

MINUTES
KENDALL COUNTY
ZONING BOARD OF APPEALS MEETING
111 WEST FOX STREET, COUNTY BOARD ROOM (ROOMS 209 and 210)
YORKVILLE, IL 60560
May 1, 2023 – 7:00 p.m.

CALL TO ORDER

Chairman Randy Mohr called the Zoning Board of Appeals meeting to order at 7:00 p.m.

ROLL CALL:

Members Present: Scott Cherry, Cliff Fox (arrived at 7:05 p.m.), Tom LeCuyer, Randy Mohr, Jillian Prodehl, Dick Thompson, and Dick Whitfield

Members Absent: None

Staff Present: Matthew Asselmeier, AICP, CFM, Senior Planner

Others Present: Mark Daniel and Rebecca Wintczak

MINUTES:

Member LeCuyer made a motion, seconded by Member Cherry, to approve the minutes of the March 27, 2023, hearing/meeting.

With a voice vote of six (6) ayes, the motion carried.

PETITIONS

The Zoning Board of Appeals started their review of Petition 23-01 at 7:00 p.m.

Petition 23 – 01 – Kendall County Planning, Building and Zoning Committee

Request: Involuntary Revocation of a Special Use Permit for a Specialty Gift Store Granted by Ordinance 2009-25

PINs: 02-14-452-005

Location: 7275 Route 34, Oswego in Bristol Township

Purpose: Petitioners Want to Revoke the Special Use Permit for Inactivity and Non-Compliance; Property is Zoned R-3 with a Special Use Permit

Mr. Asselmeier summarized the request.

On July 21, 2009, the Kendall County Board granted a special use permit for a specialty gift store at 7275 Route 34, Oswego. Restriction 1 of the special use permit stated that the special use permit shall be inspected yearly. Ordinance 2009-25 was provided.

Per information found on Facebook, Jo Ric Gift and Home Décor operated at the subject property for several years, but a retirement sale occurred in 2020 and the business closed in January 2021. This information was provided.

The Planning, Building and Zoning Department attempted to conduct an inspection in August 2021 and the property was described as vacant. The email related to this inspection was provided.

In the summer of 2022, the Planning, Building and Zoning Department again attempted to conduct an inspection, but the property was vacant. Following this attempt, the Planning, Building and Zoning Department attempted to send letters to the property owner asking if they would like to revoke the special use permit. The covers of these letters were provided. The Planning, Building and Zoning Department did not receive any response to these letters.

In addition to the letters, a picture from Google from 2018 and a picture from Google from 2021 were also provided.

The property sold in November 2021.

At their meeting on January 9, 2023, the Planning, Building, and Zoning Committee voted to initiate the revocation of the special use permit. Following the January Planning, Building and Zoning Committee, Staff attempted again to contact the property, including placing a hearing sign on the property. The property owner originally verbally said they would evaluate their options and let the Department know which course of action they would take. Other than one (1) phone call in January 2023, the property owner has not initiated conversations with the Department. Emails with the property owner were provided. After the lack of communication from the property owner, Staff decided to exercise the authority granted by the Planning, Building and Zoning Committee to revoke the special use permit.

The subject properties are zoned R-3. If the special use permit is revoked, the properties will retain their R-3 zoning classification.

The proposed findings of fact were as follows:

In any case where a special use has not been established within two (2) years from the date of granting thereof, then, the County Board may revoke the special use, or if the special use has been discontinued for a continuous period of two (2) years, the County Board may revoke the special use. Based on the fact that the existing business closed in January 2021 and that no business has operated at the subject property since the previous business closed, the special use has been discontinued for a continuous period of two (2) years.

Staff recommended approval of the proposed special use permit revocation.

In addition, Staff provided an email dated April 3, 2023, from the Oswego Fire Protection District stated the property went back to being residential in 2021 and had not been inspected since that time.

Member Fox arrived at this time (7:05 p.m.)

Chairman Mohr opened the public hearing at 7:05 p.m.

Chairman Mohr swore in Mark Daniel and Rebecca Wintczak at this time.

No members of the public testified at the public hearing.

Chairman Mohr closed the public hearing at 7:05 p.m.

Member Whitfield made a motion, seconded by Member Cherry, to approve the findings of fact and recommend approval of the revocation of the special use permit.

The votes were as follows:

Ayes (7): Cherry, Fox, LeCuyer, Mohr, Prodehl, Thompson, and Whitfield
Nays (0): None
Abstain (0): None
Absent (0): None

The motion passed.

The proposal goes to the Planning, Building and Zoning Committee on May 8, 2023.

The Zoning Board of Appeals completed their review of Petition 23-01 at 7:06 p.m.

The Zoning Board of Appeals started their review of Petition 23-17 at 7:06 p.m.

Petition 23 – 17 – Kendall County Planning, Building and Zoning Committee

Request: Text Amendments to Kendall County Zoning Ordinance Pertaining to Chickens on
Residentially Zoned Property

Mr. Asselmeier summarized the request.

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 was provided.

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 the provided 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 was provided.

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 were provided.

Petition information was emailed to the townships on March 27, 2023. To date, no comments have been received.

Greg Chismark reviewed the proposal from a stormwater quality perspective and expressed no concerns. His email was provided.

ZPAC reviewed the proposal at their meeting on April 4, 2023. Discussion occurred regarding complaints about chickens and concerns about potential health issues by having chickens on smaller lots. Three (3) residents expressed support for the proposal. One (1) resident expressed opposition to the proposal. Discussion occurred regarding code enforcement procedures. The consensus at ZPAC was this proposal was more of a policy decision and not a technical decision. For this reason, ZPAC issued a neutral recommendation by a vote of six (6) in favor, one (1) in opposition, and three (3) members absent. Member Guritz voted no because he wanted an opinion from someone that raises chickens on the impact of the proposal on residential neighborhoods and public health. The minutes of this meeting were provided.

The Kendall County Regional Planning Commission reviewed the proposal at their meeting on April 26, 2023. Discussion occurred about setting a higher minimum lot size, adding regulations pertaining to using extension cords, and adding a regulation pertaining to rodent proof containers. The consensus of the Commission was that having a higher minimum lot size would defeat the purpose of the intent of the proposal (allowing hens in Boulder Hill in certain circumstances) and adding additional regulations would be difficult to enforce. The consensus of the Commission was, if the proposal is adopted and needs to be amended in the future, the Zoning Ordinance could be amended to address unforeseen

problems. The Kendall County Regional Planning Commission voted to forward the proposal to the Kendall County Zoning Board of Appeals by a vote of nine (9) in favor and zero (0) in opposition with one (1) member absent. The minutes of the meeting were provided.

Chairman Mohr asked what would happen if avian flu broke out in an area of small lots. Mr. Asselmeier responded that the Illinois Department of Agricultural would have to take the chickens within the impacted area. No definition of impacted area was provided. Discussion occurred regarding the size of the impacted area.

Chairman Mohr opened the public hearing at 7:12 p.m.

Rebecca Wintczak, resident that submitted the original request, stated that she has chickens. She has hens for the eggs to feed her family. She described the area where she kept her chickens.

Member Cherry asked Ms. Wintczak the size of her lot. Ms. Wintczak responded just under one quarter (1/4) of an acre.

Having hens is presently illegal in Boulder Hill.

Member Cherry favored a one (1) acre minimum lot size because chickens will impact varmints that will negatively impact the neighboring properties.

Chairman Mohr favored a policy similar to the right to farm clause that protects people from agricultural interests if they move to a more dense development like Boulder Hill. What recourse does the County have if chickens are allowed on tiny lots? Ms. Wintczak favored finding a compromise on a minimum lot size. She compared having hens to having dogs as it relates to noise. She favored an eight thousand (8,000) square foot lot minimum.

Chairman Mohr asked Ms. Wintczak the distance of her chicken coop from the neighboring property. Ms. Wintczak responded approximately five feet (5') for the run and the coop was seventeen feet (17'). She has no neighbors behind her property.

Member Thompson asked Ms. Wintczak if she was comfortable with the United States Department of Agriculture eliminating chickens in the event of an avian flu outbreak. Ms. Wintczak responded yes because she takes public safety very seriously.

Member LeCuyer asked Ms. Wintczak how many chickens she had. Ms. Wintczak responded four (4) grown chickens and four (4) chicks. Some of the chicks probably will not survive to laying stage.

Member Prodehl asked about the maintenance aspect of having chickens. She has chickens and they destroy the grass in the area where they are kept. She asked if Ms. Wintczak had any rodent issues. Ms. Wintczak responded that her house had mice before she acquired chickens. She has not had rodents since she acquired chickens. She kept her chicken feed in a rodent proof container. She has not observed rats, opossums, or foxes.

Member Fox described a situation in Newark where someone was using their trampoline as a chicken coop. Some people also have roosters and ducks. He suggested having the chicken owners get together in an association to assist the County on compliance.

Chairman Mohr asked if Ms. Wintczak had been reported for having chickens. Mr. Asselmeier responded someone had complained about Ms. Wintczak having chickens. Ms. Wintczak explained that her neighbor complained that she had chickens after a chicken was reported on the loose in Boulder Hill.

Mr. Asselmeier noted that all chicken investigations were on hold. Chairman Mohr asked how many open investigations existed. Mr. Asselmeier responded six (6) at the most.

Chairman Mohr closed the public hearing at 7:23 p.m.

Chairman Mohr asked about the recourse the County would have if people used trampolines as chicken coops. Mr. Asselmeier responded that chicken coops would need to get building permits, but not every chicken is kept in a dedicated structure. The coops would need to meet the setbacks; the number of chickens would also be counted. Mr. Asselmeier explained the enforcement procedures.

Member Whitfield asked if, besides dogs and cats, were any other animals allowed outdoors in Boulder Hill. Mr. Asselmeier responded no.

Chairman Mohr favored a minimum lot size under one (1) acre. Discussion occurred regarding minimum lot size and the size of lots in Boulder Hill.

Member Prodehl asked how the sex of chicks was determined and how early the sex would be known. She was concerned about dumped roosters. Ms. Wintczak explained how and when the sex can be determined.

Chairman Mohr suggested moving the coops further away from the lot line.

Chairman Mohr noted the four foot (4') fence will not stop predators.

Chairman Mohr suggested setting the minimum lot size at twelve thousand (12,000) square feet.

Member Whitfield said that Boulder Hill was not an agricultural based community. He expressed concerns about adding issues to Boulder Hill.

The consensus of the Board was to have a minimum lot size of a quarter (1/4) and rounding it up to eleven thousand (11,000) square feet, which would match Yorkville's requirements.

Member Prodehl made a motion, seconded by Member Fox, to amend the Petition by setting a minimum lot size of eleven thousand (11,000) square feet.

The votes were as follows:

Ayes (6): Fox, LeCuyer, Mohr, Prodehl, Thompson, and Whitfield
Nays (1): Cherry
Abstain (0): None
Absent (0): None

The motion passed.

Member LeCuyer made a motion, seconded by Member Prodehl, to recommend approval of the text amendment as amended.

The votes were as follows:

Ayes (6): Fox, LeCuyer, Mohr, Prodehl, Thompson, and Whitfield
Nays (1): Cherry
Abstain (0): None
Absent (0): None

The motion passed.

Member Cherry voted no because chickens will attract additional animals which will negatively impact neighbors. Allowing chickens will add to the problems in Boulder Hill.

The townships will be notified of the results of the public hearing.

The proposal goes to the Planning, Building and Zoning Committee on June 12, 2023.

The Zoning Board of Appeals completed their review of Petition 23-17 at 7:38 p.m.

The Zoning Board of Appeals started their review of Petition 23-19 and Petition 23-20 at 7:38 p.m.

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)

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: Petitioners Want to Operate a Landscaping Business at the Subject Property, Property is Zoned A-1

Petition 23 – 20 – 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)

Request: Variance to Section 7:01.G.2.a of the Kendall County Zoning Ordinance to Allow the Existing House To Be No Closer than Seventy-Three Feet South of the Right-of-Way Line of Route 126 and No Closer than Twenty-One Feet West of the Right-of-Way Line of Grove Road and a Variance to Section 7:01.G.2.b of the Kendall County Zoning Ordinance to Allow Accessory Structures No Closer than Fifty-Seven Feet South of the Right-of-Way line of Route 126 and No Closer than Fifty-Three Feet West of the Right-of-Way Line of Grove Road

PINs: 06-18-200-011 and 06-18-200-013

Location: 5022 Route 126, Yorkville in Na-Au-Say Township

Purpose: Petitioners Want to Remove the Lawful Non-Conformities by Securing Applicable Variances A-1

Mr. Asselmeier summarized the requests.

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 no closer than 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 the right-of-way line of Grove Road instead of the required one hundred feet (100'). These requests are part of a 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 is a separate Petition (Petition 23-21).

Prior to the Kendall County Regional Planning Commission meeting, the Petitioners submitted a revised site plan. The site plan removed a large amount of the CA-7 and replaced it with gravel. The signs at the entrance to property at Route 126 were moved out of the right-of-way. The revised site plan was provided.

The application materials, stormwater information, existing conditions survey, original site plan, landscaping plan, and pictures of the property were provided.

The property is approximately two point nine (2.9) acres in size.

The County's plan called for the property to be Commercial. Yorkville's plan calls for the property to be Estate Residential.

Route 126 is a State maintained Arterial. Grove Road is a Major Collector maintained by the County.

Yorkville has a trail planned along Route 126 and Grove Road.

There are no floodplains or wetlands on the property.

The adjacent land uses are agricultural.

The adjacent properties are zoned A-1.

The County's plan calls for the area to be Commercial. Yorkville's Plan calls for the area to be Estate Residential and Agricultural. Oswego's Plan calls for the area to be Agricultural.

The properties within one half (1/2) mile are zoned 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.

EcoCAT Report was submitted on February 22, 2023, and consultation was terminated.

The NRI Application was submitted on February 15, 2023. The LESA Score was 231 indicating a high level of protection. The NRI was provided.

Petition information was sent to Na-Au-Say Township on March 27, 2023. To date, no comments received.

Petition information was sent to the United City of Yorkville on March 27, 2023. To date, no comments received.

Petition information was sent to the Bristol Kendall Fire Protection District on March 27, 2023. To date, no comments received.

ZPAC reviewed this proposal at their meeting on April 4, 2023. Discussion occurred regarding the septic system at the property; the property would remain a single-family home, but would have an office component. The Health Department requested the Petitioners to work with the Health Department, should the use become more intense. Discussion also occurred regarding traffic circulation and the potential widening of nearby roads. No additional right-of-way was foreseen. ZPAC recommended approval of the proposal with the addition of a condition stating that, pending approval of the Illinois Department of Transportation, the owners of the business allowed by the special use permit shall have the option to install a right-in, right-out access off of Route 126; signage shown on the site plan may be adjusted to reflect this access by vote of seven (7) in favor and zero (0) in opposition. Three (3) members were absent. The minutes of the meeting were provided.

The Kendall County Regional Planning Commission reviewed the proposal at their meeting on April 26, 2023. The Petitioners were agreeable to the conditions. The current owners have owned the property for approximately five (5) years and the landscaping business has been operating at the property since October 2022. Discussion also occurred regarding the noise regulations, if a new house was constructed closer to the subject property. The Kendall County Regional Planning Commission recommended approval of the requested special use permit and variances with the conditions proposed by Staff with an amendment stating that only homes in existence prior to the issuance of the special use permit could file noise complaints by a vote of nine (9) in favor and zero (0) in opposition with one (1) member absent. The minutes of the meeting were provided.

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.

As noted in the project narrative, 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.

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.

The property is served by a well and septic. Employees would use these facilities, if at the property. Since no retail sales would occur at the property, few, if any, guests of the business would be on the property to use restroom facilities.

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

No dedicated refuse area for non-landscape related waste was shown on the site plan. Garbage would be removed using a commercial hauler.

The property drains to the west and south.

The Petitioners submitted an application for a stormwater management permit. WBK Engineering submitted comments on the stormwater management permit application, which were provided. To date, WBK Engineering has not commented on the new calculations.

Per the site plan, 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.

The Illinois Department of Transportation submitted an email on March 31, 2023. The Petitioners agreed to keep IDOT informed of the activities at the property and IDOT said they would evaluate the existing access permit, if necessary, in the future. This email was provided.

According to the site plan, 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 foot (20') wide driveway would be located between the storage areas and stockpiles and a second fifteen foot (15') wide east-west driveway would be located between the two (2) equipment storage and truck parking area. These drives would be gravel.

One (1) twenty-four foot (24') 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.

The existing conditions survey and the site plan 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.

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. These signs might removed or altered if right-in, right-out access is granted at this entrance.

Other than lighting, no other security information was provided.

The site plan and landscaping plan 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 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.

No information was provided regarding noise control.

No information was provided regarding odor control.

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

The proposed Findings of Fact for the special use permit were as follows:

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 the 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, 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."

The proposed Findings of Fact for the variance to allow yard obstructions and parking areas in the setbacks were as follows:

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 of 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.

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.

The proposed Findings of Fact for the variance for parking stall depth were as follows:

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 de 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.

The proposed Findings of Fact for the variance to the Grove Road driveway construction were as follows:

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.

Staff recommended 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 site plan and landscaping plan.
2. Pending approval of the Illinois Department of Transportation, the owners of the business allowed by the special use permit shall have the option to install a right-in, right-out access off of Route 126; signage shown on the site plan (Attachment 4) may be adjusted to reflect this access. (Added at ZPAC)
3. 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 no closer than 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. (Clarified After ZPAC)
4. 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').
5. A variance to Section 4:09.A of the Kendall County Zoning Ordinance 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.
6. Equipment and vehicles related to the business allowed by the special use permit may be stored outdoors.
7. 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.
8. 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.
9. 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.

10. 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 site plan. The maximum height of the piles of landscaping related material shall be six feet (6') in height.
11. No retail sale of landscaping materials may occur at the subject property.
12. 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.
13. 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.
14. 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.
15. Signage shall be limited to the signs shown on the site plan. 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.
16. Except for the lighting around the business sign, the lights shown on the site plan shall be considered for security purposes.
17. Damaged or dead plantings described on the landscaping plan shall be replaced on a timeframe approved by the Kendall County Planning, Building and Zoning Department.
18. Any vegetation described on the landscaping plan 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.
19. 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. The Kendall County Planning, Building and Zoning Committee may grant an extension to the deadline to plant the screening. The site plan may be adjusted without an amendment to the special use permit to reflect the addition of these trees.
20. 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.

21. No landscape waste generated off the property can be burned on the subject property.

22. 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.

Only those homes in existence prior to the issuance of the special use permit can file noise complaints. (Added at RPC).

23. 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.

24. The owners of the business allowed by this special use permit acknowledge and agree to follow Kendall County's Right to Farm Clause.

25. 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.

26. 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.

27. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

28. 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.

The proposed findings of fact for the variances related to the house and accessory buildings were as follows:

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 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. The subject property has been in its current configuration since the 1920's prior to the adoption of the current Kendall County Zoning Ordinance. The abutting roads became substantially larger than the township roads that existed at the time of construction on the property. 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. The Petitioners had no 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. Petitioners 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.

Staff recommended approval of the requested variance subject to the following conditions and restrictions:

1. A variance to Section 7:01.G.2.a of the Kendall County Zoning Ordinance to allow the existing house to be no closer than seventy-three feet (73') south of the right-of-way line of Route 126 and no closer than twenty-one feet (21') west of the right-of-way line of Grove Road as depicted on the survey.
2. A variance to Section 7:01.G.2.b of the Kendall County Zoning Ordinance to allow accessory structures no closer than fifty-seven feet (57') south of the right-of-way line of Route 126 and no closer than fifty-three feet (53') west of the right of the right-of-way line of Grove Road as depicted on the survey .
3. Failure to comply with one or more of the above conditions or restrictions could result in the revocation of this variance.
4. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
5. These variances shall be treated as covenants running with the land and are binding on the successors, heirs, and assigns as to the same uses conducted on the property.

Chairman Mohr asked why the driveway off of Route 126 would continue to exist. Mr. Asselmeier responded because the driveway already existed and it will be used as an emergency exit only unless the Illinois Department of Transportation grants approval for right-in, right-out access. The Grove Road access already exists.

Member LeCuyer asked why handicapped parking was proposed. Mr. Asselmeier responded that the Americans With Disabilities Act requires the parking space.

The owner of the landscaping business intends to live in the house and use the house as an office for landscaping and nursery business.

Chairman Mohr opened the public hearing at 7:58 p.m.

Mark Daniel, Attorney for the Petitioners, noted that the driveway off of Route 126 was restricted to residential and agricultural uses. He noted the width of Route 126 at this location. He noted the location of the septic system northeast of the house. If destruction of the home occurred, a replacement house would likely be placed in the same area as the existing house.

Chairman Mohr asked if adequate space existed for the bike trail. Mr. Asselmeier responded that no party requested additional right-of-way for a trail.

Chairman Mohr closed the public hearing at 8:04 p.m.

Member Cherry asked if the business started before the special use permit was issued. Mr. Asselmeier responded yes. Mr. Daniel said the nursery was operating at the property, which is allowed.

The trees were planted in the fall of 2022.

Member Whitfield made a motion, seconded by Member LeCuyer, to approve the findings of fact for the special use permit and all of the variances for both petitions.

The votes were as follows:

Ayes (7): Cherry, Fox, LeCuyer, Mohr, Prodehl, Thompson, and Whitfield
Nays (0): None
Abstain (0): None
Absent (0): None

The motion passed.

Mr. Asselmeier noted that the Kendall County Regional Planning Commission added a sentence to noise condition stating that only homes in existence prior to the issuance of the special use permit can file noise complaints. Mr. Asselmeier noted this was the first time this sentence had been added to the noise restriction. He favored adding the phrase “or permitted” after “in existence” in order to have a County controlled paper trail instead of relying on third party aerials for determining the age of houses.

Member Fox made a motion, seconded by Member LeCuyer, to add the phrase as mentioned previously by Mr. Asselmeier.

The votes were as follows:

Ayes (7): Cherry, Fox, LeCuyer, Mohr, Prodehl, Thompson, and Whitfield
Nays (0): None
Abstain (0): None
Absent (0): None

The motion passed.

Member LeCuyer made a motion, seconded by Member Thompson, to approve Staff’s recommendation as amended.

The votes were as follows:

Ayes (7): Cherry, Fox, LeCuyer, Mohr, Prodehl, Thompson, and Whitfield
Nays (0): None
Abstain (0): None
Absent (0): None

The motion passed.

Member LeCuyer made a motion, seconded by Member Prodehl, to recommend approval of the special use permit and related variances.

The votes were as follows:

Ayes (7): Cherry, Fox, LeCuyer, Mohr, Prodehl, Thompson, and Whitfield
Nays (0): None
Abstain (0): None
Absent (0): None

The motion passed.

Member Whitfield made a motion, seconded by Member Fox, to recommend approval of the requested variances in Petition 23-20.

The votes were as follows:

Ayes (7): Cherry, Fox, LeCuyer, Mohr, Prodehl, Thompson, and Whitfield
Nays (0): None
Abstain (0): None
Absent (0): None

The motion passed.

Na-Au-Say Township will be notified of the results of the hearing related to the variances.

Petition 23-19 goes to the Planning, Building and Zoning Committee on May 8, 2023.

The Zoning Board of Appeals completed their review of Petition 23-19 and Petition 23-20 at 8:11 p.m.

Several members expressed frustration that Petitioners were submitting after-the-fact-applications.

NEW BUSINESS/OLD BUSINESS

None

REVIEW OF PETITIONS THAT WENT TO THE COUNTY BOARD

Mr. Asselmeier reported that Petitions 23-02, 23-03, and 23-04, pertaining to Agricultural Conservation Areas in Lisbon Township were approved by the County Board. The Areas would be displayed as overlays on the Future Land Use Map.

PUBLIC COMMENTS

Mr. Asselmeier said that no Petitions were on the agenda for the May 30, 2023, hearing/meeting.

ADJOURNMENT OF THE ZONING BOARD OF APPEALS

Member LeCuyer made a motion, seconded by Member Prodehl to adjourn.

With a voice vote of seven (7) ayes, the motion carried.

The Zoning Board of Appeals meeting adjourned at 8:13 p.m.

The next regularly scheduled hearing/meeting will be on May 30, 2023.

Respectfully submitted by,
Matthew H. Asselmeier, AICP, CFM
Senior Planner

Exhibits

1. Memo on Petition 23-01 Dated April 3, 2023
2. Certificate of Publication and Certified Mail Receipts for Petition 23-01 (Not Included with Report but on file in Planning, Building and Zoning Office)
3. April 3, 2023, Email from the Oswego Fire Protection District Regarding Petition 23-01
4. Memo on Petition 23-17 Dated April 27, 2023
5. Certificate of Publication and Certified Mail Receipts for Petition 23-17 (Not Included with Report but on file in Planning, Building and Zoning Office)
6. Memo on Petition 23-19 Dated April 27, 2023
7. Certificate of Publication and Certified Mail Receipts for Petition 23-19 (Not Included with Report but on file in Planning, Building and Zoning Office)
8. Memo on Petition 23-20 Dated March 27, 2023 and Updated April 27, 2023
9. Certificate of Publication and Certified Mail Receipts for Petition 23-20 (Not Included with Report but on file in Planning, Building and Zoning Office)

May 1, 2023

In order to be allowed to present any testimony, make any comment, engage in cross-examination, or ask any question during this public hearing, you must enter your name, address, and signature on this form prior to the commencement of the public hearing. By signing this registration sheet, you agree that you understand that anything you say will be considered sworn testimony, and that you will tell the truth, the whole truth and nothing but the truth.

[illegible]



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 203

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(630) 553-4141

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Petition 23-01

Planning, Building and Zoning Committee

7275 Route 34, Oswego

Revocation of Special Use Permit for a Specialty Gift Store

INTRODUCTION AND BACKGROUND

On July 21, 2009, the Kendall County Board granted a special use permit for a specialty gift store at 7275 Route 34, Oswego. Restriction 1 of the special use permit stated that the special use permit shall be inspected yearly. Ordinance 2009-25 included as Attachment 1.

Per information found on Facebook, Jo Ric Gift and Home Décor operated at the subject property for several years, but a retirement sale occurred in 2020 and the business closed in January 2021. This information is included as Attachment 2.

The Planning, Building and Zoning Department attempted to conduct an inspection in August 2021 and the property was described as vacant. The email related to this inspection is included as Attachment 3.

In the summer of 2022, the Planning, Building and Zoning Department again attempted to conduct an inspection, but the property was vacant. Following this attempt, the Planning, Building and Zoning Department attempted to send letters to the property owner asking if they would like to revoke the special use permit. The covers of these letters were included as Attachments 4 and 5 respectively. The Planning, Building and Zoning Department did not receive any response to these letters.

In addition to the letters, a picture from Google from 2018 and a picture from Google from 2021 were also provided as Attachments 6 and 7 respectively.

The property sold in November 2021.

At their meeting on January 9, 2023, the Planning, Building, and Zoning Committee voted to initiate the revocation of the special use permit. Following the January Planning, Building and Zoning Committee, Staff attempted again to contact the property, including placing a hearing sign on the property. The property owner originally verbally said they would evaluate their options and let the Department know which course of action they would take. Other than one (1) phone call in January 2023, the property owner has not initiated conversations with the Department. Emails with the property owner were included as Attachment 8. After the lack of communication from the property owner, Staff decided to exercise the authority granted by the Planning, Building and Zoning Committee to revoke the special use permit.

The subject properties are zoned R-3. If the special use permit is revoked, the properties will retain their R-3 zoning classification.

FINDINGS OF FACT

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

*In any case where a special use has not been established within two (2) years from the date of granting thereof, then, the County Board may revoke the special use, or if the special use has been discontinued for a continuous period of two (2) years, the County Board may revoke the special use. **Based on the fact that the existing business closed in January 2021 and that no business has operated at the subject property since the previous business closed, the special use has been discontinued for a continuous period of two (2) years.***

RECOMMENDATION

Staff recommends approval of the proposed special use permit revocation.

ATTACHMENTS

1. Ordinance 2009-25
2. Facebook Information for Jo Ric Gift and Home Décor
3. August 2021 Inspection Email
4. October 12, 2022 Letter to Property Owners
5. November 8, 2022 Letter to Property Owners
6. October 2018 Picture
7. July 2021 Picture
8. 2023 Emails Between Staff and Property Owners

State of Illinois
County of Kendall

Zoning Petition
#09-07

ORDINANCE NUMBER 2009 - 25

GRANTING A R-3 SPECIAL USE
7275 ROUTE 34
JANELL COLLIER

WHEREAS, Janell Collier has filed a petition for a Special Use within the R-3 Single Family Residential Zoning District for a 0.9 acre property located at 7275 Route 34, (PIN# 02-14-452-003), in Bristol Township; and

WHEREAS, said petition is to allow for the operation of a specialty gift store pursuant to Section 8.08.B.2 of the Kendall County Zoning Ordinance; and

WHEREAS, said property is zoned R-3 for the Lynwood Subdivision; and

WHEREAS, said property is legally described as:

Lot 118 of Lynwood Subdivision, extension 6, in the Township of Bristol, Kendall County, Illinois.

WHEREAS, all procedures required by the Kendall County Zoning Ordinance were followed including notice for public hearing, preparation of the findings of fact, and recommendation for approval by the Special Use Hearing Officer on June 23, 2009; and

WHEREAS, the Kendall County Board finds that said petition is in conformance with the provisions and intent of the Kendall County Zoning Ordinance except the following variances approved at the June 23, 2009 ZBA meeting:

1. Allow parking in the front yard and side yard setbacks within 2 feet from the east side lot line and 10 feet from the current ROW line to the South; and
2. Allow a 40 square foot internally illuminated free-standing sign.

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

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

State of Illinois
County of Kendall

Zoning Petition
#09-07

consideration and findings, and

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

NOW, THEREFORE, BE IT ORDAINED, that the Kendall County Board hereby grants approval of a special use zoning permit to allow a special use for a retail gift shop and depicted on the site plan attached as "Exhibit A" hereto and incorporated herein subject to the following conditions:

1. The Special Use shall be inspected yearly.
2. A permit shall be obtained for the sign.
3. There must be a minimum of 9 parking stalls including 1 handicapped stall.
4. No outside storage of any materials or outdoor display
5. No semi-truck deliveries are permitted
6. Off-street parking shall be provided in accordance with the provisions of Chapter 11 of the ordinance.
7. No more than 3 employees are allowed to work at one time.
8. The Health Department must verify the septic system is adequate for the proposed use.
9. The office or retail use shall not generate noise, vibration, glare, fumes, odors, or electrical interference beyond that which normally occurs in the R-3 district.
10. Expansion of the residential building, structure, or of any accessory building in which the office or retail use is operated may be permitted upon the submission of a site plan and accurate drawings showing all elevations of such proposed building or structure to the plan commission for its review and recommendation, and upon approval by the County Board. The current structures and any new structures must maintain a residential appearance and match the surrounding neighborhood architecture.
11. The standards are intended to ensure compatibility with other permitted uses and maintain the residential character of the surrounding residential uses.

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

IN WITNESS OF, this ordinance has been enacted on July 21, 2009.

