olson – Soil and Water Conservation District  
Aaron Rybski – Health Department  
Seth Wormley – PBZ Committee Chair

Absent:

Greg Chismark – WBK Engineering, LLC

Audience:

Doug Westphal

**AGENDA**

Mr. Klaas made a motion, seconded by Mr. Rybski, to approve the agenda as presented.

With a voice vote of nine (9) ayes, the motion carried.

**MINUTES**

Mr. Klaas made a motion, seconded by Mr. Rybski, to approve the January 3, 2023, meeting minutes.

With a voice vote of nine (9) ayes, the motion carried.

**PETITIONS**

Without objection, Petitions 23-05, 23-06, 23-07, 23-08, 23-09, 23-10, and 23-11 were combined.

**Petitions 23-05, 23-06, 23-07, 23-08, 23-09, 23-10, and 23-11 Kendall County Planning, Building and Zoning Committee**

Mr. Asselmeier summarized the requests.

For the past several months, Staff has been working with the codifiers to get all of the Kendall County's regulations into one (1) code. The codifiers recommended several changes to the Kendall County Zoning Ordinance and Subdivision Control Ordinance. During the review, Staff also identified several changes to these regulations. The codifiers recommended that these changes occur prior to adoption of the new code. Below please find the proposed changes:

1.     Petition 23-05 Subdivision Control Ordinance-Appendix 7  
       Several phone numbers are listed in the Appendix. The accuracy of these phone numbers is unknown. Staff would like to list the organization only and not the phone numbers.
2.     Petition 23-06 Subdivision Control Ordinance-Appendix 7  
       Greg Chismark and WBK Engineering are listed by name. Staff would like to have a general statement regarding stormwater engineering contact information.
3.     Petition 23-07 Subdivision Control Ordinance-Appendix 9 A  
       In the Performance Criteria Section, there is a dead link to information about invasive species. Staff would like a general statement instead of a website link.  
  
       Subdivision Control Ordinance-Appendix 9 B  
       In the Native Plant Resources Section, there are several dead links. Staff would like general references instead of website links.

4. Petition 23-08 Zoning Ordinance Section 3:02  
The definitions of Brew Pub and Microbrewery should be amended to correspond to State law.
5. Petition 23-09 Zoning Ordinance Section 3:02  
The definition of Tent should be expanded to include tents outside of campgrounds.
6. Petition 23-10 Zoning Ordinance Section 11:05.D.2  
This section references a State law that does not exist.
7. Petition 23-11 Ordinance 1998-10  
This Ordinance established procedures for closing inactive petitions. This Ordinance is outdated and now only applies to the Zoning Ordinance and Stormwater Management Ordinance. Staff is working with the State to incorporate the language in the Stormwater Ordinance; the Zoning Ordinance should be changed prior to adoption of the new code.

Redlined versions of the proposed changes were provided.

At their meeting on February 9, 2023, the Kendall County Planning, Building and Zoning Committee voted to initiate these amendments.

Mr. Holdiman made a motion, seconded by Mr. Rybski, to recommend approval of the proposals.

The votes were follows:

Ayes (9): Asselmeier, Briganti, Guritz, Holdiman, Klaas, Langston, Olson, Rybski, and Wormley  
 Nays (0): None  
 Abstain (0): None  
 Absent (1): Chismark

The motion passed.

The proposal goes to the Kendall County Regional Planning Commission on March 22, 2023.

#### **Petitions 23-12 Kendall County Planning, Building and Zoning Committee**

Mr. Asselmeier summarized the request.

In January 2023, the Illinois General Assembly approved and the Governor signed House Bill 4412 pertaining to commercial wind and solar energy systems. The new law requires that the County update its solar and wind regulations by May 27, 2023, in order to be able to have regulations governing commercial solar energy facilities and commercial wind energy facilities.

The proposed amendments were provided.

General proposed changes are as follows:

1. Various definitions related to solar and wind energy facilities are proposed to be amended, added, and deleted. Many terms are defined in State law and were referenced as such. The definitions of solar farm and solar gardens were removed. The definitions of solar energy system, private and wind energy system, small were adjusted to reflect State law. Onsite consumption would include energy generated within a subdivision, planned development, or business park and consumed within the development.
2. Small wind energy systems would become permitted accessory uses. They would be added to the list of uses in the R-3 in addition to their existing allowance in the A-1, R-1, R-2, RPD, Business, and Manufacturing Districts. Solar energy system, private would become permitted uses in all zoning districts.
3. Commercial solar energy facilities, test solar energy systems, commercial energy wind facilities and test wind towers would become special uses in the A-1, R-1, RPD Districts, and Manufacturing Districts.



4. Adding a statement that the regulations do not apply to commercial wind energy facilities within one point five (1.5) miles of a municipality, unless the County has an Intergovernmental Agreement with the municipality to provide zoning services to the municipality. Staff added a requirement that solar and wind energy facilities within one point five (1.5) miles of a municipality must either annex to the municipality or enter into a pre-annexation agreement with the municipality using the Chatham annexation rules.
5. Add a requirement that the County Board shall make its decision on the application not more than thirty (30) days after the conclusion of the public hearing.
6. As proposed, the new setbacks would follow State law.
7. As proposed changes in setbacks, certain height requirements for solar, and fencing requirements would be allowed if nonparticipating property owners consent to these requirements. As proposed, the changes would be allowed to occur if documentation was provided at the time of application submittal.
8. As proposed, sound regulations would follow State law.
9. As proposed, agricultural impact mitigation agreements have to be submitted with the application.
10. The County's landscaping requirements were adjusted to reflect the law.
11. Statements requiring compliance with EcoCat reports, Fish and Wildlife Service reports, and Illinois State Historic Preservation consultations were added to the Zoning Ordinance.
12. Statements regarding road use agreements were adjusted to reflect the law.
13. Language was added related to the enforcement of damaged drain systems.

The new law was also provided.

A map showing the one point five mile (1.5) planning boundaries was also provided.

At their meeting on February 9, 2023, the Kendall County Planning, Building and Zoning Committee voted to initiate these amendments.

Mr. Guritz asked how the municipalities felt about requiring these types of projects to annex into a municipality. Mr. Asselmeier responded that the municipalities have been notified of the proposal and none of the municipalities have expressed favor or opposition regarding the proposal. Mr. Asselmeier noted that municipalities would have more control and an issue would arise if a property owner or developer could not come to an agreement with a municipality. A municipality could enter into an annexation agreement and not require the property to be annexed.

Mr. Guritz asked if renewable energy projects on Forest Preserve property would cause that property to be annexed to a municipality. Mr. Asselmeier responded that, if the Forest Preserve is operating within the confines of the Downstate Forest Preserve Act, then the property would be exempt from County zoning.

Discussion occurred about repairing roads as part of wind projects.

Chairman Wormley asked why a county would not have regulations. Mr. Asselmeier responded that, if a proposal meets all of the requirements of State law, a county must approve the project, regardless of the information provided at zoning hearing. Rather than obtain comments that cannot be incorporated into a project or giving residents unfounded hope that a project might be altered or denied, a county might choose to opt out of having unproductive hearings, and simply permit a project.

Mr. Klaas asked if there was any precedence about the State taking away a county's ability to zone. Mr. Asselmeier responded that the Garden Act, Agricultural Experiences Act, and the agricultural exemptions were examples of the State taking away a county's ability to zone. Discussion occurred regarding how the State adopted the law.

Mr. Klaas asked if the State's Attorney's Office has been involved with this proposal or to see if there were ways to get the State law changed. Mr. Asselmeier responded no.

Mr. Guritz made a motion, seconded by Mr. Klaas, to issue a neutral recommendation.

The votes were follows:

Ayes (9): Asselmeier, Briganti, Guritz, Holdiman, Klaas, Langston, Olson, Rybski, and Wormley  
Nays (0): None  
Abstain (0): None  
Absent (1): Chismark

The motion passed.

The proposal goes to the Kendall County Regional Planning Commission on March 22, 2023.

#### **Petitions 23-13 Kendall County Planning, Building and Zoning Committee**

Mr. Asselmeier summarized the request.

In response to the special use permit amendments for the kennel at the northeast corner of Ridge and Bell Roads, Staff prepared the following proposed amendments to kennel regulations.

In summary, the proposed changes are as follows:

1. Allow pets outdoors until 10:00 p.m. for the purposes of allowing owners to pick-up and drop-off pets and to allow for normal bathroom breaks.
2. Establish uniform kennel regulations throughout the County.
3. Minor text alterations.

Redlined versions of the proposed changes were provided.

As of the date of this memo, there are six (6) active special use permits for kennels in the unincorporated area.

At their meeting on February 9, 2023, the Kendall County Planning, Building and Zoning Committee voted to initiate these amendments.

Mr. Rybski made a motion, seconded by Commander Langston, to recommend approval of the proposal.

The votes were follows:

Ayes (9): Asselmeier, Briganti, Guritz, Holdiman, Klaas, Langston, Olson, Rybski, and Wormley  
Nays (0): None  
Abstain (0): None  
Absent (1): Chismark

The motion passed.

The proposal goes to the Kendall County Regional Planning Commission on March 22, 2023.

#### **REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD**

Petition 22-27 was approved by the County Board.

#### **OLD BUSINESS/NEW BUSINESS**

##### **Follow-Up from the February 4, 2023 Kendall County Regional Planning Commission Annual Meeting**

Mr. Asselmeier said approximately thirty (30) people attended the meeting.

Twenty-Seven (27) Petitions filed in 2022; fifty-one (51) Petitions Filed in 2021; thirty-two (32) Petitions Filed in 2020; forty-six (46) Petitions Filed in 2019; thirty-three (33) Petitions Filed in 2018; thirty-three (33) Petitions Filed in 2017.

Thirty-Six (36) New Housing Starts in 2022; thirty-two (32) New Housing Starts in 2021; thirty-four (34) New Housing Starts in 2020; twenty (20) New Housing Starts in 2019.

Three Hundred Eighty-Two (382) Total Permits in 2022; three hundred fifty-four (354) Total Permits in 2021; three hundred twenty-six (326) Total Permits in 2020; two hundred fifty-seven (257) Total Permits in 2019.

Total Deposits (Building Fees, Zoning Fees, Land Cash Fees, and Off-Site Roadway) for the FY2022 was Two Hundred Sixty-Four Thousand, Four Hundred Eighty-Seven Dollars (\$264,487), Down from Two Hundred Ninety-Three Thousand, Nine Hundred Forty-One Dollars (\$293,941) in FY2021.

Revenue in October was Forty-Eight Thousand Eight Hundred Fifty-Seven Dollars (\$48,857); This Was the Highest Monthly Revenues Since the Mid-2000s.

County Board Denied a Special Use Permit for the First Time in Several Years.

Lien Levied Against 1038 Harvey Road in the Amount of Thirty-Two Thousand Eight Hundred (\$32,800) for Zoning, Building, and Junk and Debris Violations.

Hired a Part-Time Code Enforcement Officer, Matthew Yackley.

New Contracted Plumbing Inspector, Anthony Mayer of Mayer Plumbing, LLC Hired Following the Passing of Long Time Plumbing Inspector Randy Erickson.

County Board Approved Reclassification of Parcels to Mixed Use Business on the West Side of Eldmain Road at Fox Road.

Text Amendments Approved Establishing Definitions of Landscaping Businesses and Excavating Businesses.

Text Amendments Approved for Lighting Requirements of Towers.

Planning, Building and Zoning Committee Reaffirmed the Department's Voluntary Compliance Policy in Cases of Ordinance Violations and Established Procedures for After-The-Fact Applications.

Planning, Building and Zoning Committee Approved a Policy Requiring Applicants to the Department to be Debt Free or Current on Debt to the County Prior to Departmental Approvals, Including Requiring Middle Initials on all Applications.

Evaluated a Proposal with Teska Associates, Inc. to Update the County's Land Resource Management Plan; Proposal Not Included in Budget for FY22-23.

Reviewed with WBK Engineering the County's Existing Stormwater Management Ordinance Against the New State Model Floodplain Ordinance.

Continued Doing Annual NPDES Surveys to the Townships.

Noxious Weed Related Documents and Notices Drafted and Approved by the County Board.

Planning, Building and Zoning Committee Held a Special Committee Meeting in Boulder Hill.

Kendall County Historic Preservation Commission Held Special Meetings at Little White School Museum, Fern Dell, Edith Farnsworth House, and Yorkville Masonic Temple.

Started Working with Wiss, Janney, Elstner Associates, Inc. on Historic Structure Survey in Unincorporated Kendall and Bristol Townships Funded by a Certified Local Government Grant.

Continued Historic Preservation Commission Awards.

Senior Planner Assisted with the Codification Process.

Senior Planner Elected President of Illinois Association of County Zoning Officials.

ZPAC Meeting Minutes 02.28.23

Code Official Renewed Three (3) ICC Certificates Until April 2024.

Code Official Provided an Education Booth at the Kendall County Fair.

Code Official Provided Input on Hiring of Part-Time Code Enforcement Officer and Plumbing Inspector.

Code Official Performed a Higher Volume of Plan Reviews, Inspections, and Investigations Compared to the Previous Year.

Department Increased Cooperation with Oswego Township on Code Enforcement Matters.

Items for 2023 included the following:

Continue to Assist with the Codification Process.

Continue to Implement the Citation Policies for the Various Ordinances.

Continue to Explore Opportunities to Start the Process of Updating the Land Resource Management Plan in its Entirety.

Work with the Administration Department on Obtaining an Intern for the Department.

Develop a More Comprehensive List of Available Residential Lots.

Review the Calculations in the Kendall County Land Cash Ordinance.

Organize a Training for the Regional Planning Commission, Zoning Board of Appeals, and Planning, Building and Zoning Committee.

Continue to Meet with Townships Regarding Their Role in the Development Approval Process.

Work with WBK Engineering to Review the County's Stormwater Regulations and Recommend Appropriate Changes Based on Changes in Federal and State Stormwater Regulations (i.e. State Model Floodplain Ordinance).

Continue to Monitor Changes to Zoning Related Regulations at the State Level.

Continue to Work with GIS to Ensure Correct Zoning Information for Each Parcel.

Continue to Work with GIS to Connect Parcels to the Applicable Special Use and Map Amendment Ordinances.

Continue to Work to Ensure Special Use Permits that Require Renewals and Reviews Are Examined in a Timely Manner.

Ensure that Noxious Weed and NPDES Permit Documents Are Submitted to the State in a Timely Manner.

Complete the Historic Structure Survey in Unincorporated Kendall and Bristol Townships.

Work with the Illinois Historic Preservation Agency and Historic Preservation Commission on Certified Local Government Projects (i.e. Historic Structure Surveys in Other Townships).

Increase the Visibility and Activities of the Historic Preservation Commission Through Collaboration with Other Historic Preservation Organizations and Events.

Senior Planner Will Represent the Department on the Hazard Mitigation Plan Update.

Work with Kendall County EMA to Pursue Disaster Related Grants and Other Funding.

Continue Working with the Northwest Water Planning Alliance.

Participate with Implementation of CMAP's 'On To 2050 Plan' for the Chicago Region.

Continue Reviewing and Addressing Potential Changes to the Zoning Ordinance and Departmental Operations for Increased Efficiency.

There were eight (8) new special use permit applications; one (1) was denied; one (1) was withdrawn, one (1) was on hold; one (1) was in Millbrook.

There were three (3) major amendments to existing special use permits.

There were zero (0) minor amendments to existing special use permits.

There were four (4) special use permit revocations.

There were zero (0) special use permit renewals.

There were two (2) variances not part of special use permits.

There were two (2) administrative variances.

There zero (0) stormwater ordinance variances.

There was one (1) conditional use permit.

There were zero (0) temporary use permits.

There was one (1) site plan review.

There was one (1) plat of vacation.

There were zero (0) preliminary and final plats.

There were three (3) text amendment initiations with one (1) of those on hold.

There was one (1) land use plan amendment.

There was one (1) map amendment.

There were zero (0) stormwater ordinance related amendments.

There were zero (0) new historic landmarks or districts designated.

There were zero (0) amendments to the text of the historic preservation ordinance.

There was a total of twenty-seven (27) petitions in 2022 compared with fifty-one (51) in 2021.

There were ten (10) ZPAC meetings.

There were ten (10) Regional Planning Commission meetings.

There were ten (10) Zoning Board of Appeals hearings/meetings.

There were nine (9) Historic Preservation Commission meetings.

There was one (1) Stormwater Management Oversight Committee meeting.

There five (5) Comprehensive Land Plan and Ordinance Committee meetings.

There were fourteen (14) Planning, Building and Zoning Committee meetings.

Of the thirty-two (32) ordinances approved by the County Board in 2022, eighteen (18) were Planning, Building and Zoning related. Of the thirty-five (35) ordinances approved by the County Board in 2021, nineteen (19) were Planning, Building and Zoning related.

The Department investigated zero (0) noxious weed violations in 2022 compared to zero (0) noxious weed violation investigation in 2021, 2020, and 2019.

There were thirty-six (36) single-family home permits issued in 2022. Ten (10) were in Kendall Township, one (1) in Bristol Township, nine (9) in Na-Au-Say Township, three (3) in Fox Township, four (4) in Little Rock Township, four (4) in Oswego Township, zero (0) in Lisbon Township, four (4) in Seward Township, and one (1) in Big Grove Township.

The breakdown of new homes, available homes, and total lots in subdivisions where new homes were permitted in 2022 was provided.

The average of new single-family home permits since 2000 was fifty (50).

The average of new single-family home permits since 2010 was twenty-two (22).

The available lots in residential planned developments was provided.  
The number of site visits was two hundred ten (210).

The number of footing inspections was ninety-one (91).

The number of backfill inspections was twenty-four (24).

The number of wall inspections was thirty (30).

The number of slab inspections was fifty-two (52).

The number electric service inspections was nineteen (19).

The number of frame/wire inspections was one hundred one (101).

The number of insulation inspections was thirty-two (32).

The number of final inspections was two hundred ten (210).

The number of red tags was zero (0).

The number of hearings signs was twenty-nine (29).

The number of meetings in the field was one hundred twenty-one (121).

The number of violation investigations was three hundred sixty-eight (368).

The number of NPDES investigations was zero (0).

The number of inspections for Yorkville back for the County was sixty-five (65).

The number of zoning issue related inspections was thirty-three (33).

The total number of field visit and investigations was one thousand three hundred ninety (1,390).

The total number of permits reviewed and issued was three hundred sixty-seven (367) with fifteen (15) voided.

The number of contracted plumbing inspections was ninety-two (92).

The number of inspections for Yorkville per the IGA was ten (10).

The 2023 goals for the Code Official were as follows:

Investigate technology with GIS for permit tracking system.

Investigate the feasibility of implementing a license and bonding program for contractors.

Provide a public educational training.

Attend an ICC seminar on 2021 Residential Codes.

Investigate the feasibility of implementing roofing permits.

Discussion occurred regarding regulating chickens on residential zoned property. A text amendment will likely be forthcoming.

#### **CORRESPONDENCE**

None

#### **PUBLIC COMMENT**

Doug Westphal expressed concerns about townships maintaining their roads when large renewable energy projects occur. Mr. Asselmeier noted the road use agreement requirement in the law.

#### **ADJOURNMENT**

Mr. Guritz made a motion, seconded by Mr. Klaas, to adjourn.

With a voice vote of nine (9) ayes, the motion carried.

The ZPAC, at 9:54 a.m., adjourned.

Respectfully Submitted,  
Matthew H. Asselmeier, AICP, CFM  
Senior Planner



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**DEPARTMENT OF PLANNING, BUILDING & ZONING**

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

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**MEMORANDUM**

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To: ZPAC  
From: Matthew H. Asselmeier, AICP, CFM, Senior Planner  
Date: March 20, 2023  
Re: Proposed Amendments Related to Chickens on Single-Family Zoned and Used Properties

In 2010, through Ordinance 2010-21, Kendall County legalized the keeping of a maximum of twelve (12) hens on properties zoned R-1, R-2, and R-3, provided the property was at least one (1) acre in size. A copy of this ordinance is attached.

Prior to the 2023 Kendall County Regional Planning Commission's Annual Meeting, the County received a request from a resident in Boulder Hill to allow hens on properties zoned R-6. The resident and several other residents of Boulder Hill presented information at the Kendall County Regional Planning Commission Annual Meeting on the subject and Staff was directed to explore a text amendment on the matter.

After researching the regulations in other, nearby communities, Staff prepared attached proposal.

In summary, the proposal would be as follows:

1. Allow the keeping of a maximum of six (6) hens on any lot zoned and used for single family residential purposes.
2. Lots one (1) acre or larger in size may have a maximum of twelve (12) hens.
3. The keeping of roosters would not be allowed on residentially zoned property, except by special use permit in the RPD Districts (this is already allowed in the Zoning Ordinance).
4. No other poultry would be allowed.
5. Confinements would have to be a maximum of ten feet (10') from residential lot lines.
6. Uncovered fence enclosure must be at least four feet (4') in height.
7. The sale of chickens or eggs would not be allowed.

A redlined version of the proposal is attached.

At their meeting on March 13, 2023, the Planning, Building and Zoning Committee voted three (3) in favor, one (1) in opposition, and one (1) absent to initiate this amendment.

The comparison table of local chicken regulations, the original request for backyard hens, and a map of the County showing areas zoned R-4, R-5, R-6, and R-7 are attached.



If you have any questions regarding this memo, please let me know.

MHA

Encs:       Redline Proposal  
              Ordinance 2010-10  
              Comparison Table  
              Map  
              12-20-22 Wintczak Email

## Chicken Text Amendments

### Amend Section 8:02.A.11 (Permitted Use of Farm Type Animals on R-1 Zoned Property)

- a. On lots less than one (1) acre, no farm-type animals shall be permitted, **except as outlined in this Section.**
- d. Lots at least one (1) acre in size but less than five (5) acres shall be permitted to keep up to twelve (12) chickens. **Lots one (1) acre in size or smaller may keep up to six (6) chickens, provided the conditions contained in Section 8:06.A. are met.**

### Amend Section 8:03.F (Permitted Uses on RPD-1, RPD-2, and RPD-3 Zoned Property)

Add the following use to the appropriate place alphabetically in the list of permitted uses:

**“Chickens provided that the conditions contained in Section 8:06.A. are met.”**

The list of permitted uses is renumbered to reflect this addition.

### Amend Section 8:03.H (Special Uses on RPD-1, RPD-2, and RPD-3 Zoned Property)

- 1.h. Farm-type animals, **except hens**, on open space acreage as detailed in an approved special use permit.