Attest:



Kendall County Clerk
Debbie Gillette



Anne Vickery
Kendall County Board Chairman



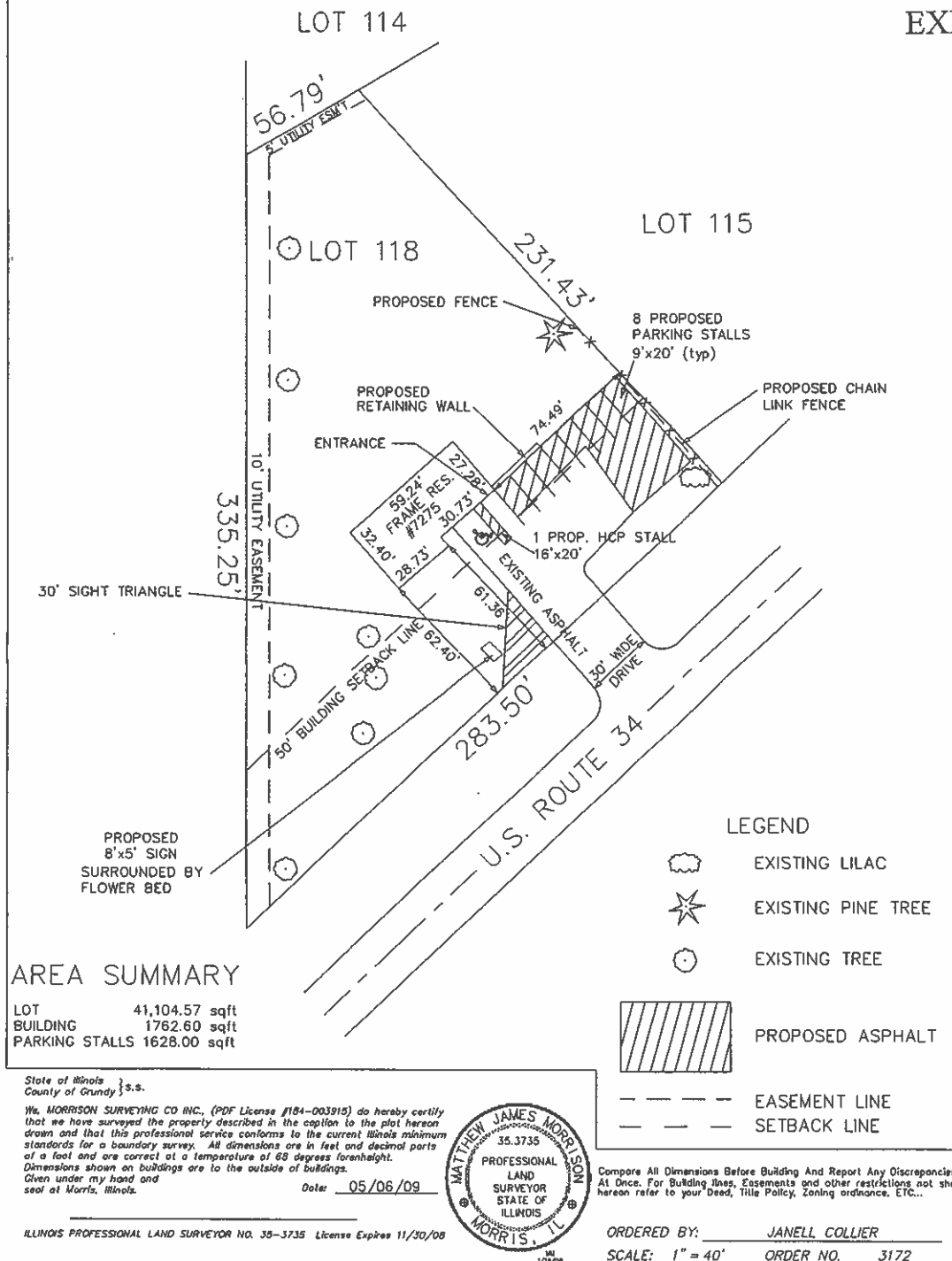
ZONING SKETCH

MOI ON SURVEYING CO. INC.
2710 N. Illinois Route 31, Morris, Illinois 60450-9603
Phone (815) 942-2620 of FAX (815) 941-2620



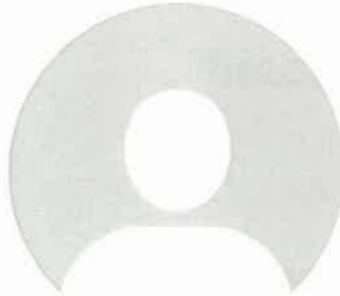
LOT 118 OF LYNWOOD SUBDIVISION, EXTENSION 6, IN THE TOWNSHIP OF BRISTOL,
KENDALL COUNTY, ILLINOIS.

EXHIBIT A





Log In



Jo Ric Gift and Home Decor

19 followers • 1 following

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Intro

A unique gift store specializing in silver jewelry,woman's accessories,
lodge and western home decor



Page · Shopping & retail



7275 US Highway 34, Oswego, IL, United States, Illinois



(630) 554-7855

Connect with Jo Ric Gift and Home Decor on Facebook

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Jo Ric Gift and Home Decor

February 1, 2021 ·

JoRics is now closed

Like

Comment

Jo Ric Gift and Home Decor

January 1, 2021 ·

JoRics gift and home decor is now closed

Like

Comment

Jo Ric Gift and Home Decor

June 25, 2020 ·

THU, JUN 25, 2020
Retirement sale
Oswego

Like

Comment

Share

Jo Ric Gift and Home Decor created an event.

June 25, 2020 ·

THU, JUN 25, 2020
Retirement sale
Oswego

Connect with Jo Ric Gift and Home Decor on Facebook

Log In or Create new account

facebook

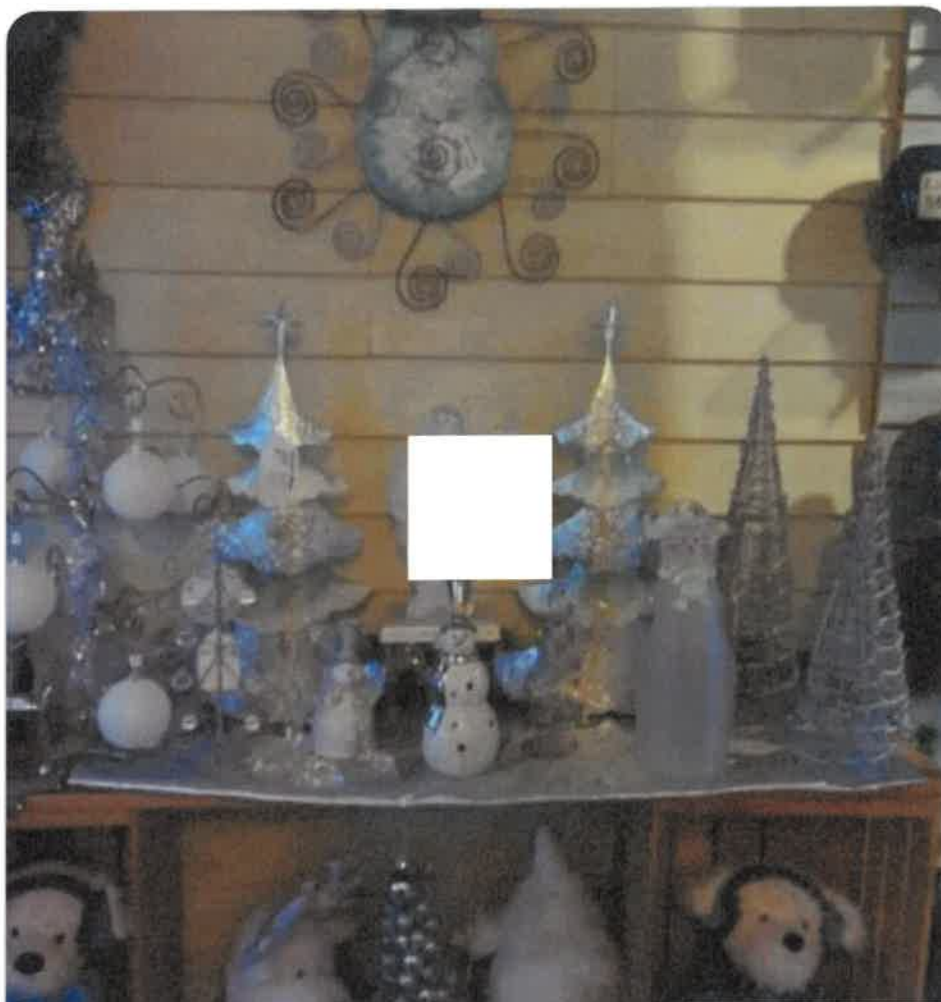
Log In

Like

Comment

**Jo Ric Gift and Home Decor**

November 15, 2019 · 🌐

**Jo Ric Gift and Home Decor**

November 14, 2019 · 🌐

JoRic's gift and home decor, 7275 US hwy 34, Oswego Illinois .
Open Tuesday thru Saturday, 10:00 to 5:00.



Like

Comment

Connect with Jo Ric Gift and Home Decor on Facebook

Log In

or

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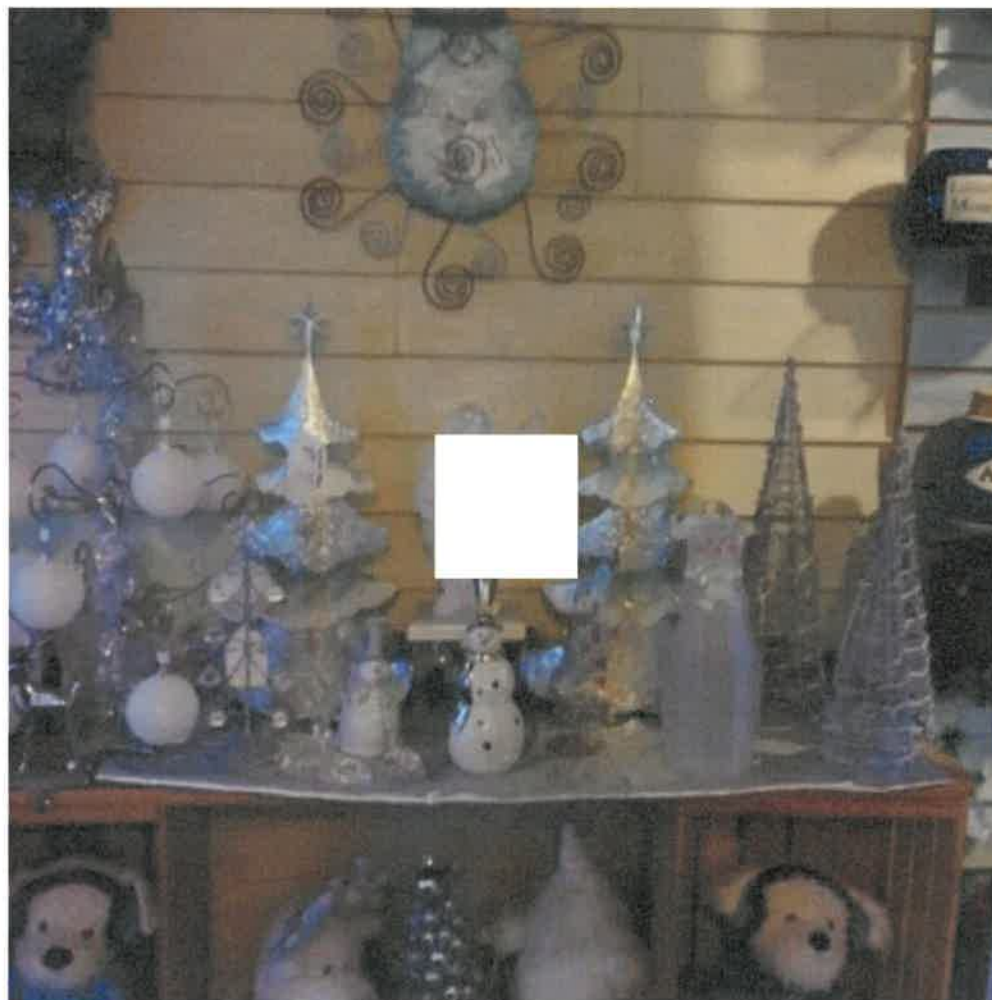
facebook

Log In

**Jo Ric Gift and Home Decor**

November 14, 2019 · 🌐

JoRic's gift and home decor,7275 US hwy 34, Oswego Illinois . Open Tuesday thru Saturday, 10:00 to 5:00.



1 share



Like



Comment

**Jo Ric Gift and Home Decor**

December 11, 2018 · 🌐

Most Christmas decor is on sale now. Come
nick in some real harrains

Connect with Jo Ric Gift and Home Decor on Facebook

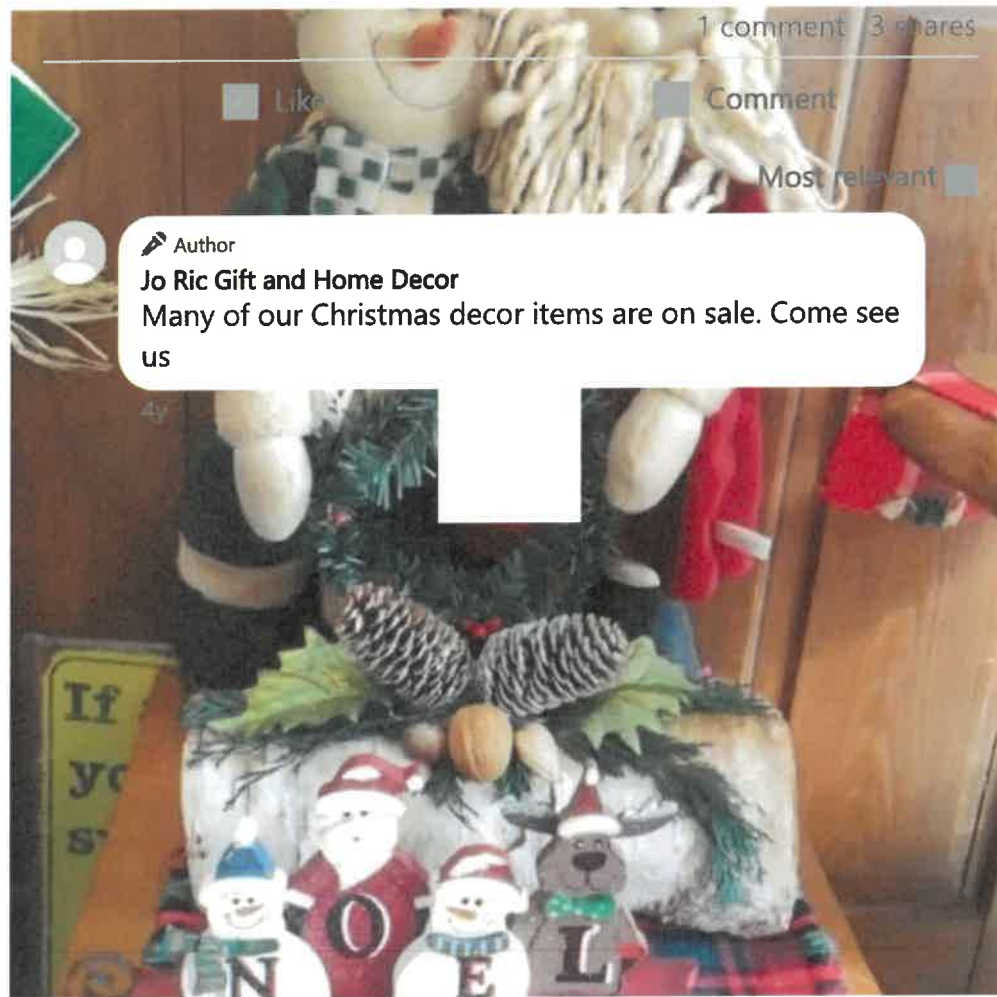
Log In

or

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facebook

Log In

**Jo Ric Gift and Home Decor**

January 25, 2017 · 🌐

Welcome the birds back with a beautiful painted glass bird bath

Connect with Jo Ric Gift and Home Decor on Facebook

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or

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facebook

Log In



Jo Ric Gift and Home Decor

December 27, 2016 · 🌐

Beautiful amethyst and blue opal jewelry



4 shares



Like



Comment



Jo Ric Gift and Home Decor

January 28, 2016 · 🌐

Trying to get this photo on the JoRic's Facebook page



Connect with Jo Ric Gift and Home Decor on Facebook

Log In

or

Create new account

facebook

Log In



1 comment



Like



Comment

Most relevant



 Author

Jo Ric Gift and Home Decor

Open today from 10:00 to 5:00

6y

Connect with Jo Ric Gift and Home Decor on Facebook

Log In

or

Create new account

Pam Herber

From: Brian Holdiman
Sent: Tuesday, July 13, 2021 7:16 AM
To: Matt Asselmeier
Cc: Scott Koeppel; Scott Gengler; Pam Herber
Subject: FW: Special Use Inspections
Attachments: Recorded Ord.pdf; 97-06 Koukol Special Use.pdf; 09-25 Collier R-3 Special Use.pdf; 09-38 A-1 Special use for Davis- Ag Implement sales and landscaping.pdf; 98-31 14313 Route 52 Special Use.pdf; 77-05 A-1 Special Use for implement repair and service.pdf; 06-09 14780 Galena Road Special Use for Expansion of home occupation.pdf; 92-10 A-1 SU for storage of boats, rv's and licensed antique cars.pdf; 72-08 Rezone from A-1 to M-3 Special Use.pdf

Will Do

Pam – Please print the attached and this email and place in my basket.

Respectfully,

Brian Holdiman

Code Official - The County of Kendall - Planning, Building & Zoning -111 West Fox Street room 203 Yorkville IL 60560
Office: (630) 553-4134 Cell: (630) 774-1161 Fax: (630) 553-4179

From: Matt Asselmeier
Sent: Monday, July 12, 2021 12:14 PM
To: Brian Holdiman <BHoldiman@co.kendall.il.us>
Cc: Scott Koeppel <skoeppel@co.kendall.il.us>; Scott Gengler <sgengler@co.kendall.il.us>
Subject: Special Use Inspections

Brian:

Larry - see attached ordinances and inspect to conditions

BLH 8/4/21

Please conduct inspections of the following properties; their special use permits are attached:

1. 3485 Route 126 *Pre-Tax - compliance 8/4/21*
2. 7275 Route 34 *Business closed/vacant 8/4/21*
3. 6139 Caton Farm Road *compliance 8/4/21*
4. 14313 Route 52 (Charge a Reasonable Inspection Fee Per Ordinance) *compliance - waived Fee BLH 8/4/21*
5. 10017 Lisbon Road *compliance - just a barn 8/4/21*
6. 14816 Galena Road (See if still on the market or evidence of business) *not for sale - pre cast sign still there - app 150 cars or more 8/4/21*
7. Corner of Beecher and E. Beecher *compliance 8/4/21*

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



PLANNING, BUILDING & ZONING DEPARTMENT

111 WEST FOX STREET - ROOM 203 YORKVILLE, ILLINOIS 60560-1498

630/553-4141 • FAX 630/553-4179

www.kendallcountyil.gov

October 12, 2022

Luis Hernandez and Claudia Menendez Del Valle
[REDACTED]

Re: Special Use Permit for Specialty Gift Store

Dear Luis Hernandez and Claudia Menendez Del Valle:

According to our records, you are the owners of 7275 Route 34, Oswego (PIN: 02-14-452-003) in Bristol Township.

In 2009, the Kendall County Board granted a special use permit for a specialty gift store at this property. A copy of the ordinance is attached.

Per condition 1 of the ordinance, the property was to be inspected yearly. In both 2021 and 2022, no evidence existed of a business at this property.

Accordingly, the County would like to know if you would like to retain the special use permit.

If you would like to revoke the special use permit, please complete and submit the attached letter. There is no cost to revoke the special use permit and the property would retain its current R-3 zoning.

If you would like to retain the special use permit, please contact Matt Asselmeier at 630-553-4139 or email him at masselmeier@kendallcountyil.gov and let him know that you would like to keep the special use permit.

The County requests a response from you by **November 14, 2022**.

Thank you for your assistance on this matter.

Sincerely,

COUNTY OF KENDALL

Matthew H. Asselmeier, AICP, CFM
Senior Planner

Encs: Ordinance 2009-25
Revocation Letter



PLANNING, BUILDING & ZONING DEPARTMENT

111 WEST FOX STREET - ROOM 203 YORKVILLE, ILLINOIS 60560-1498

630/553-4141 • FAX 630/553-4179

www.kendallcountyil.gov

November 8, 2022

Luis Hernandez and Claudia Menendez Del Valle



Re: Special Use Permit for Specialty Gift Store

Dear Luis Hernandez and Claudia Menendez Del Valle:

According to our records, you are the owners of 7275 Route 34, Oswego (PIN: 02-14-452-003) in Bristol Township.

In 2009, the Kendall County Board granted a special use permit for a specialty gift store at this property. A copy of the ordinance is attached.

Per condition 1 of the ordinance, the property was to be inspected yearly. In both 2021 and 2022, no evidence existed of a business at this property.

Accordingly, the County would like to know if you would like to retain the special use permit.

If you would like to revoke the special use permit, please complete and submit the attached letter. There is no cost to revoke the special use permit and the property would retain its current R-3 zoning.

If you would like to retain the special use permit, please contact Matt Asselmeier at 630-553-4139 or email him at masselmeier@kendallcountyil.gov and let him know that you would like to keep the special use permit.

The County requests a response from you by **December 8, 2022**.

Thank you for your assistance on this matter.

Sincerely,

COUNTY OF KENDALL

Matthew H. Asselmeier, AICP, CFM
Senior Planner

Encs: Ordinance 2009-25
Revocation Letter

Attachment 6



Attachment 7



Matt Asselmeier

From: Matt Asselmeier
Sent: Thursday, March 30, 2023 2:19 PM
To: luisdavid [REDACTED]
Cc: Scott Koeppel; Seth Wormley
Subject: RE: Special Use Permit Revocation Letter for 7275 Route 34
Attachments: Voluntary 09-25 Revocation Letter.docx

David:

Per my voicemail, please either schedule an inspection of your property or sign and submit the attached revocation letter by 4:30 p.m. on March 31, 2023.

If you do not schedule the inspection or submit the attached revocation by the above deadline, I already have authority to initiate involuntary revocation of the special use permit.

Please advise as to how you would like me to proceed.

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

From: Matt Asselmeier
Sent: Friday, March 24, 2023 1:36 PM
To: luisdavid [REDACTED]
Subject: RE: Special Use Permit Revocation Letter for 7275 Route 34

David:

Could we schedule a time to get the special use revocation paperwork signed?

If you would prefer to keep the special use permit, please let me know your availability to have the property inspected.

I would like to get this matter resolved within the next 2 weeks.

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

Matt Asselmeier

From: Matt Asselmeier
Sent: Monday, March 27, 2023 11:36 AM
To: luisdavid [REDACTED]
Cc: Scott Koepfel; Seth Wormley
Subject: RE: Special Use Permit Revocation Letter for 7275 Route 34
Attachments: Voluntary 09-25 Revocation Letter.docx

David:

Per my voicemail, please either schedule an inspection of your property or sign and submit the attached revocation letter by 4:30 p.m. on March 31, 2023.

If you do not schedule the inspection or submit the attached revocation by the above deadline, I already have authority to initiate involuntary revocation of the special use permit.

Please advise as to how you would like me to proceed.

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

From: Matt Asselmeier
Sent: Friday, March 24, 2023 1:36 PM
To: luisdavid [REDACTED]
Subject: RE: Special Use Permit Revocation Letter for 7275 Route 34

David:

Could we schedule a time to get the special use revocation paperwork signed?

If you would prefer to keep the special use permit, please let me know your availability to have the property inspected.

I would like to get this matter resolved within the next 2 weeks.

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

Matt Asselmeier

From: Matt Asselmeier
Sent: Thursday, March 16, 2023 1:52 PM
To: luisdavid@ [REDACTED]
Subject: Special Use Permit Revocation Letter for 7275 Route 34

David:

Could we schedule a time to get the special use revocation paperwork signed?

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

Matt Asselmeier

From: Matt Asselmeier
Sent: Thursday, March 9, 2023 9:24 AM
To: luisdavid [REDACTED]
Subject: RE: Special Use Permit Revocation Letter for 7275 Route 34

David:

Could we schedule a time to get the special use revocation paperwork signed?

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

Matt Asselmeier

From: Matt Asselmeier
Sent: Monday, March 6, 2023 9:05 AM
To: luisdavid [REDACTED]
Subject: FW: Special Use Permit Revocation Letter for 7275 Route 34
Attachments: Voluntary 09-25 Revocation Letter.docx

Luis:

Per our phone conversation, attached please find the voluntary revocation letter for the special use permit on your property.

Please sign the attached letter, have it notarized, and send it back to me.

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

Matt Asselmeier

From: Matt Asselmeier
Sent: Tuesday, February 28, 2023 10:54 AM
To: luisdavid [REDACTED]
Subject: FW: Special Use Permit Revocation Letter for 7275 Route 34
Attachments: Voluntary 09-25 Revocation Letter.docx

Luis:

Per our phone conversation, attached please find the voluntary revocation letter for the special use permit on your property.

Please sign the attached letter, have it notarized, and send it back to me.

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

Matt Asselmeier

From: Matt Asselmeier
Sent: Tuesday, February 21, 2023 9:54 AM
To: luisdavid [REDACTED]
Cc: Scott Koeppel; Seth Wormley
Subject: FW: Special Use Permit Revocation Letter for 7275 Route 34
Attachments: Voluntary 09-25 Revocation Letter.docx

From: Matt Asselmeier
Sent: Wednesday, February 1, 2023 12:45 PM
To: luisdavid [REDACTED]
Cc: Scott Koeppel <skoeppe@kendallcountyil.gov>; Seth Wormley <swormley@kendallcountyil.gov>
Subject: Special Use Permit Revocation Letter for 7275 Route 34

Luis:

Per our phone conversation, attached please find the voluntary revocation letter for the special use permit on your property.

Please sign the attached letter, have it notarized, and send it back to me.

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

Matt Asselmeier

From: Matt Asselmeier
Sent: Thursday, February 9, 2023 9:08 AM
To: luisdavid [REDACTED]
Cc: Scott Koeppel; Seth Wormley
Subject: RE: Special Use Permit Revocation Letter for 7275 Route 34

Luis:

Did you have an opportunity to review and sign the document revoking the special use permit at this property?

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

From: Matt Asselmeier
Sent: Wednesday, February 1, 2023 12:45 PM
To: luisdavid [REDACTED]
Cc: Scott Koeppel <skoeppel@kendallcountyil.gov>; Seth Wormley <swormley@kendallcountyil.gov>
Subject: Special Use Permit Revocation Letter for 7275 Route 34

Luis:

Per our phone conversation, attached please find the voluntary revocation letter for the special use permit on your property.

Please sign the attached letter, have it notarized, and send it back to me.

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

Date

Kendall County
Planning, Building and Zoning
Attn: Matthew H. Asselmeier
111 West Fox Street Room 203
Yorkville, IL 60560-1498
Phone: 630-553-4139 Fax: 630.553.4179

We, Luis Hernandez and Claudia Menendez Del Valle, are the owners of the parcel 02-14-452-003.

On July 21, 2009, the property was granted a special use (Ordinance 2009-25). The special use granted in 2009 was granted for the operation of a retail gift shop business.

Pursuant to Section 13:08.F of the Kendall County Zoning Ordinance, we hereby voluntarily request that Kendall County revoke our special use on the above-referenced property. By signing below, we acknowledge that no public hearing shall be conducted for revocation of the special use. We understand that the requested revocation shall not become effective unless and until approved by a majority vote of the Kendall County Board. By signing below, we hereby waive our right to a public hearing and formally request the above-referenced special use be removed from our property.

(Signatures)

(Date)

(Printed Names)

Attest: _____
Notary Public

Matt Asselmeier

From: Alec Keenum <akeenum@oswegofire.com>
Sent: Monday, April 3, 2023 12:15 PM
To: Matt Asselmeier
Subject: [External]RE: Kendall County Zoning Petition 23-01

CAUTION - This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Matt,

FYI.... Oswego Fire's last inspection of JoRic Trading at 7275 Rt 71 was August of 2020. In March of 2021 we were told that the fire alarm was no longer being monitored and that the building was going back to residential. We therefore took it off our schedules as a "business".

Oswego Fire has no issues with this petition.

Regards,

Capt. Alec J Keenum
Fire Marshal
Oswego Fire Protection District



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

MEMORANDUM

To: Kendall County Zoning Board of Appeals

From: Matthew H. Asselmeier, AICP, CFM, Senior Planner

Date: April 27, 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.

Petition information was emailed to the townships on March 27, 2023. To date, no comments have been received.

Greg Chismark reviewed the proposal from a stormwater quality perspective and expressed no concerns. His email is attached.

The Kendall County Regional Planning Commission reviewed the proposal at their meeting on April 26, 2023. Discussion occurred about setting a higher minimum lot size, adding regulations pertaining to using extension cords, and adding a regulation pertaining to rodent proof containers. The consensus of the Commission was that having a higher minimum lot size would defeat the purpose of the intent of the proposal (allowing hens in Boulder Hill in certain circumstances) and adding additional regulations would be difficult to enforce. The consensus of the Commission was, if the proposal is adopted and needs to be amended in the future, the Zoning Ordinance could be amended to address unforeseen problems. The Kendall County Regional Planning Commission voted to forward the proposal to the Kendall County Zoning Board of Appeals by a vote of nine (9) in favor and zero (0) in opposition with one (1) member absent. The minutes of the meeting are attached.

MHA

Encs: Redline Proposal
Ordinance 2010-10
Comparison Table
Map
12-20-22 Wintczak Email
3-16-23 Chismark Email
4-4-23 ZPAC Minutes (This Petition Only)
4-26-23 RPC Minutes (This Petition Only)

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.

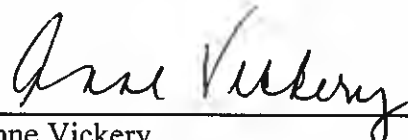
NOW, THEREFORE, BE IT ORDAINED, the Kendall County Board hereby amends Sections 8.07.A & 8.08.A "Residential Districts – R-2 – Permitted Uses & R-3 Permitted Uses" of the Kendall County Zoning Ordinance as provided in attached Exhibit "A".

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

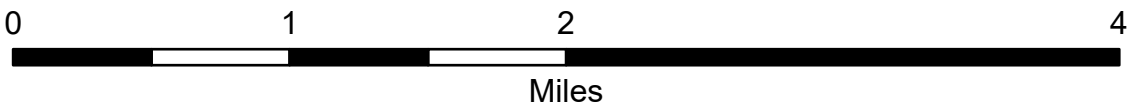
	Maximum Number (Hens)	Minimum Lot Size
Kendall County	12	43,560 Square Feet
LaSalle County	No Cap	No Minimum Lot Size
DeKalb County	Follow Municipal Rules Within 1,000 Feet	Follow Municipal Rules Within 1,000 Feet Otherwise 87,120 Square Feet
Kane County	No Cap	43,560 Square Feet
DuPage County	5	No Minimum 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

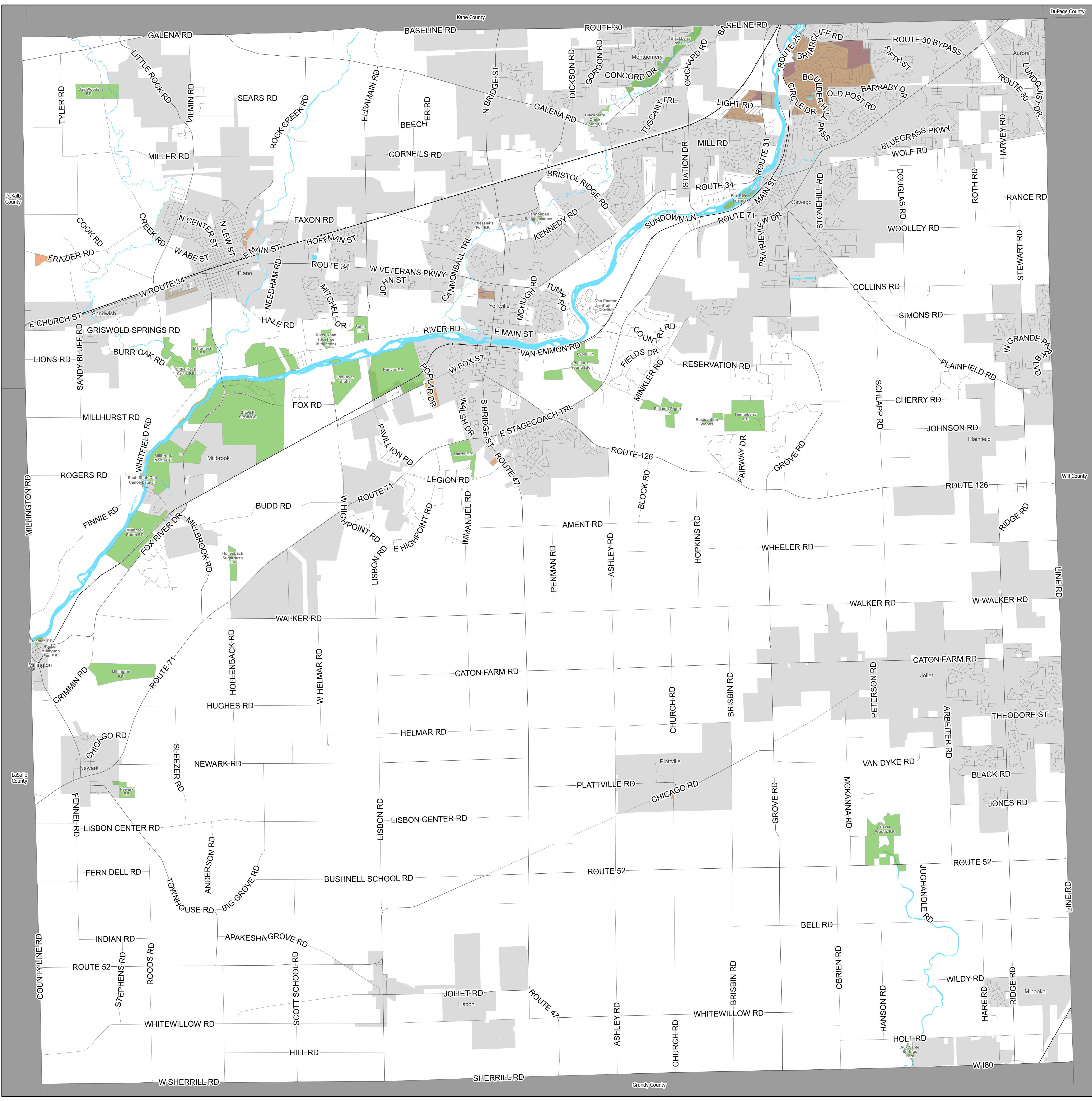
- a. The lot is a minimum one (1) acre
- b. No roosters shall be kept on any zoning lot
- c. No other poultry, including but not limited to geese, ducks, turkeys shall be kept on the property
- d. All chickens shall be confined within a covered enclosure or an uncovered fenced enclosure at all times 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



Ordinance Rules	Kendall County R-2 & R-3	Oswego Village	Yorkville	Proposed R-6
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

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> 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

111 West Fox Street
Yorkville, IL 60560-1498
PH: 630-553-4139
Fax: 630-553-4179

From: Greg Chismark <gchismark@wbkengineering.com>

Sent: Thursday, March 16, 2023 10:26 AM

To: Matt Asselmeier <masselmeier@kendallcountyil.gov>

Cc: Scott Koeppel <skoeppeel@kendallcountyil.gov>; Seth Wormley <swormley@kendallcountyil.gov>

Subject: RE: [External]RE: Proposed Chicken Ordinance

Matt,

I was going to make a comment about water quality but we do not have specific requirements for water quality and if someone had several large dogs the water impact could be worse if they did not pick up after them. Also, Canada geese can really create a water quality problem with stormwater basins.

Finally, other municipalities have permitted chickens and I have not heard of water quality concerns. That is not to say it will never happen; but for now I don't think we need to include chickens in the stormwater regulation.

Greg



Greg Chismark, PE

President

Direct: (630) 338-8527 | Main: (630) 443-7755

gchismark@wbkengineering.com

WBK Engineering, LLC

116 W. Main Street, Suite 201, St. Charles, IL 60174

Part of Bodwé Professional Services

From: Matt Asselmeier <masselmeier@kendallcountyil.gov>

Sent: Thursday, March 16, 2023 10:13 AM

To: Greg Chismark <gchismark@wbkengineering.com>

Cc: Scott Koeppel <skoeppeel@kendallcountyil.gov>; Seth Wormley <swormley@kendallcountyil.gov>

Subject: RE: [External]RE: Proposed Chicken Ordinance

Any concerns about chicken poop going into the drainage system in a subdivision like Boulder Hill?

Matthew H. Asselmeier, AICP, CFM

Senior Planner

Kendall County Planning, Building & Zoning

111 West Fox Street

Yorkville, IL 60560-1498

ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)
April 4, 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
Fran Klaas – Highway Department
Alyse Olson – Soil and Water Conservation District
Aaron Rybski – Health Department
Seth Wormley – PBZ Committee Chair

Absent:

Greg Chismark – WBK Engineering, LLC
Brian Holdiman – PBZ Department
Commander Jason Langston – Sheriff's Department

Audience:

Darrin Hane, Mark Daniel, Judy Bush, Don Ebert, Sydney Ebert, and Laura Campos

PETITIONS

Petitions 23-17 Kendall County Planning, Building and Zoning Committee

Mr. Asselmeier summarized the request.

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 was provided.

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 was provided.

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 was provided.

Mr. Klaas asked about complaints about chickens. Mr. Asselmeier responded the Department receives complaints about people having chickens in locations where keeping chickens is not allowed. Mr. Asselmeier explained the concerns that people have about chickens that cause phone calls.

Mr. Guritz asked if similar situations arise in other parts of the County. Mr. Asselmeier explained the current regulations and the locations impacted if the proposed regulations were adopted.

Mr. Klaas was unsure if ZPAC should weigh-in on the proposal because the decision on number of chickens is a policy decision and not a technical decision.

Mr. Guritz wanted an opinion from someone raising chickens on the potential adverse impacts that could arise if people were raising chickens in more densely populated areas.

Mr. Rybski was concerned about time investigating complaints and higher potential of contracting certain diseases from proximity to chickens. He would like to see education or a permitting process on having chickens properly.

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

The votes were follows:

Ayes (6): Asselmeier, Briganti, Klaas, Olson, Rybski, and Wormley

Nays (1): Guritz

Abstain (0): None

Absent (3): Chismark, Holdiman, and Langston

The motion passed.

The proposal goes to the Kendall County Regional Planning Commission on April 26, 2023.

PUBLIC COMMENT

Judy Bush, Oswego Township Trustee and resident of Boulder Hill strongly opposed chickens. She questioned how the County will enforce the regulations. She questioned enforcement of existing regulations. She served on the advisory committee that discussed concerns about Boulder Hill. She sends violations to Brian Holdiman weekly. She expressed concerns that chickens will cause her dog to try to get at chickens in neighboring properties.

Don Ebert, resident of Boulder Hill, has chickens. They take care of their chickens and they have the chickens for eggs. He said chickens do not need one (1) acre of land. He discussed his chicken coop. He would like the opportunity to feed himself. He considers Boulder Hill country. He discussed the animals that he saw in the neighborhood.

Chairman Wormley asked how Mr. Ebert felt about enforcement and if Mr. Ebert felt the proposal was fair. Mr. Ebert felt that six (6) was a good number; Mr. Ebert has nine (9) chickens. Mr. Ebert did not see why the proposal had to be strict. He discussed the maintenance and care of his chickens. Chairman Wormley explained the need for the proposed regulations. Mr. Ebert thought that chickens were legal in Boulder Hill when he moved to the area.

Mr. Klaas asked about the regulations of hens in other communities. Discussion occurred regarding homeowners' association rules. Mr. Asselmeier provided the comparison of chicken regulations.

Discussion occurred regarding the situation that would arise if the proposal failed.

Sydney Ebert said that their neighbors' dogs did not negatively interact with chickens. She favored having a maximum of twelve (12) chickens.

Laura Campos asked about enforcement of the rules. Mr. Asselmeier explained how homeowners' associations enforce rules and how Kendall County enforces rules. The proposal did not require a permit. Ms. Campos asked if the number of allowed chickens could increase. Mr. Asselmeier responded that, as the proposal moves through the process, various boards could recommend changes to the proposal, including changing the number of allowed chickens. Mr. Asselmeier encouraged Ms. Campos to attend all of the meetings regarding the proposal. Ms. Campos discussed the productivity and

life spans of hens.

ADJOURNMENT

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

With a voice vote of seven (7) ayes, the motion carried.

The ZPAC, at 10:03 a.m., adjourned.

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

Enc.

[illegible]

**KENDALL COUNTY
REGIONAL PLANNING COMMISSION**

*Kendall County Office Building
Rooms 209 and 210
111 W. Fox Street, Yorkville, Illinois*

Unapproved - Meeting Minutes of April 26, 2023 - 7:00 p.m.

Chairman Bill Ashton called the meeting to order at 7:04 p.m.

ROLL CALL

Members Present: Bill Ashton, Eric Bernacki, Tom Casey, Dave Hamman (arrived at 7:05 p.m.), Karin McCarthy-Lange, Larry Nelson, Ruben Rodriguez, Claire Wilson, and Seth Wormley

Members Absent: Bob Stewart

Staff Present: Matthew H. Asselmeier, Senior Planner

Others Present: Mark Daniel, Brent Sary, Roman Correa, and Jiun-Guang Lin

PETITIONS

Petition 23-17 Kendall County Planning, Building and Zoning Committee

Mr. Asselmeier summarized the request.

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 was provided.

Member Nelson asked if the minimum lot size should be a quarter (1/4) acre. Mr. Asselmeier discussed the minimum lot size in Boulder Hill.

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 were provided.

Member Wormley explained the history of the proposal and the rationale behind the proposal. He felt the proposal was a fair compromise between allowing hens and the Planning, Building and Zoning Department's resources.

Member Nelson said that, if the regulations don't work, another amendment could occur in the future.

Member Wilson asked about including regulations related to extension cords and rodent-proof containers. Member Nelson questioned the enforcement of those types of regulations.

Chairman Ashton expressed concerns about people selling eggs to forest the cost of chicken feed. Mr. Asselmeier responded, if people are advertising eggs for sale, that information could be used in a prosecution case. Member Wormley felt that few people will have hens in Boulder Hill; he discussed the lifespan of hens.

Discussion occurred about slaughtering chickens and Oswego Township's waste rules.
Discussion occurred regarding chicken manure. Most people compost manure in Boulder Hill.

Member Bernacki asked how the ten foot (10') setback was created. Mr. Asselmeier said that the setback for agricultural accessory structures in the A-1 District is ten feet (10').

Member Nelson made a motion, seconded by Member Hamman, to forward the proposal to the Kendall County Zoning Board of Appeals.

The votes were as follows:

Ayes (9): Ashton, Bernacki, Casey, Hamman, McCarthy-Lange, Nelson, Rodriguez, Wilson, and Wormley
Nays (0): None
Absent (1): Stewart
Abstain (0): None

The motion carried. The proposal will go to the Kendall County Zoning Board of Appeals on May 1, 2023.

CITIZENS TO BE HEARD/PUBLIC COMMENT

None

ADJOURNMENT

Member Nelson made a motion, seconded by Member Wormley, to adjourn. With a voice vote of nine (9) ayes, the motion carried.

The Kendall County Regional Planning Commission meeting adjourned at 8:21 p.m.

Respectfully submitted by,
Matthew H. Asselmeier, AICP, CFM
Senior Planner



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 203

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

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 no closer than 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 the right-of-way line of Grove Road instead of the required one hundred feet (100'). These requests are part of a 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 is a separate Petition (Petition 23-21).

Prior to the Kendall County Regional Planning Commission meeting, the Petitioners submitted a revised site plan. The site plan removed a large amount of the CA-7 and replaced it with gravel. The signs at the entrance to property at Route 126 were moved out of the right-of-way. The revised site plan is included as Attachment 4A.

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 original 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 Road 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 Section 7:01.D.30 – A-1 Special Uses

REGULATIONS:

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

Location	Adjacent Land Use	Adjacent Zoning	Land Resource Management Plan	Zoning within ½ Mile
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. The LESA Score was 231 indicating a high level of protection. The NRI is included as Attachment 11.

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.

ZPAC

ZPAC reviewed this proposal at their meeting on April 4, 2023. Discussion occurred regarding the septic system at the property; the property would remain a single-family home, but would have an office component. The Health Department requested the Petitioners to work with the Health Department, should the use become more intense. Discussion also occurred regarding traffic circulation and the potential widening of nearby roads. No additional right-of-way was foreseen. ZPAC recommended approval of the proposal with the addition of a condition stating that, pending approval of the Illinois Department of Transportation, the owners of the business allowed by the special use permit shall have the option to install a right-in, right-out access off of Route 126; signage shown on the site plan may be adjusted to reflect this access by a vote of seven (7) in favor and zero (0) in opposition. Three (3) members were absent. The minutes of the meeting are included as Attachment 12.

RPC

The Kendall County Regional Planning Commission reviewed the proposal at their meeting on April 26, 2023. The Petitioners were agreeable to the conditions. The current owners have owned the property for approximately five (5) years and the landscaping business has been operating at the property since October 2022. Discussion also occurred regarding the noise regulations, if a new house was constructed closer to the subject property. The Kendall County Regional Planning Commission recommended approval of the requested special use permit and variances with the conditions proposed by Staff with an amendment stating that only homes in existence prior to the issuance of the special use permit could file noise complaints by a vote of nine (9) in favor and zero (0) in opposition with one (1) member absent. The minutes of the meeting are included as Attachment 15.

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 4A) 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. Employees would use these facilities, if at the property. Since no retail sales would occur at the property, few, if any, guests of the business would be on the property to use restroom facilities.

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

No dedicated refuse area for non-landscape related waste was shown on the site plan. Garbage would be removed using a commercial hauler.

STORMWATER

The property drains to the west and south.

The Petitioners submitted an application for a stormwater management permit, see Attachment 2. WBK Engineering submitted comments on the stormwater management permit application, see Attachment 14. The Petitioners submitted revised stormwater calculations based on the use of gravel. To date, WBK Engineering has not commented on the new calculations.

ACCESS

Per the site plan (Attachment 4A), 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.

The Illinois Department of Transportation submitted an email on March 31, 2023. The Petitioners agreed to keep IDOT informed of the activities at the property and IDOT said they would evaluate the existing access permit, if necessary, in the future. This email is included as Attachment 13.

PARKING AND INTERNAL TRAFFIC CIRCULATION

According to the site plan (Attachment 4A), 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 foot (20') wide driveway would be located between the storage areas and stockpiles and a second fifteen foot (15') wide east-west driveway would be located between the two (2) equipment storage and truck parking area. These drives would be gravel.

One (1) twenty-four foot (24') 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. These signs might removed or altered if right-in, right-out access is granted at this entrance.

SECURITY

Other than lighting, no other security information was provided.

LANDSCAPING

The site plan (Attachment 4A) 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 (19th) 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

ZBA Memo – Prepared by Matt Asselmeier – April 26, 2023 Page 6 of 12

public health, safety, morals, comfort, or general welfare. **Petitioners plan to preserve existing buildings and the 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, 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 of 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.

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 increased 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

Staff 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 4A) and landscaping plan (Attachment 5).
2. Pending approval of the Illinois Department of Transportation, the owners of the business allowed by the special use permit shall have the option to install a right-in, right-out access off of Route 126; signage shown on the site plan (Attachment 4A) may be adjusted to reflect this access. **(Added at ZPAC)**
3. 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 no closer than 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. **(Clarified After ZPAC)**
4. 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').
5. A variance to Section 4:09.A of the Kendall County Zoning Ordinance 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.
6. Equipment and vehicles related to the business allowed by the special use permit may be stored outdoors.
7. 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.
8. 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.
9. 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.
10. 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 4A). The maximum height of the piles of landscaping related material shall be six feet (6') in height.
11. No retail sale of landscaping materials may occur at the subject property.
12. 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.
13. 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.
14. 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.

15. Signage shall be limited to the signs shown on the site plan (Attachment 4A). 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.
16. Except for the lighting around the business sign, the lights shown on the site plan (Attachment 4A) shall be considered for security purposes.
17. 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.
18. Any vegetation described on the landscaping plan (Attachment 4A) 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.
19. 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 4A). 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.
20. 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.
21. No landscape waste generated off the property can be burned on the subject property.
22. 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.

Only those homes in existence prior to the issuance of the special use permit can file noise complaints.
(Added at RPC).
23. 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.
24. The owners of the business allowed by this special use permit acknowledge and agree to follow Kendall County's Right to Farm Clause.
25. 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.

26. 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.
27. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
28. 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
- 4A. Site Plan April 26, 2023
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
11. NRI Report
12. April 4, 2023, ZPAC Meeting Minutes (This Petition Only)
13. March 31, 2023, Email from IDOT
14. April 10, 2023, WBK Letter
15. April 26, 2023 Kendall County Regional Planning Commission Meeting Minutes (This Petition Only)



DEPARTMENT OF PLANNING, BUILDING & 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 & S LANDSCAPING AND NURSERY, INC.

CURRENT LANDOWNER/NAME(s)

MCB52 INC., [REDACTED]

SITE INFORMATION

SITE ADDRESS OR LOCATION

ASSESSOR'S ID NUMBER (PIN)

ACRES

5022 IL ROUTE 126, YORKVILLE, 60560

06-18-200-011, 012

2.06 (TBD)

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 #: ¹ Primary Contact will receive all correspondence from County² 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.:

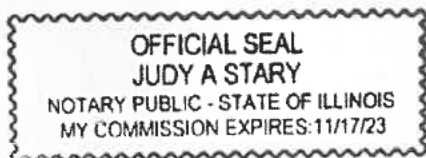
BRENT STARY, [REDACTED] and
TRACY STARY, [REDACTED]

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

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

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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]

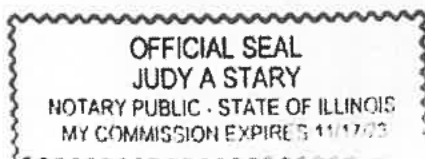
The person making this disclosure and authorized to execute this document is Brent
STARY, 5025 BARICKMAN COURT, OSWEGO, ILLINOIS 60543, as owner Vice
of MCB52 INC. who can be reached at [REDACTED] (Phone).

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

February 21, 2023

Page 2

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.

February 21, 2023
Page 3

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

February 21, 2023
Page 4

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

February 21, 2023
Page 5

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

February 21, 2023
Page 6

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.

February 21, 2023
Page 7

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

February 21, 2023
Page 9

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)

February 21, 2023
Page 10

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

February 21, 2023

Page 11

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.

February 21, 2023

Page 12

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 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.

February 21, 2023

Page 13

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.

February 21, 2023
Page 14

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

February 21, 2023
Page 15

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

February 21, 2023

Page 16

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

February 21, 2023

Page 17

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

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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 9th day of September, 2016.

[REDACTED]
Brent A. Stary

(SEAL)

[REDACTED]
Tracy A. Stary

(SEAL)

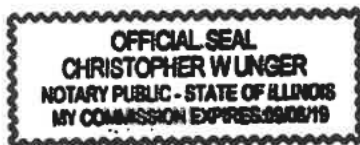
STATE OF ILLINOIS

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 9th 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).

AFFIANT 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%

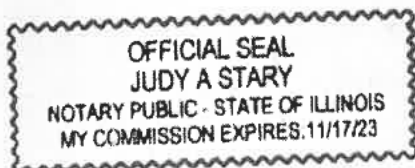
6. Name, address, and capacity of person making this disclosure on behalf of the applicant:
- _____

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

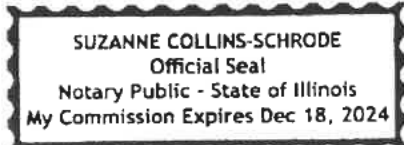
1. Applicant R & S LANDSCAPING & NURSERY, INC.
 Address [REDACTED]
 City [REDACTED] State [REDACTED]
2. Nature of Benefit Sought AUTHORIZATION TO SEEK ZONING
3. Nature of Applicant: (Please check one)
☐ Natural Person (a)
☒ Corporation (b)
☐ Land Trust/Trustee (c)
☐ Trust/Trustee (d)
☐ Partnership (e)
☐ 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]

1. 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 21st 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 end of property to collect runoff

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

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

[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)

SUBJECT	SECTION	ALLOWED/REQUIRED	PROPOSED	NOTES
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
Setbacks				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
Yard Obstructions				
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	
Parking/Loading				
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 14
 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. general 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

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).

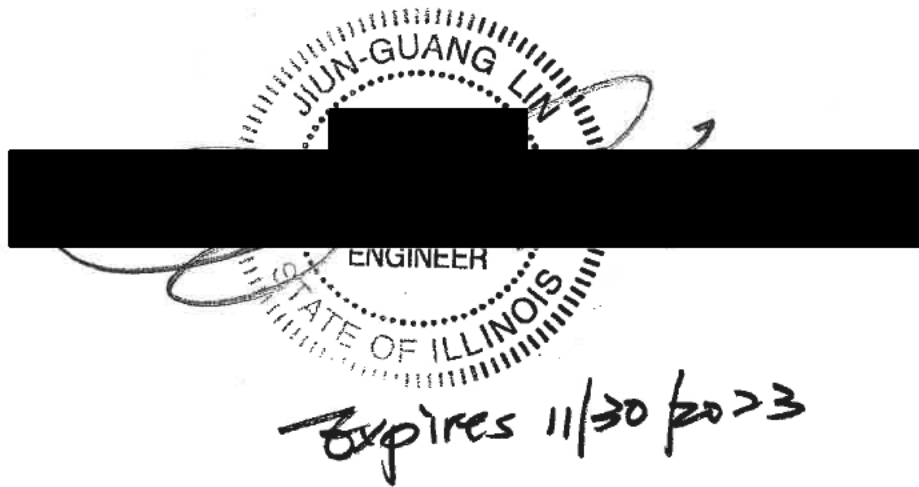
The property was altered by the Applicant since moving in in Oct 2022 not knowing permit was required. Notably, A significant portion of the property was paved with granular material. In addition, the landscaping material storages by concrete blocks were set up along the west property line while two 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



0 250 500 1,000 1,500 2,000 Feet 1:6,000

88°20'58"W 41°36'8"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, A99
- With BFE or Depth Zone AE, AH, AR, 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

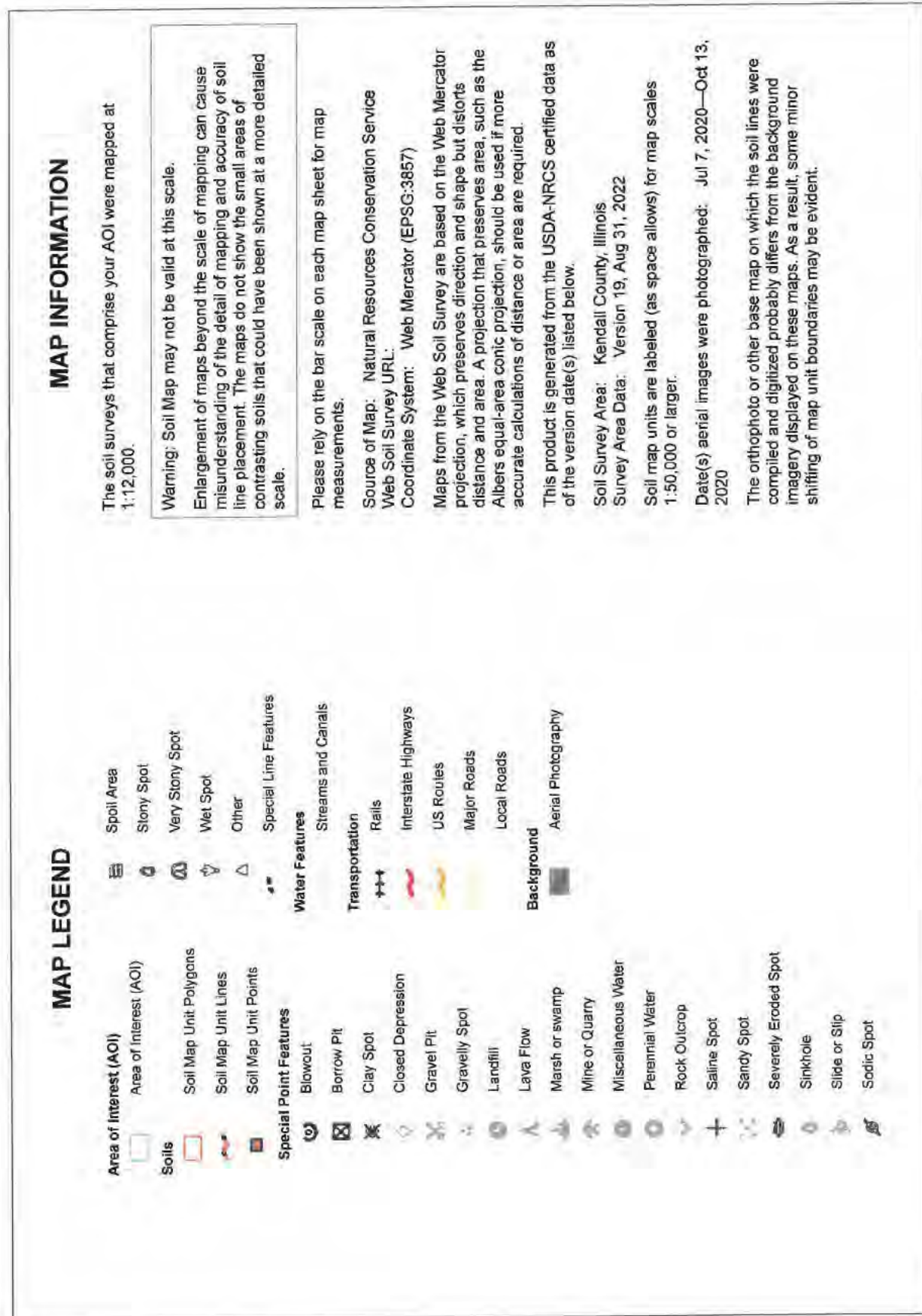
This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

February 20, 2023

Wetlands

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

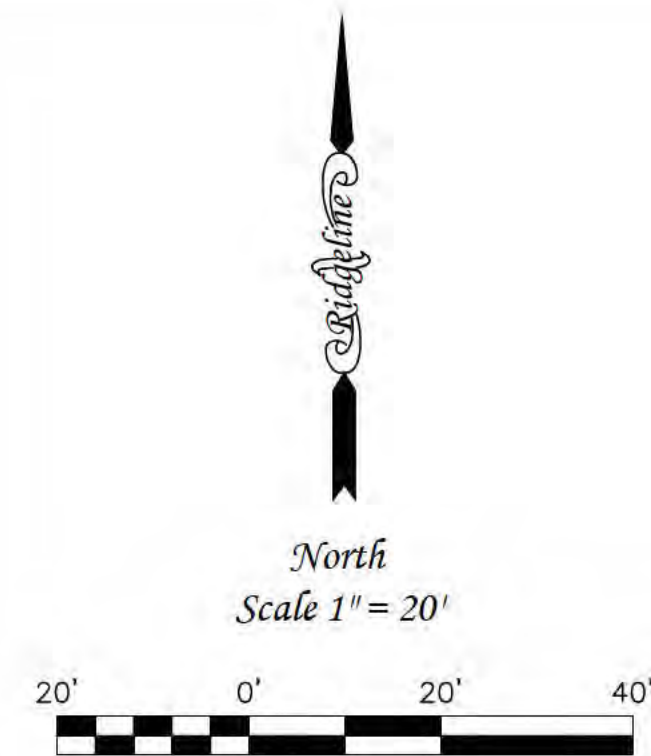




Map Unit Legend

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



SITE PLAN

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 (PARCEL 1), YORKVILLE, ILLINOIS.

<u>SITE AREA TABLE</u>	
LOT = 131,359 SF	
<u>EXISTING CONDITIONS**:</u>	
BUILDINGS	8,032 SF
GRAVEL DRIVEWAY	3,837 SF
ASPHALT DRIVEWAY	2,261 SF
CONC. PAVEMENT	705 SF
EXISTING IMPERVIOUS	14,835 SF
<u>PROPOSED CONDITIONS**:</u>	
BUILDINGS	10,663 SF
GRAVEL AREAS	12,991 SF
ASPHALT DRIVEWAY	2,127 SF
CONC. PAVEMENT	734 SF
BLOCK STORAGE WALLS	887 SF
PROPOSED IMPERVIOUS	27,402 SF
PROPOSED IMPERVIOUS = 27,402 SF < 32,000 SF THRESHOLD OF SITE RUNOFF REQUIREMENTS	

* EXISTING CONDITIONS CALCULATIONS
BASED ON KENDALL COUNTY GIS AERIAL
IMAGERY WHICH SHOWS THE SUBJECT SITE
PRIOR TO GRAVEL BEING INSTALLED OVER
A LARGE PORTION.

**** PROPOSED IMPERVIOUS DOES NOT
INCLUDE 15,519 SF OF UNIFORM GRADED
2"-3" CA-7.**

SITE DATA:
TOTAL ACRES = 3.02 AC

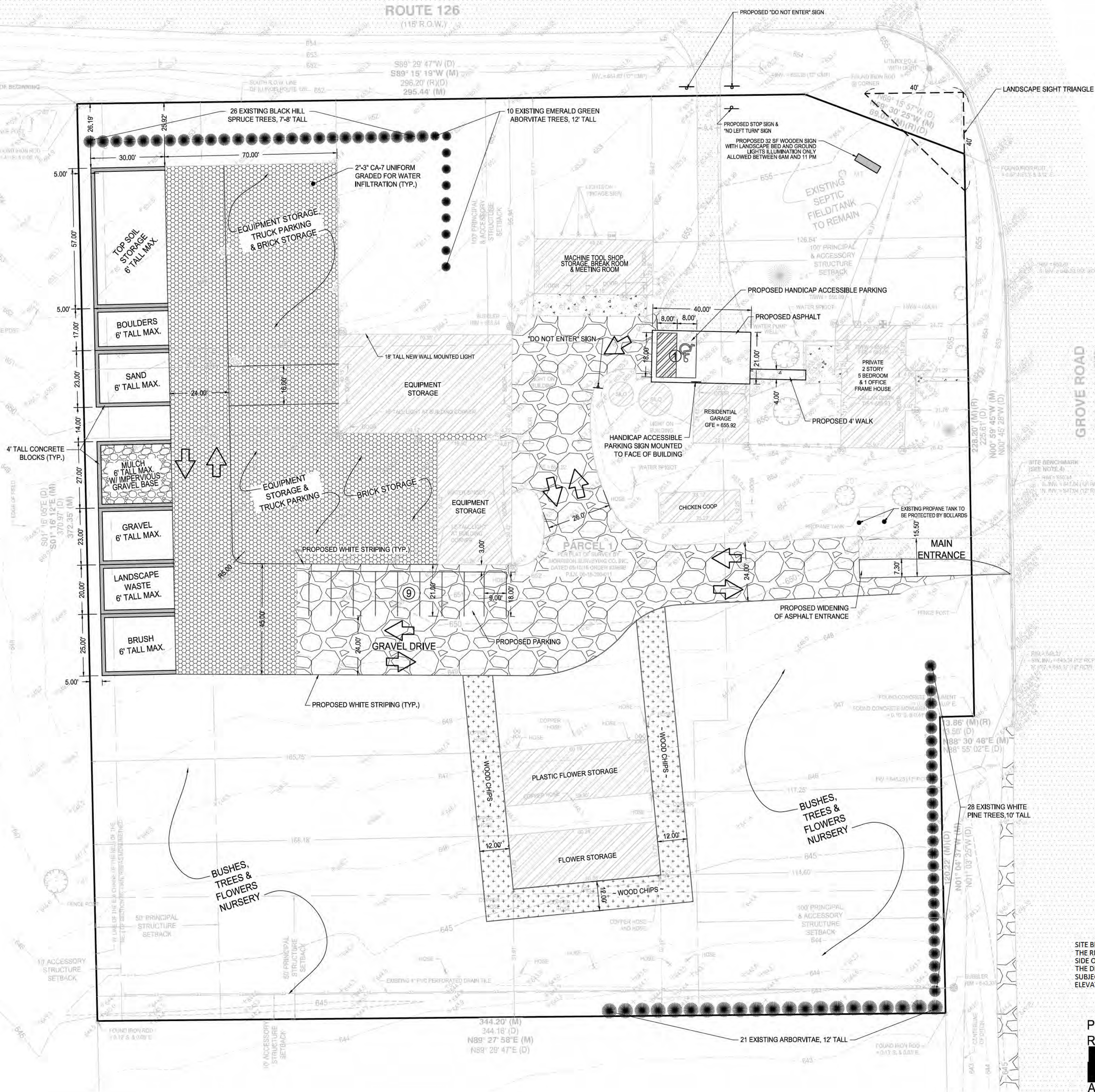
NUMBER OF PROPOSED PARKING STALLS: 10 (INCLUDING 1 HANDICAP ACCESSIBLE PARKING SPACE)

NUMBER OF REQUIRED PARKING STALLS: NOT APPLICABLE AS SITE IS A PRIVATE BUSINESS NOT OPEN TO RETAIL CUSTOMERS. SPACES PROVIDED FOR EMPLOYEE PARKING.