### Amend Section 8:06.A (Permitted Uses on R-2 Zoned Property)

- 2. Keeping of ~~up to twelve (12)~~ chickens on a zoning lot, provided that:
  - a. **Up to twelve (12) chickens may be kept on The lots is that are** a minimum one (1) acre **and up to six chickens may be kept on lots less than one (1) acre.**
  - b. No roosters shall be kept on any zoning lot.
  - c. No other poultry, including but not limited to geese, ducks, turkeys shall be kept on the property.
  - d. All chickens shall be confined within a covered enclosure or an uncovered fenced enclosure at all times to prevent chickens from encroaching onto neighboring properties.
  - e. All confinements shall be located at least **ten feet (10')** from all residentially zoned lots.
  - f. All uncovered fenced enclosures shall be at least four feet **(4')** in height.
  - g. No eggs or chickens shall be offered for sale on the premises.
  - h. All lots where chickens are kept shall be used for single-family residential purposes.**

Amend Section 8:07.A (Permitted Uses on R-3 Zoned Property)

2. Keeping ~~of up to twelve (12)~~ chickens on a zoning lot, provided that the conditions contained in Section 8:06.A. are met.

Amend Section 8:08.A (Permitted Uses on R-4, R-5, R-6, and R-7 Zoned Property)

Add the following use to the appropriate place alphabetically in the list of permitted uses:

**“Chickens provided that the conditions contained in Section 8:06.A. are met.”**

The list of permitted uses is renumbered to reflect this addition.

Amend Appendix 9 (Table of Uses)

Add Chickens as permitted uses in all residential zoning districts.

ORDINANCE # 2010-21

**AMENDMENT TO THE KENDALL COUNTY ZONING ORDINANCE SECTIONS  
8.07.A & 8.08.A "Residential Districts – R-2 – Permitted Uses & Residential Districts – R-3  
– Permitted Uses"**

WHEREAS, Kendall County regulates development under authority of its Zoning Ordinance and related ordinances; and

WHEREAS, the Kendall County Board amends these ordinances from time to time in the public interest; and

WHEREAS, all administrative procedures for amendments have been followed including a Public Hearing held before the Kendall County Zoning Board of Appeals on September 28, 2010.

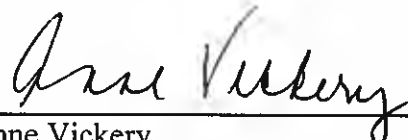
NOW, THEREFORE, BE IT ORDAINED, the Kendall County Board hereby amends Sections 8.07.A & 8.08.A "Residential Districts – R-2 – Permitted Uses & R-3 Permitted Uses" of the Kendall County Zoning Ordinance as provided in attached Exhibit "A".

IN WITNESS OF, this Amendment to the Kendall County Zoning Ordinance was approved by the Kendall County Board on October 19, 2010.

Attest:



Debbie Gillette  
Kendall County Clerk



Anne Vickery  
Kendall County Board Chairman

EXHIBIT "A"

8.02 R-1 ONE-FAMILY ESTATE RESIDENCE DISTRICT.

12. Farm type animals shall be permitted in accordance with the following:

a. On lots less than once (1) acre, no farm-type animals shall be permitted.

b. On lots at least one acre but less than three acres in size, a maximum of one horse and a maximum combined total of five ducks, rabbits, chickens, or goats, with the following exception: The number of horses permitted on lots less than three acres in size created prior to October 17, 2000, shall be determined in accordance with the methodology as specified in Section 8.02-A.12.d.

c. On lots three acres or more in size, one horse per acre shall be permitted provided that 21,780 square feet of contiguous land is dedicated as pasture for each horse permitted on a lot. Any lot with more than three horses shall submit a manure management plan to PBZ Staff for review. In addition, for lots over 3 acres but less than 5 acres, maximum combined total of ten ducks, rabbits, ~~chickens~~ or goats is allowed. Additional farm type animals may be permitted temporarily for 4-H projects.

d. Lots at least one (1) acre in size but less than five (5) acres shall be permitted to keep up to twelve (12) chickens.

e. On lots of 5 acres or more, the following animals are permitted in any combination provided that there shall not be in excess of two-thirds of an animal unit per acre in accordance with the following table. The animal unit permitted for any animal not listed shall be determined by the Director of Planning, Building and Zoning and shall as nearly as possible approximate one of the listed animals:

## EXHIBIT "A"

NUMBER OF ANIMAL UNITS PER ANIMAL	TYPE OF ANIMAL
1.4	Dairy Cattle
1.0	Beef Cattle
0.66	Horses
0.8	Lamas
0.4	Ostrich
0.4	Goats
0.4	Hogs
0.2	Ducks
0.1	Sheep
0.02	Turkeys
0.02	Rabbits
0.01	Chickens

The formula for calculating the number of animals allowed on parcels in excess of five acres in size shall be as follows:

(Acreage of the property x 0.66) = Total Number of Animal units allowed.

Example: 5.0 Acres x 0.66 = 3.33 Animal Units. Based on the Table above, the following mix of animals would be permitted:

(2 Dairy Cattle = 2.8 Animal Units) + (1 Goat = 0.4 animal Units) + (1 Sheep = 0.10 Animal Units) + (3 Chickens = 0.03 Animal Units) = 3.33 Total Animal Units. (AMENDED 9/15/09)

### 8.07 R-2 ONE-FAMILY RESIDENCE DISTRICT.

#### A. PERMITTED USES. The following uses are permitted:

1. Any permitted use in the R-1 One-Family Estate Residence District, Section 8.02-A except 8.02-A (3). Uses permitted in Section 8.02-A (12) shall also be prohibited in the R-2 District with the exception of chickens.
2. Keeping of up to twelve (12) chickens on a zoning lot, provided that:
  - a. The lot is a minimum one (1) acre.
  - b. No roosters shall be kept on any zoning lot
  - c. No other poultry, including but not limited to geese, ducks, turkeys shall be kept on the property
  - d. All chickens shall be confined within a covered enclosure or an uncovered fenced enclosure at all times to prevent chickens from encroaching onto neighboring properties.
  - e. All confinements shall be located at least 10' from all residentially zoned lots.
  - f. All uncovered fenced enclosures shall be at least four feet in height.

EXHIBIT "A"

- g. No eggs or chickens shall be offered for sale on the premises
- h. All standards adopted by the Illinois Department of Agriculture and the Kendall County Health Department shall apply.

8.08 R-3 ONE-FAMILY RESIDENCE DISTRICT.

A. PERMITTED USES. The following uses are permitted:

- 1. Any permitted use in the R-1 One-Family Estate Residence District, Section 8.02-A except 8.02-A (3). Uses permitted in Section 8.02-A (12) shall also be prohibited in the R-2 District with the exception of chickens.
- 2. Keeping of up to twelve (12) chickens on a zoning lot, provided that:
  - a. The lot is a minimum one (1) acre.
  - b. No roosters shall be kept on any zoning lot
  - c. No other poultry, including but not limited to geese, ducks, turkeys shall be kept on the property
  - d. All chickens shall be confined within a covered enclosure or an uncovered fenced enclosure at all times to prevent chickens from encroaching onto neighboring properties.
  - e. All confinements shall be located at least 10' from all residentially zoned lots.
  - f. All uncovered fenced enclosures shall be at least four feet in height.
  - g. No eggs or chickens shall be offered for sale on the premises
  - h. All standards adopted by the Illinois Department of Agriculture and the Kendall County Health Department shall apply.

Single-Family Residential Chicken Table

	Maximum Number (Hens)	Minimum Lot Size
Kendall County	12	43,560 Square Feet
LaSalle County	No Cap	No Minimum Lot Size
DeKalb County	Follow Municipal Rules Within 1,000 Feet	Follow Municipal Rules Within 1,000 Feet Otherwise 87,120 Square Feet
Kane County	No Cap	43,560 Square Feet
DuPage County	5	No Minimum Lot Size
Will County	1 Per 2,500 Square Feet	12,500 Square Feet
Grundy County	6 Per 21,780 Square Feet	21,780 Square Feet
Aurora	0	Not Allowed
Joliet	No Cap	217,800 Square Feet
Lisbon	No Cap (Can't Run At Large)	No Minimum Lot Size
Millington	8	No Minimum Lot Size
Minooka	8	No Minimum Lot Size
Montgomery	0	Not Allowed
Newark	8	No Minimum Lot Size
Oswego	6	No Minimum Lot Size
Plainfield	8	No Minimum Lot Size
Plano	Set by Individual Special Use Permit	No Minimum Lot Size
Sandwich	5	No Minimum Lot Size
Shorewood	0	No Allowed
Sugar Grove	4 (Maximum 16 Permits)	No Minimum Lot Size
Yorkville	6	11,000 Square Feet

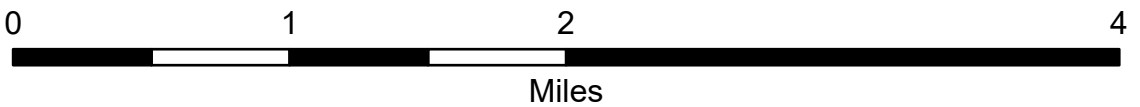
Existing Kendall County Zoning Regulations

- a. The lot is a minimum one (1) acre
- b. No roosters shall be kept on any zoning lot
- c. No other poultry, including but not limited to geese, ducks, turkeys shall be kept on the property
- d. All chickens shall be confined within a covered enclosure or an uncovered fenced enclosure at all times to prevent chickens from encroaching onto neighboring properties
- e. All confinements shall be located at least 10' from all residentially zoned lots
- f. All uncovered fenced enclosures shall be at least four feet in height.
- g. No eggs or chickens shall be offered for sale on the premises

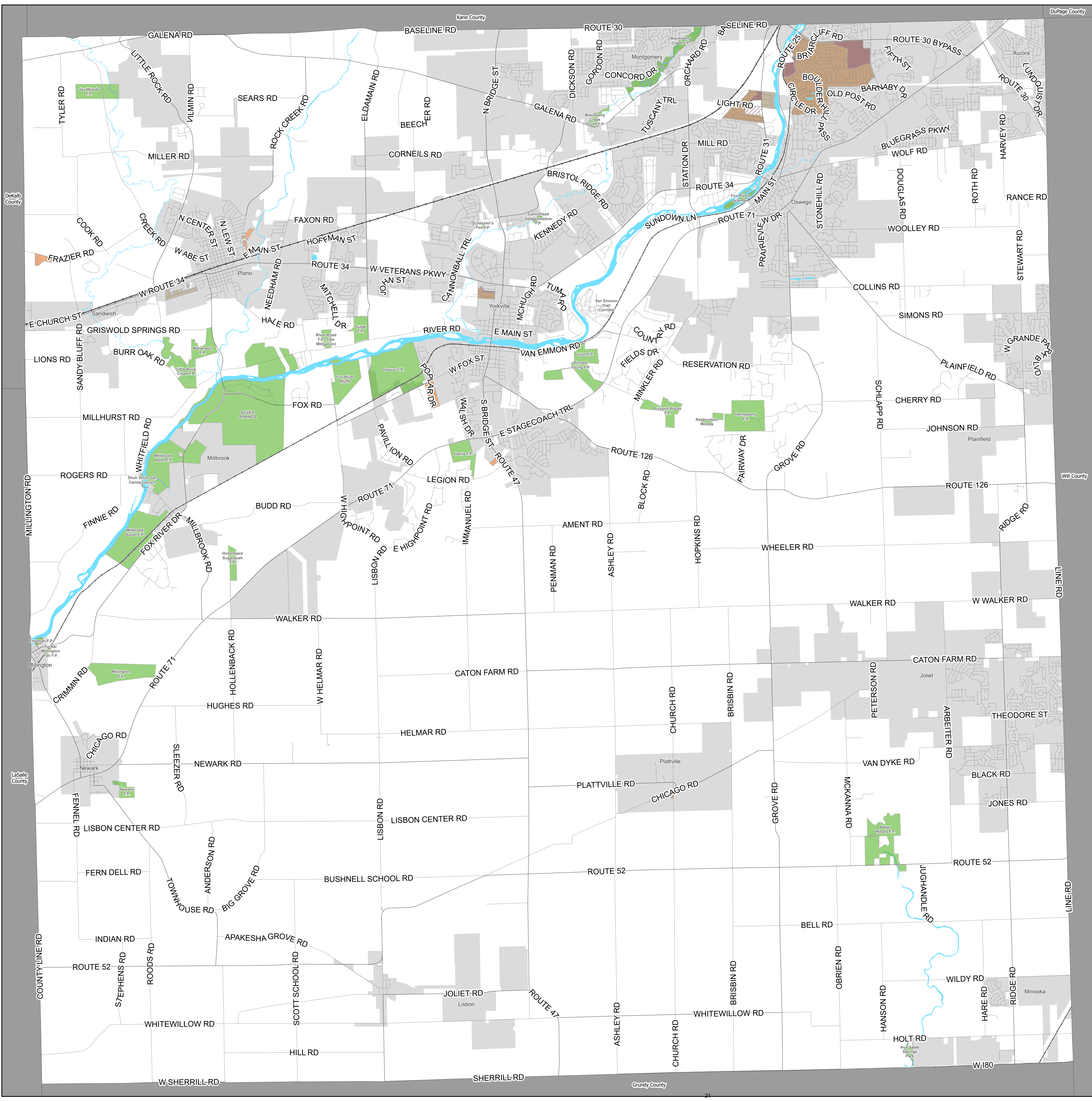


# Properties zoned R-4, R-5, R-6, and R-7

- R4
- R5
- R6
- R7
- R7-SU
- Forest Preserves



**Kendall County GIS**  
111 West Fox Street - Room 308  
Yorkville, Illinois 60560  
630.553.4212





<b>Ordinance Rules</b>	<b>Kendall County R-2 &amp; R-3</b>	<b>Oswego Village</b>	<b>Yorkville</b>	<b>Proposed R-6</b>
Lot minimum	1 acre (43,500 sq ft)	No limit	11,000 sq ft	No limit
Roosters allowed	No	No	No	No
Hen maximum	12	6	6	12
Bantam exceptions to hen maximum	No mention	No mention	No mention	Count as half a chicken
Slaughtering	No mention	Only if for humane or religious reasons	No	Only if for humane or religious reasons
Other poultry allowed	No	No	No	No
Eggs/ Hens for sale	No	No mention	No mention	No
Coop Placement	At least 10 ft from property line	Rear Yard On permit application- cannot be within 5 ft of property line	Rear yard	Rear yard At least 5 ft from property line
Coop distance from neighbor structures	No limit	30 ft	30 ft	30 ft
Coop distance from owners structures	No limit	0	0	0
Coop size	No limit	No limit noted in ordinance On permit application- Up to 133 sq ft	Up to 144 sq ft	Minimum of 2 sq ft per hen Maximum of 144 sq ft
Run Size	No limit on run size Must be minimum of 4 ft tall if uncovered	Not less than 32 sq ft	Not less than 32 sq ft	Minimum of 8 sq ft per hen Must be at least 4 ft tall if uncovered
Electrical Service	No limit	Not with an extension cord	Not with extension cord	Not with extension cord
Fencing/ Screening	No limit	No limit	4 ft minimum solid fence	Kept aesthetically pleasing
Noise	No limit	Not loud enough to disturb person of reasonable sensitivity	Not loud enough to disturb person of reasonable sensitivity	Not loud enough to disturb person of reasonable sensitivity
Sanitation	No mention	Maintained in neat and clean manner Free of undue accumulation of waste	Free of undue accumulation of waste	Maintained in neat and clean manner Free of undue accumulation of waste
Feed	No mention	Kept in rodent proof container	Kept in rodent proof container Not scattered on ground	Kept in rodent proof container

## Matt Asselmeier

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**From:** Rebecca Paprocki <[REDACTED]>  
**Sent:** Tuesday, December 20, 2022 12:29 PM  
**To:** Matt Asselmeier  
**Cc:** Brian Holdiman  
**Subject:** Re: [External]Warning of violation  
**Attachments:** Amendment for Zone R-6.docx

Hi,

I have attended both the Oswego Township Meeting and the Kendall County Board Meeting and intend to continue the meetings. I have reached out to the Kendall County Board members and have not heard anything back with the exception of Matt Kellogg and his support. I am unsure of what exactly I need to do next to amend the zoning ordinance. I believe I need Kendall County Building and Zoning to do the amendment. But does this go through the zone appeals process or an attorney or something entirely different? You had mentioned that it would take 5 meetings, but I am not sure if those are Kendall County Board meetings or the Zoning meetings.

Thank you for any assistance you can provide,  
Rebecca Wintczak

On Mon, Dec 12, 2022 at 4:27 PM Matt Asselmeier <[masselmeier@kendallcountyl.gov](mailto:masselmeier@kendallcountyl.gov)> wrote:

Rebecca:

You would amend Section 8:10.A to allow chickens in the R-6. The stipulations would be put in Section 8:10.A.

The 1 acre rule which applies to hens in the other residential districts would have to be discussed.

Thanks,

Matthew H. Asselmeier, AICP, CFM

Senior Planner

Kendall County Planning, Building & Zoning

111 West Fox Street

Yorkville, IL 60560-1498

PH: 630-553-4139

Fax: 630-553-4179

**Objective:** To amend Section 8:10 A (and/or accompanying sections hereto) of the Kendall County Zone Ordinances to allow the possession and care of backyard hens within Zone R-6. Justly, this amendment should be opened equally to all residents of unincorporated Kendall County.

**Brief Summary of benefits of backyard hens:**

- Backyard hens provide an ethical, economical, environmentally conscious, and sustainable source of eggs.
- Backyard hen keeping may boost the local economy through an enjoyable hobby.
- Keeping hens may provide youth with excellent learning opportunities with food sources as well as provide residents with the opportunity to be involved in 4-H.
- Hens are generally quiet and docile and may make good companions for residents.
- Allowing backyard hens is concurrent with the prevailing increase in appeal to own hens, evident within surrounding communities.

Nearby Communities that allow chickens within city limits:

Aurora	Plainfield
Batavia	St. Charles
Downers Grove	Westmont
Elgin	Naperville
Evanston	Montgomery
Fox Lake	Yorkville

**Proposed Amendment (Primary Sources: Kendall County Zone R-2 and Village of Oswego Ordinance 17-26)**

Keeping of up to 12 chickens on a zoning lot, provided that:

- a. No roosters shall be kept
- b. No other poultry, including but not limited to geese, ducks, or turkeys shall be kept on the property
- c. All hens shall be confined within a covered enclosure or uncovered enclosure at all times to prevent hens from encroaching onto neighboring properties or coming into contact with wild geese, and other water dwelling birds.
- d. All uncovered enclosures shall have a minimum of 4' in height
- e. No eggs or hens shall be offered for sale from the premises
- f. No person shall slaughter any hens except for humane or religious reasons
- g. The inside enclosure shall have a minimum of 2 sq ft per hen
- h. The outside enclosure shall have a minimum of 8 sq ft per hen
- i. Electric service shall not be provided by an extension cord
- j. Enclosures shall be set back by 25' from adjacent occupied residential structure and at least 5' from adjacent property zones
- k. Bantam and miniature breeds count as ½ of a chicken for the purpose of limitations on chicken keeping
- l. All feed and other items that are associated with the keeping of hens that are likely to attract rodents/vermin/pests/etc. shall be protected in a container with a tightly fitted lid so to prevent these scavengers from gaining access to or coming into contact with them
- m. All hens shall be kept in the rear yard
- n. All areas where hens are kept shall be maintained in a neat and clean manner, free of undue accumulation of waste such as to cause odors detectable on adjacent properties
- o. No person shall allow hens to produce noise loud enough to disturb the peace of person of reasonable sensitivity
- p. No part of a premises may become aesthetically unsightly or unkept with association to the owning of hens

### **Misconceptions against keeping hens:**

**Noise-** When one imagines noisy chickens, they may be thinking of being woken at dawn by the crowing of a rooster. With rule 'A' in place, there would be no crowing of roosters in the early morning or any time of day. Yet, hens do make some sounds. Hens have what is called an 'egg song' when they lay an egg. This song is not nearly as loud as a rooster crowing nor even a dog barking at a nearby squirrel. Some hens do not sing this song and others may sing for up to a minute. This song takes place within their coop and is quieted by the walls of the coop. The hen may have a longer or louder song the first time they lay an egg because it is a new process for them but they are calmer in subsequent egg laying. The hens may also bawlk when a predator is nearby. However, one may recognize this same alert sound from the wild birds around when there is a hawk visibly stalking the vicinity. If the hens are well secured, then predators do not typically waste their time stalking the confined hens nor do they frequently return.

The last sound that you may hear a hen make is when you feed them especially yummy treats like mealworms or yogurt. This sound is full of joy and certainly brings joy to those giving the treats. In summary, hens are generally quiet and peaceful creatures who do not bring chaos or excessive noise to a neighborhood. I have had hens in Boulder Hill for 6 of the 7 years I have lived here (I did not realize initially that they were not allowed per County Ordinances). My neighbors moved in about 4 years ago and did not know we had hens until we told them and gave them eggs sometime after they moved in. If my own direct neighbors who are frequently outside with their children had no idea about the hens next door, I do not believe anyone of reasonable sensitivity would hear, let alone complain of hens in the neighborhood

**Farm-like-** I can nearly assure you that there will be no giant red barns, noisy tractors, or cows coming to Boulder Hill with the passing of this proposed amendment. With the proposed rules 'P' and 'M,' hens will be out of sight and will not make a difference in the appearance of our neighborhood.

**Odor-** With every waste producing animal excrement can be expected to have an odor. Like keeping dogs or humans in early development, there needs to be a plan in place for collecting and disposing of anticipated waste. Luckily, hen excrement dries quickly in straw, is easy to compost or safely dispose of, and does not carry the same odor of that of a dog. As with negligent dog owners, there may be opportunity for hen owners to let their waste management go neglected. The proposal of rule 'N' is in place to combat potential negligent owners. As stated, odor from backyard hens would be the result of a negligent owner rather than the mere presence of hens.

**Disease-** Salmonella and bird disease outbreaks that haunt the imagination occur from poorly kept hens who are in unhealthy and crowded conditions, like those of factory farms. Backyard hen keeping is completely unlike the conditions of mass-producing factory farming. Backyard hens have adequate ventilation, whereas factory farms have poor ventilation which creates moist and dirty environments — environments where viruses and bacteria thrive. Backyard hens are kept in good health whereas factory farming hens are kept profitable. The crowded conditions also enable diseases to spread easier and quicker. With backyard hens living in reasonable numbers, diseases do not transmit the same way they would in a crowded and neglected factory farm. In summary, it would be better for disease prevention to transition away from factory farming to backyard set-ups.

**Pests-** Where there is food, there are opportune scavengers. As rule 'L' stipulates, food shall be kept in rodent/pest proof containers. These containers are a necessary part of hen keeping.

**Distasteful appearances-** Hens can be kept in a variety of conditions, some neat, orderly, and appealing and others not so much. Although there is no way to guarantee that all chicken coops will be particularly fashionable. With rule 'P' and 'M,' coops will be out of sight and hopefully blend into our diverse neighborhood. The permit process will also direct hen keepers towards neat permanent coop structures rather than temporary and less appealing structures.

## **Arguments in favor of hen keeping:**

**Backyard hens provide an ethical source of eggs-** As noted in the arguments above, backyard hen keeping combats unethical factory farm practices.

**Backyard hens have more space-** In a factory farm, egg laying hens will have less than 1 sq ft of space; they will never touch grass or see the sun. In a backyard, hens are given a minimum of 2 sq ft of coop space and at least 8-10 sq ft of outdoor run space. Backyard hens can stretch their wings and legs.