NUMBER OF HANDICAP ACCESSIBLE PARKING STALLS: 1

NUMBER OF HANDICAP ACCESSIBLE PARKING STALLS REQUIRED : 1

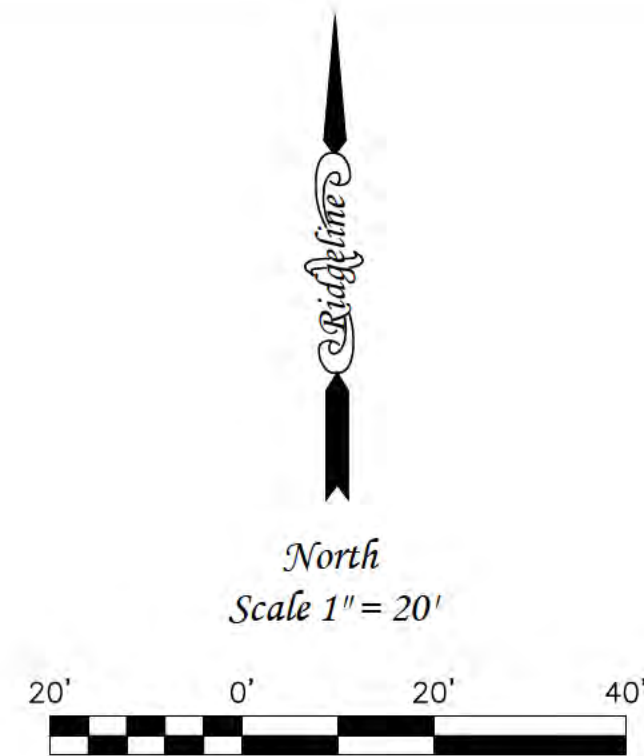
DEVELOPMENT AREA:	
1. NEW GRAVEL PARKING & DRIVEWAYS	9,154 SF
2. CA-7 STORAGE, PARKING & DRIVEWAYS	15,519 SF
3. NEW FLOWER & PLASTIC FLOWER STORAGE	2,631 SF
4. NEW MISCELLANEOUS STORAGES ALONG WEST PROPERTY LINE (CONCRETE BLOCKS ONLY)	887 SF
5. NEW CONCRETE WALKWAY	90 SF
6. NEW ASPHALT DRIVE AREA & HANDICAP ACCESSIBLE PARKING AREA	1,159 SF
	TOTAL = 29,440 SF
TOTAL OF 29,440 SF < 45,000 SF THRESHOLD OF SITE RUNOFF REQUIREMENTS	



SITE BENCHMARK: CUT CROSS ON THE NORTHEAST CORNER OF THE RIM OF A SQUARE CATCH BASIN LOCATED ON THE WEST SIDE OF GROVE ROAD APPROXIMATELY 11.5 FEET NORTH OF THE DRIVEWAY APRON (CONNECTED TO GROVE ROAD) OF THE SUBJECT PROPERTY. SEE DRAWING FOR EXACT LOCATION. ELEVATION = 650.64 (NAVD 88)

PLANS PREPARED FOR:
R & S LANDSCAPING & NURSERY

ATTN: ROMAN CORREA



SITE PLAN

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 (PARCEL 1), YORKVILLE, ILLINOIS.

SITE AREA TABLE

LOT = 131,359 SF

EXISTING CONDITIONS*:

BUILDINGS	8,032 SF
GRAVEL DRIVEWAY	3,837 SF
ASPHALT DRIVEWAY	2,261 SF
CONC. PAVEMENT	705 SF
EXISTING IMPERVIOUS	14,835 SF

PROPOSED CONDITIONS**:

BUILDINGS	8,032 SF
GRAVEL AREAS	19,317 SF
ASPHALT DRIVEWAY	2,967 SF
CONC. PAVEMENT	785 SF
BLOCK STORAGE WALLS	887 SF
PROPOSED IMPERVIOUS	31,988 SF

PROPOSED IMPERVIOUS = 31,988 SF < 32,000 SF THRESHOLD OF SITE RUNOFF REQUIREMENTS

* EXISTING CONDITIONS CALCULATIONS BASED ON KENDALL COUNTY GIS AERIAL IMAGERY WHICH SHOWS THE SUBJECT SITE PRIOR TO GRAVEL BEING INSTALLED OVER A LARGE PORTION.

GRADING NOTES:

- EXISTING GRAVEL TO REMAIN AT EXISTING GRADE.
- AREAS WHERE EXISTING GRAVEL IS REMOVED ARE TO BE GRADED TO PRE-EXISTING GRADE.

SITE DATA:

TOTAL ACRES = 3.02 AC

NUMBER OF PROPOSED PARKING STALLS: 10 (INCLUDING 1 HANDICAP ACCESSIBLE PARKING SPACE)

NUMBER OF REQUIRED PARKING STALLS: NOT APPLICABLE AS SITE IS A PRIVATE BUSINESS NOT OPEN TO RETAIL CUSTOMERS. SPACES PROVIDED FOR EMPLOYEE PARKING.

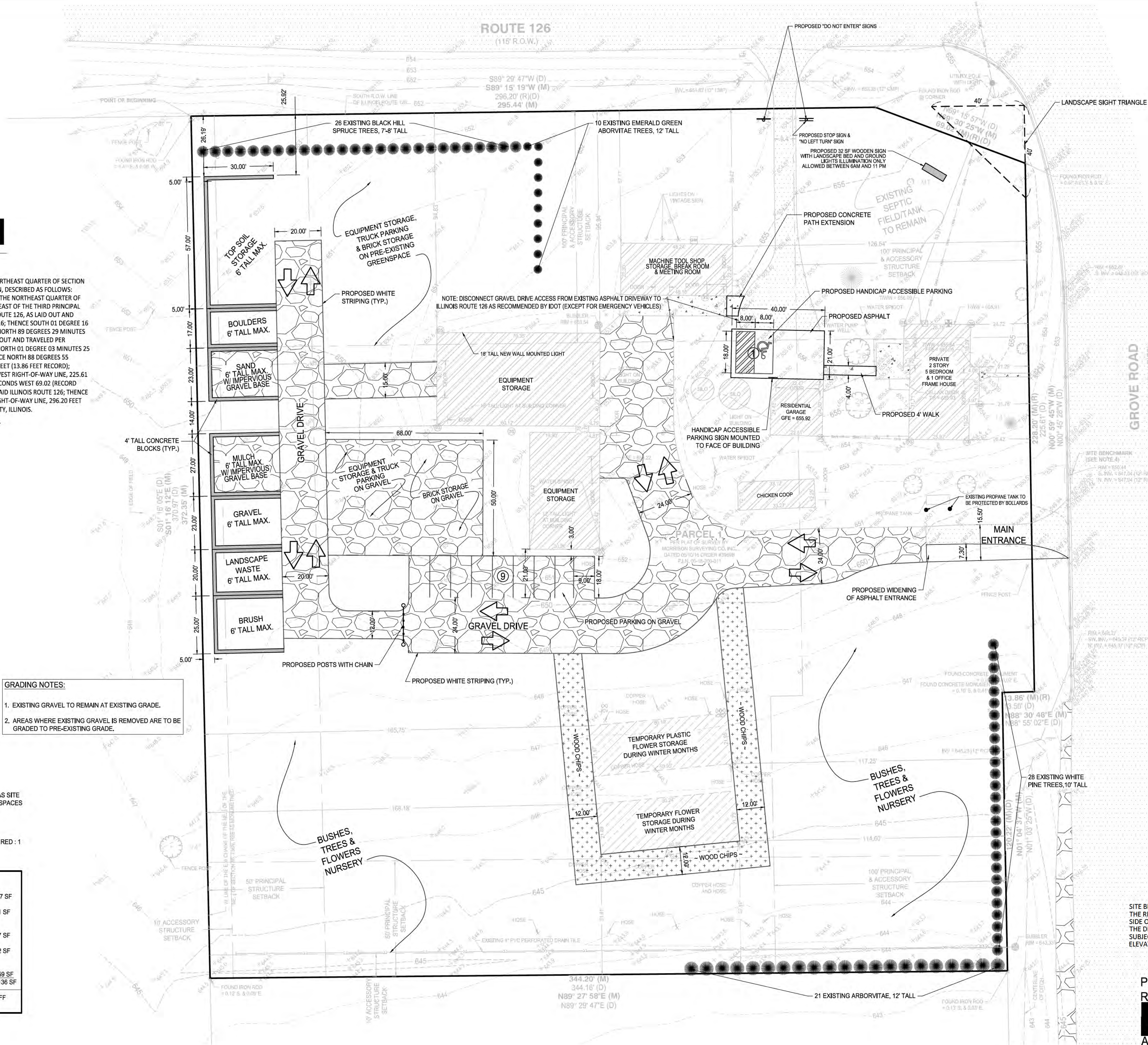
NUMBER OF HANDICAP ACCESSIBLE PARKING STALLS: 1

NUMBER OF HANDICAP ACCESSIBLE PARKING STALLS REQUIRED : 1

DEVELOPMENT AREA:

1. NEW GRAVEL PARKING & DRIVEWAYS	19,317 SF
2. NEW FLOWER & PLASTIC FLOWER STORAGE	2,631 SF
4. NEW MISCELLANEOUS STORAGES ALONG WEST PROPERTY LINE (CONCRETE BLOCKS ONLY)	887 SF
5. NEW CONCRETE WALKWAY & PATH EXTENSION	142 SF
6. NEW ASPHALT DRIVE AREA & HANDICAP ACCESSIBLE PARKING AREA	1,159 SF
TOTAL	24,136 SF

TOTAL OF 24,136 SF < 45,000 SF THRESHOLD OF SITE RUNOFF REQUIREMENTS



SITE BENCHMARK: CUT CROSS ON THE NORTHEAST CORNER OF THE RIM OF A SQUARE CATCH BASIN LOCATED ON THE WEST SIDE OF GROVE ROAD APPROXIMATELY 11.5 FEET NORTH OF THE DRIVEWAY APRON (CONNECTED TO GROVE ROAD) OF THE SUBJECT PROPERTY. SEE DRAWING FOR EXACT LOCATION. ELEVATION = 650.64 (NAVD 88)

PLANS PREPARED FOR:
R & S LANDSCAPING & NURSERY

ATTN: ROMAN CORREA

Ridgeline Consultants LLC



R & S LANDSCAPING & NURSERY

SHEET 1 OF 1

REVISION	DATE	DESC.
1	02/02/2023	GENERAL DESIGN REVISIONS (REV)
2	02/02/2023	PER COMMENTS RECEIVED 02/02/2023 (REV)
3	02/02/2023	PER KENDALL COUNTY REVIEW (REV)

BOOK	DWG. SIZE D
DRAWN	RSW
CHECKED	JDL
DATE	02/01/2023
PROJECT NO.	2022-0733



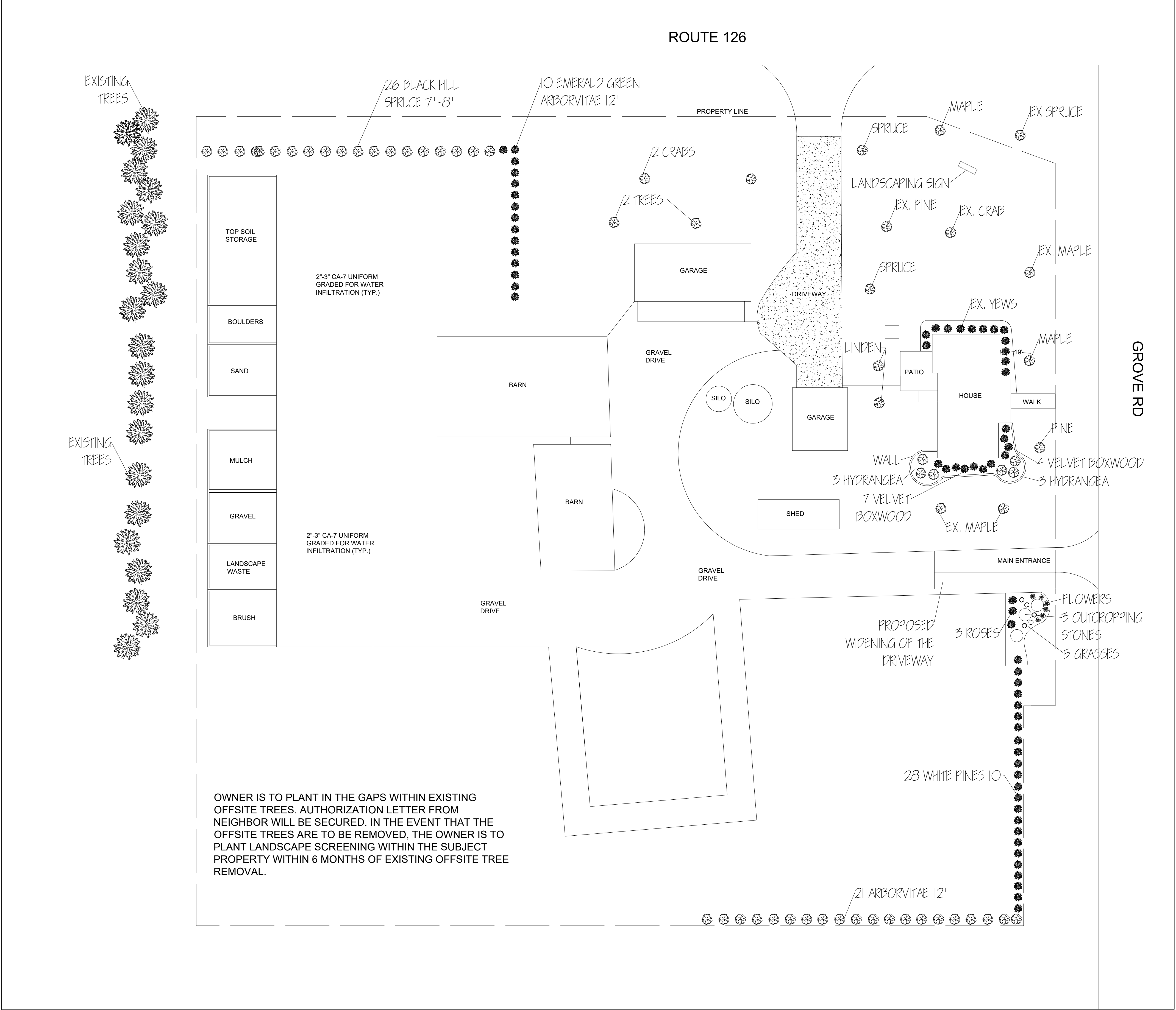
R & S LANDSCAPING
& NURSERY

ADDRESS:
5022 IL ROUTE 126
YORKVILLE, IL

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

PROJECT NAME:

R & S LANDSCAPING & NURSERY



SCALE: 1/32" = 1'0"



03/22/2023 08:37



03/22/2023 08:37



03/22/2023 08:37

Attachment 9 Equipment Storage Building



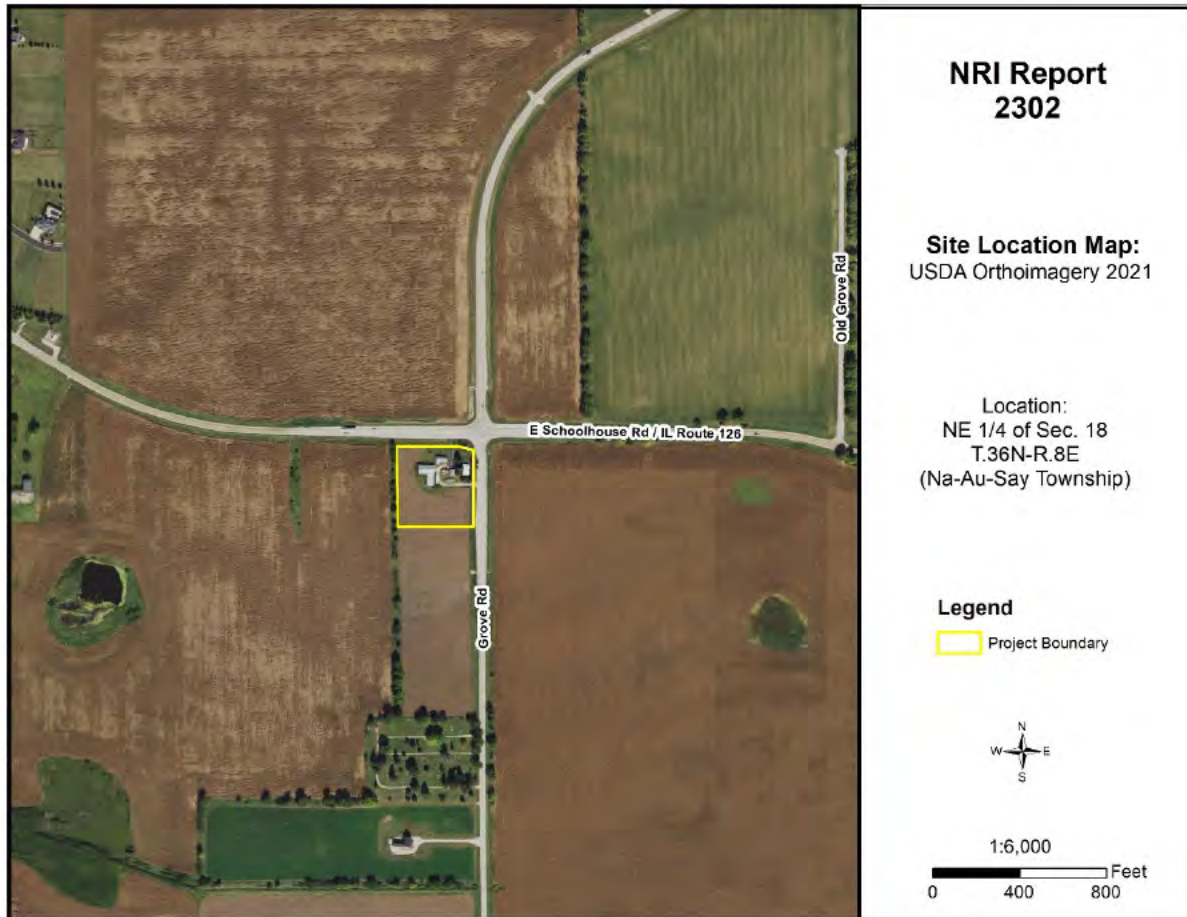
03/22/2023 08:37

Attachment 10 Grove Road Entrance

03/22/2023 08:39



NATURAL RESOURCE INFORMATION (NRI) REPORT: #2302



Mar.
2023

Petitioner: R&S Landscaping & Nursery
Contact: Roman Correa

Prepared By:


**Kendall County Soil & Water
Conservation District**

7775A Route 47
Yorkville, Illinois 60560
Phone: (630) 553-5821 x3
www.kendallswcd.org

KENDALL COUNTY SOIL AND WATER CONSERVATION DISTRICT NATURAL RESOURCE INFORMATION (NRI) REPORT

Natural Resource Information Report Number	2302
Date District Board Reviews Application	March 2023
Applicant's Name	R&S Landscaping & Nursery
Size of Parcel	(+/-) 3.00 acres
Current Zoning & Use	A-1 Agricultural; Rural Residence
Proposed Zoning & Use	A-1 Agricultural Special Use; Landscaping Business
Parcel Index Number(s)	06-18-200-011 & 06-18-200-013
Contact Person	Roman Correa

Copies of this report or notification of the proposed land-use change was provided to:	Yes	No
The Applicant	X	
The Applicant's Legal Representation		X
The Local/Township Planning Commission	X	
The Village/City/County Planning and Zoning Department or Appropriate Agency	X	
The Kendall County Soil and Water Conservation District Files	X	

Report Prepared By: *Alyse Olson* Position: *Resource Conservationist*

PURPOSE AND INTENT

The purpose of this report is to provide officials of the local governing body and other decision-makers with natural resource information. This information may be useful when undertaking land use decisions concerning variations, amendments or relief of local zoning ordinances, proposed subdivision of vacant or agricultural lands and the subsequent development of these lands. This report is a requirement under Section 22.02a of the Illinois Soil and Water Conservation Districts Act.

The intent of this report is to present the most current natural resource information available in a readily understandable manner. It contains a description of the present site conditions, the present resources, and the potential impacts that the proposed change may have on the site and its resources. The natural resource information was gathered from standardized data, on-site investigations and information furnished by the petitioner. This report must be read in its entirety so that the relationship between the natural resource factors and the proposed land use change can be fully understood.

Due to the limitations of scale encountered with the various resource maps, the property boundaries depicted in the various exhibits in this report provide a generalized representation of the property location and may not precisely reflect the legal description of the PIQ (Parcel in Question).

This report, when used properly, will provide the basis for proper land use change decisions and development while protecting the natural resource base of the county. It should not be used in place of detailed environmental and/or engineering studies that are warranted under most circumstances, but in conjunction with those studies.

The conclusions of this report in no way indicate that a certain land use is not possible, but it should alert the reader to possible problems that may occur if the capabilities of the land are ignored. Any questions on the technical data supplied in this report or if anyone feels that they would like to see more additional specific information to make the report more effective, please contact:

Kendall County Soil and Water Conservation District
7775A Route 47, Yorkville, IL 60560
Phone: (630) 553-5821 ext. 3
E-mail: Alyse.Olson@il.nacdnet.net

TABLE OF CONTENTS

EXECUTIVE SUMMARY	1
PARCEL LOCATION	7
ARCHAEOLOGIC/CULTURAL RESOURCES INFORMATION	9
ECOLOGICALLY SENSITIVE AREAS	10
SOILS INFORMATION	12
SOILS INTERPRETATIONS EXPLANATION.....	14
BUILDING LIMITATIONS	15
SOIL WATER FEATURES	19
SOIL EROSION AND SEDIMENT CONTROL.....	21
PRIME FARMLAND SOILS	22
LAND EVALUATION AND SITE ASSESSMENT (LESA)	23
LAND USE PLANS.....	25
DRAINAGE, RUNOFF, AND FLOOD INFORMATION	25
WATERSHED PLANS	29
WETLAND INFORMATION	30
HYDRIC SOILS	32
WETLAND AND FLOODPLAIN REGULATIONS.....	34
GLOSSARY.....	35
REFERENCES.....	38

LIST OF FIGURES

FIGURE 1: Soil Map	2
FIGURE 2: Soil Limitations	4
FIGURE 3: 2021 Plat Map	7
FIGURE 4: 2019 Aerial Map with NRI Site Boundary	8
FIGURE 5: Soil Map	13
FIGURE 6A-6B: Maps of Building Limitations	17-18

FIGURE 7: Map of Prime Farmland Soils 22

FIGURE 8: FEMA Floodplain Map 27

FIGURE 9: USGS Topographic Map 28

FIGURE 10: Wetland Map – USFWS National Wetland Inventory 33

FIGURE 11: Hydric Soils Map 33

LIST OF TABLES

TABLE 1: Soils Information 2

TABLE 2: Soil Limitations 4

TABLE 3: Soil Map Unit Descriptions 13

TABLE 4: Building Limitations 16

TABLE 5: Water Features 20

TABLE 6: Soil Erosion Potential 21

TABLE 7: Prime Farmland Soils 22

TABLE 8A: Land Evaluation Computation 23

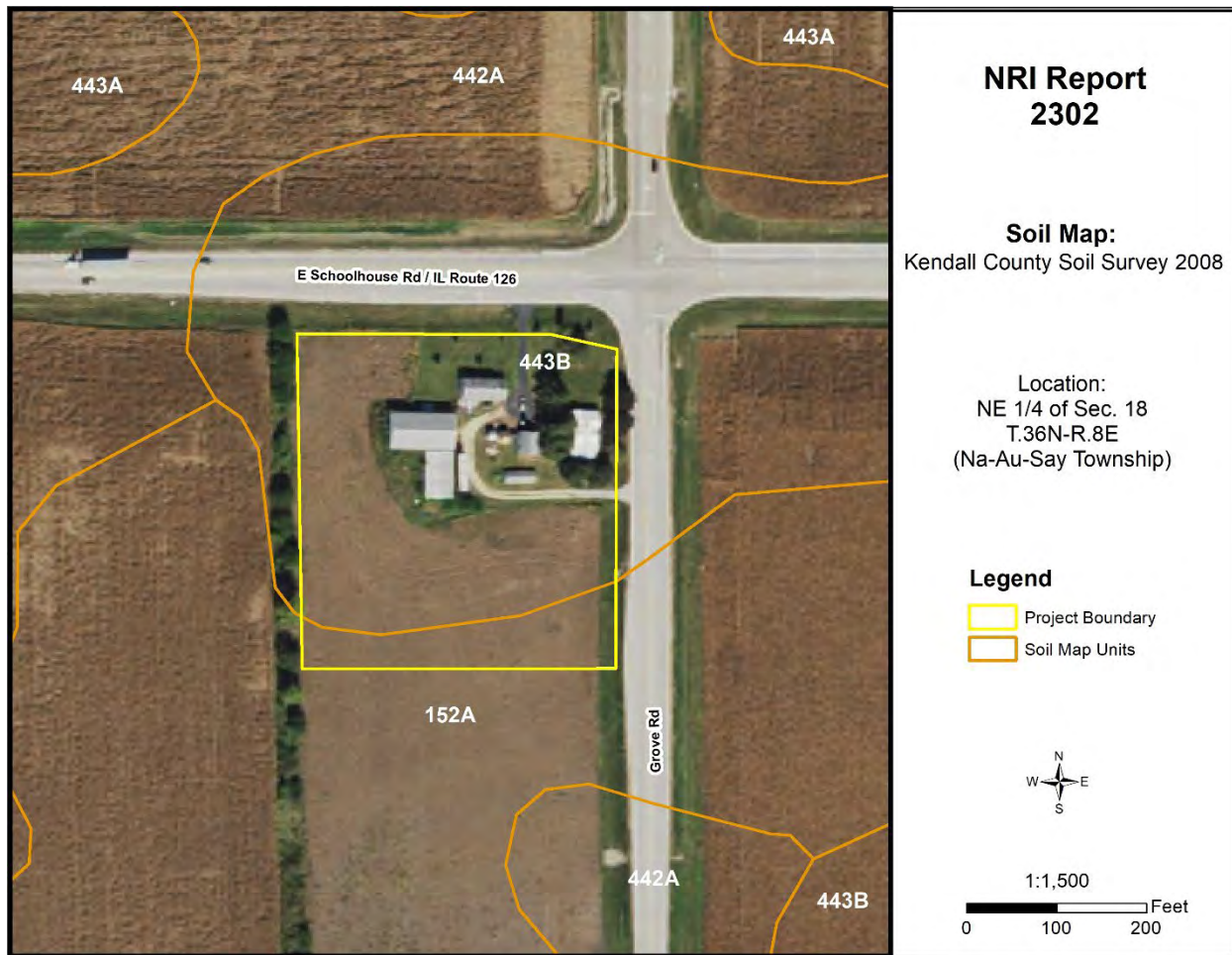
TABLE 8B: Site Assessment Computation 24

TABLE 9: LESA Score Summary 24

TABLE 10: Hydric Soils 32

EXECUTIVE SUMMARY

Natural Resource Information Report Number	#2302
Petitioner	R&S Landscaping & Nursery
Contact Person	Roman Correa
County or Municipality the Petition is Filed With	Kendall County
Location of Parcel	NE ¼ of Section 18, Township 36 North, Range 8 East (Na-Au-Say Township) of the 3 rd Principal Meridian
Project or Subdivision Name	R&S Landscaping & Nursery
Existing Zoning & Land Use	A-1 Agricultural; Rural Residence
Proposed Zoning & Land Use	A-1 Agricultural Special Use; Landscaping Business
Proposed Water Source	Well
Proposed Type of Sewage Disposal System	Septic
Proposed Type of Storm Water Management	Perforated drain tile
Size of Site	(+/-) 3.00 acres
Land Evaluation Site Assessment Score	231 (Land Evaluation: 89; Site Assessment: 142)

NATURAL RESOURCE CONSIDERATIONS**Figure 1: Soil Map****SOIL INFORMATION**

Based on information from the United States Department of Agriculture-Natural Resources Conservation Service (USDA-NRCS) 2008 Kendall County Soil Survey, this parcel is shown to contain the following soil types (please note this does not replace the need for or results of onsite soil testing; if completed, please refer to onsite soil test results for planning/engineering purposes):

Table 1: Soils Information

Map Unit	Soil Name	Drainage Class	Hydrologic Group	Hydric Designation	Farmland Designation
152A	Drummer silty clay loam, 0-2% slopes	Poorly Drained	B/D	Hydric	Prime Farmland if Drained
443B	Barrington silt loam, 2-4% slopes	Moderately Well Drained	C	Non-Hydric with Hydric Inclusions Likely	Prime Farmland

Hydrologic Soil Groups – Soils have been classified into four (A, B, C, D) hydrologic groups based on runoff characteristics due to rainfall. If a soil is assigned to a dual hydrologic group (A/D, B/D or C/D), the first letter is for drained areas and the second letter is for undrained areas.

- **Hydrologic group A:** Soils have a high infiltration rate (low runoff potential) when thoroughly wet. These consist mainly of deep, well drained to excessively drained sands or gravelly sands. These soils have a high rate of water transmission.
- **Hydrologic group B:** Soils have a moderate infiltration rate when thoroughly wet, consist chiefly of moderately deep to deep, moderately well drained to well drained soils that have a moderately fine to moderately coarse texture. These soils have a moderate rate of water transmission.
- **Hydrologic group C:** Soils having a slow infiltration rate when thoroughly wet. These consist chiefly of soils having a layer that impedes the downward movement of water or soils of moderately fine texture or fine texture. These soils have a slow rate of water transmission.
- **Hydrologic group D:** Soils having a very slow infiltration rate (high runoff potential) when thoroughly wet. These consist chiefly of clays that have a high shrink-swell potential, soils that have a high water table, have a claypan or clay layer at or near the surface, and soils that are shallow over nearly impervious material. These soils have a very slow rate of water transmission.

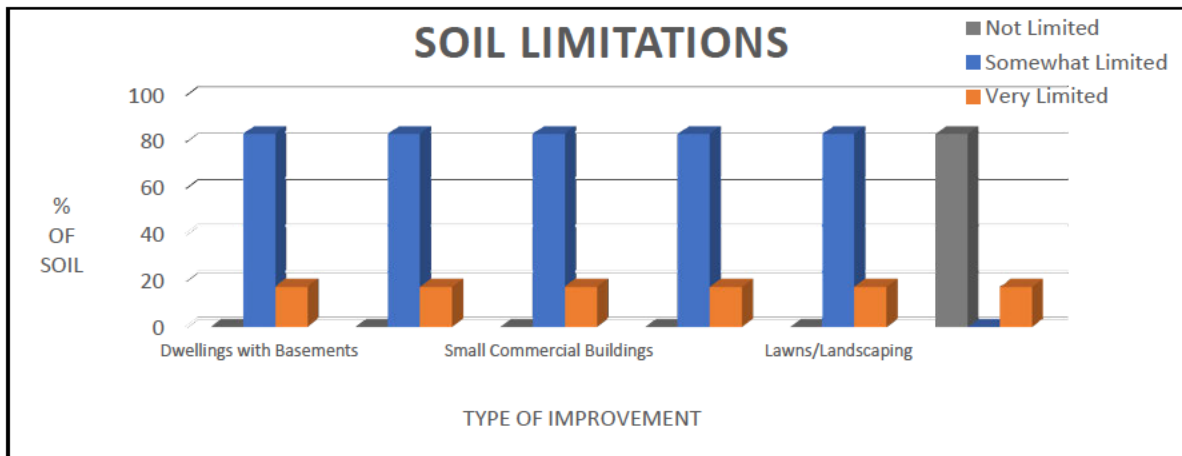
Hydric Soils – A hydric soil is one that formed under conditions of saturation, flooding, or ponding long enough during the growing season to develop anaerobic conditions in the upper part of the soil profile that supports the growth or regeneration of hydrophytic vegetation. Soils with hydric inclusions have map units dominantly made up of non-hydric soils that may have inclusions of hydric soils in the lower positions on the landscape. Of the soils found onsite, one is classified as hydric soil (152A Drummer silty clay loam) and one is classified as non-hydric soil with hydric inclusions likely (443B Barrington silt loam).