**Backyard hens have access to fresh air and sun-** In the backyard, hens can breathe fresh air; they have room to sun bathe. If you have ever seen a dog or cat sunbathe, then you can imagine the meditative state seen in a sunbathing hen.

**Backyard hens live more socially-** Backyard hens have the privilege to be raised by mama hens. I have never hatched eggs but I have snuck day old chicks under the wing of a broody hen at night. There is nothing like the quiet and loving sounds from a mama hen to who she thinks her babies have hatched. The mom and babies bond immediately and she caters to their every need for many weeks. She shows them how to eat and drink. She protects them from predators and overzealous hens. She keeps them warm and alive. Chicks cannot regulate their body temperature and rely on the mama hen or brooder lights in her absence to stay warm. There is a certain joy when seeing little chick heads pop out in every direction from under the mama hen. Besides 'family' ties, backyard hens can have best friends. These are strong friendships that last many years for chickens. They forage together, watch for predators together, and perch next to each other at night. Before owning hens, I never would have imagined chickens to have such personalities or bonds. Now that I own hens, I don't think I could ever diminish their lives to one that lives in a factory farm.

**Hens provide an economical source of eggs-** The price of eggs has grown, like everything else recently. Factory-farmed eggs cost \$4.00 per dozen, cage free eggs (which still bring inhumane conditions to hens) cost \$6.00+ per dozen. Backyard eggs cost less than \$1.00 per dozen and even less if your hens eat things other than commercial feed such as kitchen scraps, grass, or bugs.

**Backyard hens provide a sustainable source of eggs-** During the beginning of the pandemic, store shelves ran out of eggs, but my hens did not care for transportation problems or panic buying. They continue to lay eggs that my family could rely on. They laid enough that I could give them to a friend and neighbors who could not find eggs in the stores. Even in times that eggs were plentiful on shelves, my hens have been generous and we have been able to share with those around us.

**Backyard hens provide an environmentally mindful source of eggs-** My eggs do not produce emissions from transportation on their way from my backyard to my kitchen. Their eggs are stored in a reusable wire column on my counter and do not use single use cartons. As noted previously, the hens often dispose of kitchen scraps and prevent extra landfill waste. The hens help turn my compost and they take the extra tomatoes off my hands at the end of the season when I have had enough canning and my neighbors have had enough tomatoes.

**Backyard hens reduce municipal burden of waste and refuse services-** As explained above, backyard hens reduce waste through multi-use egg storage and their productivity turning kitchen scraps into eggs. These small efforts over a large scale could improve municipal and local strain by reducing waste. Less organic waste also means that garbage day will have less odor.

**Backyard hens provide companionship-** As thoroughly noted above, hens are very social creatures with each other. They are also social with humans. When gardening, my favorite chicken would be beside me, quickly snatching any grubs or worms that surfaced. My son feels a connection to them and loves to pet and feed them mealworms. He squeals with delight when they willingly eat from his hand. You may be aware of a veteran in Montgomery who relied on his chickens to help with his PTSD. These are just a few examples of the joy and companionship that backyard hens bring.

**Backyard hens provide more nutritious eggs-** Studies have shown that backyard eggs and farm fresh eggs have less cholesterol and saturated fat than those found in a grocery store. They also contain 25% more vitamin E, 75% more beta carotene, and 3-20 times more Omega-3 fatty acids.

**Backyard hens provide a connection to our food-** Just as one grows fond over the ripening of a tomato, one feels utter delight in their first 'home grown' egg. Backyard eggs taste better and may be better nutritionally. But, I believe the reason it tastes better is because of the hard work you have put into that egg. Of course, chicken keepers are not laying eggs, but we are providing the home and care for those who do.

**Backyard hens promote responsibility-** Keeping hens will enable Boulder Hill residents to take part in 4-H. 4-H promotes citizenship, leadership, and responsible animal handling. Besides participating in 4-H, general backyard chicken keepers and especially children will learn and grow through this opportunity. My son, who is about 2 years old, enjoys letting the chickens out first thing in the morning and pouring their water (all with supervision). He takes pride in helping us and the hens. Providing excellent animal welfare brings value to our lives and helps us grow as individuals.

**Backyard hens are inclusive and equitable for all-** People from many walks of life benefit from keeping hens. Backyard hens are not only for farmers in rural areas. They are for vets suffering from PTSD, the family trying to make ends meet, the environmentally conscious, the lonely, the young, the elderly, or those who just want something new.

**Backyard hens in Boulder Hill would align with values of all other surrounding communities-** Although Boulder Hill is unincorporated, we have stricter ordinances on keeping hens than surrounding cities. We are a part of the Oswego Township and while Oswego Village residents enjoy their hens, we cannot. It does not make sense that chickens are allowed within city limits but not outside city limits, where ordinances are typically less tightened. The Village of Oswego voted to allow hens in 2017 after the Village's Environmentally Conscious Oswego Commission encouraged the city to follow the trends of other communities. They also heard from the University of Illinois Extension Campus who further supported backyard hens.

**Nearby communities that allow backyard hens:**

Aurora	Westmont
Batavia	Naperville
Downers Grove	Montgomery
Elgin	Oswego
Evanston	Yorkville
Fox Lake	
Plainfield	
St. Charles	

In conclusion, I hope you will find that backyard hens would bring countless benefits to the residents in Kendall County and especially those within Boulder Hill. Please consider incorporating backyard hens into unincorporated Kendall County. Thank you for your time in reading this proposal and for your consideration.

Sincerely,

Rebecca Wintczak



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## DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 203

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

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### Petition 23-18

### Edward J. Brongiel on Behalf of Prairie Creek Trust Site Plan Approval

#### BACKGROUND AND INTRODUCTION

The Petitioner would like to demolish one (1) approximately one thousand one hundred sixty (1,160) square foot two (2) story house, one (1) approximately nine hundred ninety-two (992) square foot garage, and one (1) approximately one thousand three hundred sixty-four (1,364) square foot frame building at 9120 Route 34, Yorkville.

The Petitioner plans to sell the property; a future owner may decide to construct additional structures on the property.

Section 13:10 of the Zoning Ordinance requires site plan review for structures on properties zoned B-3.

The property has been zoned B-3 since 1974.

The property received site plan approval for the construction of an approximately thirty-four thousand (34,000) square foot storage facility in 2008.

The application materials are included Attachment 1. The site plan is included as Attachment 2. Pictures of the structures proposed for demolition are included as Attachments 3 and 4.

#### SITE INFORMATION

PETITIONER: Edward J. Brongiel on Behalf of Prairie Creek Trust

ADDRESS: 9120 Route 34, Yorkville

LOCATION: Approximately 0.1 Miles East of McHugh Road on the South Side of Route 34





TOWNSHIP: Bristol

PARCEL #: 02-28-278-001

LOT SIZE: 1.75 +/- Acres

EXISTING LAND USE: Vacant Commercial (Former Car Dealership)

ZONING: B-3 Highway Business District

LRMP:	Future Land Use	Suburban Residential (Max Density 1.00 DU/Acre)
	Roads	Route 34 is State maintained Arterial Road.
	Trails	Yorkville has a trail planned along Route 34.
	Floodplain/Wetlands	There is no floodplain on the property. There are no wetlands on the property.

REQUESTED ACTION: Site Plan Approval

APPLICABLE REGULATIONS: Section 13:10 – Site Plan Approval

#### **SURROUNDING LAND USE**

Location	Adjacent Land Use	Adjacent Zoning	Land Resource Management Plan	Zoning within ½ Mile
North	Agricultural	B-3 (Yorkville)	Mid-Density Residential (Yorkville)	N/A
South	Parking Lot and Swimming Pool	R-2 (Yorkville)	Suburban Neighborhood (Yorkville)	N/A
East	Improved Commercial (American Legion and Softball Field)	B-3 (County)	Suburban Residential (County)	N/A
West	Vacant/Commercial	B-3 (Yorkville)	Neighborhood Retail (Yorkville)	N/A

#### **ACTION SUMMARY**

##### **BRISTOL TOWNSHIP**

Petition information was sent to Bristol Township on March 23, 2023.

##### **UNITED CITY OF YORKVILLE**

Petition information was sent to the United City of Yorkville on March 23, 2023.

## BRISTOL-KENDALL FIRE PROTECTION DISTRICT

Petition information was sent to the Bristol-Kendall Protection District on March 23, 2023.

### DESIGN STANDARDS

Pursuant to Section 13:10.D of the Kendall County Zoning Ordinance, the following shall be taken into account when reviewing Site Plans (Staff comments in bold):

*Responsive to Site Conditions-Site plans should be based on an analysis of the site. Such site analysis shall examine characteristics such as site context; geology and soils; topography; climate and ecology; existing vegetation, structures and road network; visual features; and current use of the site. In addition to the standards listed below, petitioners must also follow the regulations outlined in this Zoning Ordinance. To the fullest extent possible, improvements shall be located to preserve the natural features of the site, to avoid areas of environmental sensitivity, and to minimize negative effects and alteration of natural features. Fragile areas such as wetlands and flood plains should be preserved as open space. Slopes in excess of 20 percent as measured over a 10-foot interval also should remain as open space, unless appropriate engineering measures concerning slope stability, erosion and safety are taken. **There are no floodplains, wetlands, excessive slopes on the property.***

*Traffic and Parking Layout-Site plans should minimize dangerous traffic movements and congestion, while achieving efficient traffic flow. An appropriate number of parking spaces shall be provided while maintaining County design standards. The number of curb cuts should be minimized and normally be located as far as possible from intersections. Connections shall be provided between parking areas to allow vehicles to travel among adjacent commercial or office uses. Cross-access easements or other recordable mechanisms must be employed. **The property already possesses access off of Route 34 and has space for parking for the structure remaining on the property. The specific number of parking spaces will be determined by future uses.***

*Conflicts between pedestrians and vehicular movements should be minimized. When truck traffic will be present upon the site, the road size and configuration shall be adequate to provide for off-street parking and loading facilities for large vehicles. Barrier curb should be employed for all perimeters of and islands in paved parking lots, as well as for all service drives, loading dock areas, and the equivalent. Parking lots in industrial or commercial areas shall be paved with hot-mix asphalt or concrete surfacing. **No conflicts are foreseen.***

*Site Layout-Improvements shall be laid out to avoid adversely affecting ground water and aquifer recharge; minimize cut and fill; avoid unnecessary impervious cover; prevent flooding and pollution; provide adequate access to lots and sites; and mitigate adverse effects of shadow, noise, odor, traffic, drainage and utilities on neighboring properties. **The proposed demolitions should not negatively impact shadow, odor, noise, traffic, drainage, or utilities on neighboring properties.***

*Consistent with the Land Resource Management Plan-The proposed use and the design of the site should be consistent with the Land Resource Management Plan. **This is true.***

*Building Materials-The proposed site plan design shall provide a desirable environment for its occupants and visitors as well as its neighbors through aesthetic use of materials, textures and colors that will remain appealing and will retain a reasonably adequate level of maintenance. Buildings shall be in scale with the ultimate development planned for the area. Monotony of design shall be avoided. Variations in detail, form, and setting shall be used to provide visual interest. Variation shall be balanced by coherence of design elements. **Not applicable.***

*Relationship to Surrounding Development-A site shall be developed in harmony with neighboring street pattern, setbacks and other design elements. **This is not an issue.***

*Open Space and Pedestrian Circulation-Improvements shall be designed to facilitate convenient and safe pedestrian and bicycle movement within and to the property. **This is not an issue.***

*Buffering-Measures shall be taken to protect adjacent properties from any undue disturbance caused by excessive noise, smoke, vapors, fumes, dusts, odors, glare or stormwater runoff. Incompatible, unsightly activities are to be screened and buffered from public view. **This is not an issue.***

*Emergency Vehicle Access-Every structure shall have sufficient access for emergency vehicles. **Access already exists off of Route 34 and this should not be an issue.***

*Mechanical Equipment Screening-All heating, ventilation and air conditioning equipment shall be screened on sides where they abut residential districts. **Not applicable.***

*Lighting-The height and shielding of lighting fixtures shall provide proper lighting without hazard to motorists on adjacent roadways or nuisance to adjacent residents by extending onto adjacent property. Cut-off lighting should be used in most locations, with fixtures designed so that the bulb/light source is not visible from general side view. **Not applicable.***

*Refuse Disposal and Recycling Storage Areas-All refuse disposal and recycling storage areas should be located in areas designed to provide adequate accessibility for service vehicles. Locations should be in areas where minimal exposure to public streets or residential districts will exist. Screening shall be required in areas which are adjacent to residential districts or are within public view. Such enclosures should not be located in landscape buffers. Refuse containers and compactor systems shall be placed on smooth surfaces of non-absorbent material such as concrete or machine-laid asphalt. A concrete pad shall be used for storing grease containers. Refuse disposal and recycling storage areas serving food establishments shall be located as far as possible from the building's doors and windows. The use of chain link fences with slats is prohibited. **Not applicable.***

#### **RECOMMENDATION**

Pending comments from ZPAC members, Staff recommends approval of the proposed site plan with the following conditions:

1. The site shall be developed substantially in accordance with the attached site plan (Attachment 2).
2. The site shall be developed in accordance with all applicable federal, state, and local laws related to site development.

#### **ATTACHMENTS**

1. Application Materials
2. Site Plan
3. Picture of 2 Story Frame Building and Garage
4. Picture of 1 Story Frame Building



# DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

## APPLICATION

PROJECT NAME \_\_\_\_\_

FILE #: \_\_\_\_\_

NAME OF APPLICANT (Including First, Middle Initial, and Last Name)

Riser (Darrin J Hane)

CURRENT LANDOWNER/NAME(s)

Prairie Creek Trust

SITE INFORMATION

ACRES

1.43

SITE ADDRESS OR LOCATION

9120 Rte 34

ASSESSOR'S ID NUMBER (PIN)

02-28-28-0

EXISTING LAND USE

unoccupied

CURRENT ZONING

B3

LAND CLASSIFICATION ON LRMP

REQUESTED ACTION (Check All That Apply):

☐ SPECIAL USE

☐ MAP AMENDMENT (Rezone to \_\_\_\_\_)

☐ VARIANCE

☐ ADMINISTRATIVE VARIANCE

☐ A-1 CONDITIONAL USE for: \_\_\_\_\_

☒ SITE PLAN REVIEW

☐ TEXT AMENDMENT

☐ RPD ( ☐ Concept; ☐ Preliminary; ☐ Final)

☐ ADMINISTRATIVE APPEAL

☐ PRELIMINARY PLAT

☐ FINAL PLAT

☐ OTHER PLAT (Vacation, Dedication, etc.)

☐ AMENDMENT TO A SPECIAL USE ( ☐ Major; ☐ Minor)

<sup>1</sup>PRIMARY CONTACT

Darrin Hane

PRIMARY CONTACT MAILING ADDRESS

[REDACTED]

PRIMARY CONTACT EMAIL

[REDACTED]

PRIMARY CONTACT PHONE #

[REDACTED]

PRIMARY CONTACT FAX #

N/A

PRIMARY CONTACT OTHER #(Cell, etc.)

N/A

<sup>2</sup>ENGINEER CONTACT

N/A

ENGINEER MAILING ADDRESS

[REDACTED]

ENGINEER EMAIL

[REDACTED]

ENGINEER PHONE #

[REDACTED]

ENGINEER FAX #

[REDACTED]

ENGINEER OTHER # (Cell, etc.)

[REDACTED]

I UNDERSTAND THAT BY SIGNING THIS FORM, THAT THE PROPERTY IN QUESTION MAY BE VISITED BY COUNTY STAFF & BOARD/ COMMISSION MEMBERS THROUGHOUT THE PETITION PROCESS AND THAT THE PRIMARY CONTACT LISTED ABOVE WILL BE SUBJECT TO ALL CORRESPONDANCE ISSUED BY THE COUNTY.

I CERTIFY THAT THE INFORMATION AND EXHIBITS SUBMITTED ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND THAT I AM TO FILE THIS APPLICATION AND ACT ON BEHALF OF THE ABOVE SIGNATURES. THE APPLICANT ATTESTS THAT THEY ARE FREE OF DEBT OR CURRENT ON ALL DEBTS OWED TO KENDALL COUNTY AS OF THE APPLICATION DATE.

SIGNATURE OF APPLICANT

DATE

FEE PAID:\$ \_\_\_\_\_

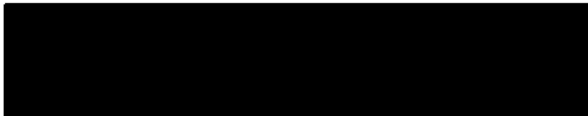
CHECK #: \_\_\_\_\_

<sup>1</sup>Primary Contact will receive all correspondence from County

<sup>2</sup>Engineering Contact will receive all correspondence from the County's Engineering Consultants

I ED BRONGIEL (TRUSTEE)  
ON BEHALF OF PRIVATE CREEK TRUST  
AUTHORIZE DARRIN HANE. TO  
SPEAK, SIGN, AND COMPLETE  
ANY AND ALL WORK, FOR THE  
PREMISES KNOWN AS 9120  
RT 34 YORKVILLE (UNINCORPORATE) IL,  
60560.

SIGNED

A black rectangular box redacting the signature of the trustee.

TRUSTEE

DATE

3-20-23

KENDALL COUNTY  
DISCLOSURE OF BENEFICIARIES FORM

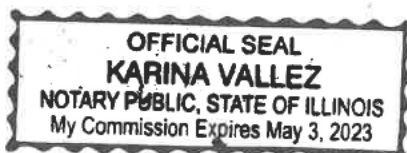
1. Applicant PRARIE CREEK TRUST  
 Address [REDACTED]  
 City [REDACTED] Sta [REDACTED] Zip [REDACTED]
2. Nature of Benefit Sought SITE PLAN REVIEW
3. Nature of Applicant: (Please check one)
  - ☐ Natural Person
  - ☐ Corporation
  - ☐ Land Trust/Trustee
  - ☒ Trust/Trustee
  - ☐ Partnership
  - ☐ Joint Venture
4. If applicant is an entity other than described in Section 3, briefly state the nature and characteristics of the applicant:
5. If your answer to Section 3 you have checked letter b, c, d, e, or f, identify by name and address each person or entity who is a 5% shareholder in case of a corporation, a beneficiary in the case of a trust or land trust, a joint venture in the case of a joint venture, or who otherwise has proprietary interest, interest in profits and losses or right to control such entity:
 

NAME	ADDRESS	INTEREST
<u>ED BRONGIEL</u>	<u>[REDACTED]</u>	<u>100%</u>
6. Name, address, and capacity of person making this disclosure on behalf of the applicant:  
DAMON HANE RIBER HSM

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

Subscribed and sworn to before me this 20 day of MARCH 2023, A.D.

(seal)



[REDACTED]  
 Notary Public

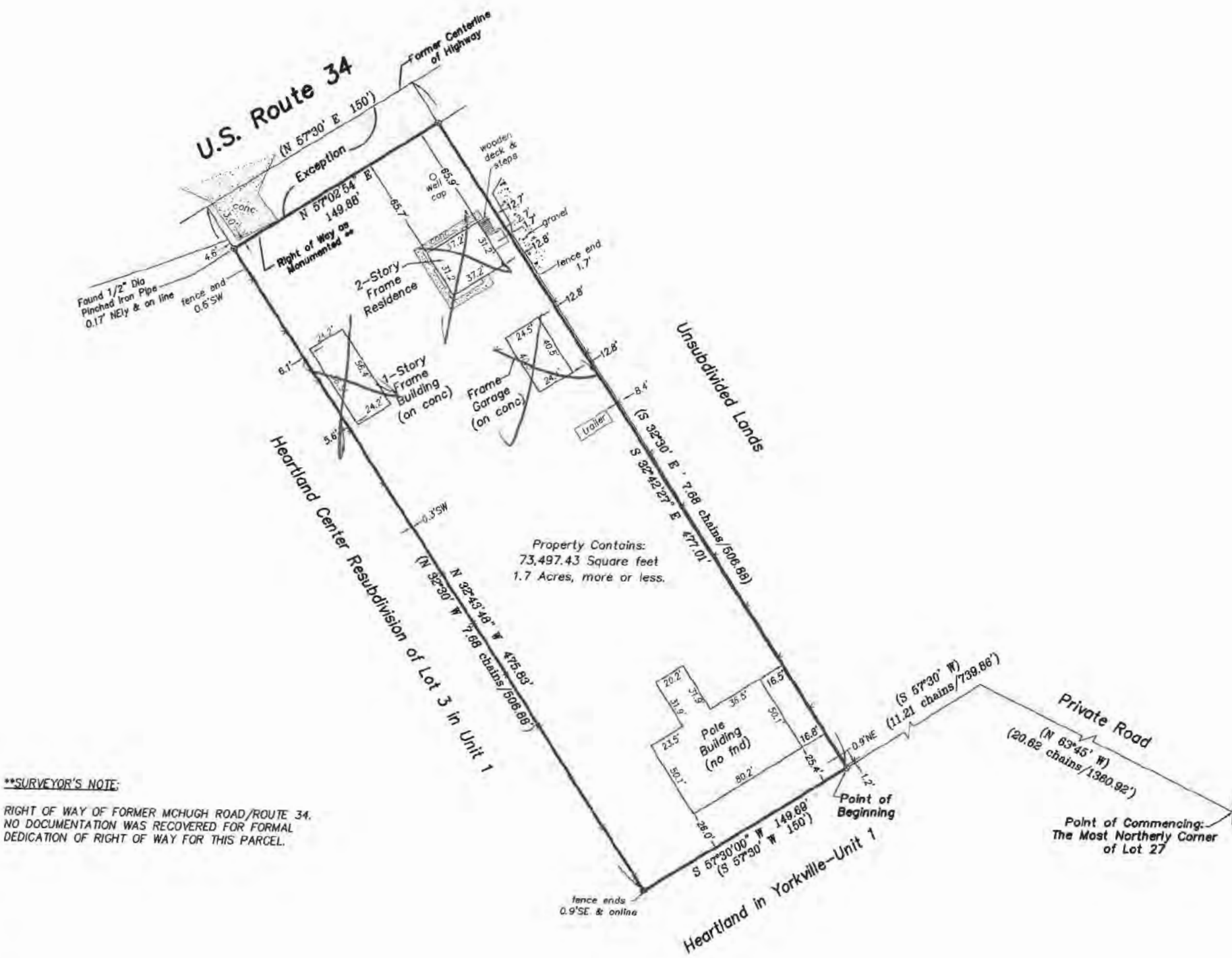


PLAT OF SURVEY

THAT PART OF THE NORTHEAST QUARTER OF SECTION 28, TOWNSHIP 37 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST NORTHERLY CORNER OF LOT 27 OF FOX RIVER GARDENS ACCORDING TO THE PLAT THEREOF RECORDED IN BOOK 7 OF PLATS, PAGE 34; THENCE NORTH 63 DEGREES 45 MINUTES WEST 20.62 CHAINS ALONG THE SOUTHWESTERLY LINE OF A PRIVATE ROAD; THENCE SOUTH 57 DEGREES 30 MINUTES WEST 11.21 CHAINS FOR THE POINT OF BEGINNING; THENCE SOUTH 57 DEGREES 30 MINUTES WEST 150 FEET; THENCE NORTH 32 DEGREES 30 MINUTES WEST 7.68 CHAINS TO THE CENTER OF A HIGHWAY RUNNING NORTHEASTERLY AND SOUTHWESTERLY THROUGH SAID SECTION 28; THENCE NORTH 57 DEGREES 30 MINUTES EAST ALONG THE CENTER OF SAID HIGHWAY 150 FEET; THENCE SOUTH 32 DEGREES 30 MINUTES EAST 7.68 CHAINS TO THE POINT OF BEGINNING, (EXCEPTING THEREFROM THAT PART BEING USED AS PUBLIC RIGHT-OF-WAY BY THE PEOPLE OF ILLINOIS), IN THE TOWNSHIP OF BRISTOL, KENDALL COUNTY, ILLINOIS.