Prime Farmland – Prime farmland is land that has the best combination of physical and chemical characteristics for agricultural production. Prime farmland soils are an important resource to Kendall County and some of the most productive soils in the United States occur locally. Of the soils found onsite, one is designated as prime farmland (443B Barrington silt loam) and one is designated as prime farmland if drained (152A Drummer silty clay loam). Both are considered designations of prime farmland.

Soil Limitations – The USDA-NRCS Web Soil Survey rates the limitations of soils for dwellings, small commercial buildings, solar arrays, shallow excavations, lawns/landscaping, local roads and streets, etc. Soils have different properties which influence the development of building sites. The USDA-NRCS classifies soils as Not Limited, Somewhat Limited, and Very Limited. Soils that are Not Limited indicates that the soil has properties that are favorable for the specified use. They will perform well and will have low maintenance. Soils that are Somewhat Limited are moderately favorable, and their limitations can be overcome through special planning, design, or installation. Soils that are Very Limited have features that are unfavorable for the specified use, and their limitations cannot easily be overcome.

Table 2: Soil Limitations

Soil Type	Dwellings with Basements	Dwellings without Basements	Small Commercial Buildings	Shallow Excavations	Lawns/Landscaping	Onsite Sewage Disposal
152A	Very Limited	Very Limited	Very Limited	Very Limited	Very Limited	Very Limited
443B	Somewhat Limited	Somewhat Limited	Somewhat Limited	Somewhat Limited	Somewhat Limited	Not Limited

**Figure 2: Soil Limitations**

KENDALL COUNTY LAND EVALUATION AND SITE ASSESSMENT (LESA)

Decision-makers in Kendall County use the Land Evaluation and Site Assessment (LESA) system to determine the suitability of a land use change and/or a zoning request as it relates to agricultural land. The LESA system was developed by the United States Department of Agriculture-Natural Resources Conservation Service (USDA-NRCS) and takes into consideration local conditions such as physical characteristics of the land, compatibility of surrounding land-uses, and urban growth factors. The LESA system is a two-step procedure that includes:

- **Land Evaluation (LE):** The soils of a given area are rated and placed in groups ranging from the best to worst suited for a stated agriculture use, cropland, or forestland. The best group is assigned a value of 100 and all other groups are assigned lower values. The Land Evaluation is based on data from the Kendall County Soil Survey. The Kendall County Soil and Water Conservation District is responsible for this portion of the LESA system.
 - The Land Evaluation score for this site is 89, indicating that the soils are well suited for agricultural uses.
- **Site Assessment (SA):** The site is numerically evaluated according to important factors that contribute to the quality of the site. Each factor selected is assigned values in accordance with the local needs and objectives. The Site Assessment value is based on a 200-point scale and accounts for 2/3 of the total score. The Kendall County LESA Committee is responsible for this portion of the LESA system.
 - The Site Assessment score for this site is 142.

The LESA Score for this site is 231 out of a possible 300, which indicates a high level of protection for the proposed project site. Note: Selecting the project site with the lowest total points will generally protect the best farmland located in the most viable areas and maintain and promote the agricultural

industry in Kendall County. If the project is agricultural in nature, however, a higher score may provide an indication of the suitability of the project as it relates to the compatibility with existing agricultural land use.

WETLANDS

The U.S. Fish & Wildlife Service's National Wetlands Inventory map does **not** indicate the presence of a wetland(s)/waters on the proposed project site. To determine if a wetland is present, a wetland delineation specialist, who is recognized by the U.S. Army Corps of Engineers, should determine the exact boundaries and value of the wetlands.

FLOODPLAIN

The Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Map (FIRM) for Kendall County, Community Panel No. 17093C0130H (effective date January 8, 2014) was reviewed to determine the presence of floodplain and floodway areas within the project site. According to the map, the site is **not** located within the floodplain or floodway.

SEDIMENT AND EROSION CONTROL

Development on this site should include an erosion and sediment control plan in accordance with local, state, and federal regulations. Soil erosion on construction sites is a resource concern because suspended sediment from areas undergoing development is a primary nonpoint source of water pollution. Please consult the *Illinois Urban Manual* (<https://illinoisurbanmanual.org/>) for appropriate best management practices.

STORMWATER POLLUTION

A National Pollutant Discharge Elimination System (NPDES) permit (Permit No. ILR10) from the Illinois Environmental Protection Agency (IEPA) is required for stormwater discharges from construction sites that will disturb 1 or more acres of land. Conditions of the NPDES ILR10 permit require the development and implementation of a Stormwater Pollution Prevention Plan (SWPPP) to reduce stormwater pollutants on the construction site before they can cause environmental issues.

LAND USE FINDINGS:

The Kendall County Soil and Water Conservation District (SWCD) Board has reviewed the proposed site plans for Petitioner R&S Landscaping & Nursery. The petitioner is requesting a Special Use Permit and variances on two parcels (Parcel Index Numbers 06-18-200-011 and 06-18-200-013) for a proposed landscaping business within Na-Au-Say Township of Kendall County located in the northeast ¼ of Section 18, Township 36N, and Range 8E of the 3rd Principal Meridian. The proposed variances relate to outdoor parking and loading setbacks, size of handicap parking spaces, and width of an existing driveway. Based on the information provided by the petitioner and a review of natural resource related data available to the Kendall County SWCD, the SWCD Board presents the following information.


The Kendall County SWCD has always had the opinion that prime farmland soils should be preserved whenever feasible due to their highly productive qualities for growing agriculturally important grain and fiber crops. Of the soils found onsite, 100% are designated as prime farmland. A land evaluation (LE), which is a part of the Land Evaluation and Site Assessment (LESA), was conducted on this parcel. The soils on this parcel scored an 89 out of a possible 100 points indicating that the soils are well suited for agricultural uses. The total LESA Score for this site is 231 out of a possible 300, which indicates a high level of protection for the proposed project site. Selecting the project site with the lowest total points will generally protect the best farmland located in the most viable areas and maintain and promote the agricultural industry in Kendall County. If the project is agricultural in nature, however, a higher score may provide an indication of the suitability of the project as it relates to the compatibility with existing agricultural land use.

Soils found on the project site are rated for specific uses and can have potential limitations for development. Soil types with severe limitations do not preclude the ability to develop the site for the proposed use, but it is important to note that the limitation may require soil reclamation, special design/engineering, or maintenance to obtain suitable soil conditions to support development with significant limitations. This report indicates that for soils located on the parcel, 17% are considered very limited for dwellings with and without basements, small commercial buildings, shallow excavations, and lawns/landscaping. The remaining soils are considered somewhat limited for these types of developments/uses. Additionally, 17% of the soils appear to be unsuitable for conventional septic systems. This information is based on the soil in an undisturbed state. If the scope of the project may include the use of onsite septic systems, please consult with the Kendall County Health Department.

This site is located within the Lower Fox River watershed and the Morgan Creek sub watershed. This development should include a soil erosion and sediment control plan to be implemented during construction. It is critical to have vegetative cover during construction and after to protect the soil from erosion. Sediment may become a primary non-point source of pollution; eroded soils during the construction phase can create unsafe conditions on roadways, degrade water quality and destroy aquatic ecosystems lower in the watershed.

For intense use, it is recommended that a drainage tile survey be completed on the parcel to locate the subsurface drainage tile and should be taken into consideration during the land use planning process. Drainage tile expedites drainage and facilitates farming. It is imperative that these drainage tiles remain undisturbed. Impaired tile may affect a few acres or hundreds of acres of drainage.

The information that is included in this Natural Resources Information Report is to assure that the land developers take into full consideration the limitations of that land that they wish to develop. Guidelines and recommendations are also a part of this report and should be considered in the planning process. The Natural Resource Information Report is required by the Illinois Soil and Water Conservation District Act (Ill. Compiled Statutes, Ch. 70, Par 405/22.02a).


SWCD Board Representative

04/10/2023
Date

PARCEL LOCATION

Location Map for Natural Resources Information Report #2302

Northeast $\frac{1}{4}$ of Section 18, Township 36 North, Range 8 East (Na-Au-Say Township) on approximately 3.00 acres. This site is located at the southwest corner of Illinois Route 126 and Grove Road in Yorkville, Illinois.

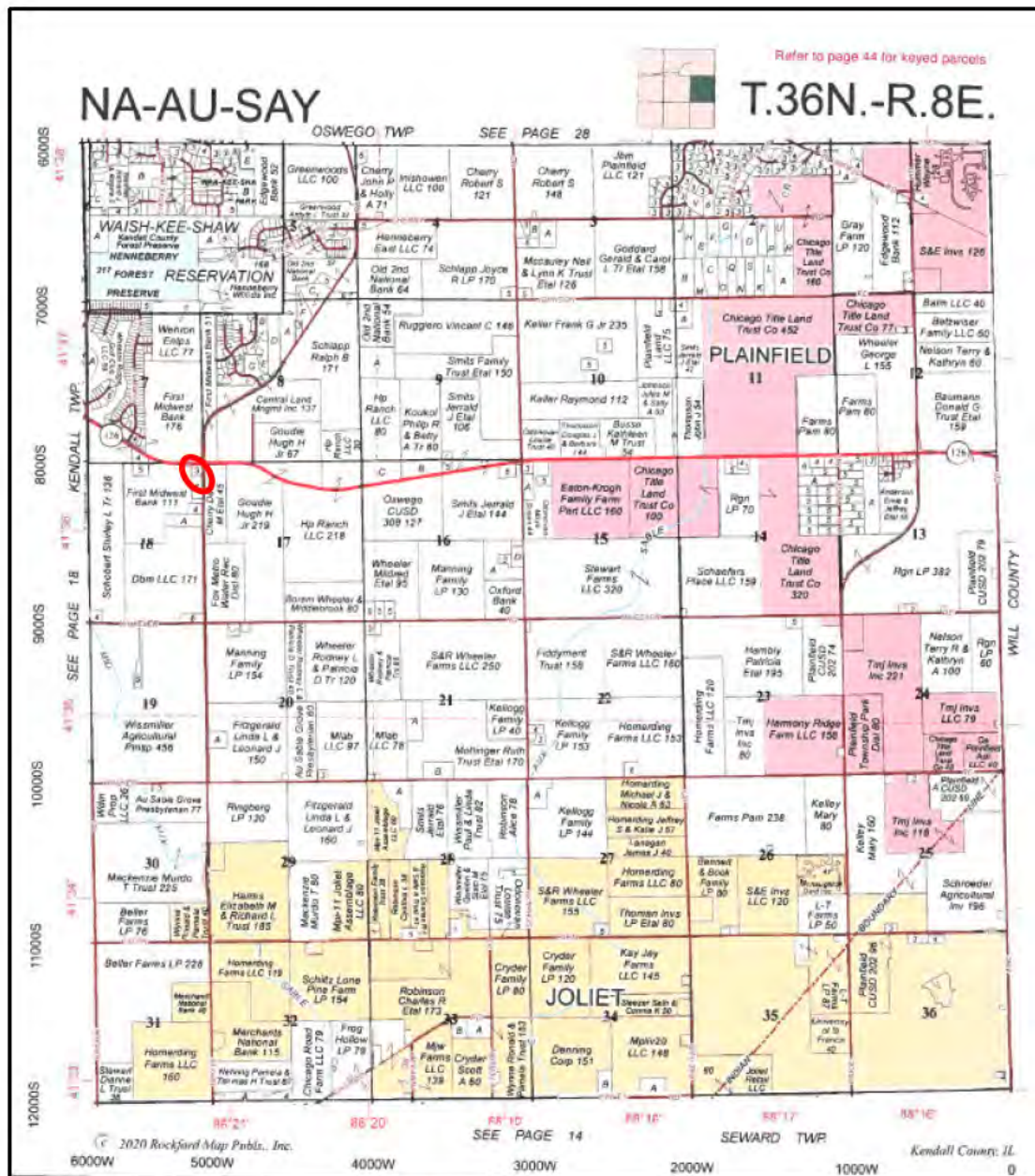


Figure 3: 2021 Plat Map

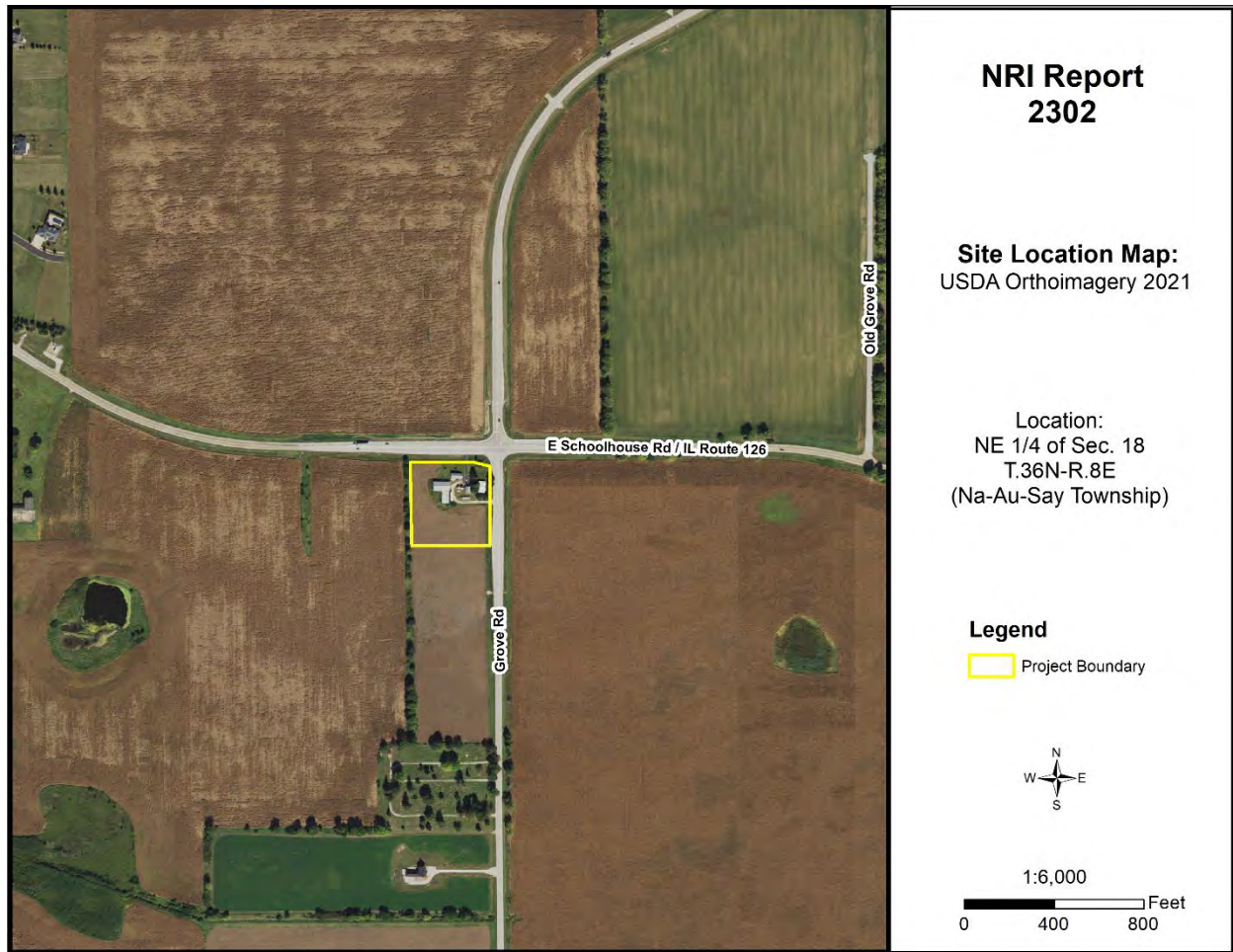


Figure 4: 2021 Aerial Map with NRI Project Boundary

ARCHAEOLOGIC/CULTURAL RESOURCES INFORMATION

Simply stated, cultural resources are all the past activities and accomplishments of people. They include the following: buildings; objects made or used by people; locations; and less tangible resources, such as stories, dance forms, and holiday traditions.

The Soil and Water Conservation District most often encounters cultural resources as historical properties. These may be prehistoric or historical sites, buildings, structures, features, or objects. The most common type of historical property that the Soil and Water Conservation District may encounter is non-structural archaeological sites. These sites often extend below the soil surface and must be protected against disruption by development or other earth moving activity if possible. Cultural resources are *non-renewable* because there is no way to “grow” a site to replace a disrupted site.

Landowners with historical properties on their land have ownership of that historical property. However, the State of Illinois owns all the following: human remains, grave markers, burial mounds, and artifacts associated with graves and human remains.

Non-grave artifacts from archaeological sites and historical buildings are the property of the landowner. The landowner may choose to disturb a historical property but may not receive federal or state assistance to do so. If an earth moving activity disturbs human remains, the landowner must contact the county coroner within 48 hours.

The Illinois Historic Preservation Office has not been notified of the proposed land use change by the Kendall County SWCD. The applicant may need to contact the Illinois Historic Preservation Office according to current Illinois law.

ECOLOGICALLY SENSITIVE AREAS

WHAT IS BIOLOGICAL DIVERSITY AND WHY SHOULD IT BE CONSERVED?¹

Biological diversity, or biodiversity, is the range of life on our planet. A more thorough definition is presented by botanist Peter H. Raven: “At the simplest level, biodiversity is the sum total of all the plants, animals, fungi and microorganisms in the world, or in a particular area; all of their individual variation; and all of the interactions between them. It is the set of living organisms that make up the fabric of the planet Earth and allow it to function as it does, by capturing energy from the sun and using it to drive all of life’s processes; by forming communities of organisms that have, through the several billion years of life’s history on Earth, altered the nature of the atmosphere, the soil and the water of our Planet; and by making possible the sustainability of our planet through their life activities now” (Raven 1994).

It is not known how many species occur on our planet. Presently, about 1.4 million species have been named. It has been estimated that there are perhaps 9 million more that have not been identified. What is known is that they are vanishing at an unprecedented rate. Reliable estimates show extinction occurring at a rate several orders of magnitude above “background” in some ecological systems (Wilson 1992, Hoose 1981).

The reasons for protecting biological diversity are complex, but they fall into four major categories. First, loss of diversity generally weakens entire natural systems. Healthy ecosystems tend to have many natural checks and balances. Every species plays a role in maintaining this system. When simplified by the loss of diversity, the system becomes more susceptible to natural and artificial perturbations. The chances of a system-wide collapse increase. In parts of the midwestern United States, for example, it was only the remnant areas of natural prairies that kept soil intact during the dust bowl years of the 1930s (Roush 1982).

Simplified ecosystems are almost always expensive to maintain. For example, when synthetic chemicals are relied upon to control pests, the target species are not the only ones affected. Their predators are almost always killed or driven away, exasperating the pest problem. In the meantime, people are unintentionally breeding pesticide-resistant pests. A process has begun where people become perpetual guardians of the affected area, which requires the expenditure of financial resources and human ingenuity to keep the system going.

A second reason for protecting biological diversity is that it represents one of our greatest untapped resources. Great benefits can be reaped from a single species. About 20 species provide 90% of the world’s food. Of these 20, just three, wheat, maize, and rice supply over one half of that food. American wheat farmers need new varieties every five to 15 years to compete with pests and diseases. Wild strains of wheat are critical genetic reservoirs for these new varieties.

Further, every species is a potential source of human medicine. In 1980, a published report identified the market value of prescription drugs from higher plants at over \$3 billion. Organic alkaloids, a class of

chemical compounds used in medicines, are found in an estimated 20% of plant species. Yet only 2% of plant species have been screened for these compounds (Hoose 1981).

The third reason for protecting diversity is that humans benefit from natural areas and depend on healthy ecosystems. The natural world supplies our air, our water, our food and supports human economic activity. Further, humans are creatures that evolved in a diverse natural environment between forest and grasslands. People need to be reassured that such places remain. When people speak of “going to the country,” they generally mean more than getting out of town. For reasons of their own sanity and wellbeing, they need a holistic, organic experience. Prolonged exposure to urban monotony produces neuroses, for which cultural and natural diversity cure.

Historically, the lack of attention to biological diversity, and the ecological processes it supports, has resulted in economic hardships for segments of the basin’s human population.

The final reason for protecting biological diversity is that species and natural systems are intrinsically valuable. The above reasons have focused on the benefits of the natural world to humans. All things possess intrinsic value simply because they exist.

BIOLOGICAL RESOURCES CONCERNING THE SUBJECT PARCEL

As part of the Natural Resources Information Report, staff checks office maps to determine if any nature preserves or ecologically sensitive areas are in the general vicinity of the parcel in question. If there is a nature preserve in the area, then that resource will be identified as part of the report. The SWCD recommends that every effort be made to protect that resource. Such efforts should include, but are not limited to erosion control, sediment control, stormwater management, and groundwater monitoring.

Office maps indicate that ecologically sensitive area(s) are located on or near the parcel in question (PIQ). Rob Roy Creek, a tributary to the Fox River, flows near the eastern boundary of the parcel.

¹Taken from *The Conservation of Biological Diversity in the Great Lakes Ecosystem: Issues and Opportunities*, prepared by the Nature Conservancy Great Lakes Program 79W. Monroe Street, Suite 1309, Chicago, IL 60603, January 1994.

SOILS INFORMATION

IMPORTANCE OF SOILS INFORMATION

Soils information comes from the Natural Resources Conservation Service Soil Maps and Descriptions for Kendall County. This information is important to all parties involved in determining the suitability of the proposed land use change.

Each soil polygon is given a number, which represents its soil type. The letter found after the soil type number indicates the soils slope class.

Each soil map unit has limitations for a variety of land uses such as septic systems, buildings with basements, and buildings without basements. It is important to remember that soils do not function independently of each other. The behavior of a soil depends upon the physical properties of adjacent soil types, the presence of artificial drainage, soil compaction, and its position in the local landscape.

The limitation categories (not limited, somewhat limited, or very limited) indicate the potential for difficulty in using that soil unit for the proposed activity and, thus, the degree of need for thorough soil borings and engineering studies. A limitation does not necessarily mean that the proposed activity cannot be done on that soil type. It does mean that the reasons for the limitation need to be thoroughly understood and dealt with to complete the proposed activity successfully. Very limited indicates that the proposed activity will be more difficult and costly to do on that soil type than on a soil type with a somewhat limited or not limited rating.

Soil survey interpretations are predictions of soil behavior for specified land uses and specified management practices. They are based on the soil properties that directly influence the specified use of the soil. Soil survey interpretations allow users of soil surveys to plan reasonable alternatives for the use and management of soils.

Soil interpretations do not eliminate the need for on-site study and testing of specific sites for the design and construction for specific uses. They can be used as a guide for planning more detailed investigations and for avoiding undesirable sites for an intended use. The scale of the maps and the range of error limit the use of the soil delineation.

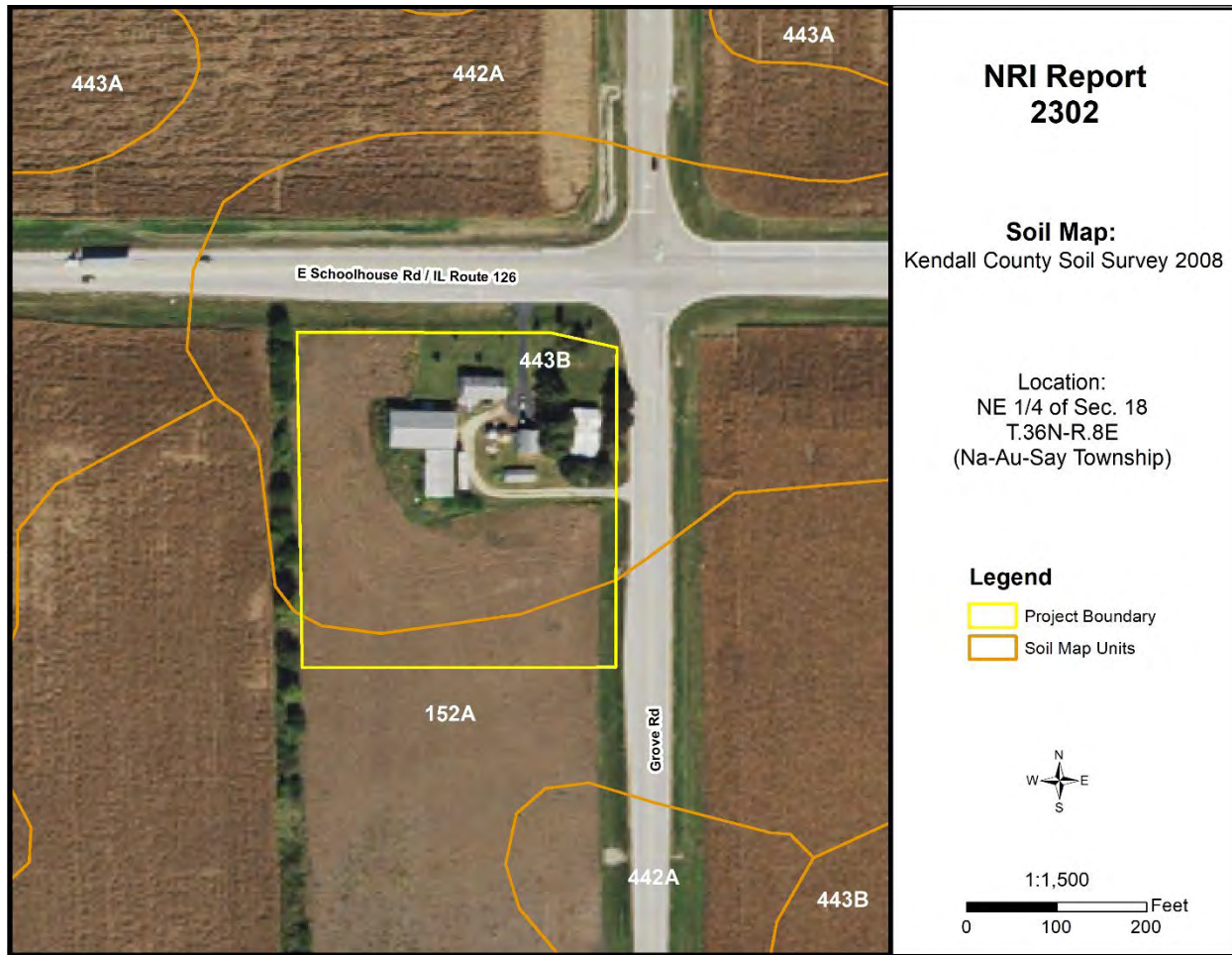


Figure 5: Soil Map

Table 3: Soil Map Unit Descriptions

Symbol	Descriptions	Acres	Percent
152A	Drummer silty clay loam, 0-2% slopes	0.5	17.2%
443B	Barrington silt loam, 2-4% slopes	2.5	82.8%

Source: National Cooperative Soil Survey – USDA-NRCS

SOILS INTERPRETATIONS EXPLANATION

GENERAL – NONAGRICULTURAL

These interpretative ratings help engineers, planners, and others to understand how soil properties influence behavior when used for nonagricultural uses such as building site development or construction materials. This report gives ratings for proposed uses in terms of limitations and restrictive features. The tables list only the most restrictive features.

Other features may need treatment to overcome soil limitations for a specific purpose. Ratings come from the soil's "natural" state, that is, no unusual modification occurs other than that which is considered normal practice for the rated use. Even though soils may have limitations, an engineer may alter soil features or adjust building plans for a structure to compensate for most degrees of limitations. Most of these practices, however, are costly. The final decision in selecting a site for a particular use generally involves weighing the costs for site preparation and maintenance. Soil properties influence development of building sites, including the selection of the site, the design of the structure, construction, performance after construction, and maintenance. Soil limitation ratings of not limited, somewhat limited, and very limited are given for the types of proposed improvements that are listed or inferred by the petitioner as entered on the report application and/or zoning petition. The most common types of building limitation that this report gives limitations ratings for is septic systems. It is understood that engineering practices can overcome most limitations for buildings with and without basements, and small commercial buildings. Limitation ratings for these types of buildings are not commonly provided. Organic soils, when present on the parcel, are referenced in the hydric soils section of the report. This type of soil is considered unsuitable for all types of construction.

LIMITATIONS RATINGS

- **Not Limited:** This soil has favorable properties for the use. The degree of limitation is minor. The people involved can expect good performance and low maintenance.
- **Somewhat Limited:** This soil has moderately favorable properties for the use. Special planning, design, or maintenance can overcome this degree of limitation. During some part of the year, the expected performance is less desirable than for soils rated slight.
- **Very Limited:** This soil has one or more properties that are unfavorable for the rated use. These may include the following: steep slopes, bedrock near the surface, flooding, high shrink-swell potential, a seasonal high water table, or low strength. This degree of limitation generally requires major soil reclamation, special design, or intensive maintenance, which in most situations is difficult and costly.

BUILDING LIMITATIONS

BUILDING ON POORLY SUITED OR UNSUITABLE SOILS

Building on poorly suited or unsuitable soils can present problems to future property owners such as cracked foundations, wet basements, lowered structural integrity and high maintenance costs associated with these problems. The staff of the Kendall County SWCD strongly urges scrutiny by the plat reviewers when granting parcels with these soils exclusively.

Dwellings with Basements – Ratings are for undisturbed soil for a building structure of less than 3 stories with a basement. The foundation is assumed to be spread footings of reinforced concrete built on undisturbed soil at a depth of about 7 feet. The ratings for dwellings are based on soil properties that affect the capacity of the soil to support a load without movement and on the properties that affect excavation and construction costs.

Dwellings without Basements – Ratings are for undisturbed soil for a house of three stories or less than 3 stories without a basement. The foundation is assumed to be spread footings of reinforced concrete at a depth of 2 feet or the depth of maximum frost penetration, whichever is deeper. The ratings for dwellings are based on soil properties that affect the capacity of the soil to support a load without movement and on the properties that affect excavation and construction costs.

Small Commercial Buildings – Ratings are for structures that are less than three stories high and do not have basements. The foundation is assumed to be spread footings of reinforced concrete built on disturbed soil at a depth of 2 feet or at the depth of maximum frost penetration, whichever is deeper. The ratings are based on soil properties that affect the capacity of the soil to support a load without movement and on the properties that affect excavation and construction costs.

Shallow Excavations – Trenches or holes dug to a maximum depth of 5 or 6 feet for utility lines, open ditches, or other purposes. Ratings are based on soil properties that influence the ease of digging and the resistance to sloughing.

Lawns and Landscaping – Require soils on which turf and ornamental trees and shrubs can be established and maintained (irrigation is not considered in the ratings). The ratings are based on the soil properties that affect plant growth and trafficability after vegetation is established.

Onsite Sewage Disposal – The factors considered are the characteristics and qualities of the soil that affect the limitations for absorbing waste from domestic sewage disposal systems. The major features considered are soil permeability, percolation rate, groundwater level, depth to bedrock, flooding hazards, and slope. The table below indicates soils that are deemed unsuitable per the Kendall County Subdivision Control Ordinance. Installation of an on-site sewage disposal system in soils designated as unsuitable may necessitate the installation of a non-conventional onsite sewage disposal system. For more information please contact the Kendall County Health Department – Environmental Health at (630) 553-9100 x8026.

Table 4: Building Limitations

Soil Type	Dwellings with Basements	Dwellings without Basements	Small Commercial Buildings	Shallow Excavations	Lawns & Landscaping	Onsite Sewage Disposal	Acres	%
152A	Very Limited: Ponding Depth to saturated zone Shrink-swell	Very Limited: Ponding Depth to saturated zone Shrink-swell	Very Limited: Ponding Depth to saturated zone Shrink-swell	Very Limited: Ponding Depth to saturated zone Dusty Unstable excavation walls Too clayey	Very Limited: Ponding Depth to saturated zone Dusty	Unsuitable/ Very Limited: Wet	0.5	17.2%
443B	Somewhat Limited: Depth to saturated zone Shrink-swell	Somewhat Limited: Shrink-swell	Somewhat Limited: Shrink-swell	Somewhat Limited: Depth to saturated zone Dusty Unstable excavation walls	Somewhat Limited: Dusty	Suitable/ Not Limited	2.5	82.8%
% Very Limited	17.2%	17.2%	17.2%	17.2%	17.2%	17.2%		

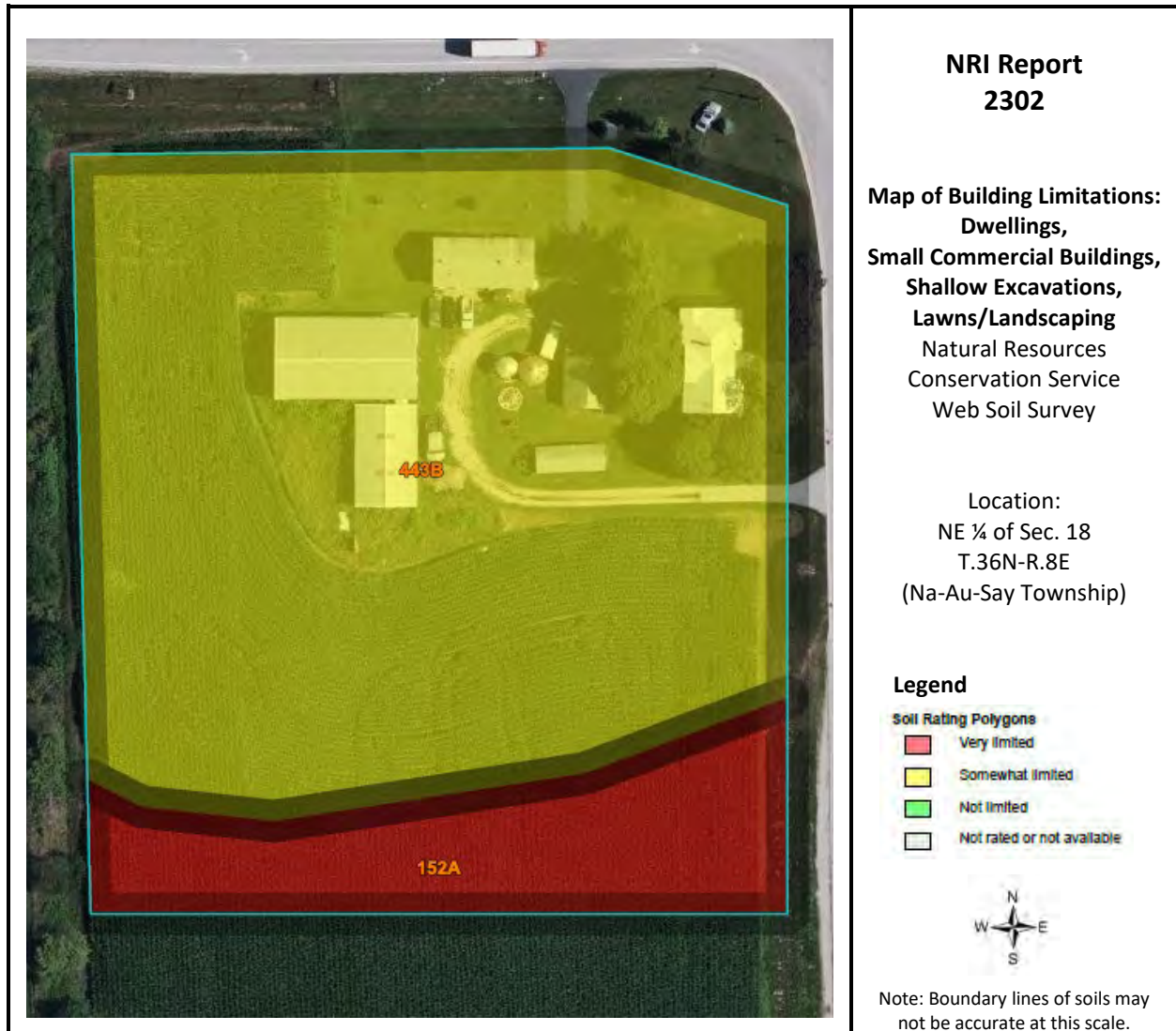


Figure 6A: Map of Building Limitations – Dwellings with Basements, Dwellings without Basements, Small Commercial Buildings, Shallow Excavations, and Lawns/Landscaping

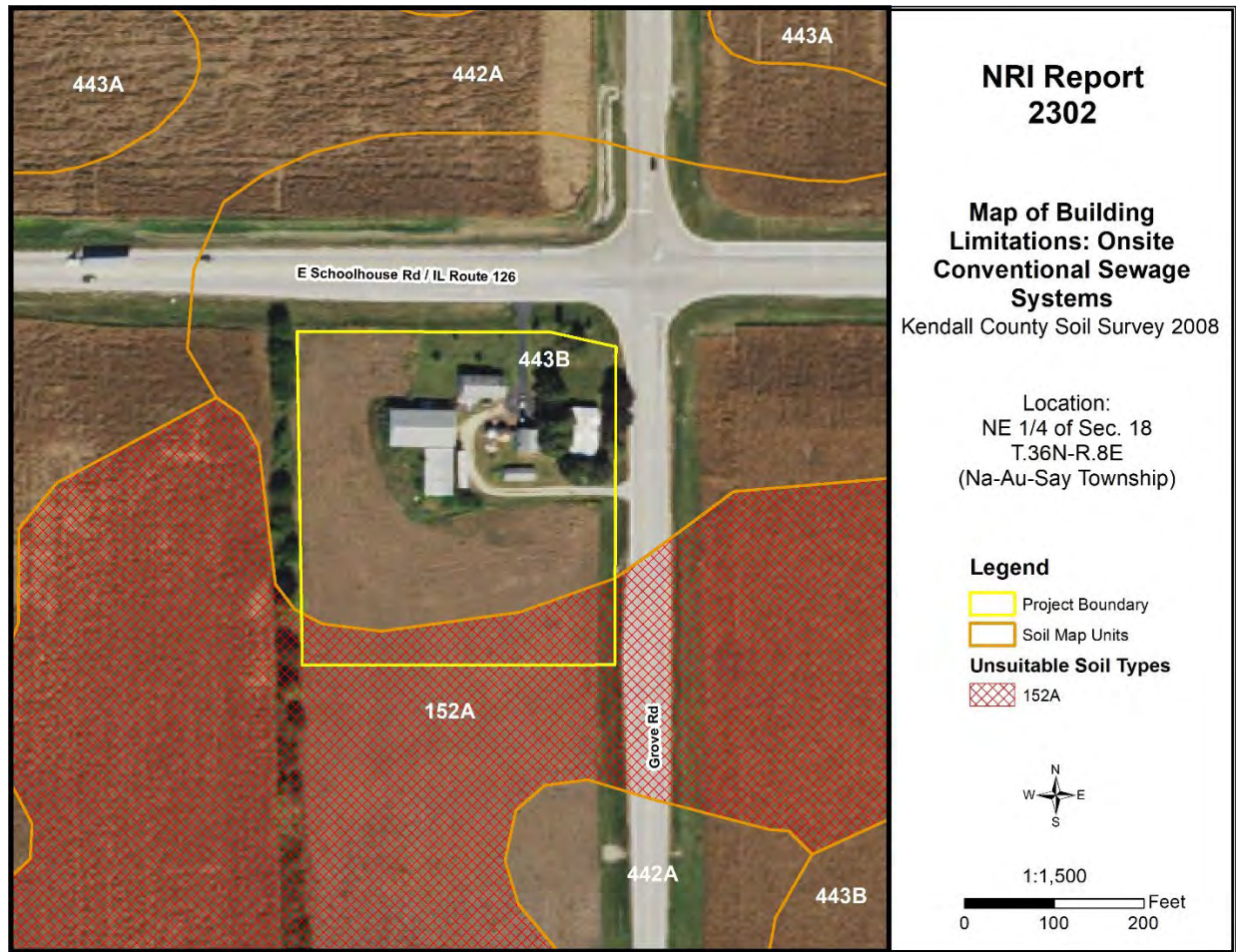


Figure 6B: Map of Building Limitations – Onsite Conventional Sewage System

SOIL WATER FEATURES

Table 5, below, gives estimates of various soil water features that should be taken into consideration when reviewing engineering for a land use project.

HYDROLOGIC SOIL GROUPS (HSGs) – The groups are based on estimates of runoff potential. Soils are assigned to one of four groups according to the rate of water infiltration when the soils are not protected by vegetation, are thoroughly wet, and receive precipitation from long-duration storms.

- **Group A:** Soils having a high infiltration rate (low runoff potential) when thoroughly wet. These consist mainly of deep, well drained to excessively drained sands or gravelly sands. These soils have a high rate of water transmission.
- **Group B:** Soils having a moderate infiltration rate when thoroughly wet. These consist chiefly of moderately deep or deep, moderately well drained, or well drained soils that have moderately fine texture to moderately coarse texture. These soils have a moderate rate of water transmission.
- **Group C:** Soils having a slow infiltration rate when thoroughly wet. These consist chiefly of soils having a layer that impedes the downward movement of water or soils of moderately fine texture or fine texture. These soils have a slow rate of water transmission.
- **Group D:** Soils having a very slow infiltration rate (high runoff potential) when thoroughly wet. These consist chiefly of clays that have a high shrink-swell potential, soils that have a high water table, soils that have a claypan or clay layer at or near the surface, and soils that are shallow over nearly impervious material. These soils have a very slow rate of water transmission.

Note: If a soil is assigned to a dual hydrologic group (A/D, B/D or C/D) the first letter is for drained areas and the second is for undrained areas.

SURFACE RUNOFF – Surface runoff refers to the loss of water from an area by flow over the land surface. Surface runoff classes are based upon slope, climate and vegetative cover and indicates relative runoff for very specific conditions (it is assumed that the surface of the soil is bare and that the retention of surface water resulting from irregularities in the ground surface is minimal). The classes are negligible, very low, low, medium, high, and very high.

MONTHS – The portion of the year in which a water table, ponding, and/or flooding is most likely to be a concern.

WATER TABLE – Water table refers to a saturated zone in the soil and the data indicates, by month, depth to the top (upper limit) and base (lower limit) of the saturated zone in most years. These estimates are based upon observations of the water table at selected sites and on evidence of a saturated zone (grayish colors or mottles (redoximorphic features)) in the soil. Note: A saturated zone that lasts for less than a month is not considered a water table.

PONDING – Ponding refers to standing water in a closed depression, and the data indicates surface water depth, duration, and frequency of ponding.

- **Duration:** Expressed as *very brief* if less than 2 days, *brief* if 2 to 7 days, *long* if 7 to 30 days and *very long* if more than 30 days.
- **Frequency:** Expressed as: *none* meaning ponding is not possible; *rare* means unlikely but possible under unusual weather conditions (chance of ponding is 0-5% in any year); *occasional* means that it occurs, on the average, once or less in 2 years (chance of ponding is 5 to 50% in any year); and frequent means that it occurs, on the average, more than once in 2 years (chance of ponding is more than 50% in any year).

FLOODING – The temporary inundation of an area caused by overflowing streams, by runoff from adjacent slopes, or by tides. Water standing for short periods after rainfall or snowmelt is not considered flooding, and water standing in swamps and marshes is considered ponding rather than flooding.

- **Duration:** Expressed as: *extremely brief* if 0.1 hour to 4 hours; *very brief* if 4 hours to 2 days; *brief* if 2 to 7 days; *long* if 7 to 30 days; and *very long* if more than 30 days.
- **Frequency:** Expressed as: *none* means flooding is not probable; *very rare* means that it is very unlikely but possible under extremely unusual weather conditions (chance of flooding is less than 1% in any year); *rare* means that it is unlikely but possible under unusual weather conditions (chance of flooding is 1 to 5% in any year); *occasional* means that it occurs infrequently under normal weather conditions (chance of flooding is 5 to 50% in any year but is less than 50% in all months in any year); and *very frequent* means that it is likely to occur very often under normal weather conditions (chance of flooding is more than 50% in all months of any year).

Note: The information is based on evidence in the soil profile. In addition, consideration is also given to local information about the extent and levels of flooding and the relation of each soil on the landscape to historic floods. Information on the extent of flooding based on soil data is less specific than that provided by detailed engineering surveys that delineate flood-prone areas at specific flood frequency levels.

Table 5: Water Features

Map Unit	Hydrologic Group	Surface Runoff	Water Table	Ponding	Flooding
152A	B/D	Negligible	<u>January - May</u> Upper Limit: 0.0'-1.0' Lower Limit: 6.0' <u>June - December</u> Upper Limit: -- Lower Limit: --	<u>January - May</u> Surface Water Depth: 0.0'-0.5' Duration: Brief (2 to 7 days) Frequency: Frequent <u>June - December</u> Surface Water Depth: -- Duration: -- Frequency: --	<u>January - December</u> Duration: -- Frequency: None
443B	C	Low	<u>January</u> Upper Limit: -- Lower Limit: -- <u>February - April</u> Upper Limit: 2.0'-3.5' Lower Limit: 6.0' <u>May - December</u> Upper Limit: -- Lower Limit: --	<u>January - December</u> Surface Water Depth: -- Duration: -- Frequency: --	<u>January - December</u> Duration: -- Frequency: None

SOIL EROSION AND SEDIMENT CONTROL

Erosion is the wearing away of the soil by water, wind, and other forces. Soil erosion threatens the Nation's soil productivity and contributes the most pollutants in our waterways. Water causes about two thirds of erosion on agricultural land. Four properties, mainly, determine a soil's erodibility: texture, slope, structure, and organic matter content.

Slope has the most influence on soil erosion potential when the site is under construction. Erosivity and runoff increase as slope grade increases. The runoff then exerts more force on the particles, breaking their bonds more readily and carrying them farther before deposition. The longer water flows along a slope before reaching a major waterway, the greater the potential for erosion.

Soil erosion during and after this proposed construction can be a primary non-point source of water pollution. Eroded soil during the construction phase can create unsafe conditions on roadways, decrease the storage capacity of lakes, clog streams and drainage channels, cause deterioration of aquatic habitats, and increase water treatment costs. Soil erosion also increases the risk of flooding by choking culverts, ditches, and storm sewers and by reducing the capacity of natural and man-made detention facilities.

The general principles of erosion and sedimentation control measures include:

- Reducing/diverting flow from exposed areas, storing flows, or limiting runoff from exposed areas
- Staging construction to keep disturbed areas to a minimum
- Establishing or maintaining temporary or permanent groundcover
- Retaining sediment on site
- Properly installing, inspecting, and maintaining control measures

Erosion control practices are useful controls only if they are properly located, installed, inspected, and maintained. Soil erosion and sedimentation control plans, including maintenance responsibilities, should be clearly communicated to all contractors working on the site.

The SWCD recommends an erosion and sediment control plan for all building sites, especially if there is a wetland or stream nearby. Additionally, a National Pollutant Discharge Elimination System (NPDES) permit (Permit No. ILR10) from the Illinois Environmental Protection Agency (IEPA) is required for stormwater discharges from construction sites that will disturb 1 or more acres of land. Conditions of the NPDES ILR10 permit require the development and implementation of a Stormwater Pollution Prevention Plan (SWPPP) to reduce stormwater pollutants on the construction site before they can cause environmental issues.

Table 6: Soil Erosion Potential

Soil Type	Slope	Rating	Acreage	Percent of Parcel
152A	0-2%	Slight	0.5	17.2%
443B	2-4%	Slight	2.5	82.8%

PRIME FARMLAND SOILS

Prime farmland soils are an important resource to Kendall County. Some of the most productive soils in the United States occur locally. Each soil map unit in the United States is assigned a prime or non-prime rating. Prime agricultural land does not need to be in the production of food & fiber.

Section 310 of the NRCS general manual states that urban or built-up land on prime farmland soils is not prime farmland. The percentages of soil map units on the parcel reflect the determination that urban or built-up land on prime farmland soils is not prime farmland.

Table 7: Prime Farmland Soils

Soil Types	Prime Designation	Acreage	Percent
152A	Prime Farmland if Drained	0.5	17.2%
443B	Prime Farmland	2.5	82.8%
% Prime Farmland	100%		

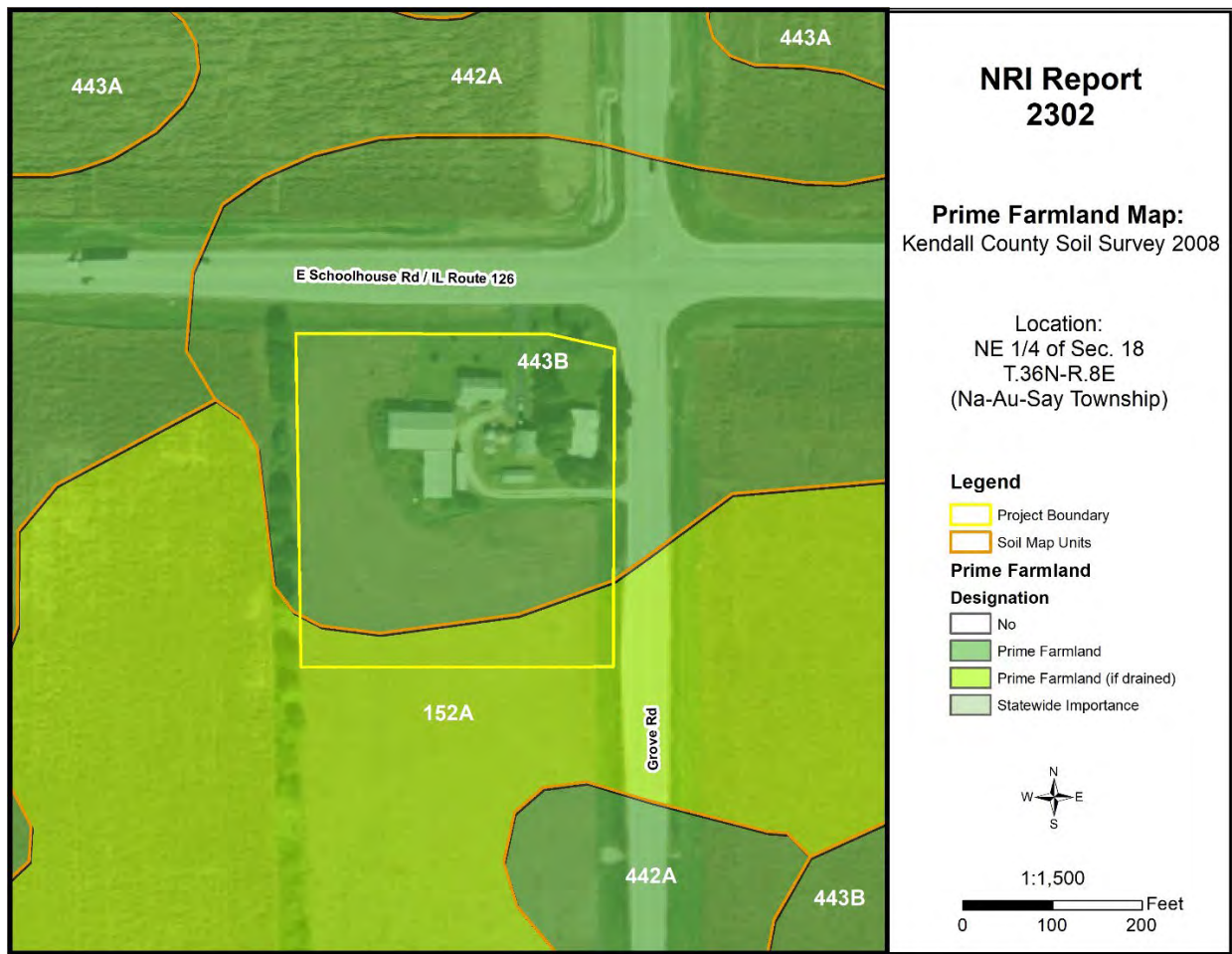


Figure 7: Map of Prime Farmland Soils

LAND EVALUATION AND SITE ASSESSMENT (LESA)

Decision-makers in Kendall County use the Land Evaluation and Site Assessment (LESA) system to determine the suitability of a land use change and/or a zoning request as it relates to agricultural land. The LESA system was developed by the United States Department of Agriculture-Natural Resources Conservation Service (USDA-NRCS) and takes into consideration local conditions such as physical characteristics of the land, compatibility of surrounding land-uses, and urban growth factors. The LESA system is a two-step procedure that includes:

LAND EVALUATION (LE)

The soils of a given area are rated and placed in groups ranging from the best to worst suited for a stated agriculture use, cropland, or forestland. The best group is assigned a value of 100, and all other groups are assigned lower values. The Land Evaluation is based on data from the Kendall County Soil Survey. The LE score is calculated by multiplying the relative value of each soil type by the number of acres of that soil. The sum of the products is then divided by the total number of acres; the answer is the Land Evaluation score on this site. The Kendall County Soil and Water Conservation District is responsible for this portion of the LESA system.

SITE ASSESSMENT (SA)

The site is numerically evaluated according to important factors that contribute to the quality of the site. Each factor selected is assigned values in accordance with the local needs and objectives. The value group is a predetermined value based upon prime farmland designation. The Kendall County LESA Committee is responsible for this portion of the LESA system.

Please Note: A land evaluation (LE) score will be compiled for every project parcel. However, when a parcel is located within municipal planning boundaries, a site assessment (SA) score is not compiled as the scoring factors are not applicable. As a result, only the LE score is available, and a full LESA score is unavailable for the parcel.

Table 8A: Land Evaluation Computation

Soil Type	Value Group	Relative Value	Acres	Product (Relative Value x Acres)
152A	1	100	0.5	50.0
443B	3	87	2.5	217.5
Totals			3.0	267.5
LE Calculation			(Product of relative value / Total Acres) 267.5 / 3.0 = 89.2	
LE Score			LE = 89	

The Land Evaluation score for this site is 89 out of 100, indicating that the soils are well suited for agricultural uses considering the Land Evaluation score is above 80.

Table 8B: Site Assessment Computation

A.	Agricultural Land Uses	Points
	1. Percentage of area in agricultural uses within 1.5 miles of site. (20-10-5-0)	20
	2. Current land use adjacent to site. (30-20-15-10-0)	30
	3. Percentage of site in agricultural production in any of the last 5 years. (20-15-10-5-0)	15
	4. Size of site. (30-15-10-0)	0
B.	Compatibility / Impact on Uses	
	1. Distance from city or village limits. (20-10-0)	20
	2. Consistency of proposed use with County Land Resource Management Concept Plan and/or municipal comprehensive land use plan. (20-10-0)	20
	3. Compatibility of agricultural and non-agricultural uses. (15-7-0)	0
C.	Existence of Infrastructure	
	1. Availability of public sewage system. (10-8-6-0)	10
	2. Availability of public water system. (10-8-6-0)	10
	3. Transportation systems. (15-7-0)	7
	4. Distance from fire protection service. (10-8-6-2-0)	10
	Site Assessment Score:	142

The Site Assessment score for this site is 142. The Land Evaluation value (89) is added to the Site Assessment value (142) to obtain a LESA Score of 231. The table below shows the level of protection for the proposed project site based on the LESA Score.

Table 9: LESA Score Summary

LESA SCORE	LEVEL OF PROTECTION
0-200	Low
201-225	Medium
226-250	High
251-300	Very High

Land Evaluation Value: 89 + Site Assessment Value: 142 = LESA Score: 231

The LESA Score for this site is 231 which indicates a high level of protection for the proposed project site. Note: Selecting the project site with the lowest total points will generally protect the best farmland located in the most viable areas and maintain and promote the agricultural industry in Kendall County. If the project is agricultural in nature, however, a higher score may provide an indication of the suitability of the project as it relates to the compatibility with existing agricultural land use.

LAND USE PLANS

Many counties, municipalities, villages, and townships have developed land-use plans. These plans are intended to reflect the existing and future land-use needs of a given community. Please contact the Kendall County Planning, Building & Zoning for information regarding the County's comprehensive land use plan and map.

DRAINAGE, RUNOFF, AND FLOOD INFORMATION

U.S.G.S Topographic maps give information on elevations, which are important mostly to determine slopes, drainage directions, and watershed information.

Elevations determine the area of impact of floods of record. Slope information determines steepness and erosion potential. Drainage directions determine where water leaves the PIQ, possibly impacting surrounding natural resources.

Watershed information is given for changing land use to a subdivision type of development on parcels greater than 10 acres.

WHAT IS A WATERSHED?

Simply stated, a watershed is the area of land that contributes water to a certain point. The watershed boundary is important because the area of land in the watershed can now be calculated using an irregular shape area calculator such as a dot counter or planimeter.

Using regional storm event information, and site-specific soils and land use information, the peak stormwater flow through the point marked "O" for a specified storm event can be calculated. This value is called a "Q" value (for the given storm event) and is measured in cubic feet per second (CFS).

When construction occurs, the Q value naturally increases because of the increase in impermeable surfaces. This process decreases the ability of soils to accept and temporarily hold water. Therefore, more water runs off and increases the Q value.

Theoretically, if each development, no matter how large or small, maintains their preconstruction Q value after construction by the installation of stormwater management systems, the streams and wetlands and lakes will not suffer damage from excessive urban stormwater.

For this reason, the Kendall County SWCD recommends that the developer for intense uses such as a subdivision calculate the preconstruction Q value for the exit point(s). A stormwater management system

should be designed, installed, and maintained to limit the postconstruction Q value to be at or below the preconstruction value.

IMPORTANCE OF FLOOD INFORMATION

A floodplain is defined as land adjoining a watercourse (riverine) or an inland depression (non-riverine) that is subject to periodic inundation by high water. Floodplains are important areas demanding protection since they have water storage and conveyance functions which affect upstream and downstream flows, water quality and quantity, and suitability of the land for human activity. Since floodplains play distinct and vital roles in the hydrologic cycle, development that interferes with their hydrologic and biologic functions should be carefully considered.

Flooding is both dangerous to people and destructive to their properties. The following maps, when combined with wetland and topographic information, can help developers and future homeowners to “sidestep” potential flooding or ponding problems.

FIRM is the acronym for the Flood Insurance Rate Map, produced by the Federal Emergency Management Agency (FEMA). These maps define flood elevation adjacent to tributaries and major bodies of water and superimpose that onto a simplified USGS topographic map. The scale of the FIRM maps is generally dependent on the size and density of parcels in that area. (This is to correctly determine the parcel location and floodplain location.) The FIRM map has three (3) zones. Zone A includes the 100-year flood, Zone B or Zone X (shaded) is the 100 to 500-year flood, and Zone C or Zone X (unshaded) is outside the floodplain.

The Hydrologic Atlas (H.A.) Series of the Flood of Record Map is also used for the topographic information. This map is different from the FIRM map mainly because it will show isolated or pocketed flooded areas. Kendall County uses both these maps in conjunction with each other for flooded area determinations. The Flood of Record maps show the areas of flood for various years. Both maps stress that the recurrence of flooding is merely statistical. A 100-year flood may occur twice in one year, or twice in one week, for that matter.

It should be noted that greater floods than those shown on the two maps are possible. The flood boundaries indicated provide a historic record only until the map publication date. Additionally, these flood boundaries are a function of the watershed conditions existing when the maps were produced. Cumulative changes in runoff characteristics caused by urbanization can result in an increase in flood height of future flood episodes.

Floodplains play a vital role in reducing the flood damage potential associated with an urbanizing area and, when left in an undisturbed state, also provide valuable wildlife habitat benefits. If it is the petitioner's intent to conduct floodplain filling or modification activities, the petitioner, and the Unit of Government responsible need to consider the potentially adverse effects this type of action could have on adjacent properties. The change or loss of natural floodplain storage often increases the frequency and severity of flooding on adjacent property.

If the available maps indicate the presence of a floodplain on the PIQ, the petitioner should contact the IDNR-OWR and FEMA to delineate a floodplain elevation for the parcel. If a portion of the property is indeed floodplain, applicable state, county, and local regulations will need to be reflected in the site plans.

Another indication of flooding potential can be found in the soils information. Hydric soils indicate the presence of drainageways, areas subject to ponding, or a naturally occurring high water table. These need to be considered along with the floodplain information when developing the site plan and the stormwater management plan. Development on hydric soils can contribute to the loss of water storage within the soil and the potential for increased flooding in the area.

This parcel is located on minimal topography (slopes 0 to 4%) and an elevation range of approximately 644'-656' above sea level. According to the FEMA Floodplain Map (Figure 8), the parcel in question is located outside of the 100-year floodplain. It is mapped as Zone X, an area of minimal flood hazard.

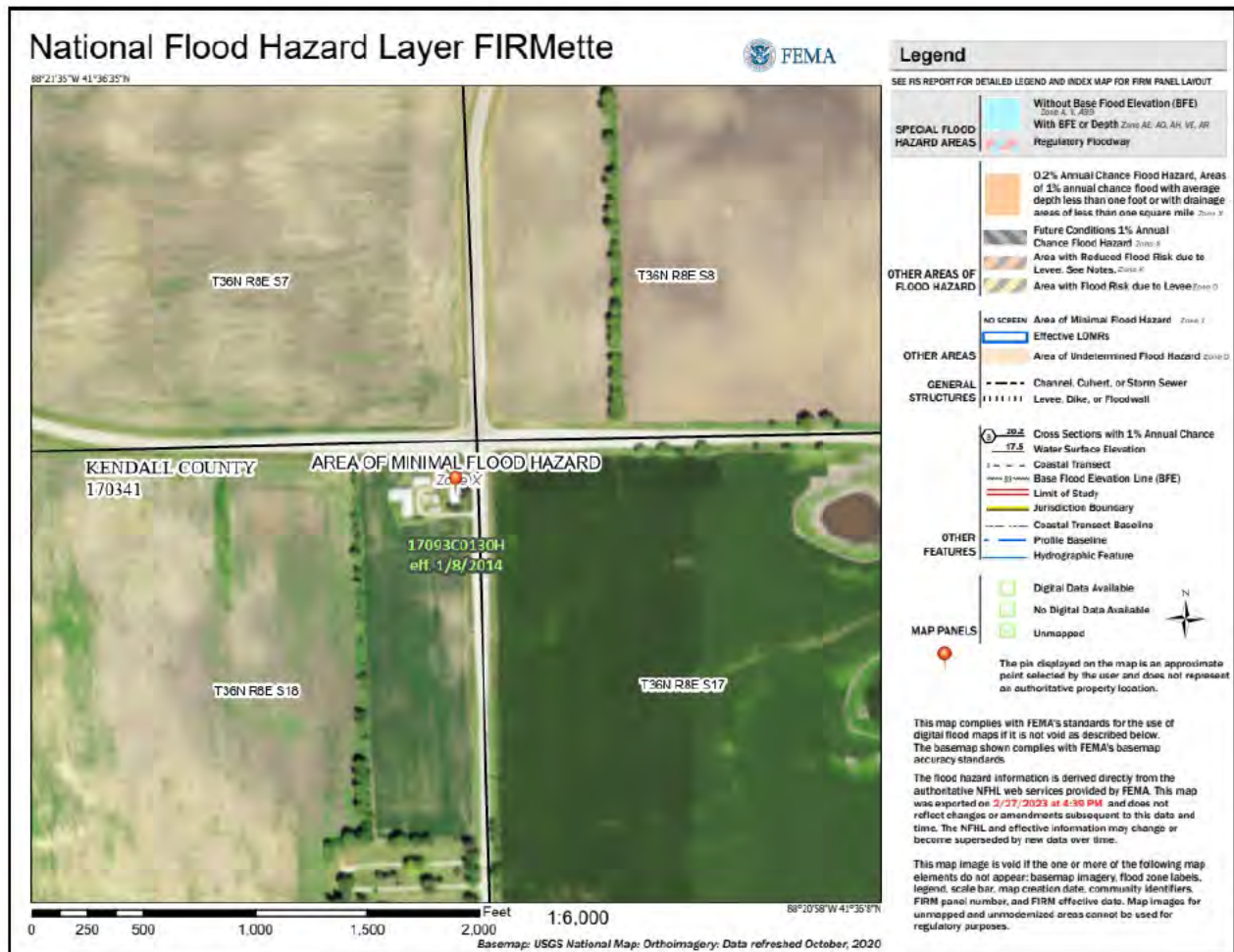


Figure 8: FEMA Floodplain Map

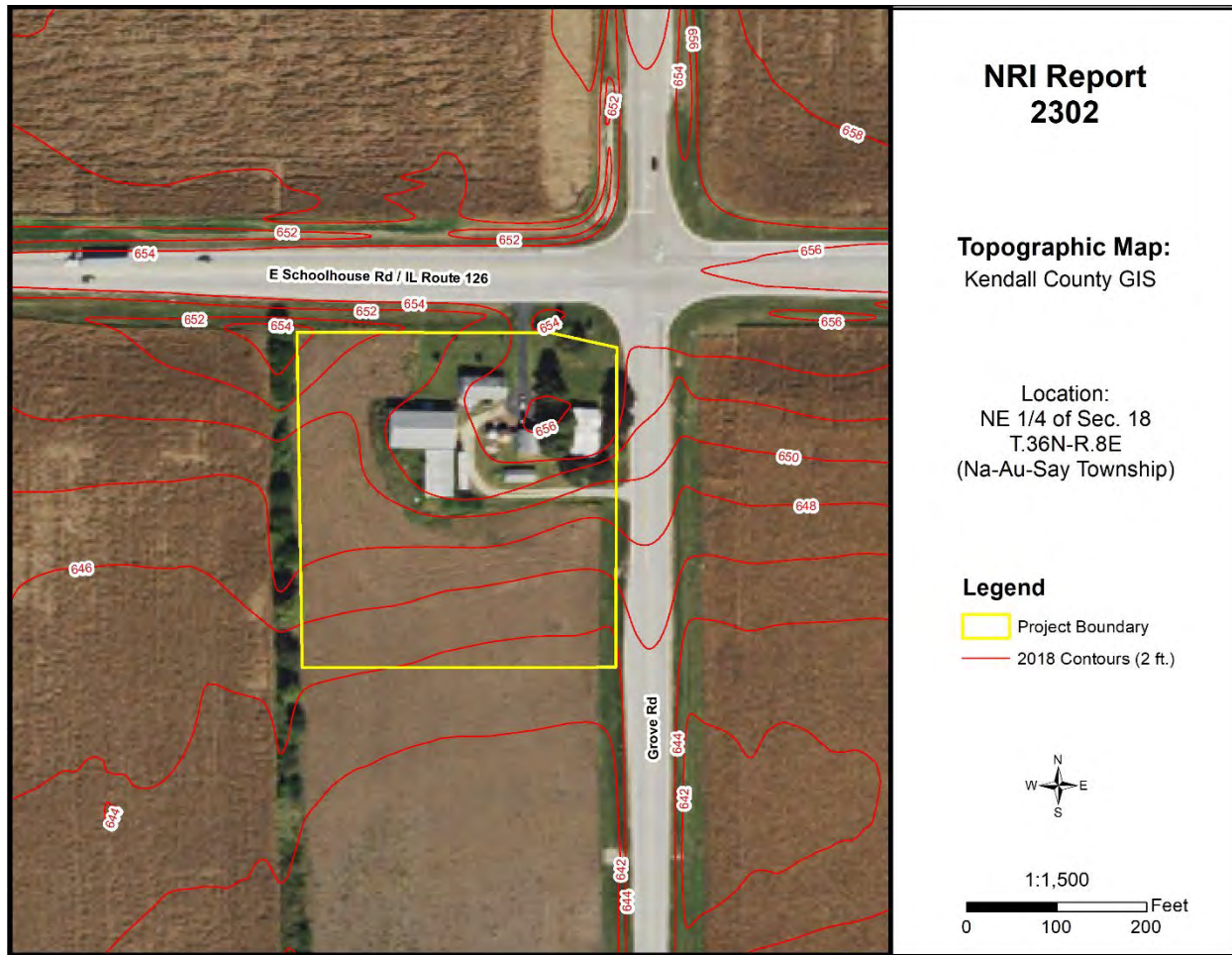


Figure 9: Topographic Map

WATERSHED PLANS

WATERSHED AND SUB WATERSHED INFORMATION

A watershed is the area of land that drains into a specific point including a stream, lake, or other body of water. High points on the Earth's surface, such as hills and ridges define watersheds. When rain falls in the watershed, it flows across the ground towards a stream or lake. Rainwater carries pollutants such as oils, pesticides, and soil.