COMMONLY KNOWN AS: 9120 ROUTE 34, YORKVILLE, ILLINOIS.



**\*\*SURVEYOR'S NOTE:**

RIGHT OF WAY OF FORMER MCHUGH ROAD/ROUTE 34. NO DOCUMENTATION WAS RECOVERED FOR FORMAL DEDICATION OF RIGHT OF WAY FOR THIS PARCEL.

STATE OF ILLINOIS )  
COUNTY OF KENDALL ) SS

WE, CORNERSTONE SURVEYING, P.C., AN ILLINOIS PROFESSIONAL DESIGN FIRM LAND SURVEYOR CORPORATION NO. 184.006522, DO HEREBY CERTIFY THAT THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY. SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS WHICH AN ACCURATE TITLE SEARCH MAY DISCLOSE.

DATED AT YORKVILLE, ILLINOIS ON MARCH 16, 2023.



Michel C. Ensulaco, P.L.S. 2768, Exp. 11/30/2024  
Eric C. Pokorny, P.L.S. 3818, Exp. 11/30/2024

**TODD SURVEYING**

Professional Land Surveying Services  
"Cornerstone Surveying PC"  
759 John Street, Suite D  
Yorkville, IL 60560  
Phone: 630-892-1309 Fax: 630-892-5544

Survey is only valid if original seal is shown in red.

Client:	Riser Darrin Hane
Book # sheets Drawn By:	A.H.J.H. (Plot #: 82)
Reference:	
Field Work Completed:	03/09/2023
Rev. Date	Rev. Description
Project Number:	2023-0155





03/20/2023 17:12





03/20/2023 17:12





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**DEPARTMENT OF PLANNING, BUILDING & ZONING**

111 West Fox Street • Room 203

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

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**Petition 23-19**

**Brent A. Stary and Tracy A. Stary on Behalf of MCB52, Inc.**

**(Property Owner) and Roman Correa on Behalf of R&S**

**Landscaping and Nursery, Inc. (Tenant)**

**A-1 Special Use Permit for Landscaping Business**

**Variances Related to Parking, Driveway, and Loading Facilities**

**INTRODUCTION**

In October 2022, the Planning, Building and Zoning Department received a complaint regarding a landscaping business operating at 5022 Route 126 without a special use permit. In the intervening months, the property owner and business owner worked with an attorney and engineer to submit an application for a special use permit.

The Petitioners are seeking a special use permit for a landscaping business, including allowing outdoor storage of materials. They are also seeking variances to Section 4:05.B and Section 11:02.F.7 to allow outdoor parking and loading with twenty-five feet (25') of the right-of-way line of Route 126 and to allow a portion of the accessible parking space to be no closer than sixty-nine feet (69') of the south right-of-way line of Route 126; parking is not allowed within the front-yard setback. The Petitioners would like a variance to Section 11:02.F.4 to allow parking spaces with a depth of eighteen feet (18') with an overhang of two feet (2') instead of the twenty foot (20') depth requirement. Finally, they are seeking a variance to Section 4:09.A to allow the existing driveway on Grove Road to be less than twenty feet (20') in width until such time as the driveway is replaced.

The Petitioners also wish to use the existing house and existing accessory structures for their business. Some of these structures pre-date the adoption of the Kendall County Zoning Ordinance. The Petitioners are requesting a variance to Section 7:01.G.2.a to allow the existing house to be no closer than seventy-three feet (73') south of the right-of-way line of Route 126 instead of the required one hundred feet (100') and no closer than twenty-one feet (21') west of the right-of-way line of Grove Road instead of the required one hundred feet (100'). The Petitioners are also requesting a variance to Section 7:01.G.2.b to allow accessory structures no closer than fifty-seven feet (57') south of the right-of-way line of Route 126 instead of the required one hundred feet (100') and no closer than fifty-three feet (53') west of the right-of-way line of Grove Road instead of the required one hundred feet (100'). These requests are part of separate Petition (Petition 23-20).

Finally, the Petitioners wish to have the opportunity to use the home on the property to house an employee of the landscaping and nursery business. Accordingly, they request a conditional use permit for that purpose, which part of a separate Petition (Petition 23-21).

The application materials are included as Attachment 1. The stormwater information is included as Attachment 2. The existing conditions survey is included as Attachment 3. The site plan is included Attachment 4. The landscaping plan is included as Attachment 5. Pictures of the property are included as Attachments 6-10.

**SITE INFORMATION**

**PETITIONERS:** Brent A. Stary and Tracy A. Stary on Behalf of MCB52, Inc. (Property Owner) and Roman Correa on Behalf of R&S Landscaping and Nursery, Inc. (Tenant)

**ADDRESS:** 5022 Route 126, Yorkville

**LOCATION:** Southwest Corner of the Intersection of Route 126 and Grove Road



TOWNSHIP: Na-Au-Say

PARCEL #s: 06-18-200-011 and 06-18-200-013

LOT SIZE: 2.9 +/- Acres

EXISTING LAND USE: Agricultural/Farmstead

ZONING: A-1

LRMP:	Future Land Use	Commercial (County) Estate Residential (Yorkville)
	Roads	Route 126 is a State maintained Arterial. Grove is a Major Collector maintained by the County.
	Trails	Yorkville has a trail planned along Route 126 and Grove Road.
	Floodplain/ Wetlands	There are no floodplains or wetlands on the property.

REQUESTED ACTIONS: Special Use Permit for a Landscaping Business  
Variance to Allow Parking and Loading within the Front Yard Setback  
Variance to Park Stall Depth  
Variance to Driveway Width

APPLICABLE REGULATIONS: Section 7:01.D.30 – A-1 Special Uses  
Section 4:05.B and 11:02.F.7 – Obstructions in Yards

Section 11:02.F.4 – Parking Stall Requirements

Section 4:09.A. – Private Driveway Requirements

Section 13:04 – Variance Procedures

Section 13:08 – Special Use Procedures

#### **SURROUNDING LAND USE**

<b>Location</b>	<b>Adjacent Land Use</b>	<b>Adjacent Zoning</b>	<b>Land Resource Management Plan</b>	<b>Zoning within ½ Mile</b>
North	Agricultural	A-1	Commercial (County) Estate Residential (Yorkville)	A-1
South	Agricultural	A-1	Commercial (County) Agricultural (Yorkville)	A-1
East	Agricultural	A-1	Commercial (County) Agricultural (Oswego)	A-1
West	Agricultural	A-1	Commercial (County) Agricultural (Yorkville)	A-1, A-1 SU, and RPD-2

Grove Road is the boundary line between the United City of Yorkville's and the Village of Oswego's planning areas.

The A-1 special use permits to the west are for a golf course.

A cemetery is located near the subject property to the south.

Approximately six (6) houses and the Whitetail Ridge Subdivision are located within one point five (1.5) miles of the subject property.

#### **PHYSICAL DATA**

##### **ENDANGERED SPECIES REPORT**

EcoCAT Report was submitted on February 22, 2023, and consultation was terminated, see Attachment 1, Page 28.

##### **NATURAL RESOURCES INVENTORY**

The NRI Application was submitted on February 15, 2023, see Attachment 1, Page 27.

#### **ACTION SUMMARY**

##### **NA-AU-SAY TOWNSHIP**

Petition information was sent to Na-Au-Say Township on March 27, 2023.

##### **UNITED CITY OF YORKVILLE**

Petition information was sent to the United City of Yorkville on March 27, 2023.

##### **BRISTOL-KENDALL FIRE PROTECTION DISTRICT**

Petition information was sent to the Bristol Kendall Fire Protection District on March 27, 2023.

#### **GENERAL INFORMATION**

Per Section 7:01.D.30 of the Kendall County Zoning Ordinance, landscaping businesses can be special uses on A-1 zoned property subject to the following conditions:

1. All vehicles, equipment and materials associated with a landscaping business shall be stored entirely within an enclosed structure, unless otherwise permitted under the terms of this Special Use Permit.
2. The business shall be located on, and have direct access to, a State, County or Collector Highway as identified in the County's LRMP, having an all-weather surface, designed to accommodate loads of at least 73,280 lbs, unless otherwise approved in writing by the agency having jurisdiction over said Highway. Such approvals shall establish limitations as to the number of employees and types of vehicles coming to and from the site that are engaged in the operation of the use (including delivery vehicles). These restrictions shall be included as controlling conditions of the Special Use.
3. No landscape waste generated off the property can be burned on this site.

If the County Board approves the outdoor storage of materials and variances, the above conditions have been met.

### **BUSINESS OPERATIONS**

As noted in the project narrative contained in Attachment 1 on pages 4-20, the Petitioners would like to operate R&S Landscaping and Nursery at the subject property. The existing home would be used as the office for the business and would possibly be used as a dwelling in the future for an employee. The northern most barn would be used as a tool shop and meeting space.

No retail activities related to the business would occur at the subject property.

The business would be open from 7:00 a.m. until 7:00 p.m. everyday throughout the year. The business has a maximum of seventeen (17) employees, during the busy season. The business hauls vegetation and other landscaping items from the property to work sites. Employees either report to the subject property or report directly to job sites. Equipment is parked either at the subject property or the job site.

The site plan (Attachment 4) shows seven (7) four foot (4') tall concrete block storage areas approximately five feet (5') from the western property line. These storage areas range from approximately one thousand seven ten (1,710) square feet in size to approximately five hundred ten (510) square feet in size. All of the storage areas are thirty feet (30') in depth. The storage areas will hold top soil, boulders, sand, mulch, gravel, landscape waste, and brush. No piles will be taller than six feet (6') in height. Areas for outdoor equipment storage are located east of an interior driveway. One (1) outdoor storage area for bricks is planned is also planned in this area.

In addition to the landscaping component, the Petitioners will have a nursery with two (2) membrane flower storage areas and areas for growing trees, bushes, and flowers. The nursery area will be located south of the gravel driveway.

### **BUILDINGS AND BUILDING CODES**

One (1) one point five (1.5) story, approximately one thousand three hundred ninety-two (1,392) square foot house, is located on the property. There is one (1) approximately five hundred fifty (550) square foot detached garage, one (1) approximately one thousand seventy (1,070) square foot accessory building (labeled as machine tool shop, storage, breakroom and meeting room on the site plan), one approximately seven hundred (700) square foot chicken coop, and one (1) approximately three eight hundred sixty (3,680) square foot accessory building (labeled as equipment storage on the site plan). Two (2) silos are also located on the property.

Any structures related to the landscaping business would be required to obtain applicable building permits, including changes in occupancy.

### **ENVIRONMENTAL HEALTH**

The property is served by a well and septic. No information was provided regarding whether or not employees would use these facilities.

The property has a propane tank, which will be protected by bollards.

No information was provided regarding a refuse area.

### **STORMWATER**

The property drains to the west and south.

The Petitioners submitted an application for a stormwater management permit, see Attachment 2.

### **ACCESS**

Per the site plan (Attachment 4), the Petitioners' propose to make the driveway off of Grove Road as the main access point. This driveway is approximately seven feet (7') wide. The Petitioners propose to widen the driveway to approximately fifteen feet (15') in width. The driveway expands to twenty-four feet (24') in width west of the propane tank. The Petitioners are pursuing a variance related to this driveway.

The property also has access from Route 126. This driveway will be used as an exit only.

### **PARKING AND INTERNAL TRAFFIC CIRCULATION**

According to the site plan (Attachment 4), the Petitioners propose nine (9) parking spaces south of the brick storage and equipment storage area along the southern driveway. One (1) handicapped accessible parking space is proposed north of the existing garage.

The southern driveway would be gravel and would be twenty-four feet (24') in width.

One (1) north-south twenty-four foot (24') wide driveway would be located between the storage areas and stockpiles and a second sixteen foot (16') wide east-west driveway would be located between the two (2) equipment storage and truck parking area. These drives would be CA-7.

One (1) twenty-six foot (26') wide gravel driveway would run from the southern driveway to the handicapped parking space.

The driveway north of the handicapped parking space to Route 126 would be asphalt.

### **LIGHTING**

The existing conditions survey (Attachment 3) and the site plan (Attachment 4) show five (5) lights attached to the middle portions of buildings, two (2) lights at building corners, and one (1) new eighteen foot (18') tall wall mounted light. These lights are considered necessary for security reasons. The sign at the northeast corner of the property would also be illuminated from 6:00 a.m. until 11:00 p.m. as allowed by the Zoning Ordinance.

### **SIGNAGE**

According to the site plan, the Petitioners propose to install one (1) thirty-two (32) square foot wooden sign near the northeast corner of the property. The sign would be illuminated as detailed previously.

Two (2) proposed "Do Not Enter" signs are proposed at the driveway on Route 126. One (1) "No Left Turn" sign is proposed in the same area.

### **SECURITY**

Other than lighting, no other security information was provided.

### **LANDSCAPING**

The site plan (Attachment 4) and landscaping plan (Attachment 5) show twenty-six (26) black hill spruce trees and ten (10) emerald green arborvitae near the north property line. The spruce trees are approximately seven (7') feet in height and the arborvitae are approximately twelve (12') feet in height. There are twenty-eight (28) white pines and twenty-one (21) arborvitae at the southeast corner of the property. The white pines are approximately ten feet (10') in height and the arborvitae are approximately twelve (12') feet in height. Several other plantings are scattered throughout the site, including landscaping around the sign at the northeast corner of the property.

On the landscaping plan (Attachment 5), the Petitioners noted the existing row of trees located to the west of the subject property. The Petitioners are agreeable to planting trees on the subject property if the trees on the adjoining property are removed.

#### **NOISE CONTROL**

No information was provided regarding noise control.

#### **ODORS**

No information was provided regarding odor control.

#### **RELATION TO OTHER SPECIAL USES**

If approved, this would be the nineteenth (19<sup>th</sup>) special use permit for a landscaping business in unincorporated Kendall County.

#### **FINDINGS OF FACT-SPECIAL USE PERMIT**

§ 13:08.J of the Zoning Ordinance outlines findings that the Zoning Board of Appeals must make in order to recommend in favor of the applicant on special use permit applications. They are listed below in *italics*. Staff has provided findings in **bold** below based on the recommendation:

*The establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. **Petitioners plan to preserve existing buildings and existing sign on the north accessory building. Areas surrounding the property are zoned and used for agricultural purposes. Petitioners plan for drainage and will maintain the existing direction, rate and volume of stormwater flowing in the handful of directions noted in the elevations submitted within the application. Petitioners will reduce use of the Route 126 driveway from full access to emergency right-out only use. The main entrance is sufficiently south of Route 126 and there is ample stacking to make a safe left turn into the main driveway without obstructing left turns from Grove Road onto Route 126. Most of the variances requested relate to existing conditions. The location of the parking, loading and storage yard in the west half of the property relates to the circumstance that all existing buildings are centralized. The avoidance of paving for parking and loading and the loading space variation are the only new development needs for relief from the Zoning Ordinance.***

*The special use will not be substantially 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 makes 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. **The subject property is in a large A-1 Agricultural District. Growing of trees, shrubs and flowers is a form of agricultural use. Growing is one part of the use proposed in the application. The use will not impede farms on the four adjacent and opposing sides of the Property. The use is deemed legislatively compatible because it meets all of the requirements contained in the Zoning Ordinance for landscaping businesses, if permission is granted for outdoor storage of materials. The use at the subject property will meet several purposes for the A-1 district as outlined in Section 7:01.A of the Zoning Ordinance, including the preservation of fertile, tillable soils as a valuable natural resource by recharging soils and groundwater through the large CA-7 field, by respecting grades and by engaging in a mix of soil planting and planting in potters, all the while re-using an existing residential home and outbuildings that have long existed. Reasonable restrictions, including hours of operation, maximum number of employees at the property, noise regulations, and lighting requirements are proposed that will protect the enjoyment and use of other properties in the vicinity.***

*Adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. **Restrictions can be placed in the special use permit to address the number of people on the property. No retail customers will be on the property. As such, there are sufficient utilities on the property to handle the proposed uses. The intersection abutting the northeast corner of the Property is sufficiently designed with ample left turn stacking and a stop sign control for traffic crossing Route 126. The existing driveways are sufficiently connected to Grove Road (main***

driveway) and Route 126 (emergency limited access). Drainage on the property flows in three directions, with most stormwater eventually flowing south down a change in grade of roughly five feet (5'). Petitioners have restored a tile and respected drainage rights under the Illinois Drainage Code in the present placement of cement blocks to allow for the passage of stormwater in the one (1) area of the Property where it flows west and to avoid redirecting stormwater other than to the south. Otherwise, stormwater flows into the culverts along roadways. A stormwater management permit will be secured.

*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 Zoning Board of Appeals.* **Petitioners provided an A-1 Agricultural District Table of Compliance addressing all elements of zoning compliance. Variations are necessary, but these variations are primarily related to preservation of existing buildings, structures, and improvements. New relief related to the loading and storage yard places this activity in an area where there was prior activity west of the smaller barn. The use area will benefit from a continuous screen of trees that have already been planted at a substantial height.**

*The special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies.* **The use involves a commercial operation recognized as the use that will prevail at the property under the Land Resource Management Plan. The proposal is also consistent with a goal and objective found on page 10-11 of the Land Resource Management Plan, "A strong base of agriculture, commercial and industry that provide a broad range of job opportunities, a healthy tax base, and improved quality of services to County residents." "... encourage additional agriculture and agribusiness."**

#### **FINDINGS OF FACT-VARIANCE FOR YARD OBSTRUCTIONS AND PARKING AREAS IN SETBACKS**

§ 13.04.A.3 of the Zoning Ordinance outlines findings that the Zoning Board of Appeals must make in order to grant variations. They are listed below in *italics*. Staff has provided findings in **bold** below based on the recommendation:

*The particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out.* **The topography and stormwater flow runs west or south. Substantially all of the property south of the driveway from Grove Road is a flow route for storm volume. In attempting to avoid placement of the loading and storage yard away from the intersection and away from Grove Road, the drainage concerns and the loss of benefits of filtration and ground water recharging played a significant role in determining not to locate this yard south of its proposed location. With respect to the location of the existing garage, it is situated behind the house where such a garage would ordinarily exist, but the house was constructed one hundred (100) or more years ago before the expansion of the abutting roadways and the adoption of zoning regulations pertaining to the setback issue. The interior drive has existed for decades and the most logical location for an accessible parking stall is adjacent to the two buildings where an accessible space can be of benefit. The design of the space leaves all but roughly four feet of the space outside of the setback. These circumstances drive a finding in favor of the variations.**

*The conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification.* **Due to the varying topography throughout the County and the circumstance that the property is a corner lot that was improved before 1922, it cannot be said that the concern causing the difficulty and hardship generally prevails in the A-1 Agriculture District.**

*The alleged difficulty or hardship has not been created by any person presently having an interest in the property.* **The only new element relates to the parking, loading and storage area. Since the 1920's, the area near Route 126 has been higher land. This is evident in aerial photographs in the topography of the area. Moreover, the use area to be occupied by the parking and loading area is similar to the use area that existed from at least the early 1980's until 2006. Petitioners do not propose the loading and storage area adjacent to the lot line, but plans for it at a distance of fifteen feet (15') from the right-of-way, but in the same area that has the historically higher elevation and the historical use. In plain terms, Petitioners are not the first to recognize this higher elevation and they did not create it any more than they created the grades, slopes and swales south of the barns that cause the area south of the driveway**



to be incapable of hosting the loading and storage area without presenting a visual obstruction, placing impermeable or less permeable surface over land that is saturated and helps to recharge groundwater while also filtering stormwater.