Everyone lives in a watershed. Their actions can impact natural resources and people living downstream. Residents can minimize this impact by being aware of their environment and the implications of their activities, implementing practices recommended in watershed plans, and educating others about their watershed.

The following are recommendations to developers for protection of this watershed:

- Preserve open space
- Maintain wetlands as part of development
- Use natural water management
- Prevent soil from leaving a construction site
- Protect subsurface drainage
- Use native vegetation
- Retain natural features
- Mix housing styles and types
- Decrease impervious surfaces
- Reduce area disturbed by mass grading
- Shrink lot size and create more open space
- Maintain historical and cultural resources
- Treat water where it falls
- Preserve views
- Establish and link trails

This parcel is located within the Lower Fox River watershed and the Morgan Creek sub watershed.
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WETLAND INFORMATION

IMPORTANCE OF WETLAND INFORMATION

Wetlands function in many ways to provide numerous benefits to society. They control flooding by offering a slow release of excess water downstream or through the soil. They cleanse water by filtering out sediment and some pollutants and can function as rechargers of our valuable groundwater. They also are essential breeding, rearing, and feeding grounds for many species of wildlife.

These benefits are particularly valuable in urbanizing areas as development activity typically adversely affects water quality, increases the volume of stormwater runoff, and increases the demand for groundwater. In an area where many individual homes rely on shallow groundwater wells for domestic water supplies, activities that threaten potential groundwater recharge areas are contrary to the public good. The conversion of wetlands, with their sediment trapping and nutrient absorbing vegetation, to biologically barren stormwater detention ponds can cause additional degradation of water quality in downstream or adjacent areas.

It has been estimated that over 95% of the wetlands that were historically present in Illinois have been destroyed while only recently has the true environmental significance of wetlands been fully recognized. America is losing 100,000 acres of wetland a year and has saved 5 million acres total (since 1934). One acre of wetland can filter 7.3 million gallons of water a year. These are reasons why our wetlands are high quality and important.

This section contains the National Wetlands Inventory, which is the most comprehensive inventory to date. The National Wetlands Inventory is reproduced from an aerial photo at a scale of 1" equals 660 feet. The NRCS developed these maps in cooperation with U.S. EPA (Environmental Protection Agency,) and the U.S. Fish and Wildlife Service, using the National Food Security Act Manual, 3rd Edition. The main purpose of these maps is to determine wetland areas on agricultural fields and areas that may be wetlands but are in a non-agriculture setting.

The National Wetlands Inventory in no way gives an exact delineation of the wetlands, but merely an outline, or the determination that there is a wetland within the outline. For the final, most accurate wetland **determination** of a specific wetland, a wetland **delineation** must be certified by NRCS staff using the National Food Security Act Manual (on agricultural land.) On urban land, a certified wetland delineator must perform the delineation using the ACOE 1987 Manual. *See the glossary section for the definitions of "delineation" and "determination."*

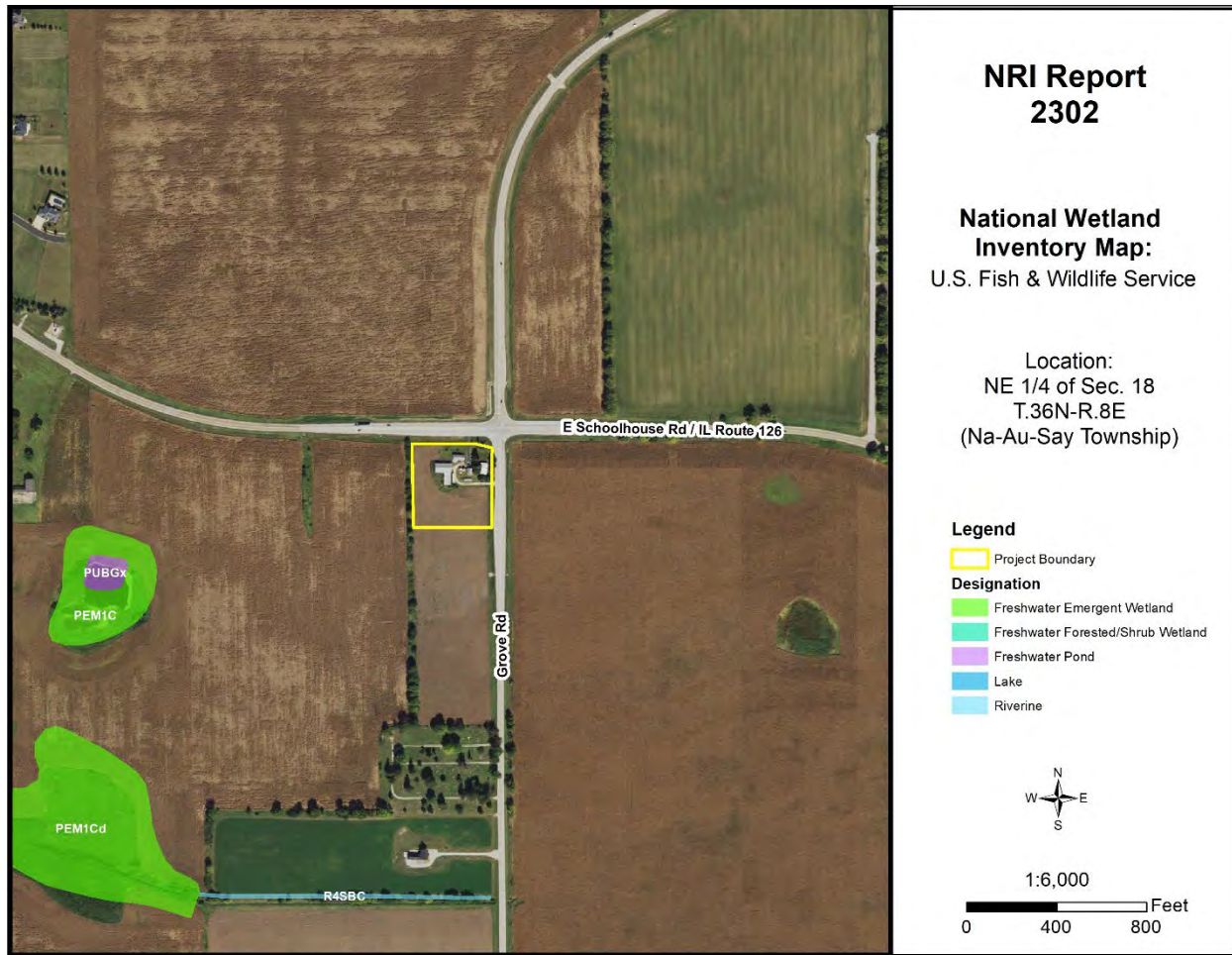


Figure 10: Wetland Map – USFWS National Wetlands Inventory

Office maps indicate that mapped wetlands/waters are not present on the parcel in question (PIQ).

HYDRIC SOILS

Soils information gives another indication of flooding potential. The soils map on the following page indicates the soil(s) on the parcel that the Natural Resources Conservation Service indicates as hydric. Hydric soils, by definition, have seasonal high water at or near the soil surface and/or have potential flooding or ponding problems. All hydric soils range from poorly suited to unsuitable for building. One group of the hydric soils are the organic soils, which formed from dead organic material. Organic soils are unsuitable for building because of not only the high water table but also their subsidence problems.

It is important to add the possibility of hydric inclusions in a soil type. An inclusion is a soil polygon that is too small to appear on these maps. While relatively insignificant for agricultural use, hydric soil inclusions become more important to more intense uses such as a residential subdivision.

While considering hydric soils and hydric inclusions, it is noteworthy to mention that subsurface agriculture drainage tile occurs in almost all poorly drained and somewhat poorly drained soils. Drainage tile expedites drainage and facilitates farming. It is imperative that these drainage tiles remain undisturbed. A damaged subsurface drainage tile may return original hydrologic conditions to all the areas that drained through the tile (ranging from less than one acre to many square miles.)

For an intense land use, such as a subdivision, the Kendall County SWCD recommends the following: a topographical survey with 1 foot contour intervals to accurately define the flood area on the parcel, an intensive soil survey to define most accurately the locations of the hydric soils and inclusions, and a drainage tile survey on the area to locate the tiles that must be preserved to maintain subsurface drainage.

Table 10: Hydric Soils

Soil Types	Drainage Class	Hydric Designation	Hydric Inclusions Likely	Acreage	Percent
152A	Poorly Drained	Hydric	No	0.5	17.2%
443B	Moderately Well Drained	Non-Hydric	Yes	2.5	82.8%

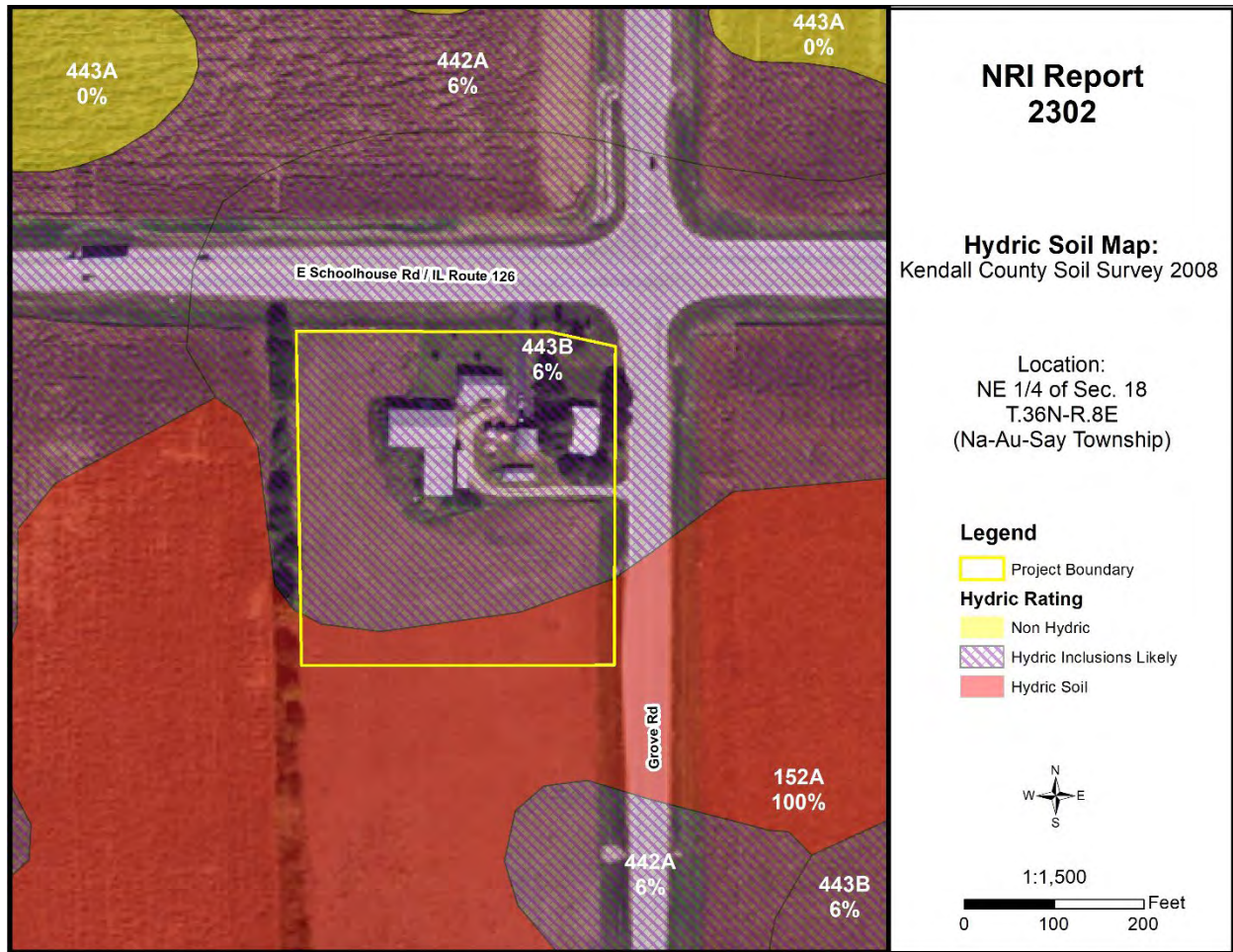


Figure 11: Hydric Soil Map

WETLAND AND FLOODPLAIN REGULATIONS

PLEASE READ THE FOLLOWING IF YOU ARE PLANNING TO DO ANY WORK NEAR A STREAM (THIS INCLUDES SMALL UNNAMED STREAMS), LAKE, WETLAND OR FLOODWAY.

The laws of the United States and the State of Illinois assign certain agencies specific and different regulatory roles to protect the waters within the State's boundaries. These roles, when considered together, include protection of navigation channels and harbors, protection against floodway encroachments, maintenance and enhancement of water quality, protection of fish and wildlife habitat and recreational resources, and, in general, the protection of total public interest. Unregulated use of the waters within the State of Illinois could permanently destroy or alter the character of these valuable resources and adversely impact the public. Therefore, please contact the proper regulatory authorities when planning any work associated with Illinois waters so that proper consideration and approval can be obtained.

WHO MUST APPLY?

Anyone proposing to dredge, fill, rip rap, or otherwise alter the banks or beds of, or construct, operate, or maintain any dock, pier, wharf, sluice, dam, piling, wall, fence, utility, floodplain or floodway subject to State or Federal regulatory jurisdiction should apply for agency approvals.

REGULATORY AGENCIES

- **Wetland or U.S. Waters:** U.S. Army Corps of Engineers, Rock Island District, Clock Tower Building, Rock Island, IL
- **Floodplains:** Illinois Department of Natural Resources/Office of Water Resources, One Natural Resources Way, Springfield, IL 62702-1270.
- **Water Quality/Erosion Control:** Illinois Environmental Protection Agency, Springfield, IL

COORDINATION

We recommend early coordination with the regulatory agencies BEFORE finalizing work plans. This allows the agencies to recommend measures to mitigate or compensate for adverse impacts. Also, the agency can make possible environmental enhancement provisions early in the project planning stages. This could reduce time required to process necessary approvals.

CAUTION: Contact with the United States Army Corps of Engineers is strongly advised before commencement of any work in or near a Waters of the United States. This could save considerable time and expense. Persons responsible for willful and direct violation of Section 10 of the River and Harbor Act of 1899 or Section 404 of the Federal Water Pollution Control Act are subject to fines ranging up to \$27,500 per day of violation and imprisonment for up to one year or both.

GLOSSARY

AGRICULTURAL PROTECTION AREAS (AG AREAS) - Allowed by P.A. 81-1173. An AG AREA consists of a minimum of 350 acres of farmland, as contiguous and compact as possible. Petitioned by landowners, AG AREAS protect for a period of ten years initially, then reviewed every eight years thereafter. AG AREA establishment exempts landowners from local nuisance ordinances directed at farming operations, and designated land cannot receive special tax assessments on public improvements that do not benefit the land, e.g. water and sewer lines.

AGRICULTURE - The growing, harvesting and storing of crops including legumes, hay, grain, fruit and truck or vegetable including dairying, poultry, swine, sheep, beef cattle, pony and horse production, fur farms, and fish and wildlife farms; farm buildings used for growing, harvesting and preparing crop products for market, or for use on the farm; roadside stands, farm buildings for storing and protecting farm machinery and equipment from the elements, for housing livestock or poultry and for preparing livestock or poultry products for market; farm dwellings occupied by farm owners, operators, tenants or seasonal or year around hired farm workers.

B.G. - Below Grade. Under the surface of the Earth.

BEDROCK - Indicates depth at which bedrock occurs. Also lists hardness as rippable or hard.

FLOODING - Indicates frequency, duration, and period during year when floods are likely to occur.

HIGH LEVEL MANAGEMENT - The application of effective practices adapted to different crops, soils, and climatic conditions. Such practices include providing for adequate soil drainage, protection from flooding, erosion and runoff control, near optimum tillage, and planting the correct kind and amount of high-quality seed. Weeds, diseases, and harmful insects are controlled. Favorable soil reaction and near optimum levels of available nitrogen, phosphorus, and potassium for individual crops are maintained. Efficient use is made of available crop residues, barnyard manure, and/or green manure crops. All operations, when combined efficiently and timely, can create favorable growing conditions and reduce harvesting losses -- within limits imposed by weather.

HIGH WATER TABLE - A seasonal high water table is a zone of saturation at the highest average depth during the wettest part of the year. May be apparent, perched, or artesian kinds of water tables.

- **Water table, Apparent:** A thick zone of free water in the soil. An apparent water table is indicated by the level at which water stands in an uncased borehole after adequate time is allowed for adjustment in the surrounding soil.
- **Water table, Artesian:** A water table under hydrostatic head, generally beneath an impermeable layer. When this layer is penetrated, the water level rises in an uncased borehole.
- **Water table, Perched:** A water table standing above an unsaturated zone. In places an upper, or perched, water table is separated from a lower one by a dry zone.

DELINEATION - For Wetlands: A series of pink or orange flags placed on the ground by a certified professional that outlines the wetland boundary on a parcel.

DETERMINATION - A polygon drawn on a map using map information that gives an outline of a wetland.

HYDRIC SOIL - This type of soil is saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part (USDA Natural Resources Conservation Service 1987).

INTENSIVE SOIL MAPPING - Mapping done on a smaller more intensive scale than a modern soil survey to determine soil properties of a specific site, e.g. mapping for septic suitability.

LAND EVALUATION AND SITE ASSESSMENT (L.E.S.A.) - LESA is a systematic approach for evaluating a parcel of land and to determine a numerical value for the parcel for farmland preservation purposes.

MODERN SOIL SURVEY - A soil survey is a field investigation of the soils of a specific area, supported by information from other sources. The kinds of soil in the survey area are identified and their extent shown on a map, and an accompanying report describes, defines, classifies, and interprets the soils. Interpretations predict the behavior of the soils under different used and the soils' response to management. Predictions are made for areas of soil at specific places. Soils information collected in a soil survey is useful in developing land-use plans and alternatives involving soil management systems and in evaluating and predicting the effects of land use.

PALUSTRINE - Name given to inland freshwater wetlands.

PERMEABILITY - Values listed estimate the range (in rate and time) it takes for downward movement of water in the major soil layers when saturated but allowed to drain freely. The estimates are based on soil texture, soil structure, available data on permeability and infiltration tests, and observation of water movement through soils or other geologic materials.

PIQ - Parcel in question

POTENTIAL FROST ACTION - Damage that may occur to structures and roads due to ice lens formation causing upward and lateral soil movement. Based primarily on soil texture and wetness.

PRIME FARMLAND - Prime farmland soils are lands that are best suited to food, feed, forage, fiber and oilseed crops. It may be cropland, pasture, woodland, or other land, but it is not urban and built up land or water areas. It either is used for food or fiber or is available for those uses. The soil qualities, growing season, and moisture supply are those needed for a well-managed soil economically to produce a sustained high yield of crops. Prime farmland produces in highest yields with minimum inputs of energy and economic resources and farming the land results in the least damage to the environment. Prime farmland has an adequate and dependable supply of moisture from precipitation or irrigation. The temperature and growing season are favorable. The level of acidity or alkalinity is acceptable. Prime farmland has few or no rocks and is permeable to water and air. It is not excessively erodible or saturated

with water for long periods and is not frequently flooded during the growing season. The slope ranges mainly from 0 to 5 percent (USDA Natural Resources Conservation Service).

SEASONAL - When used in reference to wetlands indicates that the area is flooded only during a portion of the year.

SHRINK-SWELL POTENTIAL - Indicates volume changes to be expected for the specific soil material with changes in moisture content.

SOIL MAPPING UNIT - A map unit is a collection of soil areas of miscellaneous areas delineated in mapping. A map unit is generally an aggregate of the delineations of many different bodies of a kind of soil or miscellaneous area but may consist of only one delineated body. Taxonomic class names and accompanying phase terms are used to name soil map units. They are described in terms of ranges of soil properties within the limits defined for taxa and in terms of ranges of taxadjuncts and inclusions.

SOIL SERIES - A group of soils, formed from a particular type of parent material, having horizons that, except for texture of the A or surface horizon, are similar in all profile characteristics and in arrangement in the soil profile. Among these characteristics are color, texture, structure, reaction, consistence, and mineralogical and chemical composition.

SUBSIDENCE - Applies mainly to organic soils after drainage. Soil material subsides due to shrinkage and oxidation.

TERRAIN - The area or surface over which a particular rock or group of rocks is prevalent.

TOPSOIL - That portion of the soil profile where higher concentrations of organic material, fertility, bacterial activity and plant growth take place. Depths of topsoil vary between soil types.

WATERSHED - An area of land that drains to an associated water resource such as a wetland, river or lake. Depending on the size and topography, watersheds can contain numerous tributaries, such as streams and ditches, and ponding areas such as detention structures, natural ponds and wetlands.

WETLAND - An area that has a predominance of hydric soils and that is inundated or saturated by surface or groundwater at a frequency and duration sufficient enough to support, and under normal circumstances does support, a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions.

REFERENCES

Hydric Soils of the United States. USDA Natural Resources Conservation Service, 2007.

FIRM – Flood Insurance Rate Maps for Kendall County. Prepared by FEMA – Federal Emergency Management Agency.

Hydrologic Unit Map for Kendall County. Natural Resources Conservation Service, United States Department of Agriculture.

Land Evaluation and Site Assessment System. The Kendall County Department of Planning Building and Zoning, and The Kendall County Soil and Water Conservation District. In cooperation with: USDA, Natural Resources Conservation Service.

Soil Survey of Kendall County. United States Department of Agriculture 2008, Natural Resources Conservation Service.

Illinois Urban Manual. Association of Illinois Soil & Water Conservation Districts, 2020.

Kendall County Land Atlas and Plat Book. 21st Edition, 2021.

Potential For Contamination of Shallow Aquifers from Land Burial of Municipal Wastes. Illinois State Geological Survey.

Natural Resources Conservation Service National Wetland Inventory Map. United States Department of Agriculture.

Geologic Road Map of Illinois. Department of Natural Resources, Illinois State Geological Survey, Natural Resources Building, 615 East Peabody, Champaign IL 61820-6964.

Wetlands - The Corps of Engineers' Administration of the Section 404 Program (GAO/RCED-88-110).

Soil Erosion by Water - United States Department of Agriculture Natural Resources Conservation Service. Agriculture Information Bulletin 513.

The Conservation of Biological Diversity in the Great Lakes Ecosystem: Issues and Opportunities, prepared by the Nature Conservancy Great Lakes Program 79W. Monroe Street, Suite 1309, Chicago, IL 60603, January 1994.

**ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)
April 4, 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
Fran Klaas – Highway Department
Alyse Olson – Soil and Water Conservation District
Aaron Rybski – Health Department
Seth Wormley – PBZ Committee Chair

Absent:

Greg Chismark – WBK Engineering, LLC
Brian Holdiman – PBZ Department
Commander Jason Langston – Sheriff's Department

Audience:

Darrin Hane, Mark Daniel, Judy Bush, Don Ebert, Sydney Ebert, and Laura Campos

PETITIONS

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)

Mr. Asselmeier summarized the request.

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 no closer than 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 the right-of-way line of Grove Road instead of the required one hundred feet (100'). These requests are part of a 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 is a separate Petition (Petition 23-21).

The application materials, stormwater information, existing conditions survey, site plan, landscaping plan, and pictures of the property were provided.

The property is approximately two point nine (2.9) acres in size.

The County's plan called for the property to be Commercial. Yorkville's plan calls for the property to be Estate Residential.

Route 126 is a State maintained Arterial. Grove Road is a Major Collector maintained by the County.

Yorkville has a trail planned along Route 126 and Grove Road.

There are no floodplains or wetlands on the property.

The adjacent land uses are agricultural.

The adjacent properties are zoned A-1.

The County's plan calls for the area to be Commercial. Yorkville's Plan calls for the area to be Estate Residential and Agricultural. Oswego's Plan calls for the area to be Agricultural.

The properties within one half (1/2) mile are zoned 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.

EcoCAT Report was submitted on February 22, 2023, and consultation was terminated.

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

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

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

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

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.

As noted in the project narrative, 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 hundred (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.

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 thousand 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.

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.

The property drains to the west and south.

The Petitioners submitted an application for a stormwater management permit.

Per the site plan, 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.

According to the site plan, 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.

The existing conditions survey and the site plan 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.

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.

Other than lighting, no other security information was provided.

The site plan and landscaping plan 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 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.

No information was provided regarding noise control.

No information was provided regarding odor control.

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

The proposed Findings of Fact for the special use permit were as follows:

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."

The proposed Findings of Fact for the variance to allow yard obstructions and parking areas in the setbacks were as follows:

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 of 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.

The proposed Findings of Fact for the variance for parking stall depth were as follows:

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.

The proposed Findings of Fact for the variance to the Grove Road driveway construction were as follows:

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.

Pending comments from ZPAC, Staff recommended 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 site plan and landscaping plan.
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 Ordinance 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 site plan. 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. 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 business sign, the lights shown on the site plan shall be considered for security purposes.
16. Damaged or dead plantings described on the landscaping plan shall be replaced on a timeframe approved by the Kendall County Planning, Building and Zoning Department.

17. Any vegetation described on the landscaping plan 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. The Kendall County Planning, Building and Zoning Committee may grant an extension to the deadline to plant the screening. The site plan 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.

Mr. Rybski expressed concerns about the lack of information about the septic system due to the age of the system. He said if a change of use at the site occurred, the septic system would need to be analyzed. He also discussed the non-community well requirements; these requirements would not apply given the proposed number of employees. Mark Daniel, Attorney for the Petitioners, said the house would remain a single-family use with an office.

Mr. Klaas asked if a pipe culvert was in existence under the Grove Road access. He was not opposed to widening the access. There was no pipe culvert.

Mr. Klaas suggested giving the Petitioners the option to use the access off of Route 126 as a right-in, right out, if approved by the Illinois Department of Transportation, because of concerns about seeing the signs. Mr. Daniel said that IDOT favored seeing the historic use of the driveway continue. Mr. Daniel was not opposed to adding a note allowing right-in, right-out.

He noted the location of certain signs in the right-of-way and that the Petitioners would not object to relocating those signs, if requested.

Chairman Wormley asked if an additional setback was necessary due to potential widening of Route 126. Mr. Klaas said that Route 126 will remain a two (2) lane road. A traffic signal is proposed for the intersection. No additional right-of-way is needed for the foreseeable future.

Mr. Guritz made a motion, seconded by Mr. Klaas, to recommend approval of the proposal with the conditions proposed by Staff with an added condition allowing the option of a right-in, right-out access off of Route 126, pending approval by the Illinois Department of Transportation and related adjustments to the site plan with regards to signage.

The votes were follows:

Ayes (7): Asselmeier, Briganti, Guritz, Klaas, Olson, Rybski, and Wormley
Nays (0): None
Abstain (0): None
Absent (3): Chismark, Holdiman, and Langston

The motion passed.

The proposal goes to the Kendall County Regional Planning Commission on April 26, 2023.

PUBLIC COMMENT

Judy Bush, Oswego Township Trustee and resident of Boulder Hill strongly opposed chickens. She questioned how the County will enforce the regulations. She questioned enforcement of existing regulations. She served on the advisory committee that discussed concerns about Boulder Hill. She sends violations to Brian Holdiman weekly. She expressed concerns that chickens will cause her dog to try to get at chickens in neighboring properties.

Don Ebert, resident of Boulder Hill, has chickens. They take care of their chickens and they have the chickens for eggs. He said chickens do not need one (1) acre of land. He discussed his chicken coop. He would like the opportunity to feed himself. He considers Boulder Hill country. He discussed the animals that he saw in the neighborhood.

Chairman Wormley asked how Mr. Ebert felt about enforcement and if Mr. Ebert felt the proposal was fair. Mr. Ebert felt that six (6) was a good number; Mr. Ebert has nine (9) chickens. Mr. Ebert did not see why the proposal had to be strict. He discussed the maintenance and care of his chickens. Chairman Wormley explained the need for the proposed regulations. Mr. Ebert thought that chickens were legal in Boulder Hill when he moved to the area.

Mr. Klaas asked about the regulations of hens in other communities. Discussion occurred regarding homeowners' association rules. Mr. Asselmeier provided the comparison of chicken regulations.

Discussion occurred regarding the situation that would arise if the proposal failed.

Sydney Ebert said that their neighbors' dogs did not negatively interact with chickens. She favored having a maximum of twelve (12) chickens.

Laura Campos asked about enforcement of the rules. Mr. Asselmeier explained how homeowners' associations enforce rules and how Kendall County enforces rules. The proposal did not require a permit. Ms. Campos asked if the number of allowed chickens could increase. Mr. Asselmeier responded that, as the proposal moves through the process, various boards could recommend changes to the proposal, including changing the number of allowed chickens. Mr. Asselmeier encouraged Ms. Campos to attend all of the meetings regarding the proposal. Ms. Campos discussed the productivity and life spans of hens.

ADJOURNMENT

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

With a voice vote of seven (7) ayes, the motion carried.