*The granting of the variation will not materially be detrimental to the public welfare or substantially injurious to other property or improvements in the neighborhood in which the property is located. **Petitioners propose that none of the outdoor use should be plainly visible to passersby due to the screening. The use of CA-7 stone for the yard allows for infiltration of more water.***

*That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the neighborhood. **One (1) basis for the proposed location of the loading and storage yard is that it avoids placing the area in plain view. The yard will not create shadows or obstruct the flow of air. The yard itself does not contribute to traffic. In fact, it reduces traffic by avoiding excess trips Petitioners would make if they were required to store and load materials elsewhere. The conditions on the special use above also touch on changes to be made if the treeline west of the property no longer exists.***

#### **FINDINGS OF FACT-VARIANCE FOR PARKING STALL DEPTH**

§ 13.04.A.3 of the Zoning Ordinance outlines findings that the Zoning Board of Appeals must make in order to grant variations. They are listed below in *italics*. Staff has provided findings in **bold** below based on the recommendation:

*The particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out. **The topography of the Property and water concerns led to an effort to avoid as much impervious surface as possible. The request for an adjustment in the parking lot design to allow for the same twenty foot (20') parking space, but with a two foot (2') overhang, and an eighteen foot (18') space from tire to tail of a vehicle, is a di minimus request, but it avoids an extra several hundred feet of pervious surface in an area of storm flow, filtering and recharging.***

*The conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. **While applicable to several properties, this concern is not generally applicable to the A-1 district. The original parcel containing the property was a long, narrow farmstead that extended to the cemetery. Through various transactions, including estate and probate matters, the property was divided so that it became a roughly square lot with the southern one hundred eighty feet (180') being an area of significant surface and subgrade flow during rain events and wet seasons.***

*That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. **Certainly, parking can be relocated. Nine (9) parking spaces for the use is also more than needed. Petitioners' preference for parking along the south side of the large barn may be personal. However, Petitioners could have placed these on the south side of the driveway and reduced the area of soil that would accept water for filtration and recharging purposes. In planning for this use and similar uses, there is a general design principal that consolidation of buildings, parking and loading is best for the use and for passersby as well as eventual neighbors.***

*The granting of the variation will not materially be detrimental to the public welfare or substantially injurious to other property or improvements in the neighborhood in which the property is located. **The requested variation has absolutely no impact on public welfare or on property and improvements in this vicinity.***

*That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the neighborhood. **Petitioners are providing more parking than is necessary for the use. However, the provision of more parking does not conclusively lead to substantial increases in congestion since we are dealing with parking for only a few vehicles above that which is necessary. Parking on the north line of the interior drive will consolidate activity and also allow vehicles to park in a line where they will not be as noticeable to traffic on either abutting street. The variation should impact property values in any manner.***

## FINDINGS OF FACT-VARIANCE FOR GROVE ROAD DRIVEWAY CONSTRUCTION

§ 13.04.A.3 of the Zoning Ordinance outlines findings that the Zoning Board of Appeals must make in order to grant variations. They are listed below in *italics*. Staff has provided findings in **bold** below based on the recommendation:

*The particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out.* **The driveway has been in existence for a number of years and could be utilized by other agricultural uses on the property. Having the primary access off of Grove Road instead of Route 126 ensures that employees of the proposed use will not cause increase traffic congestion on Route 126 because the business deliveries will utilize the Grove Road access.**

*The conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification.* **Other properties zoned A-1 that were in existence prior to Kendall County adopting zoning in 1940 could have similar issues. The exact number of properties with lawfully non-conforming driveways is unknown.**

*The alleged difficulty or hardship has not been created by any person presently having an interest in the property.* **Petitioners did not construct the subject driveway.**

*The granting of the variation will not materially be detrimental to the public welfare or substantially injurious to other property or improvements in the neighborhood in which the property is located.* **The maintenance of the driveway as proposed will not harm public welfare. No retail is planned for the site. Therefore, no large increase in the amount of vehicles entering and exiting the property on Grove Road is anticipated.**

*The proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the neighborhood.* **The variance will not cause congestion or endanger public safety because little additional traffic is anticipated at the property. There should be no risk of fire and property values will not be impacted if the variance is granted.**

## RECOMMENDATION

Pending comments from ZPAC, recommends approval of the requested special use permit and variances subject to the following conditions and restrictions:

1. The site shall be developed substantially in accordance with the attached site plan (Attachment 4) and landscaping plan (Attachment 5).
2. A variance to Section 4:05.B and Section 11:02.F.7 of Kendall County Zoning Ordinance shall be granted to allow outdoor parking and loading with twenty-five feet (25') of the right-of-way line of Route 126 and to allow a portion of the accessible parking space to be no closer than sixty-nine feet (69') of the south right-of-way line of Route 126.
3. A variance to Section 11:02.F.4 of the Kendall County Zoning Ordinance shall be granted to allow parking spaces with a depth of eighteen feet (18') with an overhang of two feet (2').
4. A variance to Section 4:09.A of the Kendall County Zoning shall be granted to allow the existing driveway on Grove Road to be less than twenty feet (20') in width until such time as the driveway is replaced.
5. Equipment and vehicles related to the business allowed by the special use permit may be stored outdoors.
6. None of the vehicles or equipment parked or stored on the subject property related to the business allowed by the special use permit shall be considered agricultural vehicles or agricultural equipment.
7. All of the vehicles and equipment stored on the subject property related to the business allowed by the special use permit shall be maintained in good condition with no deflated tires and shall be licensed if required by law.
8. The owners of the businesses allowed by this special use permit shall diligently monitor the property

for leaks from equipment and vehicles parked and stored and items stored on the subject property and shall promptly clean up the site if leaks occur.

9. Except for the purposes of loading and unloading, all landscape related materials shall be stored indoors or in the designated storage areas shown on the attached site plan (Attachment 4). The maximum height of the piles of landscaping related material shall be six feet (6') in height.
10. No retail sale of landscaping materials may occur at the subject property.
11. A maximum of seventeen (17) employees of the business allowed by this special use permit, including the owners of the business allowed by this special use permit, may report to this site for work.
12. The hours of operation of the business allowed by this special use permit shall be daily from 7:00 a.m. until 7:00 p.m. The owners of the business allowed by this special use permit may reduce these hours of operation.
13. Any structures constructed, installed, or used related to the business allowed by this special use permit on the property shall not be considered for agricultural purposes and must secure applicable building permits.
14. Signage shall be limited to the signs shown on the site plan (Attachment 4). Signage may be illuminated as outlined on the site plan. Signs within rights-of-way may be relocated to another location on the property if requested by the Illinois Department of Transportation without the need to amend this special use permit. Religious signs in existence on the property at the time of application submittal shall be exempt from permitting requirements.
15. Except for the lighting around the sign, the lights shown on the site plan (Attachment 4) shall be considered for security purposes.
16. Damaged or dead plantings described on the landscaping plan (Attachment 5) shall be replaced on a timeframe approved by the Kendall County Planning, Building and Zoning Department.
17. Any vegetation described on the landscaping plan (Attachment 4) that has not been installed by the approval date of this special use permit shall be installed within ninety (90) days of the approval of the special use permit. The Kendall County Planning, Building and Zoning Committee may grant an extension to the deadline to install the vegetation.
18. The owner of the subject property shall plant trees to fill in the gaps on the western property line as outlined in the landscaping plan (Attachment 4). The Kendall County Planning, Building and Zoning Committee may grant an extension to the deadline to plant the screening. The site plan (Attachment 5) may be adjusted without an amendment to the special use permit to reflect the addition of these trees.
19. Vegetation related to the operations of a nursery on the property shall be exempted from the planting and vegetation maintenance requirements of this special use permit.
20. No landscape waste generated off the property can be burned on the subject property.
21. The noise regulations are as follows:

Day Hours: No person shall cause or allow the emission of sound during daytime hours (7:00 A.M. to 10:00 P.M.) from any noise source to any receiving residential land which exceeds sixty-five (65) dBA when measured at any point within such receiving residential land, provided; however, that point of measurement shall be on the property line of the complainant.

Night Hours: No person shall cause or allow the emission of sound during nighttime hours (10:00 P.M. to 7:00 A.M.) from any noise source to any receiving residential land which exceeds fifty-five (55) dBA when measured at any point within such receiving residential land provided; however, that point of measurement shall be on the property line of the complainant.

**EXEMPTION:** Powered Equipment: Powered equipment, such as lawn mowers, small lawn and garden tools, riding tractors, and snow removal equipment which is necessary for the maintenance of property is exempted from the noise regulations between the hours of seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M.

22. At least one (1) functioning fire extinguisher and one (1) first aid kit shall be on the subject property. Applicable signage stating the location of the fire extinguisher and first aid kit shall be placed on the subject property.
23. The owners of the business allowed by this special use permit acknowledge and agree to follow Kendall County's Right to Farm Clause.
24. The property owner and operator of the business allowed by this special use permit shall follow all applicable Federal, State, and Local laws related to the operation of this type of business.
25. Failure to comply with one or more of the above conditions or restrictions could result in the amendment or revocation of the special use permit.
26. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
27. This special use permit and variances shall be treated as covenants running with the land and are binding on the successors, heirs, and assigns as to the same special use conducted on the property.

#### **ATTACHMENTS**

1. Application Materials (Including Petitioner's Findings of Fact, NRI Application, and EcoCat)
2. Stormwater Permit Application
3. Existing Conditions Survey
4. Site Plan
5. Landscaping Plan
6. Existing House Picture
7. Machine Tool Shop with Religious Sign Picture
8. Truck Parking and Brick Storage Area Picture
9. Equipment Storage Building Picture
10. Grove Road Entrance Picture



## DEPARTMENT OF PLANNING, BUILDING &amp; ZONING

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

## APPLICATION

PROJECT NAME RS LANDSCAPING/NURSERY FILE #                     

NAME OF APPLICANT (Including First, Middle Initial, and Last Name)

R &amp; S LANDSCAPING AND NURSERY, INC.

CURRENT LANDOWNER/NAME(s)

MCB52 INC., [REDACTED]

SITE INFORMATION	SITE ADDRESS OR LOCATION	ASSESSOR'S ID NUMBER (PIN)
ACRES 2.06 (TBD)	5022 IL ROUTE 126, YORKVILLE, 60560	06-18-200-011, 012

EXISTING LAND USE	CURRENT ZONING	LAND CLASSIFICATION ON LRMP
AG-STORAGE, CROP, RES	A-1	COMMERCIAL

REQUESTED ACTION (Check All That Apply):

☒ SPECIAL USE      ☐ MAP AMENDMENT (Rezone to       )      ☒ VARIANCE  
☐ ADMINISTRATIVE VARIANCE      ☒ A-1 CONDITIONAL USE for:                           ☒ SITE PLAN REVIEW  
☐ TEXT AMENDMENT      ☐ RPD ( ☐ Concept; ☐ Preliminary; ☐ Final)      ☐ ADMINISTRATIVE APPEAL  
☐ PRELIMINARY PLAT      ☐ FINAL PLAT      ☐ OTHER PLAT (Vacation, Dedication, etc.)  
☐ AMENDMENT TO A SPECIAL USE ( ☐ Major; ☐ Minor)

PRIMARY CONTACT	PRIMARY CONTACT MAILING ADDRESS	PRIMARY CONTACT EMAIL
MARK W. DANIEL	[REDACTED]	[REDACTED]

PRIMARY CONTACT PHONE #	PRIMARY CONTACT FAX #	PRIMARY CONTACT OTHER # (Cell, etc.)
[REDACTED]	[REDACTED]	[REDACTED]

ENGINEER CONTACT	ENGINEER MAILING ADDRESS	ENGINEER EMAIL
JIUN-GUANG LIN	[REDACTED]	[REDACTED]

ENGINEER PHONE #	ENGINEER FAX #	ENGINEER OTHER # (Cell, etc.)
[REDACTED]	[REDACTED]	[REDACTED]

I UNDERSTAND THAT BY SIGNING THIS FORM, THAT THE PROPERTY IN QUESTION MAY BE VISITED BY COUNTY STAFF & BOARD/ COMMISSION MEMBERS THROUGHOUT THE PETITION PROCESS AND THAT THE PRIMARY CONTACT LISTED ABOVE WILL BE SUBJECT TO ALL CORRESPONDANCE ISSUED BY THE COUNTY.

I CERTIFY THAT THE INFORMATION AND EXHIBITS SUBMITTED ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND THAT I AM TO FILE THIS APPLICATION AND ACT ON BEHALF OF THE ABOVE SIGNATURES. THE APPLICANT ATTESTS THAT THEY ARE FREE OF DEBT OR CURRENT ON ALL DEBTS OWED TO KENDALL COUNTY AS OF THE DATE OF THE APPLICATION.

SIGNATURE OF APPLICANT

DATE

FEE PAID:\$                       
CHECK #:                     

<sup>1</sup> Primary Contact will receive all correspondence from County<sup>2</sup> Engineering Contact will receive all correspondence from the County's Engineering Consultants

R&S LANDSCAPING AND NURSERY, INC.

Permanent Index No.: 06-18-200-011, 012

Common Address: 5022 IL. ROUTE 126, YORKVILLE, ILLINOIS 60560

**DISCLOSURE OF INTEREST AND AUTHORIZATION**

MCB52 INC. is an Illinois corporation with its principal office situated at 5025 BARICKMAN COURT, OSWEGO, ILLINOIS 60543.

MCB52 INC. is the owner of 5022 IL. ROUTE 126, YORKVILLE, ILLINOIS 60560.

MCB52 INC. authorizes R&S LANDSCAPING AND NURSERY, INC., ROMAN CORREA and DANIEL LAW OFFICE, P.C. (Mark W. Daniel, attorney for R&S LANDSCAPING AND NURSERY, INC.) to seek all forms of zoning and subdivision authorizations from the County of Kendall, State of Illinois, including but not limited to map and text amendments, special uses, conditional uses, site plan approval, planned development approval, agricultural approval and other forms of relief. This authorization is not to be treated as a power of attorney.

There are two owners who own in excess of five percent (5%) of the issued shares in MCB52 INC.:

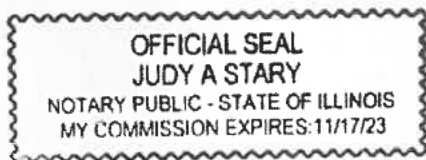
BRENT STARY, [REDACTED] and  
TRACY STARY, [REDACTED]

The person making this disclosure and authorized to execute this document is President, Tracy  
STARY, 5025 BARICKMAN COURT, OSWEGO, ILLINOIS 60543, as President  
of MCB52 INC. who can be reached at [REDACTED] (Phone).

SIGNED:

Name: Tracy O Stary  
Title: President

Subscribed & Sworn to Before  
Me this 13 day of December, 2022.



[REDACTED]  
NOTARY PUBLIC



R&S LANDSCAPING AND NURSERY, INC.  
Permanent Index No.: 06-18-200-011, 012  
Common Address: 5022 IL ROUTE 126, YORKVILLE, ILLINOIS 60560

### DISCLOSURE OF INTEREST AND AUTHORIZATION

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MCB52 INC. is the owner of 5022 IL ROUTE 126, YORKVILLE, ILLINOIS 60560.

MCB52 INC. authorizes R&S LANDSCAPING AND NURSERY, INC., ROMAN CORREA and DANIEL LAW OFFICE, P.C. (Mark W. Daniel, attorney for R&S LANDSCAPING AND NURSERY, INC.) to seek all forms of zoning and subdivision authorizations from the County of Kendall, State of Illinois, including but not limited to map and text amendments, special uses, conditional uses, site plan approval, planned development approval, agricultural approval and other forms of relief. This authorization is not to be treated as a power of attorney.

There are two owners who own in excess of five percent (5%) of the issued shares in MCB52 INC.:

BRENT STARY, [REDACTED] and  
TRACY STARY, [REDACTED]

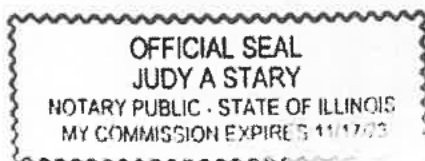
The person making this disclosure and authorized to execute this document is Brent  
STARY, 5025 BARICKMAN COURT, OSWEGO, ILLINOIS 60543, as owner Vice  
of MCB52 INC. who can be reached at [REDACTED] (Phone).

SIGNED:

Name: Brent O Stary  
Title: Vice

Subscribed & Sworn to Before  
Me this 13 day of December, 2022.

[REDACTED]  
NOTARY PUBLIC



**PROJECT NARRATIVE  
R & S LANDSCAPING & NURSERY, INC.  
5022 ILLINOIS ROUTE 126, YORKVILLE, IL (PINs 06-18-200-011, -013)  
FEBRUARY 21, 2023 (REVISED MARCH 21, 2023)**

R & S Landscaping and Nursery, Inc. ("Applicant") seeks for special uses (7:01(D)(30), 7:01(D)(30)(a)), a conditional use (7:01(E)(2)), variations (primarily arising from existing conditions) and site plan approval for a landscaping business and nursery with a residential component, outdoor storage and operations and several activities that are permitted uses in the A-1 Agriculture classification. Variations identified prior to intake are as follows:

1. Variation from Section 7:01(G)(2)(a) requiring a principal building setback of 100 feet to the right-of-way or 150 feet to the right-of-way centerline in order to permit the existing residential structure to remain 73'-83' south of Illinois Route 126 as measured from the northeasterly lot line (+/-143' south of the common law centerline) and 21' east of Grove Road measured from the east lot line (+/-54' east of the common law centerline);
2. Variation from Section 7:01(G)(2)(b) requiring an accessory structure setback of 100 feet to the right-of-way or 150 feet to the right-of-way centerline in order to permit the following existing accessory structures: (a) tool shop, meeting area and storage building (north barn) at a location 57 feet south of Illinois Route 126 (+/-104' to the common law centerline); (b) the above-ground propane tank at a location 53' west of Grove Road (+/-73' west of the common law centerline); and (c) the residential garage, chicken coop, and large equipment storage barn which are at least partly in the required setback from either Illinois Route 126 or Grove Road;
3. Variation from Section 4:05(B) and Section 11:02(F)(7) concerning yard obstructions in order to permit parking and loading as follows: (a) the existing residential garage +/-84 feet west of Grove Road, (b) an outdoor parking and loading yard 25 feet south of Illinois Route 126, and (c) a portion of the accessible parking spaces at a distance of between 69' and 96' south of Illinois Route 126, with the latter range intended to allow flexibility in design and location of the space during permitting in accord with the Illinois Accessibility Code;
4. Variation from Section 11:02(F)(4) which requires parking spaces with a depth of 20 feet in order to permit a depth of 18 feet with an overhang of 2 feet;
5. Variation from Sections 11:02(F)(2) and 11:06(D) in order to permit gravel drives outside the loading and storage yard and to permit permeable CA-7 stone in the loading and storage yard;
6. Variation from Section 11:06(G) under which the Zoning Administrator may require the provision of a loading space in order to waive the loading space requirement to allow the loading and storage yard (note that this is not required per staff interpretation); and
7. Variation from Section 4:09(A) which applies only to construction of new principal buildings to require compliance with driveway specifications in Section 10.00(H)(10) of the Subdivision Control Ordinance in order to allow the existing driveways with a small expansion to the Grove Road driveway.

There is no parking or loading category (Sections 11:04, 11:06(G)) for a similar land use. Applicant asks the County to approve the special uses and site plan with 12 parking spaces (one



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of which is accessible and two of which are in the residential garage) situated outside of the loading and storage yard and a loading and storage yard rather than a loading space.

### ***About the Applicant***

Applicant has operated in the Route 126 corridor for several years. It identified 5022 Illinois Route 126, Yorkville, Kendall County, Illinois (PINs 06-18-200-011, -013) (the "Property") as an appropriate location for its operations and is presently under a lease with an option to purchase. Applicant engages in landscape design, installation, repair and maintenance. It also operates a nursery. Applicant has been working through most of Winter to prepare a complete application, with surveying work having been planned and rescheduled a few times. In some respects, it is important to understand that Applicant currently occupies the Property, but it does so due to a misunderstanding prior to retaining counsel and apologizes for doing so. Lastly, Applicant has done some work on the Property that is reflected in the plans provided but it notes that it jumped the gun slightly as information concerning zoning requirements and screening and other matters was circulated back to him during the planning process.

### ***The Proposed Use***

Applicant proposes a landscaping business and nursery with dwelling use for the owner and/or employees that will meet the County's definition of "family" for dwelling purposes. Applicant intends to reside on the Property, but the dwelling may, in the future, be occupied solely by an employee. The office component of the business will be situated in the home (paperwork and computers). The northernmost accessory barn will contain a tool shop and meeting areas as well as computer access. Applicant does not intend to operate a retail business promoted to the public as being open for sales on site. Applicant hauls from the site to plant (trees and other flora) and install landscape items (stone, pavers, mulch and wood chips). Employees will either arrive at the site to retrieve work vehicles and equipment or drive directly to the job site. During any given month, some of the equipment will remain on the job site.

Applicant's nursery will be situated on the south 180 feet of the Property which will contain two membrane flower storage structures and areas for growing trees, bushes and flowers on each side of the flower storage area. The growing of trees and other flora will occur along the west lot line and not closer than 5 feet to the southernmost portion of the east lot line (including as extended north to the driveway). A swale and restored tile draws water from west to east along the south lot line, so plantings will not occur in the southernmost ten feet of the Property.

Applicant's main entrance will be situated at the existing driveway along Grove Road. Preliminary discussions indicated that the County would accept this driveway in its current form, but the County has suggested Applicant best consider landscape maintenance (in light of its business no doubt) and it now proposes to slightly widen the driveway. The driveway on Illinois Route 126 will be posted "do not enter" for inbound traffic and "no left turn" for exiting traffic.

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This driveway will be for emergency use only. In planning to avoid use of the Illinois Route 126 driveway, Applicant will place its fixed freestanding sign in the northeast corner of the Property, outside of the 40-foot corner sight triangle. Applicant may also install directional signs near the Grove Road driveway. These efforts will avoid drawing people into the Illinois Route 126 drive.

Applicant plans to use six existing and two new accessory buildings. The residential garage will be for the dwelling. There are two silo structures that will be used for nominal storage. The chicken coop will remain. The two existing barns will remain, with the larger barn (it appears as two large barns connected by an interior door) serving as the primary area for indoor storage and servicing of equipment and vehicles, the latter of which will not include body work or major maintenance requiring special management or disposal efforts. Two new membrane structures will host the flower storage areas. Technically, the above-ground propane tank is a structure, but it is not a building.

Most loading and storage operations will necessarily occur outdoors in an area west of the barns which is screened by onsite and offsite landscaping and by concrete block enclosures. The enclosures are four feet tall, and the top of stockpiles inside the enclosures will not exceed a height of six feet. Vehicle parking and equipment storage will occur in the storage yard. Brick and stone storage on pallets will occur closer to the barns. There are occasions when supply chain issues lead to an expansion and contraction of the brick and stone storage area. This area would also contain pallets waiting to be hauled from the site following their use (the majority of these are disposed of at the work site or offsite).

Applicant provides for 12 parking space, two of which are for the residence. One of the ten remaining spaces is an accessible parking space currently depicted near the northwest corner of the residential garage. Applicant selected this location as the most appropriate since it has no public areas on site and the accessible parking space could benefit either the residence or the office meeting space in the northernmost barn. Applicant understands that final engineering and permitting may lead to a relocation of the accessible parking space so that it is closer to Illinois Route 126. As a result, it seeks a variation to allow this flexibility so that staff and Applicant can plan for the best compliance with the Illinois Accessibility Code during permitting.

### ***The Subject Property and Its Surroundings***

The 3.016-acre (131,359 SF) Property is situated in a large A-1 Agricultural District with a commercial LRMP designation. Most accessory structures are decades old, with the 1½ story home originally built before 1939 that is likely 100 years old (1922 Plat, Whitlock parcel) and, reportedly, one of the barns pre-dating the home. The Property has substantial frontage along both Illinois Route 126 and Grove Road. It has two active driveways with the north driveway being used primarily for the residential use. The structures arose before Kendall County regulated their location. In order to preserve open land for operations, the structures are aggregated in the northeast one third of the property. The structures include a home and six

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existing structures (if, by definition, one includes the above-ground propane tank south of the home). Gravel drives extend between (and, currently, around) the structures other than north and east of the home. The Property is served by well and septic, with the well near the northwest corner of the home and the septic tank/field to the northeast.

The northernmost barn is primarily for storage and shop work, but Applicant will use this area as an additional meeting space in addition to its current use. The artwork on the north elevation of the barn does not qualify as a sign. Applicant intends not to disturb this until such time as doing so is necessary due to the surface condition of the building or, perhaps, if the owner requests its removal.

The westerly barn appears to be two barns, but they are connected on their interior. This barn has long been a service and equipment storage location. It will continue as such. Like the smaller north barn, the doors to the west barn open to the interior of the Property and are generally no visible from abutting rights-of-way.

Loading into the barns has always occurred from the interior drive. Deliveries and some loading will occur in this area. Since the past objective was to maximize tillable area west and south, storage of equipment otherwise occurred only in the area immediately south and west of the large barn or in the field during active planting or harvest. The area west of the smaller barn and north of the larger barn was an active use area between the 1980's and roughly 2006, when stalls and turnout areas occupied the entire area west of the small barn to the north and west lot lines. The areas did not feature much landscape screening until 2022.

Lighting on the Property is inobtrusive and does not cast glare onto and across the lot lines except where needed for safety. Wall lighting will remain at an approximate height of 18 feet, but wall lights should not exceed the maximum height for pole lighting in any event.

All of the surrounding acreage is zoned A-1, with the closest A-1 special use being situated roughly 1,700 feet west on the north site of Illinois Route 126. The closest residential zoning districts are situated across Illinois Route 126 and one tract removed from it roughly 1,800 feet to the west and on the west side of Grove Road nearly 2,700 feet north-northeast of the Property. Most of the abutting and opposing land is, or has recently been, tilled for agricultural purposes.

Parcels within a 2.5 miles radius host primarily remote farm/agricultural uses. Most of the land is zoned A-1. Whitetail Ridge Golf Course, Zoned RPD-2-SU (ORD# 05-17), and surrounding residential homes Zoned RPD-2 (ORD# 05-14) is nearby but should face no impact from the landscape business and nursery. The homes are oriented to the interior of the golf course development and gain their character from the fairway environment (not Illinois Route 126). A street has been stubbed to the east from Whitetail Ridge to an undeveloped tilled area for

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future connection to a currently partially-constructed residential subdivision that has its main entrance on the northwest side of Grove Road, 3,700 feet north of the Property.

Reservation Woods Forest Preserve and Henneberry Woods Forest Preserve (Waish-keeshaw Reserve) are at the eastern end of a string of forest reserves and open spaces in the area. These are north of the the residential subdivisions addressed above and disconnected from Illinois Route 126/Schoolhouse Road. Forest preserves also tend not to suffer detriment from landscaping and nursery activities.

Illinois Route 126 is a busy road under Illinois Department of Transportation jurisdiction. Grove Road is under County Division of Transportation jurisdiction. Applicant does not intend to perform work in the IDOT right-of-way, so no permit should be required. Applicant will convert the existing driveway to an emergency driveway. The Grove Road driveway (roughly 230 feet south of the Route 126 centerline) has the capacity to serve the use in its existing condition, but Applicant intends to slightly widen and straighten the driveway entrance to avoid landscape deterioration near the entrance. Both Illinois Route 126 and Grove Road have dedicated left turn lanes. Illinois Route 126 has deceleration lanes for right turns in each direction. Grove Road traffic is required to stop at Illinois Route 126. Northbound Grove Road traffic benefits from plenty of left turn stacking that starts south of the Property.

The existing buildings are on the highest part of the Property. Topography drops from the buildings to the north and west, but the bulk of the drainage will flow south and eventually reach a swale and drain tile that runs along and parallel to the south lot line before daylighting in the culvert within the Grove Road right-of-way. Applicant proposes CA-7 stone for the loading and storage yard. The CA-7 will allow for direct infiltration of stormwater into the ground below (it is the same type of stone used for underground storm storage and conveyance). One of the fenced or walled enclosures (for mulch) needs to have an impervious gravel base, but the rest of the enclosures will have a permeable base.

### ***Standards for Special Uses***

Applicant asks the County to authorize a special use for a landscape business with a nursery and the accessory uses described above. Specifically, Applicant seeks special use authorization under Sections 7:01(D)(30) and 7:01(D)(30)(a). Within the special use approval, Applicant seeks County Board approval of parking as reflected in the drawing. (Applicant seeks similar relief for loading, but it does so as a variation due to the different language pertaining to loading zones.)

Due to its contractual arrangements with the owner, Applicant asks that the special uses (and other relief) be authorized for Applicant and that the County allow them to run with the land since the Applicant intends to purchase the Property after a brief period as a tenant. Applicant

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intends a long term investment in the Property and in Kendall County. Once the transition is complete, he intends to acquire the Property.

Section 13:08 recognizes that certain uses are legislatively acceptable in the various zoning districts, but that some of the uses carry unique planning elements or could pose a risk at some locations even though it is benign at other locations. For these special uses, the County considers the impact of use upon neighboring land and the public need for the particular use of this particular location. The County has determined that, even though most of the uses on site are permitted, the landscape business element requires a special use due to its "unique, special, or unusual impact upon the use or enjoyment of neighboring property." Since the County has already deemed special uses to be appropriate in the district, the question posed is whether the proposed landscape business with its proposed operations and site and landscape planning carries the risk of harms that are of significant concern when compared to placement of the proposed use at other locations in the A-1 Agricultural zoning classification. Respectfully, the answer is that the use carries nothing so specifically detrimental at the Property when compared to the impacts the use would have on other parcels in the A-1 Agricultural zoning districts. Applicant respectfully submits that the Zoning Administrator, ZPAC, ZBA and PBZ Committee and the full County Board should accept findings favorable to approving the special uses and authorize them pursuant to final action by the County Board that takes into account the site plan and landscape plan, the terms of this narrative and hearing and meeting testimony.

Applicant submits the following in support of proposed finding of fact in favor, with the standard paraphrased in ***bold and italics***, and the discussion thereafter.

***The establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare.*** Applicant plans to preserve existing buildings, even to the point of maintaining the speech on the north wall of the existing northerly barn along Illinois Route 126. Areas surrounding the Property are zoned and used for agricultural purposes. Applicant responsibly plans for drainage and maintains the existing direction, rate and volume of stormwater flowing in the handful of directions noted in the elevations submitted within the Plat of Survey. Applicant reduces use of the Illinois Route 126 driveway from full access to emergency right-out only use. The main entrance is sufficiently south of Route 126 and there is ample stacking to make a safe left turn into the main driveway without obstructing left turns from Grove Road onto Illinois Route 126. The level of zoning compliance is often a firm indicator of a good project that will not cause detriment or endangerment. Most of the variations requested relate to existing conditions. Even the location of the parking, loading and storage yard in the west half of the Property relates to the circumstance that all existing buildings are centralized. The avoidance of paving for parking and loading and the loading space variation are the only new development needs for relief from the Zoning Ordinance.

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***The special use will not be substantially 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 makes 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.*** The Property is in a large A-1 Agricultural District. The County recognizes that its residents “are greatly dependent upon the sustenance and economic benefits provided by a viable agricultural industry.” Growing of trees, shrubs and flowers is a form of agricultural use. Growing is one part of the use proposed in the application. The use will not impede farms on the four adjacent and opposing sides of the Property. The use is deemed legislatively compatible. At this location, the use does not obstruct agricultural or non-agricultural use of nearby land or nearby rights-of-way. The use at the Property will meet several purposes for the A-1 district, including: (a) non-agricultural use without excessive paving will preserve fertile, tillable soils as a valuable natural resource by recharging soils and groundwater through the large CA-7 field, by respecting grades and by engaging in a mix of soil planting and planting in pots, all the while re-using an existing residential home and outbuildings that have long existed.

Applicant has nine (9) employees in 2022. Applicant intends between seven and nine employees in 2023 and until the market picks up. It is possible that, during the peak of residential building in the area, there would have been an additional five employees at that time. Between December and March, there will be 1-2 employees. The mostly seasonal jobs will contribute to maintenance of a sound economic base that agricultural pursuits provide the county and region—one goal of planning in the A-1 Agriculture District. The south 180 or so feet will be primarily open and, on the downslope of the property, serve an important drainage, groundwater recharge and filtration purposes by minimizing hard surfaces where most stormwater drains. The project contemplates maintenance of only one dwelling and it will not change the character of the use as a nursery and landscape operation. The proposed use will be situated away from other uses that could lead to conflicts and incompatibilities which arise when agriculture and urban uses co-exist in close proximity.

Hours of operation will typically open between 7:00 AM and 7:30 AM, but this site is not planned to be open to the public. The end of the workday depends on project completion or the stage of work on a project, but it will typically vary between 3:00 PM and 7:00 PM.

***Adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided.*** The project benefits from adequate utilities. The intersection abutting the northeast corner of the Property is sufficiently designed with ample left turn stacking and a stop sign control for traffic crossing Illinois Route 126. There are no sidewalks anywhere nearby. The existing driveways are sufficiently connected to Grove

Road (main driveway) and Illinois Route 126 (emergency limited access). Drainage on the Property flows in three directions, with most stormwater eventually flowing south down a change in grade of roughly five feet. Applicant has restored a tile and respected drainage rights under the Illinois Drainage Code in the present placement of cement blocks to allow for the passage of stormwater in the one area of the Property where it flows west and to avoid redirecting stormwater other than to the south. Otherwise, stormwater flows into the culverts along roadways. Applicant remains below 32,000 square feet of impervious surface. If, during site work, the Applicant notices a tile, it will address it as required, but Applicant is unaware of other tiles at this time. Aerial photographic review and the current topographical survey, as well as consideration of prior related ownership of land to the south along the west side of Grove Road, do not indicate areas from which tile drainage would be planned within the Property or on adjacent farm properties. Notably, in seeking to preserve driveways, Applicant intends to do so until such time as the driveways need to be replaced. Relief that allows continuation of driveways is not intended to avoid Subdivision Control compliance once the driveways need replacement.

***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 Zoning Board of Appeals.*** Applicant provides an A-1 Agricultural District Table of Compliance addressing all elements of zoning compliance. Variations are necessary, but these variations are primarily related to preservation of existing buildings, structures and improvements. New relief related to the loading and storage yard places this activity in an area where there was prior activity west of the smaller barn. The use area will benefit from a continuous screen of trees that have already been planted as a substantial height.

***The special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies.*** The use involves a commercial operation recognized as the use that will prevail at the Property under the LRMP. As noted above, the use meets the objectives of the A-1 Agricultural District. Reduction of use of the north driveway to a restricted emergency use is consistent with IDOT policies and with County transportation planning. The plan is consistent with the County's stormwater management planning and contemplates long-existing improved areas rather than focusing only on net new impervious surface. There is no municipality with extraterritorial jurisdiction.

***Comments on conditions.*** Under Section 13:08(K), the ZBA may recommend and the County Board may provide such conditions or restrictions reasonably necessary to meet the standards listed in Section 13:08(J). The use approval and the variations will be conditioned on the site plan and landscaping plan. As noted above, Applicant can construct the driveways to current Subdivision Control standards once the driveways require replacement. Applicant has screened much of the Property using year-round green trees that were mature and tall when planted. Applicant provides for a partial screen on the west property line. The east line of the adjoining



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farm to the west has a line of trees that offers screening. If these trees are removed, Applicant would be willing to move the cement blocks east in order to allow for a landscape screen that Applicant would plant. Applicant is also willing to install a second freestanding sign indicating it has its entrance on Grove Road if either IDOT or the County Division of Transportation believes it is necessary (it should not be in light of the proposed signage and the circumstance that Applicant is not open to public retail activities on the Property). Applicant is also willing to accept a condition that retail activities on the Property that promote on-site sales would require an amendment to the special use. Lastly, although not ordinarily necessary, at the termination of use under the special use permit, Applicant can be required to remove or relocate certain improvements such as the cement blocks and the membrane structures in the south-central portion of the Property. Applicant would at least store the membranes inside and relocate the cement blocks to an area along the west wall of the large barn south of its westerly extension. These items have value and, in the ordinary course, they would be sold if and when business wound up.

### ***Standards for Conditional Use***

Applicant's sole owner will reside in the house on the Property. The conditional use to allow agricultural labor housing is an issue for the future that Applicant will address with staff. It raises the issue now since the continuation of the use of the home may raise questions about who will live there. Applicant and its owner will abide by the dwelling and related family regulations of the County. In the future, it is possible that circumstances change and the agricultural labor housing becomes relevant. Applicant's busier periods are seasonal and it is possible that with aging, Applicant prefers to allow someone else that is engaged in growing reside on the Property.

### ***Standards for Variations***

Variations are permissible in circumstances of particular hardship and practical difficulty or as otherwise intended by the County as it plans land uses and bulk requirements throughout the County. Below are the circumstances that support favorable findings concerning each of the variations noted on Page One of this narrative. Applicant will further develop these issues in meetings and at hearing. Relevant discussion not addressed above where there is an overlap between some of the special use standards and the Section 13:04 variation standards appears after the variation standard presented in ***bold and italics***.

Variation from Section 7:01(G)(2)(a) requiring a principal building setback of 100 feet to the right-of-way or 150 feet to the right-of-way centerline in order to permit the existing residential structure to remain 73'-83' south of Illinois Route 126 as measured from the northeasterly lot line (+/-143' south of the common law centerline) and 21' east of Grove Road measured from the east lot line (+/-54' east of the common law centerline)

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***The particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out.*** The dominant physical surroundings of the Property are Illinois Route 126 and Grove Road, neither of which existed in their current form when the Property hosted a home as close to these rights-of-way as it existed at least as early as the 1920's. The County's 1939 aerial imagery clearly shows the home at the present location. All accessory buildings and use areas were created based on the location of the home in the northeast corner of the Property, with tillable land surrounding them for the past 100 years.

***The conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification.*** While this standard is one that is often recited in standards relating to variations, it must be remembered that the modern transportation and development trends in Kendall County couple with the timing of construction on the Property in the early 1920's. Following the construction, the abutting roads became substantially larger than the township roads that existed at the time of construction. While there are other properties in the A-1 Agriculture District that face the same issue of longstanding buildings rendered nonconforming, it cannot be generally said that the improvements in the setback area generally predate County zoning or amendments thereto.

***That the alleged difficulty or hardship has not been created by any person presently having an interest in the property.*** Neither the current owner nor the Applicant had any role in the difficulty or hardship in this instance as it developed as early as the 1920's and with areawide changes in roadways and highways since then.

***That the granting of the variation will not materially be detrimental to the public welfare or substantially injurious to other property or improvements in the neighborhood in which the property is located.*** The County has already determined that the improvements in the setback are not materially detrimental to the public welfare or the neighborhood because the County protects these buildings as nonconforming structures and uses. Applicant could continue the use of the buildings as nonconforming structures.

***The proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the neighborhood.*** The buildings are existing and well distanced from neighboring land. The buildings are adequately distanced from both Grove Road and Illinois Route 126 and the State and County have safely constructed, enlarged and maintained public rights of way without problems caused by the buildings for which the variations are requested. Applicant's Property is not open to the general public, so the variations will not substantially increase traffic or cause congestion. Traffic entering and leaving the site will be less than the traffic using area roadways for the residential subdivision on Grove Road about 3,000 feet to the north of the Property's

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driveway. Applicant's screening and use planning maintains an appropriate visual environment at the intersection and along the lot lines.

Variation from Section 7:01(G)(2)(b) requiring an accessory structure setback of 100 feet to the right-of-way or 150 feet to the right-of-way centerline in order to permit the following existing accessory structures: (a) tool shop, meeting area and storage building (north barn) at a location 57 feet south of Illinois Route 126 (+/-104' to the common law centerline); (b) the above-ground propane tank at a location 53' west of Grove Road (+/-73' west of the common law centerline); and (c) the residential garage, chicken coop, and large equipment storage barn which are at least partly in the required setback from either Illinois Route 126 or Grove Road

***Please note that this variation request relies on the same standards and circumstances set forth immediately above, except that they pertain to accessory structures.*** The accessory structures have existed for decades. The largest portion of the accessory structures is either outside the setback or behind another principal or accessory structure.

Variation from Section 4:05(B) and Section 11:02(F)(7) concerning yard obstructions in order to permit parking and loading as follows: (a) the existing residential garage +/-84 feet west of Grove Road, (b) an outdoor parking and loading yard 25 feet south of Illinois Route 126, and (c) a portion of the accessible parking spaces at a distance of between 69' and 96' south of Illinois Route 126, with the latter range intended to allow flexibility in design and location of the space during permitting in accord with the Illinois Accessibility Code

***The particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out.*** The topography and stormwater flow runs west and west then south or south. Substantially all of the Property south of the driveway from Grove Road is a flow route for storm volume. In attempting to avoid placement of the loading and storage yard away from the intersection and away from Grove Road, the drainage concerns and the loss of benefits of filtration and ground water recharging played a significant role in determining not to locate this yard south of its proposed location. With respect to the location of the existing garage, it is situated behind the house where such a garage would ordinarily exist, but the house was constructed 100 or more years ago before the expansion of the abutting roadways and the adoption of zoning regulations pertaining to the setback issue. The interior drive has existed for decades and the most logical location for an accessible parking stall is adjacent to the two buildings where an accessible space can be of benefit. The design of the space leaves all but roughly four feet of the space outside of the setback. These circumstances drive a finding in favor of the variations.

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***The conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification.*** Due to the varying topography throughout the County and the circumstance that the Property is a corner lot that was improved before 1922, it cannot be said that the concern causing the difficulty and hardship generally prevails in the A-1 Agriculture District.

***The alleged difficulty or hardship has not been created by any person presently having an interest in the property.*** The only new element relates to the parking, loading and storage area. While the election to have such an area could be viewed as self-inflicted, it simply is not. Since the 1920's, the area near Illinois Route 126 has been higher land. This is evident in aerial photographs in in the topography of the area. Moreover, the use area to be occupied by the parking and loading area is similar to the use area that existed from at least the early 1980's until 2006. Applicant does not propose the loading and storage area adjacent to the lot line, but plans for it at a distance of 15 feet from the right-of-way, but in the same area that has the historically higher elevation and the historical use. In plain terms, Applicant is not the first to recognize this higher elevation and it did not create it any more than he would have created the grades, slopes and swales south of the barns that cause the area south of the driveway to be incapable of hosting the loading and storage area without presenting a visual obstruction, placing impermeable or less permeable surface over land that is saturated and helps to recharge groundwater while also filtering stormwater.

***The granting of the variation will not materially be detrimental to the public welfare or substantially injurious to other property or improvements in the neighborhood in which the property is located.*** Applicant proposes that none of the outdoor use should be plainly visible to passers by due to the screening on site and offsite. The use of CA-7 stone for the yard allows for infiltration of more water than not. To the extent that Applicant observes tiles or other drainage improvements during construction, it will handle those in accordance with the Illinois Drainage Code and local ordinance.

***That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the neighborhood.*** One basis for the proposed location of the loading and storage yard is that it avoids placing the area in plain view. The yard will not create shadows or obstruct the flow of air. The yard itself does not contribute to traffic. In fact, it reduces traffic by avoiding excess trips Applicant would make if it were required to store and load materials elsewhere. The conditions on the special use above also touch on changes to be made if the treeline west of the Property no longer exists. The land to the south and southeast should remain substantially unaffected because the nursery and growing activities (both permitted uses) occur in the south 180 feet of the Property.

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Variation from Section 11:02(F)(4) which requires parking spaces with a depth of 20 feet in order to permit a depth of 18 feet with an overhang of 2 feet

***The particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out.*** The topography of the Property and water concerns led to an effort to avoid as much impervious surface as possible. The request for an adjustment in the parking lot design to allow for the same 20-foot parking space, but with a two-foot overhang, and an 18-foot space from tire to tail of a vehicle, is a di minimus request, but it avoids an extra several hundred feet of pervious surface in an area of storm flow, filtering and recharging.

***The conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification.*** While applicable to several properties, this concern is not generally applicable to the A-1 district. The original parcel containing the Property was a long, narrow farmstead that extended to the cemetery. Through various transactions, including estate and probate matters, the Property was divided so that it became a roughly square lot with the southern 180 feet being an area of significant surface and subgrade flow during rain events and wet seasons.

***That the alleged difficulty or hardship has not been created by any person presently having an interest in the property.*** Certainly, parking can be relocated. Nine parking spaces for the use is also more than needed. Applicant's preference for parking along the south side of the large barn may be personal. However, Applicant could have placed these on the south side of the driveway and reduced the area of soil that would accept water for filtration and recharging purposes. In planning for this use and similar uses, there is a general design principal that consolidation of buildings, parking and loading is best for the use and for passers by as well as eventual neighbors.

***The granting of the variation will not materially be detrimental to the public welfare or substantially injurious to other property or improvements in the neighborhood in which the property is located.*** The parking variation to allow an 18-foot space with a 2-foot overhang area has absolutely no impact on public welfare or on property and improvements in this vicinity.

***That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the neighborhood.*** Applicant is providing more parking than is necessary for its use. However, the provision of more parking does not conclusively lead to substantial increases in congestion since we are dealing with parking for only a few vehicles above that which is necessary. Parking on the north line of the interior drive will consolidate activity and also allow vehicles to park in a line where they will not be as noticeable to traffic on either abutting street.

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Indeed, the variation is literally to allow a two foot variation in space size to allow an overhang for the very same number of vehicles.

Variation from Sections 11:02(F)(2) and 11:06(D) in order to permit gravel drives outside the loading and storage yard and to permit permeable CA-7 stone in the loading and storage yard

***That the particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out.*** Since 1922, the Property has had gravel drives and loading areas except where the driveway entrances are. Notably, one of the significant concerns in stormwater planning for the project was that Applicant was required to stay under 32,000 square feet in hard surfaces because an outflow from a detention was difficult, if not impossible to plan for strictly within the lot lines. With agricultural land west and south of the Property, creating a detention pond could also affect these owners (farmers statewide are known for challenging new detention ponds that reduce the water that flows to their farms). The County allows the use of surfacing if it allows more water to pass through than it allows to pass across and over. CA-7 stone is used for storage and loading yards. It also allows for water to pass through. CA-7 at this location is practical and beneficial not only to Applicant but also to neighbors and the broader purpose of stormwater management. If Applicant were not allowed to use CA-7 in the loading and parking area, it would be forced to pursue a difficult plan for detention with no or limited outflow and detriment to neighbors and those who manage the culverts into which the stormwater must eventually pass. Applicant cannot be faced with the proposition of creating a point source or an overflow route that alters drainage to the west or the south.

***The conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification.*** Most of the acreage in the area is tillable agricultural land. In fact most of the A-1 land is tillable. It cannot be generally said that people generally will want CA-7 for use in a loading and storage area that is only infrequently used for parking.

***The alleged difficulty or hardship has not been created by any person presently having an interest in the property.*** As noted above, the conditions of the Property and difficulties tied to management of stormwater that would ultimately affect neighbors is not something Applicant played a role in creating.

***The granting of the variation will not materially be detrimental to the public welfare or substantially injurious to other property or improvements in the neighborhood in which the property is located.*** The CA-7 stone is not the type that carries with a vehicle for a distance of 200-250 feet and into the right-of-way. The view to the CA-7 stone is screened. The use of the loading and storage area is not so frequent that dust will be cast upon surrounding lots. The use

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of CA-7 actually gains encouragement in the County's regulations, but this instance arises because there will be occasions when an employee parks in an area where a truck was once parked in the loading and storage area.

***The proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the neighborhood.*** Using stone as a surface will not affect light, air or street congestion. None of the materials stored are fire hazards. The use of stone does not affect the safety of first responders if there is an issue in the storage yard.

Variation from Section 11:06(G) under which the Zoning Administrator may require the provision of a loading space in order to waive the loading space requirement to allow the loading and storage yard

***The particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out.*** As noted above, the pre-1922 development of the home and subsequent development of the accessory buildings left sufficient area in front of (east of) the large barn that was an active loading area previously. Prior aerial photographs depict this. Applicant could place the loading area in the same location but with a loading and storage yard proposed, the loading would occur behind this large barn.

***The conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification.*** Please refer to the responses to this standard above. 99% of agricultural uses do not require a loading area. In general, the County cannot regulate loading on a farm that is five acres or larger. Regardless, the need for a waiver of a distinct loading area when there is a proposed loading and storage yard is not a condition that prevails in the A-1 District. As a landscape business and nursery, Applicant was challenged to find the most proximate land use in the parking classifications. None of them are similar. Applicant generally should have enough parking to support two employees arriving to take one vehicle out and leave one car in the vehicle space while having another vehicle available. On the majority of projects, only one or two people need to park at the Property. Others simply drive their own car to the project site, often carpooling because local officials prefer that Applicant avoids using all street spaces when performing work.

***The alleged difficulty or hardship has not been created by any person presently having an interest in the property.*** Applicant believes that no parking space is required. However, the closest similar use which is still not remotely similar, imposes a loading zone on processing-type uses over 5,000 square feet in area. No one stays on site. Applicant believes staff should view the use as less than 5,000 square feet or adjust to practically recognize that the loading and storage yard can be viewed as satisfying the need for loading. Applicant notes that this is a precautionary



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variation inasmuch as it has ample loading space in the loading and storage yard and it has done nothing to create any hardship arising due to the possible requirement of a distinct loading area beyond what is provided for in the yard.

***The granting of the variation will not materially be detrimental to the public welfare or substantially injurious to other property or improvements in the neighborhood in which the property is located.*** The elimination of a distinct loading area outside of the loading and storage yard serves the public interest by avoiding excessive and unnecessary loading that imposes visual obstructions and forces the construction of additional hard surface.

***The proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the neighborhood.*** As noted immediately above, the waiver of the distinct loading zone to recognize the loading and storage yard avoids unnecessary obstructions to light and air, decreases congestion in the driveways that take vehicles off the streets. In the absence of a distinct loading zone, loading will occur in the loading yard, further from the drive aisles and streets. The loading yard itself is screened and supported by the above discussion of the variation to allow part of the loading and storage yard in the setback.

Variation from Section 4:09(A) which applies only to construction of new principal buildings to require compliance with driveway specifications in Section 10.00(H)(10) of the Subdivision Control Ordinance in order to allow the existing driveways with a small expansion to the Grove Road driveway

Applicant includes this variation only to flag it for staff review. A variation from Section 4:09(A) and Subdivision Control Section 10.00(H)(10) should not be required since there is no new construction.

### ***Site Plan Approval***

Please see the zoning compliance table. Site plan review applies to the membrane structures as new non-residential or non-agricultural structures in the A-1 Agriculture District. The term structures, as defined in the ordinance, is limiting (walls and roofs). However, Applicant submits the site plan for the Property on all matters and respectfully notes that it meets the guidelines and standards by confining active use areas to the north as has been the case since at least as early as 1929 (and the 1980's with respect to the loading and storage yard), but placing the nursery area to the south, using fewer and basic signs, adding to landscaping and providing for meaningful parking even if it is not necessary to the use.

As noted above at some length, the plan is responsive to site conditions onsite and across the lot lines. The plan preserves natural features in the south 180 feet of the Property and

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provides substantial screening in the north portion affected by existing structures and the loading and storage area. Road size and configuration on both Illinois Route 126 and Grove Road is adequate for the trucks and trailers that may be utilized in the business. The parking lot does not require curbs or islands. Site plan review specifically contemplates relief when drainage may impact planning. Applicant has sufficiently mitigated effects of use. It has addressed ground water and aquifer recharge, minimization of cut and fill, and impervious cover above. The membrane structure for the flower greenhouses is common in agricultural area and not offensive to surrounding uses. Applicant has taken sufficient efforts to screen in setbacks along streets, to minimize driveway interaction and to buffer by reason of its placement of the nursery. The two driveways are sufficient for first responder access. Preserving the north driveway as limited emergency access promotes site safety and the safety of first responders.

Applicant moved too quickly on this one and understands that it will need to remove some limited work performed and to obtain permits to reconstruct areas. Applicant intends to perform site work to prepare the nursery area as soon weather allows (this will include scraping of some of the surface and preparation for the nursery. Also, as soon as weather allows, Applicant will install the CA-7 loading and storage area. The construction of the driveway improvement at Grove Road would likely occur later in the process once all of the interior work is accomplished. Subject to supply, Applicant would expect to have work concluded by July 2023—with the exception of the freestanding sign which is last on the agenda.

### ***Conclusion***

Applicant appreciates the patience of staff and public officials during the planning process prior to application. In some respects, miscommunication led to work in advance, and some of that blame lies with the attorney who was unaware that some of his statements of what should be done or planned led to actual action. This was explained to staff on one occasion. Obviously, some of this has to do with Applicant's goal of immediately accomplished what is right and should be done. However, I was not fully aware (due to distance and schedule) that Applicant was acting on comments made during the planning side of this. As indicated to staff, I will be happy to explain further to County officials if the issue arises.

Thank you for your attention to this application and its contents. I look forward to appearing before folks in Kendall County soon.

Yours very truly,

DANIEL LAW OFFICE, P.C.

Mark W. Daniel

LEGAL DESCRIPTION:

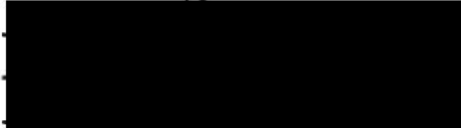
THAT PART OF THE EAST 6 CHAINS OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 36 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT IN WHICH THE WEST LINE OF THE EAST 6 CHAINS OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 36 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN INTERSECTS WITH THE SOUTH RIGHT-OF-WAY LINE OF ILLINOIS ROUTE 126, AS LAID OUT AND TRAVELED PER DOCUMENT NO. 201600000859, RECORDED JANUARY 19, 2016; THENCE SOUTH 01 DEGREE 16 MINUTES 05 SECONDS EAST, ALONG SAID WEST LINE, 370.97 FEET; THENCE NORTH 89 DEGREES 29 MINUTES 47 SECONDS EAST 344.16 FEET TO THE WEST LINE OF GROVE ROAD, AS LAID OUT AND TRAVELED PER DOCUMENT NO. 201600000859, RECORDED JANUARY 19, 2016; THENCE NORTH 01 DEGREE 03 MINUTES 25 SECONDS WEST, ALONG SAID WEST RIGHT-OF-WAY LINE, 120.22 FEET; THENCE NORTH 88 DEGREES 55 MINUTES 02 SECONDS EAST, ALONG SAID WEST RIGHT-OF-WAY LINE, 13.58 FEET (13.86 FEET RECORD); THENCE NORTH 00 DEGREES 45 MINUTES 28 SECONDS WEST, ALONG SAID WEST RIGHT-OF-WAY LINE, 225.61 FEET (228.20 FEET RECORD); THENCE NORTH 69 DEGREES 15 MINUTES 57 SECONDS WEST 69.02 (RECORD AND MEASURED) FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF SAID ILLINOIS ROUTE 126; THENCE SOUTH 89 DEGREES 29 MINUTES 47 SECONDS WEST, ALONG SAID SOUTH RIGHT-OF-WAY LINE, 296.20 FEET (RECORD AND MEASURED) TO THE POINT OF BEGINNING, IN KENDALL COUNTY, ILLINOIS. COMMONLY KNOWN AS 5022 IL ROUTE 126, YORKVILLE, ILLINOIS.



# WARRANTY DEED

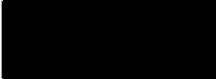
AFTER RECORDING MAIL TO:

*Chris Ungeat*



NAME & ADDRESS OF TAXPAYERS:

MCB52 Inc.



201600014127

DEBBIE  
GILLETTE  
KENDALL COUNTY, IL

RECORDED: 9/12/2016 12:08 PM  
WD: 49.00 RHPFS FEE: 10.00  
PAGES: 3

RECORDER'S STAMP

The Grantors, Brent A. Stary and Tracy A. Stary, Husband and Wife, of the [REDACTED] [REDACTED] for and in consideration of TEN AND 00/100THS (\$10.00) DOLLARS and other good and valuable consideration in hand paid, CONVEY AND WARRANT to the Grantee, MCB52 Inc., An Illinois Corporation, of [REDACTED] to have and to hold the following described real estate situated in the County of Kendall, in the State of Illinois, to wit:

THAT PART OF THE EAST 6 CHAINS OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 36 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT IN WHICH THE WEST LINE OF THE EAST 6 CHAINS OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 36 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN INTERSECTS WITH THE SOUTH RIGHT-OF-WAY LINE OF ILLINOIS ROUTE 126, AS LAID OUT AND TRAVELED PER DOCUMENT NO. 201600000859, RECORDED JANUARY 19, 2016; THENCE SOUTH 01 DEGREE 16 MINUTES 05 SECONDS EAST, ALONG SAID WEST LINE, 370.97 FEET; THENCE NORTH 89 DEGREES 29 MINUTES 47 SECONDS EAST 344.16 FEET TO THE WEST LINE OF GROVE ROAD, AS LAID OUT AND TRAVELED PER DOCUMENT NO. 201600000859, RECORDED JANUARY 19, 2016; THENCE NORTH 01 DEGREE 03 MINUTES 25 SECONDS WEST, ALONG SAID WEST RIGHT-OF-WAY LINE, 120.22 FEET; THENCE NORTH 88 DEGREES 55 MINUTES 02 SECONDS EAST, ALONG SAID WEST RIGHT-OF-WAY LINE, 13.58 FEET (13.86' RECORD); THENCE NORTH 00 DEGREES 45 MINUTES 28 SECONDS WEST, ALONG SAID WEST RIGHT-OF-WAY LINE, 225.61 FEET (228.20' RECORD); THENCE NORTH 69 DEGREES 15 MINUTES 57 SECONDS WEST 69.02 (RECORD & MEASURED) FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF SAID ILLINOIS ROUTE 126; THENCE SOUTH 89 DEGREES 29 MINUTES 47 SECONDS WEST, ALONG SAID SOUTH RIGHT-OF-WAY LINE, 296.20 FEET (RECORD & MEASURED) TO THE POINT OF BEGINNING; CONTAINING 3.000 ACRES, IN KENDALL COUNTY, ILLINOIS.

SUBJECT TO: (a) General real estate taxes not due and payable at time of closing; (b) Special taxes and assessments confirmed after contract date; (c) Building, building line and use or occupancy restrictions, conditions and covenants of record; (d) Zoning laws and ordinances which conform to the present usage of the premises; (e) Public and utility easements which serve the property; (f) Public roads and highways, if any; and (g) Drainage ditches, feeders lateral and drain tile, pipe or other conduit.

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

Permanent Index Number:

Property Address:

CWU  
06  
16-18-200-011 & Part of 16-18-200-012  
5022 Rte. 126, Yorkville, IL 60560

DATED this 9<sup>th</sup> day of September, 2016.

[REDACTED]  
Brent A. Stary

(SEAL)

[REDACTED]  
Tracy A. Stary

(SEAL)

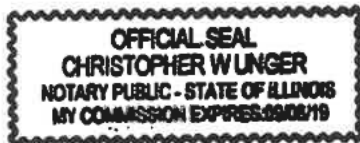
STATE OF ILLINOIS

COUNTY OF KENDALL

)  
) ss  
)

I, the undersigned, a Notary Public, in and for the County and State aforesaid, DO HEREBY CERTIFY, that Brent A. Stary and Tracy A. Stary, personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person and individually and jointly acknowledged that they signed and delivered the said instrument as their free and voluntary act for the uses and purposes therein set forth, including the release and waiver of the right of homestead.

Given under my hand and official seal this 9<sup>th</sup> day of September, 2016.



[REDACTED]  
Notary Public

COUNTY - ILLINOIS TRANSFER STAMPS

EXEMPT UNDER PROVISIONS OF PARAGRAPH "E"  
SECTION 4, REAL ESTATE TRANSFER ACT

DATE: 9/9/16

[REDACTED]  
Buyer, Seller or Representative

NAME AND ADDRESS OF PREPARER:

Christopher V. Unger, Esq. Lorenzini & Associates, Ltd. 23808 W. Andrew Road, Unit 3 Plainfield, IL 60585



**Debbie Gillette**  
**Kendall County Clerk & Recorder**

**PLAT ACT AFFIDAVIT OF METES AND BOUNDS**

**STATE OF ILLINOIS**

)

) SS

**COUNTY OF KENDALL**

)

Christopher W. Unger, being duly sworn on oath, And further states that: (please check the appropriate box)

- A. ☐ That the attached deed is not in violation of 765 ILCS 205/1(a), in that the sale or exchange is of an entire tract of land not being a part of a larger tract of land; or  
 B. ☒ That the attached deed is not in violation of 765 ILCS 205/1(b) for one of the following reasons: (please circle the appropriate number)

1. The division or subdivision of land into parcels or tracts of 5.0 acres or more in size which does not involve any new streets or easements of access;
2. The division of lots or blocks of less than one (1) acre in any recorded subdivision which does not involve any new streets or easements of access;
3. The sale or exchange of parcels of land between owners of adjoining and contiguous land;
4. The conveyance of parcels of land or interests therein for use as right of way for railroads or other public utility facilities and other pipe lines which does not involve any new streets or easements of access;
5. The conveyance of land owned by a railroad or other public utility which does not involve any new streets or easements of access;
6. The conveyance of land for highway or other public purposes or grants or conveyances relating to the dedication of land for public use or instruments relating to the vacation of land impressed with a public use;
7. Conveyances made to correct descriptions in prior conveyances;
8. The sale or exchange of parcels or tracts of land following the division into not more than two (2) parts of a particular parcel or tract of land existing on July 17, 1959 and not involving any new streets or easements of access;
9. The sale of a single lot of less than 5.0 acres from a larger tract when a survey is made by an Illinois Registered Land Surveyor; provided, that this exemption shall not apply to the sale of any subsequent lots from the same larger tract of land, as determined by the dimensions and configuration of the larger tract on October 1, 1973, and provided also that this exemption does not invalidate any local requirements applicable to the subdivision of land;
10. The conveyance is of land described in the same manner as title was taken by grantor(s).

AFFILIANT further states that \_\_\_ he makes this affidavit for the purpose of inducing the Recorder of Deeds of Kendall County, Illinois, to accept the attached deed for recording.

SUBSCRIBED AND SWORN TO BEFORE ME

This 12 day of September, 2016.

Signature of Notary Public



# KENDALL COUNTY DISCLOSURE OF BENEFICIARIES FORM

1. Applicant MCB52 INC.  
 Address [REDACTED]  
 City [REDACTED] State [REDACTED] Zip [REDACTED]
2. Nature of Benefit Sought AUTHORIZATION TO SEEK ZONING
3. Nature of Applicant: (Please check one)  
☐ Natural Person (a)  
☒ Corporation (b)  
☐ Land Trust/Trustee (c)  
☐ Trust/Trustee (d)  
☐ Partnership (e)  
☐ Joint Venture (f)
4. If applicant is an entity other than described in Section 3, briefly state the nature and characteristics of the applicant.

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

NAME	ADDRESS	INTEREST
BRENT STARY	[REDACTED]	50%
TRACY STARY	[REDACTED]	50%

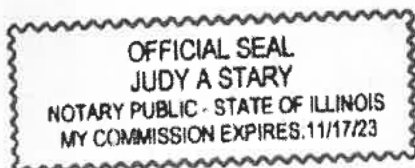
6. Name, address, and capacity of person making this disclosure on behalf of the applicant:

## VERIFICATION

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

Subscribed and sworn to before me this 13 day of DECEMBER, A.D. 2022

(seal)



[REDACTED]  
 Notary Public



# KENDALL COUNTY DISCLOSURE OF BENEFICIARIES FORM

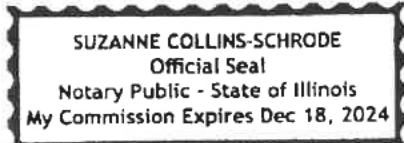
1. Applicant R & S LANDSCAPING & NURSERY, INC.  
 Address [REDACTED]  
 City [REDACTED] State [REDACTED]
2. Nature of Benefit Sought AUTHORIZATION TO SEEK ZONING
3. Nature of Applicant: (Please check one)  
☐ Natural Person (a)  
☒ Corporation (b)  
☐ Land Trust/Trustee (c)  
☐ Trust/Trustee (d)  
☐ Partnership (e)  
☐ Joint Venture (f)
4. If applicant is an entity other than described in Section 3, briefly state the nature and characteristics of the applicant:
5. If your answer to Section 3 you have checked letter b, c, d, e, or f, identify by name and address each person or entity who is a 5% shareholder in case of a corporation, a beneficiary in the case of a trust or land trust, a joint venture in the case of a joint venture, or who otherwise has proprietary interest, interest in profits and losses or right to control such entity:  

NAME	ADDRESS	INTEREST
ROMAN CORREA	[REDACTED]	100%
6. Name, address, and capacity of person making this disclosure on behalf of the applicant:  
MARK DANIEL, [REDACTED]

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

Subscribed and sworn to before me this 21<sup>st</sup> day of FEBRUARY, A.D. 2023

(seal)



[Signature]  
Notary Public



Kendall County Soil & Water  
Conservation District

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



www.kendallswcd.org

### NATURAL RESOURCE INFORMATION (NRI) REPORT APPLICATION

Petitioner: R+S Landscaping & Nursery

Contact Person: Román Correa

Address: [REDACTED]

City, State, Zip: [REDACTED]

Phone Number: [REDACTED]

Email: [REDACTED]

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

#### Site Location & Proposed Use

Township Name Na-Au-Say Township 26 N, Range 8 E, Section(s) 18

Parcel Index Number(s) 06-18-200-011 & 013

Project or Subdivision Name \_\_\_\_\_ Number of Acres 2.22

Current Use of Site Residential

Proposed Use Landscape Business

Proposed Number of Lots 1

Proposed Number of Structures 8

Proposed Water Supply Well

Proposed type of Wastewater Treatment Septic Field

Proposed type of Storm Water Management A perforated Drain Tile installed at -1st Junction

and of Property to collect runoff  
& discharge it to Grove Rd.  
Right of Way.

#### Type of Request

☐ Change in Zoning from \_\_\_\_\_ to \_\_\_\_\_

☐ Variance (Please describe fully on separate page)

☒ Special Use Permit (Please describe fully on separate page)

Name of County or Municipality the request is being filed with: Kendall

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

☒ Plat of Survey/Site Plan – showing location, legal description and property measurements

☒ Concept Plan - showing the locations of proposed lots, buildings, roads, stormwater detention, open areas, etc.

☒ If available: topography map, field tile map, copy of soil boring and/or wetland studies

☒ NRI fee (Please make checks payable to Kendall County SWCD)

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

Full Report: \$375.00 for five acres and under, plus \$18.00 per acre for each additional acre or any fraction thereof over five.

Executive Summary Report: \$300.00 (KCSWCD staff will determine when a summary or full report will be necessary.)

Fee for first five acres and under \$ 375.00

\_\_\_\_\_ Additional Acres at \$18.00 each \$ \_\_\_\_\_

**Total NRI Fee** \$ 375.00

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

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

[Signature]  
Petitioner or Authorized Agent

02/15/23  
Date

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

#### FOR OFFICE USE ONLY

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



**Applicant:** Ridgeline Consultants, LLC  
**Contact:** Jiun-Guang Lin  
**Address:** [REDACTED]

**IDNR Project Number:** 2310530  
**Date:** 02/22/2023  
**Alternate Number:** 2022-0733

**Project:** 5022 II Route 126, Yorkville, IL  
**Address:** 5022 II Route 126, Yorkville

**Description:** Improve the property to fit for Landscape Business operation. Kendall County require a Special Use Permitting process.

### Natural Resource Review Results

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

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

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

#### Location

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

**County:** Kendall

**Township, Range, Section:**  
 36N, 8E, 18



**IL Department of Natural Resources**  
**Contact**  
 Kyle Burkwald  
 217-785-5500  
 Division of Ecosystems & Environment

**Government Jurisdiction**  
 Kendall County  
 Matt Asselmeier  
 111 W. Fox Street  
 Yorkville, Illinois 60560 -1498

#### Disclaimer

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

IDNR Project Number: 2310530

### **Terms of Use**

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

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

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

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

### **Security**

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

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

### **Privacy**

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

**KENDALL COUNTY AI ZONING COMPLIANCE TABLE**  
**5022 ILLINOIS ROUTE 126, YORKVILLE, IL (PINs 06-18-200-011, -013)**  
**(FEBRUARY 21, 2023)**

<b>SUBJECT</b>	<b>SECTION</b>	<b>ALLOWED/REQUIRED</b>	<b>PROPOSED</b>	<b>NOTES</b>
Corner Clearance	4:04(E)	40-foot triangle	>40 feet	
Accessory Setback	4:05(B)	5'	5'	
Permitted Acc. Uses	7:01(F)	Consistent, incidental, same ownership	Complies	
Lot Area	7:01(G)(1)	No minimum	3,016 ac./131,359 SF	
Lot Width	7:01(G)(1)	200 feet	372.35 feet	Grove Road, east, as front
<b>Setbacks</b>				All structures existing
Principal Bldg. (N)	7:01(G)(2)(a)	100 to ROW, 150 to CL, 50' to property line	73'-83' to ROW +/-143' to common law CL 313' to west lot line	IL Route 126, Variation
Principal Bldg. (E)	7:01(G)(2)(a)	100 to ROW, 150 to CL, 50' to property line	21' to ROW +/-54' to common law CL 228' to south lot line	Grove Road, Variation
Accessory Structure (N)	7:01(G)(2)(b)	100 to ROW, 150 to CL, 10' to property line	57.17' to ROW +/-104' to common law CL	Tool shop/mtg rm, Variation
Accessory Structure (E)	7:01(G)(2)(b)	100 to ROW, 150 to CL, 10' to property line	53' to ROW +/-73' to common law CL	Propane tank, Variation
Accessory Structures (S)	7:01(G)(2)(b)	100 to ROW, 150 to CL, 10' to property line	51' to property line	Flower storage
Accessory Structures (W)	7:01(G)(2)(b)	100 to ROW, 150 to CL, 10' to property line	103' to property line	Equip. storage barn
Accessory Structures (General)	7:01(G)(2)(b)	100 to ROW, 150 to CL, 10' to property line	Res. Garage, chicken coop, Equipment storage barn	Exist in setback but generally further set back, Variation
<b>Yard Obstructions</b>				
Res. Garage	4:05(B)	Side, rear	Proposed 84' (E)	Variation
Farm, garden crops	4:05(B)	Allowed to lot line	5' (E), 10' (S), lot line (W)	
Parking and loading	4:05(B)	Permitted rear only	Proposed at 25' (N)	Variation

SUBJECT	SECTION	ALLOWED/REQUIRED	PROPOSED	NOTES
Accessory bldg. loc.	4:05(C)	10' from lot line	51' (S), 103' (W)	Corrals not building or struct.
No. Principal Bldgs.	4:10	1 principal residential	1 principal residential	8 "buildings" are accessory
Side yard	None	See 7.01(G)		
Accessory structure height	4:05(E)	No limit		No height changes proposed
<i>Access to Streets</i>				Existing condition/limit north
Design	4:09(A)	Designed to Sub Standards	Continue existing	Variation, 10.00(H)(10)
Indiv. Drive Approval	4:09(B)	Zoning Administrator		Township, Kendall DOT
<i>Fences</i>	4:14(A)(1)	Exempt from 4:14	Concrete block enclosure	Otherwise maintain existing
<i>Non-Conformities</i>				
Structures	5:09(A)	Continuation allowed	Variations to allow	Needed for proper operation
Signs	5:13	Continuation OK, but not a sign (no draw to bus.)	Continuation of existing, subject to owner and surface condition	Staff confirm "Jesus Says" on north structure is not a sign
<i>Use Analysis</i>				
Farm Residence	7:01(B)(3)	Allowed, no char. change	Character will not change	One family by definition
Accessory Uses	7:01(C)(1)	Permitted		
Range of accessory uses, buildings or structures permitted	7:01(F)	All incidental and common, structures not inconsistent with SUP	All accessory comply	No new buildings or structures as defined, other than flower storage
Crop and tree farming	7:01(C)(2)	Permitted		
Dwelling, fam. watch	7:01(C)(4)	Permitted		
Farm animals (chickens)	7:01(C)(6)	Permitted		
Greenhouses/nurseries	7:01(C)(11)	Permitted		
Roadside Stand	7:01(C)(16)	Permitted		
Signs	7:01(C)(18)	Permitted, see 12:00		
Landscape business	7:01(D)(30)	Special	Proposed landscape business with nursery, tree farming, residence	Residence for owner or for watchman or growing employee

SUBJECT	SECTION	ALLOWED/REQUIRED	PROPOSED	NOTES
Storage	7:01(D)(30)(a)	Indoor unless SUP covers	Requesting screened outdoor storage of materials and equipment	
Location on highway	7:01(D)(30)(b)	Required	Located on 126/Grove	Access to Grove per LMRP, emerg. access to 126 only
No burn L.S waste	7:01(D)(30)(c)	No burning off-site LSW	Will comply	
Ag Labor Housing	7:01(E)(2)	Conditional use	Zoning Admin. approves	Future use
Ag purpose	7:01(E)(2)(b)	Connects to agric. use		
ALH Health Dept.	7:01(E)(2)(b)	Comply with Health Dept.	Upon such occupancy	Review with staff (future)
Dwellers for growing	7:01(E)(2)(c)	Resident must grow	Resident would grow	
Setbacks	7:01(E)(2)(d)	Must meet setbacks	Will meet approved setbacks	
<b>Parking/Loading</b>				
Surfacing	11:02(F)(2)	Permanent hard or other environmentally friendly, w/ striping if over 4 req'd	Proposed asphalt with more remote gravel spaces, <4 but striping provided	
Accessible surface	11:02(F)(2)	Perm. hard surf, striped	Perm. hard surf, striped	Note no public building access, typ. pickup only
Accessible number	11:02(F)(6)	1	1	
Parking space dimensions	11:02(F)(4)	9'; 20'; 24'	9'; 18'+2' OH; 24'	Variation needed
Parking location	11:02(F)(7)	Not in front yard, 5' otherwise	Accessible parking 95' (N)	4' extends into front, subj. to approval of pr str variation
Screening	11:02(F)(8)	Not applicable due to surroundings (no A1 SUP)	No parking area has over 20 spaces, screening provided	Review south and west parking
Circulation controls	11:02(F)(9)	Encouraged	Provided to reduce use of 126 driveway to emerg only	
Landscape islands	11:02(F)(10)	Encouraged	Not enough parking to justify	See Landscape Plan
Landscaping sight triangle	11:02(F)(11)	40-foot triangle at NE corner of property	No plantings	Freestanding sign in NE yard will be landscaped but outside of the triangle



SUBJECT	SECTION	ALLOWED/REQUIRED	PROPOSED	NOTES
Prohibited lights	11:02(F)(12)(b)	Sag lenses and wall packs not allowed	New lighting will comply	Will rotate others out as they fall out of service
Lighting at lot line	11:02(F)(12)(d)	5 FC at lot lines or street	Will comply	Photometric not required (a)
Lighting height	11:02(F)(12)(e)	Not applicable	Wall height below 20 feet	Verify with staff
Open maintenance	11:02(F)(13)	Allowed as part of SUP	Requested provided in area west of large barn or directly east of barn	Request is for light maintenance (washing, fluids, topping, wiper or other nominal maintenance)
Residential parking	11:04	2 per dwelling	2	
Nursery/L.S parking	11:04	Nothing remotely similar	10 parking, plus vehicles parked to replace removed trucks/equipment	Aligns with "One (1) parking space shall be provided for each employee plus one (1) parking space for each vehicle used in the conduct of the enterprise" but the use is all off site.
RV	11:05(A)(1)(c)	Unlimited, only for owner or tenant and unoccupied	1	Only for owner or tenant and unoccupied
Loading location	11:06(A)	Not within 35 feet of intersection of 2 street	>220 feet	
Loading size	11:06(B)	12'x30'x14'	All exceed	Area west of large barn, definition conflicts (35')
Loading pad	11:06(D)	Concrete pad required	CA-7	Variation
Loading required	11:06(G)	None	Loading yard	<5000 SF processing fac
<i>Signs</i>				
Location	12:06(A)	Not in triangle, 10' from ROW; not in ROW; on premises	Will comply	
Number/Type	12:08	1 per frontage, freestanding	1 freestanding NE yard	Possible 2nd if preferred by Kendall DOT, fixed, note wall sign on barn not a sign

# STORMWATER MANAGEMENT PERMIT

PERMIT APPLICATION # \_\_\_\_\_

Conformance with all Federal, State, and County Regulations is required. Applicants are encouraged to the Countywide Stormwater Management Ordinance and consider a pre-application meeting with Department staff prior to submittal. See attached highlights of regulations.

Property: Name NICB52 Inc  
 Owner: Address [REDACTED]  
 Phone [REDACTED]  
 Agent: Name John Jones 470 of Redwood  
 Address [REDACTED]  
 Phone [REDACTED]  
 Site: Address or Location 5022 IL RT 126, Yorkville, IL  
 Tax Parcel # 06-18-200-011 2-013  
 Zoning/Land Use/Acres A-1 / Large Business Operation

**Proposed Development:**

*Special Use Permit Application for the ex. Landscape Area. Ex. ground parameters proposed to be reduced in order to stay under the thresholds of Site Runoff. See Regulations under 2031*

Attachments: Plat ☒ Construction Plans \_\_\_\_\_  
 Soils \_\_\_\_\_ Landscaping \_\_\_\_\_  
 Grading \_\_\_\_\_ Phasing \_\_\_\_\_  
 Other Topography Survey 3-20-10

Fees: \$ X Processing Fee (\$50.00)  
 \$ X Engineering Review Deposit (\$1,200.00 or 2% of estimated cost of the proposed improvements, whichever is greater.)  
 TOTAL \$ 1,250 One check is acceptable made out to the Kendall County Treasurer

Staff will contact Applicant regarding schedule and reviews.

I hereby certify that the information on this application, on the documents attached, and on other submittals made during the review process is true and correct; that I am authorized to file this application; and that I agree to conform to all requirements set forth by the County and all conditions of the County Stormwater Management Ordinance. I understand that by signing this form, that the property in question may be visited by County Staff and County Engineers throughout the permit and construction process. I also understand that I am responsible for all costs associated with this application. The applicant attests that they are free of debt or current on all debts owed to Kendall County as of the application date.

Owner's Signature (Including Middle Initial) \_\_\_\_\_ Date \_\_\_\_\_  
 Agent's Signature (Including Middle Initial) \_\_\_\_\_ Date 2/15/13

Kendall County Planning, Building, & Zoning Department  
 111 West Fox Street, Room 203  
 Yorkville, Illinois 60560  
 Phone: (630) 553-4139, Fax (630) 553-4179  
[www.kendallcountyil.gov](http://www.kendallcountyil.gov)

## **5022 IL RT. 126, YORKVILLE, IL**

### **STORMWATER NARRATIVES**

By Jiun-Guang Lin, PE of Ridgeline Consultants, LLC on 02/20/2023

The subject development takes place on two parcels (PIN's 06-18-200-011 & -013) with a total of 3.02 acre in area. The un-incorporated property was in residential use under A-1 zoning. The applicant, R+S Landscape and Nursery, rented the property and turned it to a Landscape Business operation. According to the applicant, the business is not open to the public and only employees will work on the premises. It is our understanding that the applicant was demanded by the County to go through a Special Use zoning process.

Based on our research into FEMA Flood Insurance Rate Map number 17093C0130H dated of 01/08/2014, there is a no regulatory floodplain and floodway existing on site or immediate offsite. As shown on National Wetlands Inventory Map, there is no "Wetlands/Lakes/Ponds" within the property or immediate offsite.

Upon research into USDA NRCS Soil Map, the predominant soils type onsite are 443B (Barrington Silt Loam, 2 to 4 percent slopes) and 152A (Drummer Silty Clay Loam, 0 to 2 percent slope).

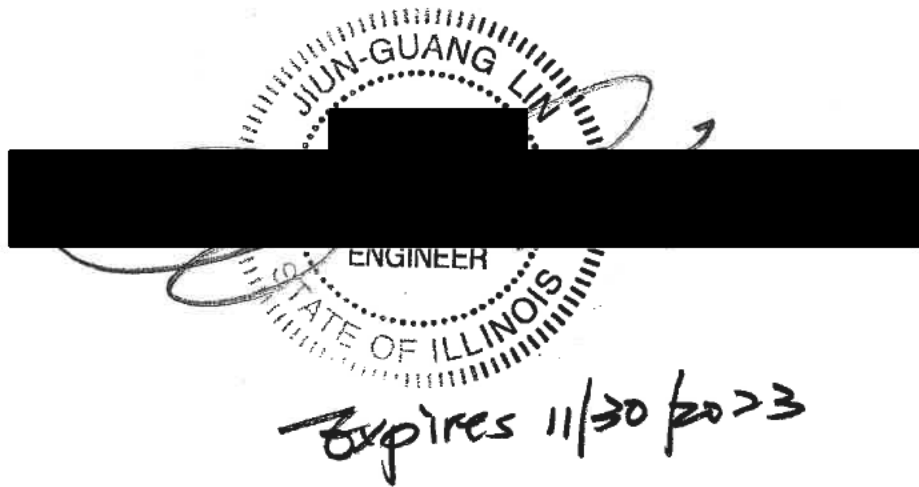
The property was altered by the Applicant since moving in in Oct 2022 not knowing permit was required. Notably, A significant portion of the property was paved with granular material. In addition, the landscaping material storages by concrete blocks were set up along the west property line while two greenhouses were constructed within the southern half of the property as shown on Boundary & Topographic Survey.

In order to meet County Ordinance without triggering Site Runoff Storage requirements, a substantial gravel area is proposed to be removed and turned back into greenspace. As such, the total impervious area onsite, regardless when it was created, as well as the Development Area are kept under 32,000sf and 45,000sf respectively as documented on Site Plan. Please note that the driveway and Equipment Storage/Truck Parking as well as Brick Storage in the west yard is proposed to be covered with 2"-3" CA-7 uniformed graded granular material to allow for surface runoff infiltration. Therefore, these areas are treated as pervious area but as a part of the "Development Area".

The property generally slopes from the north to the south and this topography will be maintained. A 4" HDPE perforated pipe wrapped with gravel was installed to run under a swale 10' north of the southern property line to intercept the surface runoff from the north and convey it easterly before bubbling up out of a pop-up emitter within Grove Rd. It is my opinion that this system of a swale and a French Drain combined serves effectively to mitigate the drainage situation so that less runoff reaches to the south neighboring property than the pre-existing condition.

According to the applicant, County Engineer Fran Klass met him onsite and had no issue with the existing driveway entrance off Grove Rd less than 24' wide. However, the gravel portion of the existing driveway entrance was proposed to be paved with Asphalt.

It is our belief that the proposed project meets the requirements of Kendall County Stormwater Ordinance.





# National Flood Hazard Layer FIRMette



88°21'35"W 41°36'35"N



## Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

**SPECIAL FLOOD HAZARD AREAS**

- Without Base Flood Elevation (BFE) Zone A, V, AE9
- With BFE or Depth Zone AE, AH, AI, VE, AR
- Regulatory Floodway

**OTHER AREAS OF FLOOD HAZARD**

- 0.2% Annual Chance Flood Hazard, Area of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile (Zone 1)
- Future Conditions 1% Annual Chance Flood Hazard Zone X
- Area with Reduced Flood Risk due to Levee. See Notes, Zone X
- Area with Flood Risk due to Levee Zone D

**OTHER AREAS**

- NO SCREEN
- Area of Minimal Flood Hazard Zone X
- Effective LOMRs
- Area of Undetermined Flood Hazard Zone

**GENERAL STRUCTURES**

- Channel, Culvert, or Storm Sewer
- Levee, Dike, or Floodwall

**OTHER FEATURES**

- Cross Sections with 1% Annual Flood Elevation
- Water Surface Elevation
- Coastal Transect
- Base Flood Elevation Line (BFE)
- Limit of Study
- Jurisdiction Boundary
- Coastal Transect Baseline
- Profile Baseline
- Hydrographic Feature

**MAP PANELS**

- Digital Data Available
- No Digital Data Available
- Unmapped



The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards.

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 2/20/2023 at 3:48 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.





U.S. Fish and Wildlife Service

## National Wetlands Inventory

## Wetlands



U.S. Fish and Wildlife Service, National Standards and Support Team,  
wetlands\_team@fws.gov

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

February 20, 2023

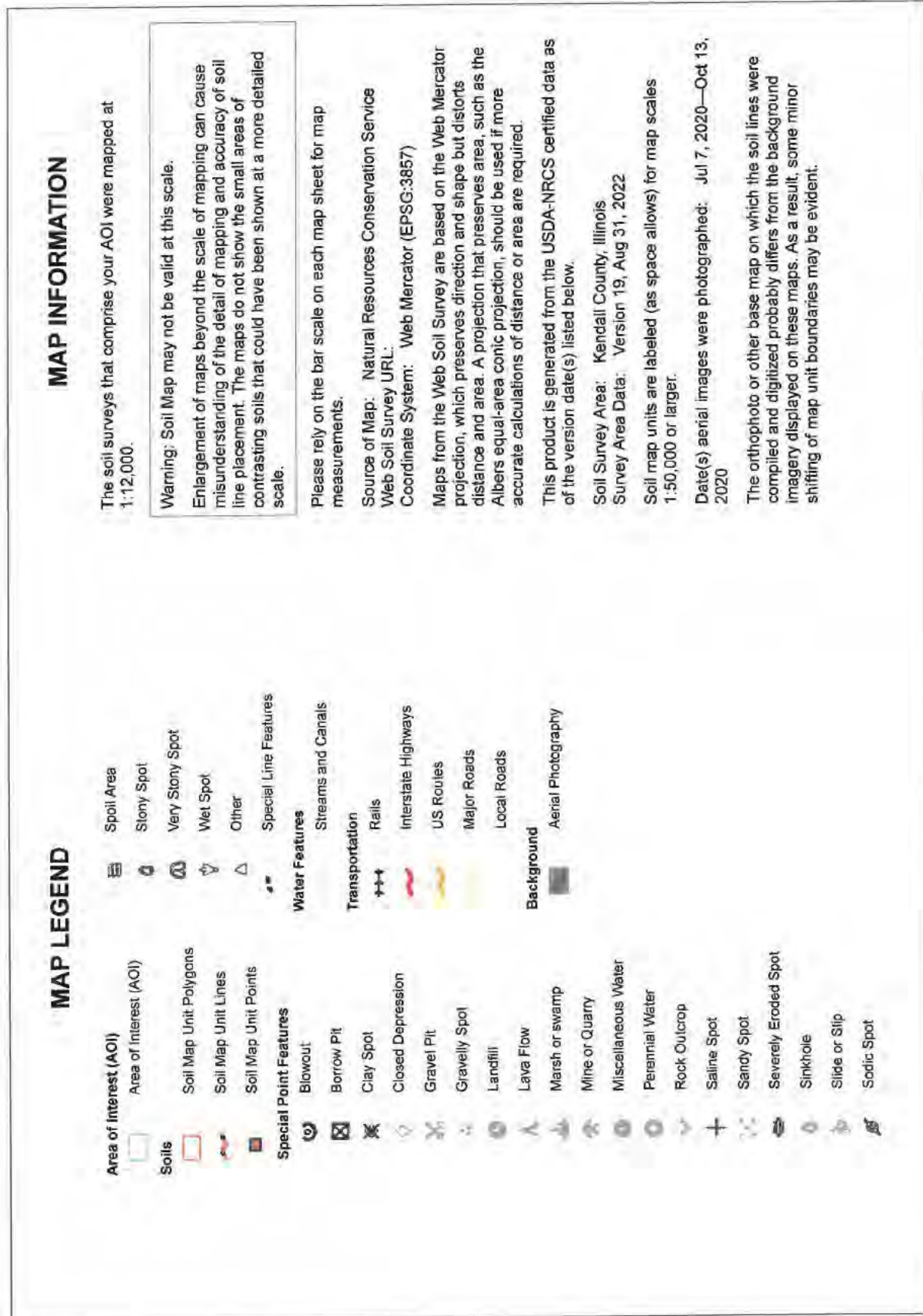
### Wetlands

- |  |                                |  |                                   |  |          |
|--|--------------------------------|--|-----------------------------------|--|----------|
|  | Estuarine and Marine Deepwater |  | Freshwater Emergent Wetland       |  | Lake     |
|  | Estuarine and Marine Wetland   |  | Freshwater Forested/Shrub Wetland |  | Other    |
|  |                                |  | Freshwater Pond                   |  | Riverine |

National Wetlands Inventory (NWI)  
This page was produced by the NWI mapper







## Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
152A	Drummer silty clay loam, 0 to 2 percent slopes	0.5	16.9%
443B	Barrington silt loam, 2 to 4 percent slopes	2.6	83.1%
Totals for Area of Interest		3.2	100.0%



SHEET  
1  
OF  
1





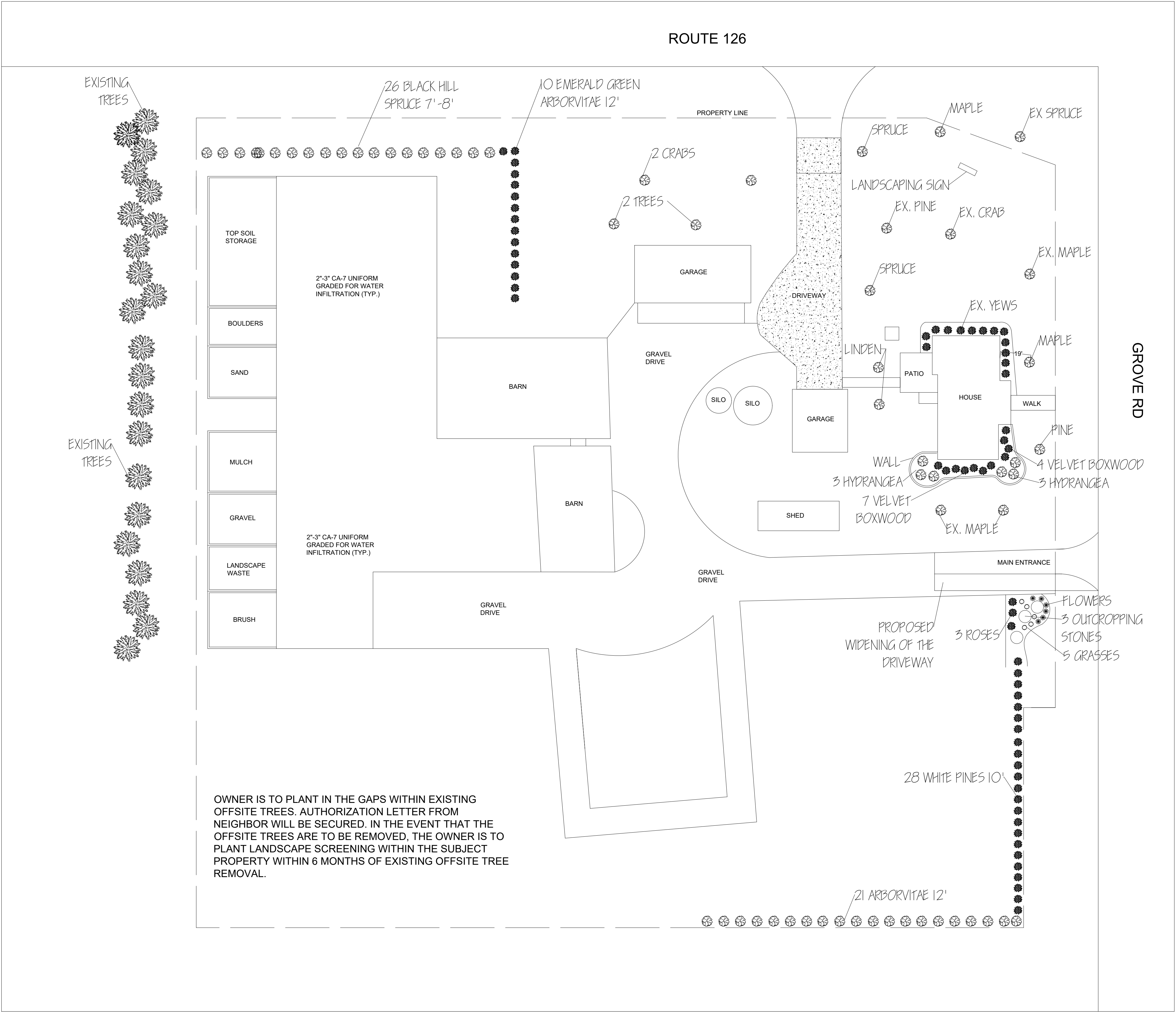
COMMONLY KNOWN AS 5022 IL ROUTE 126 (PARCEL 1), YORKVILLE, ILLINOIS.

TOTAL OF 29,440 SF < 45,000 SF THRESHOLD OF SITE RUNOFF REQUIREMENTS

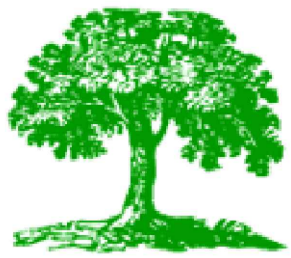


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N  
SCALE: 1/32" = 1'0"



R & S LANDSCAPING  
& NURSERY

ADDRESS:  
5022 IL ROUTE 126  
YORKVILLE, IL

DATE: 1/10/23  
REV: 3/20/23

PROJECT NAME:

R & S LANDSCAPING & NURSERY





03/22/2023 08:37





03/22/2023 08:37





03/22/2023 08:37





03/22/2023 08:37



Attachment 10 Grove Road Entrance

03/22/2023 08:39