The ZPAC, at 10:03 a.m., adjourned.

Respectfully Submitted,

ZPAC Meeting Minutes 04.04.23

Matthew H. Asselmeier, AICP, CFM
Senior Planner

Enc.

IF YOU WOULD LIKE TO BE CONTACTED ON FUTURE MEETINGS REGARDING THIS TOPIC, PLEASE PROVIDE YOUR ADDRESS OR EMAIL ADDRESS

[illegible]

Matt Asselmeier

From: Short, Michael A <Michael.Short@illinois.gov>
Sent: Friday, March 31, 2023 1:26 PM
To: Matt Asselmeier
Cc: Scott Koepfel; Seth Wormley; Fran Klaas
Subject: RE: [External]RE: 5022 Route 126

Mr. Asselmeier,

Mark Daniel called me and we spoke about this today. Our requirement is for the property owner to inform us when the proposed land use changes. We then evaluate the permitted access to determine if a new permit or revised access is necessary. Mr. Daniel committed to keeping IDOT informed of the project as it moves forward and will work directly with us regarding the existing access to IL 126.

Thanks,
Mike

Michael Short

Program Development Engineer
Illinois Department of Transportation, District 3
700 East Norris Drive
Ottawa, IL 61350
Michael.Short@Illinois.gov
815-434-8450



April 10, 2023

Mr. Matt Asselmeier
Kendall County Planning, Building, & Zoning
111 West Fox Street
Yorkville, IL 60560-1498

Subject: R&S Landscaping and Nursery (WBK Project 19-102.BB)

Dear Mr. Asselmeier:

We have received and reviewed the following information for the subject project:

- Site Plan prepared by Ridgeline Consultants dated February 1, 2023, revised February 9, 2023 and received March 24, 2023.
- Existing Conditions prepared by Ridgeline Consultants dated January 9, 2023 and received March 24, 2023.
- Landscaping Plan prepared by Ridgeline Consultants dated January 10, 2023, revised March 20, 2023 and received March 24, 2023.
- Stormwater Permit prepared by Ridgeline Consultants dated February 15, 2023 and received March 24, 2023.


The following comments require resolution and are offered for the petitioners consideration.

1. Please discuss and compare the existing and proposed site discharge rates.
 - a. Include the methodology i.e. rational method, source for rainfall data (Bulletin 75), and discuss assumptions for any variables used.
2. Depict proposed grades on the site plan. If the grades match existing indicate that condition.
3. According to Kendall Co GIS the total area of the two parcels is less than the 3.03 ac mentioned in narrative. Please provide a plat that depicts the acreage of the two parcels.
4. Clarify the location and thickness of the CA-7 used for materials and equipment storage. While we recognize this materials is open graded it is not typically used for permanent materials storage and is susceptible to blind over in time. Unless details can be provided that assure runoff is captured and managed the area cannot be considered as pervious.

The applicant's design professionals are responsible for performing and checking all design computations, dimensions, details, and specifications in accordance with all applicable codes and regulations, and obtaining all permits necessary to complete this work. In no way does this review relieve applicant's design professionals of their duties to comply with the law and any applicable codes and regulations, nor does it relieve the Contractors in any way from their sole

responsibility for the quality and workmanship of the work and for strict compliance with the permitted plans and specifications. If you have any questions or comments, please contact us at (630) 443-7755.

Sincerely,



Greg Chismark PE
WBK Engineering, LLC

Attachment 15, Page 1
KENDALL COUNTY
REGIONAL PLANNING COMMISSION

Kendall County Office Building
Rooms 209 and 210
111 W. Fox Street, Yorkville, Illinois

Unapproved - Meeting Minutes of April 26, 2023 - 7:00 p.m.

Chairman Bill Ashton called the meeting to order at 7:04 p.m.

ROLL CALL

Members Present: Bill Ashton, Eric Bernacki, Tom Casey, Dave Hamman (arrived at 7:05 p.m.), Karin McCarthy-Lange, Larry Nelson, Ruben Rodriguez, Claire Wilson, and Seth Wormley

Members Absent: Bob Stewart

Staff Present: Matthew H. Asselmeier, Senior Planner

Others Present: Mark Daniel, Brent Stary, Roman Correa, and Jiun-Guang Lin

PETITIONS

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)

Mr. Asselmeier summarized the request.

Member Hamman arrived at this time (7:05 p.m.).

He noted that the Petitioners submitted a revised site plan, which was presented. The site plan removed a large amount of the CA-7 and replaced it with gravel. The signs at the entrance to property at Route 126 were moved out of the right-of-way.

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 no closer than 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 the right-of-way line of Grove Road instead of the required one hundred feet (100'). These requests are part of a 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 is a separate Petition (Petition 23-21).

The application materials, stormwater information, existing conditions survey, site plan, landscaping plan, and pictures of the property were provided.

The property is approximately two point nine (2.9) acres in size.

The County's plan called for the property to be Commercial. Yorkville's plan calls for the property to be Estate Residential.

Route 126 is a State maintained Arterial. Grove Road is a Major Collector maintained by the County.

Yorkville has a trail planned along Route 126 and Grove Road.

There are no floodplains or wetlands on the property.

The adjacent land uses are agricultural.

The adjacent properties are zoned A-1.

The County's plan calls for the area to be Commercial. Yorkville's Plan calls for the area to be Estate Residential and Agricultural. Oswego's Plan calls for the area to Agricultural.

The properties within one half (1/2) mile are zoned 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.

EcoCAT Report was submitted on February 22, 2023, and consultation was terminated.

The NRI Application was submitted on February 15, 2023. The LESA Score was 231 indicating a high level of protection. The NRI was provided.

Petition information was sent to Na-Au-Say Township on March 27, 2023. To date, no comments received.

Petition information was sent to the United City of Yorkville on March 27, 2023. To date, no comments received.

Petition information was sent to the Bristol Kendall Fire Protection District on March 27, 2023. To date, no comments received.

ZPAC reviewed this proposal at their meeting on April 4, 2023. Discussion occurred regarding the septic system at the property; the property would remain a single-family home, but would have an office component. The Health Department requested the Petitioners to work with the Health Department, should the use become more intense. Discussion also occurred regarding traffic circulation and the potential widening of nearby roads. No additional right-of-way was foreseen. ZPAC recommended approval of the proposal with the addition of a condition stating that, pending approval of the Illinois Department of Transportation, the owners of the business allowed by the special use permit shall have the option to install a right-in, right-out access off of Route 126; signage shown on the site plan may be adjusted to reflect this access by a vote of seven (7) in favor and zero (0) in opposition. Three (3) members were absent. The minutes of the meeting were provided.

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.

As noted in the project narrative, 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.

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.

The property is served by a well and septic. Employees would use these facilities, if at the property. Since no retail sales would occur at the property, few, if any, guests of the business would be on the property to use restroom facilities.

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

No dedicated refuse area for non-landscape related waste was shown on the site plan. Garbage would be removed using a commercial hauler.

The property drains to the west and south.

The Petitioners submitted an application for a stormwater management permit. WBK Engineering submitted comments on the stormwater management permit application, which were provided. The Petitioners submitted revised stormwater calculations based on the use of gravel. To date, WBK Engineering has not commented on the new calculations.

Per the site plan, 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.

The Illinois Department of Transportation submitted an email on March 31, 2023. The Petitioners agreed to keep IDOT informed of the activities at the property and IDOT said they would evaluate the existing access permit, if necessary, in the future. This email was provided.

According to the site plan, 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 foot (20') wide driveway would be located between the storage areas and stockpiles and a second fifteen foot (15') wide east-west driveway would be located between the two (2) equipment storage and truck parking area. These drives would be gravel.

One (1) twenty-four foot (24') 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.

The existing conditions survey and the site plan 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.

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. These signs might removed or altered if right-in, right-out access is granted at this entrance.

Other than lighting, no other security information was provided.

The site plan and landscaping plan 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 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.

No information was provided regarding noise control.

No information was provided regarding odor control.

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

The proposed Findings of Fact for the special use permit were as follows:

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 the 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."

The proposed Findings of Fact for the variance to allow yard obstructions and parking areas in the setbacks were as follows:

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 of 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.

The proposed Findings of Fact for the variance for parking stall depth were as follows:

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.

The proposed Findings of Fact for the variance to the Grove Road driveway construction were as follows:

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 increased 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.

Staff recommended 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 site plan and landscaping plan.
2. Pending approval of the Illinois Department of Transportation, the owners of the business allowed by the special use permit shall have the option to install a right-in, right-out access off of Route 126; signage shown on the site plan (Attachment 4) may be adjusted to reflect this access. **(Added at ZPAC)**
3. 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 no closer than 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. **(Clarified After ZPAC)**
4. 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').
5. A variance to Section 4:09.A of the Kendall County Zoning Ordinance 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.

6. Equipment and vehicles related to the business allowed by the special use permit may be stored outdoors.
7. 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.
8. 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.
9. 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.
10. 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 site plan. The maximum height of the piles of landscaping related material shall be six feet (6') in height.
11. No retail sale of landscaping materials may occur at the subject property.
12. 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.
13. 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.
14. 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.
15. Signage shall be limited to the signs shown on the site plan. 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.
16. Except for the lighting around the business sign, the lights shown on the site plan shall be considered for security purposes.
17. Damaged or dead plantings described on the landscaping plan shall be replaced on a timeframe approved by the Kendall County Planning, Building and Zoning Department.
18. Any vegetation described on the landscaping plan 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.
19. 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. The Kendall County Planning, Building and Zoning Committee

may grant an extension to the deadline to plant the screening. The site plan may be adjusted without an amendment to the special use permit to reflect the addition of these trees.

20. 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.

21. No landscape waste generated off the property can be burned on the subject property.

22. 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.

23. 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.

24. The owners of the business allowed by this special use permit acknowledge and agree to follow Kendall County's Right to Farm Clause.

25. 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.

26. 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.

27. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

28. 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.

Member Nelson asked if the Petitioners were agreeable to the conditions. Mark Daniel, Attorney for the Petitioner, responded yes. Mr. Daniel discussed the changes to the site plan related to stormwater.

Member McCarthy Lange asked about the religious sign on the property. The picture of the sign was displayed. The sign has been at the property for a long time.

Member Casey asked how long the current owner has owned the property. Brent Stary, property owner, responded approximately five (5) years.

Member Casey asked how long the landscaping business had been operating at the property. The response was since October 2022. Mr. Daniel explained the improvements related to the nursery and landscaping business that had occurred at the property.

Member Wilson asked about the entrance from Route 126. Mr. Daniel responded that the entrance from Route 126 was already in existence.

Mr. Daniel explained the differences between the original site plan and revised site plan. The driving lanes around the landscaping bins and storage areas had been narrowed and gravel will be used.

Discussion occurred regarding the variances for the location of the house and accessory buildings. Those structures could be replaced within one (1) year of the event of damage. The variances would allow the buildings to be replaced without the potential of losing grandfathering.

Member Nelson expressed concerns about the noise regulations. Specifically, he was concerned a new house would be built closer to the subject property after the business had started operations and would file a noise complaint. Member Nelson favored allowing only those homes in existence prior to the special use permit issuance being able to file noise complaints. Mr. Daniel suggested his client could build a fence around a portion of the property. Member Nelson said that was a possibility, but he did not want to burden the existing business after it had been operating for years.

Member Wilson asked if the driveway off of Route 126 would be used in connection with the landscaping business. Mr. Daniel responded only in the event of an emergency.

The local fire protection has not submitted comments, to date.

Member Bernacki noted that Na-Au-Say Township discussed the proposal at their meeting. They noted that the right turn lane on Route 126. The house and buildings were already on the property and those structures would not impact lines of sight for motorists. He also noted the number of landscaping businesses in the area.

Member Rodriguez asked who would live in the house. Mr. Correra planned to live in the house. There would be an office in the house, but no visitors for the landscaping business. Mr. Stary discussed the state of the septic system on the property.

Member Wilson asked what would happen to the clippings from project sites. The business does not engage in large amounts of yard mowing.

Member Nelson made a motion, seconded by Member Hamman, to recommend approval of the special use permit and variances with an amendment to the condition related to the noise requirement; only those homes in existence prior to the issuance of the special use permit could file noise complaints.

The votes were as follows:

Ayes (9):	Ashton, Bernacki, Casey, Hamman, McCarthy-Lange, Nelson, Rodriguez, Wilson and Wormley
Nays (0):	None
Absent (1):	Stewart
Abstain (0):	None

The motion carried. The proposal will go to the Kendall County Zoning Board of Appeals on May 1, 2023.
KCRPC Meeting Minutes 4.26.23

CITIZENS TO BE HEARD/PUBLIC COMMENT

None

ADJOURNMENT

Member Nelson made a motion, seconded by Member Wormley, to adjourn. With a voice vote of nine (9) ayes, the motion carried.

The Kendall County Regional Planning Commission meeting adjourned at 8:21 p.m.

Respectfully submitted by,
Matthew H. Asselmeier, AICP, CFM
Senior Planner



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 203

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

Petition 23-20

**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)**

Variances to Correct Lawfully Non-Conforming Structures

INTRODUCTION

The Petitioners would like to remove the lawful non-conformities at the subject property by obtaining applicable variances related to the locations of several structures on the property. 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 the right-of-way line of Grove Road instead of the required one hundred feet (100').

The Petitioners are also requesting a special use permit and related variances to operate a landscaping business at the subject property, see Petition 23-19.

The Petitioners are also requesting a conditional use permit for agricultural labor housing at the subject property, see 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 original site plan for the landscaping business is included as Attachment 4. The April 26, 2023, amended site plan for the landscaping business is included as attachment 4A. 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: Variance to Primary Structure Setbacks from Roads
Variance to Accessory Structure Setback from Roads

APPLICABLE REGULATIONS: Section 7:01.G.2.a – Setback Requirements for Primary Structures in the A-1
Section 7:01.G.2.b – Setback Requirements for Accessory Structures in the A-1
Section 13:04 – Variance Procedures

SURROUNDING LAND USE

Location	Adjacent Land Use	Adjacent Zoning	Land Resource Management Plan	Zoning within ½ Mile
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. The LESA Score was 231 indicating a high level of protection. The NRI is included as Attachment 11.

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.

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. The house appears on the 1939 aerial of 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. The accessory building labeled as machine tool shop, storage, breakroom and meeting room appears on the 1967 aerial of the property.

ENVIRONMENTAL HEALTH

The property is served by a well and septic. Employees would use these facilities, if at the property. Since no retail sales would occur at the property, few, if any, guests of the business would be on the property to use restroom facilities.

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

No dedicated refuse area for non-landscape related waste was shown on the site plan. Garbage would be removed using a commercial hauler.

STORMWATER

The property drains to the west and south.

The Petitioners submitted an application for a stormwater management permit as a part of the special use permit application, see Attachment 2. A stormwater management permit is not required for the requested variances.

ACCESS

Per the site plan (Attachment 4A), 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.

The above access information is proposed as part of the special use permit for the landscaping business.

PARKING AND INTERNAL TRAFFIC CIRCULATION

According to the site plan (Attachment 4A), 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 foot (20') wide driveway would be located between the storage areas and stockpiles and a second fifteen foot (15') wide east-west driveway would be located between the two (2) equipment storage and truck parking area. These drives would be gravel.

One (1) twenty-four foot (24') 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.

The above parking information is proposed as part of the special use permit for the landscaping business.

LIGHTING

The existing conditions survey (Attachment 3) and the site plan (Attachment 4A) 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.

The above lighting information is proposed as part of the special use permit for the landscaping business.

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.

The above signage is proposed as part of the special use permit for the landscaping business.

SECURITY

Other than lighting, no other security information was provided.

LANDSCAPING

The site plan (Attachment 4A) 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.

The above landscaping is proposed as part of the special use permit for the landscaping business.

NOISE CONTROL

No information was provided regarding noise control.

ODORS

No information was provided regarding odor control.

FINDINGS OF FACT-VARIANCE FOR PRINCIPAL AND ACCESSORY STRUCTURE 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 dominant physical surroundings of the Property are 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. The subject property has been in its current configuration since the 1920's prior to the adoption of the current Kendall County Zoning Ordinance. The abutting roads became substantially larger than the township roads that existed at the time of construction on the property. 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. The Petitioners had no 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. Petitioners 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.***

RECOMMENDATION

Staff recommends approval of the requested variance subject to the following conditions and restrictions:

1. A variance to Section 7:01.G.2.a of the Kendall County Zoning Ordinance to allow the existing house to be no closer than seventy-three feet (73') south of the right-of-way line of Route 126 and no closer than twenty-one feet (21') west of the right-of-way line of Grove Road as depicted on the survey (Attachment 3).
2. A variance to Section 7:01.G.2.b of the Kendall County Zoning Ordinance to allow accessory structures no closer than fifty-seven feet (57') south of the right-of-way line of Route 126 and no closer than fifty-three feet (53') west of the right of the right-of-way line of Grove Road as depicted on the survey (Attachment 3).
3. Failure to comply with one or more of the above conditions or restrictions could result in the revocation of this variance.
4. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
5. These variances shall be treated as covenants running with the land and are binding on the successors, heirs, and assigns as to the same uses 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
- 4A. Site Plan April 26, 2023
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
11. NRI Report



DEPARTMENT OF PLANNING, BUILDING & 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 & S LANDSCAPING AND NURSERY, INC.		
CURRENT LANDOWNER/NAME(s) MCB52 INC. [REDACTED]		
SITE INFORMATION ACRES 2.06 (TBD)	SITE ADDRESS OR LOCATION 5022 IL ROUTE 126, YORKVILLE, 60560	ASSESSOR'S ID NUMBER (PIN) 06-18-200-011, 012
EXISTING LAND USE AG-STORAGE, CROP, RES	CURRENT ZONING A-1	LAND CLASSIFICATION ON LRMP COMMERCIAL
REQUESTED ACTION (Check All That Apply):		
<input checked="" type="checkbox"/> SPECIAL USE <input type="checkbox"/> MAP AMENDMENT (Rezone to <u> </u>) <input checked="" type="checkbox"/> VARIANCE <input type="checkbox"/> ADMINISTRATIVE VARIANCE <input checked="" type="checkbox"/> A-1 CONDITIONAL USE for: <u> </u> <input checked="" type="checkbox"/> SITE PLAN REVIEW <input type="checkbox"/> TEXT AMENDMENT <input type="checkbox"/> RPD (<input type="checkbox"/> Concept; <input type="checkbox"/> Preliminary; <input type="checkbox"/> Final) <input type="checkbox"/> ADMINISTRATIVE APPEAL <input type="checkbox"/> PRELIMINARY PLAT <input type="checkbox"/> FINAL PLAT <input type="checkbox"/> OTHER PLAT (Vacation, Dedication, etc.) <input type="checkbox"/> AMENDMENT TO A SPECIAL USE (<input type="checkbox"/> Major; <input type="checkbox"/> Minor)		
PRIMARY CONTACT MARK W. DANIEL	PRIMARY CONTACT MAILING ADDRESS [REDACTED]	PRIMARY CONTACT EMAIL [REDACTED]
PRIMARY CONTACT PHONE # [REDACTED]	PRIMARY CONTACT FAX # [REDACTED]	PRIMARY CONTACT OTHER # (Cell, etc.) [REDACTED]
¹ ENGINEER CONTACT JIUN-GUANG LIN	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 DATE OF THE APPLICATION.		
SIGNATURE OF APPLICANT		DATE

FEE PAID:\$
CHECK #:

¹ Primary Contact will receive all correspondence from County² 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.:

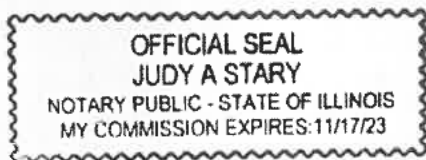
BRENT STARY, [REDACTED] and
TRACY STARY, [REDACTED]

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: [REDACTED]

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

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]

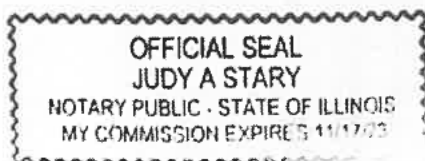
The person making this disclosure and authorized to execute this document is Brent
STARY, 5025 BARICKMAN COURT, OSWEGO, ILLINOIS 60543, as owner Vice
of MCB52 INC. who can be reached at [REDACTED] (Phone).

SIGNED: [REDACTED]

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

February 21, 2023

Page 2

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.

February 21, 2023
Page 3

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

February 21, 2023
Page 4

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

February 21, 2023
Page 5

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

February 21, 2023
Page 6

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.

February 21, 2023
Page 7

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

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)

February 21, 2023
Page 10

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

February 21, 2023

Page 11

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.

February 21, 2023

Page 12

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 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.

February 21, 2023

Page 13

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.

February 21, 2023
Page 14

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

February 21, 2023
Page 15

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

February 21, 2023

Page 16

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

February 21, 2023

Page 17

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:

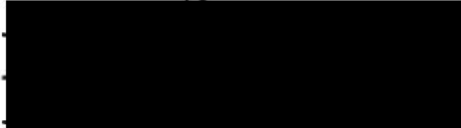
THAT PART OF THE EAST 6 CHAINS OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 36 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT IN WHICH THE WEST LINE OF THE EAST 6 CHAINS OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF 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

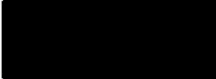
AFTER RECORDING MAIL TO:

Chis Unyat



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

CWU

06

DATED this 9th day of September, 2016.

[REDACTED]
Brent A. Stary

(SEAL)

[REDACTED]
Tracy A. Stary

(SEAL)

STATE OF ILLINOIS

)

) ss

COUNTY OF KENDALL

)

I, the undersigned, a Notary Public, in and for the County and State aforesaid, DO HEREBY CERTIFY, that 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 9th 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)

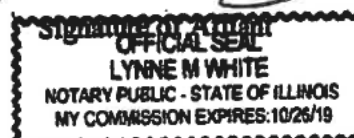
1. The division or subdivision of land into parcels or tracts of 5.0 acres or more in size which does not involve any new streets or easements of access;
2. The division of lots or blocks of less than one (1) acre in any recorded subdivision which does not involve any new streets or easements of access;
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).

AFFIANT 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%

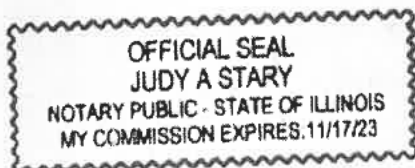
6. Name, address, and capacity of person making this disclosure on behalf of the applicant:

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)



[Signature]
Notary Public

KENDALL COUNTY DISCLOSURE OF BENEFICIARIES FORM

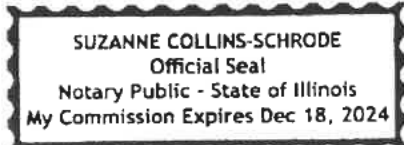
1. Applicant R & S LANDSCAPING & NURSERY, INC.
 Address [REDACTED]
 City [REDACTED] State [REDACTED]
2. Nature of Benefit Sought AUTHORIZATION TO SEEK ZONING
3. Nature of Applicant: (Please check one)
☐ Natural Person (a)
☒ Corporation (b)
☐ Land Trust/Trustee (c)
☐ Trust/Trustee (d)
☐ Partnership (e)
☐ 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]

1. 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 21st 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 2.02

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 end of property to collect runoff

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

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

[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)

SUBJECT	SECTION	ALLOWED/REQUIRED	PROPOSED	NOTES
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
Setbacks				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
Yard Obstructions				
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	
Parking/Loading				
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 [REDACTED]
 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 / 2.03

Proposed Development:

Special Use Permit Application for the ex. Landscape Area. Special Use Permit Ex. General 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 2/15/23

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

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).

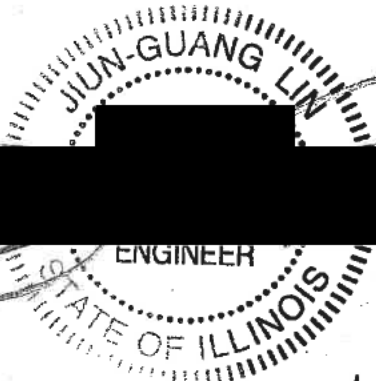
The property was altered by the Applicant since moving in in Oct 2022 not knowing permit was required. Notably, A significant portion of the property was paved with granular material. In addition, the landscaping material storages by concrete blocks were set up along the west property line while two 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.

A circular professional engineer seal for Jun-Guang Lin, State of Illinois. The seal is partially obscured by a large black redaction box. The text "JUN-GUANG LIN" is visible at the top, "ENGINEER" is in the center, and "STATE OF ILLINOIS" is at the bottom. A handwritten note "Expires 11/30/2023" is written below the seal.

Expires 11/30/2023

National Flood Hazard Layer FIRMette



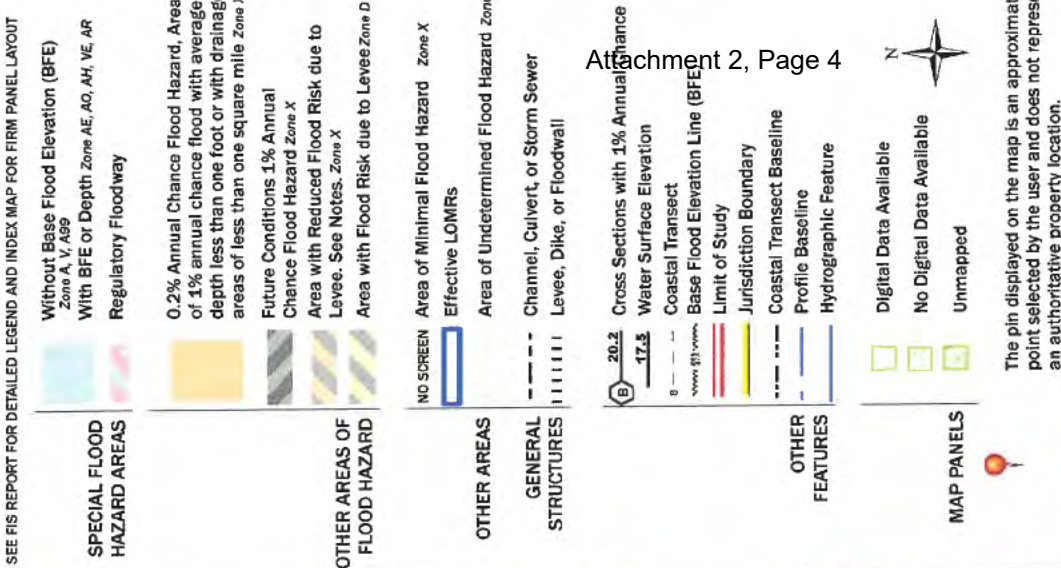
88°21'35"W 41°36'35"N



0 250 500 1,000 1,500 2,000 Feet 1:6,000

88°20'58"W 41°36'8"N

Legend



Attachment 2, Page 4

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



February 20, 2023

Wetlands

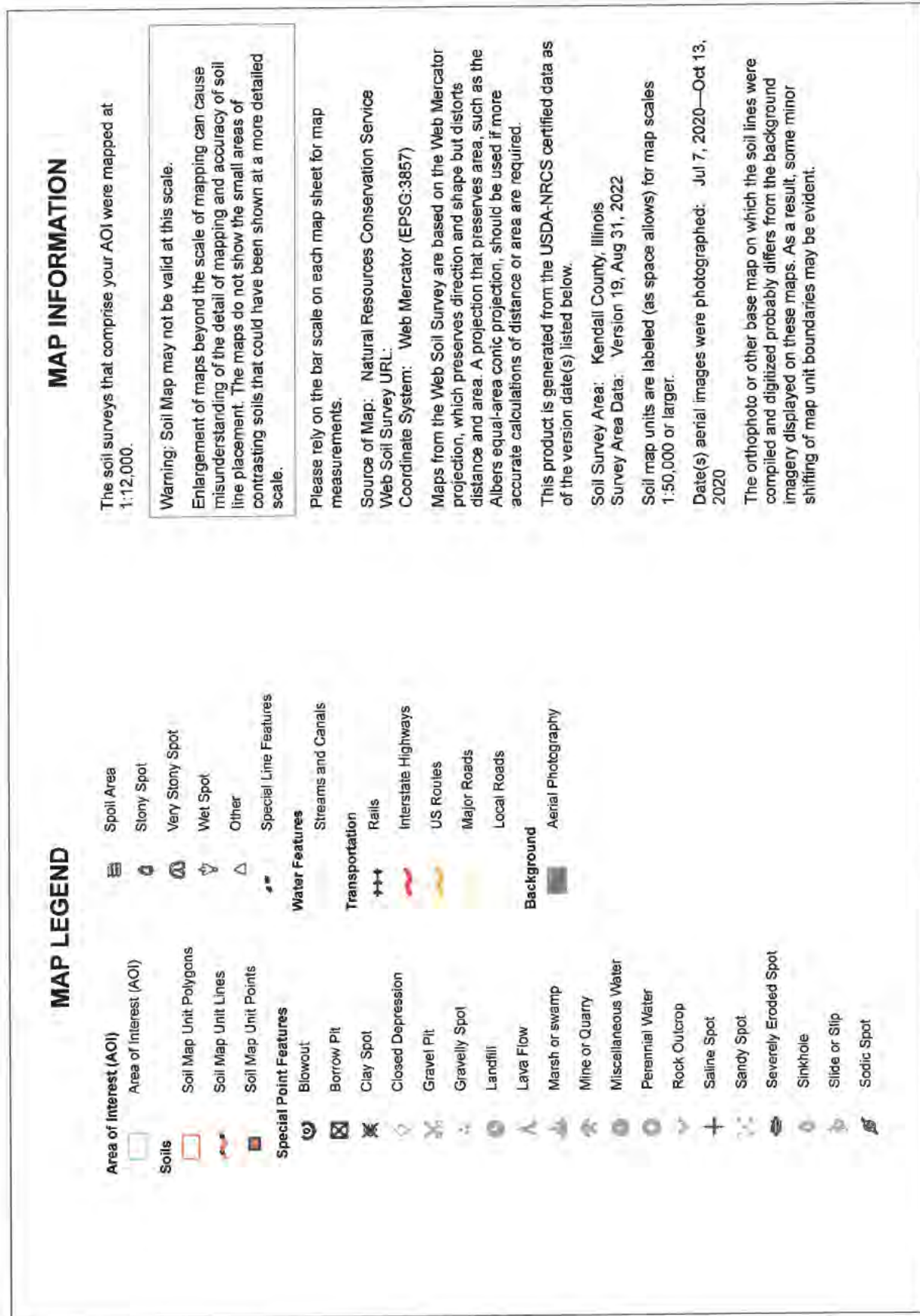
- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland

- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond

- Lake
- Other
- Riverine

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.

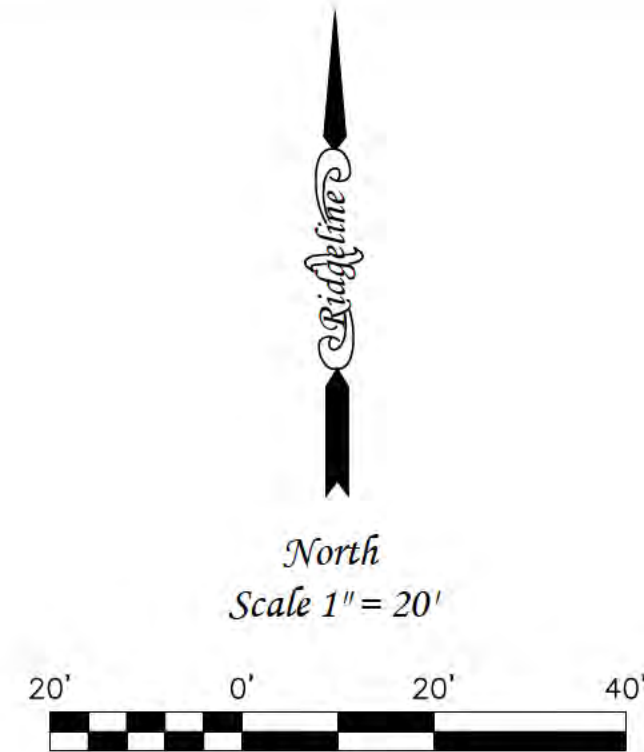




Map Unit Legend

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



SITE PLAN

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 (PARCEL 1), YORKVILLE, ILLINOIS.

SITE AREA TABLE	
LOT = 131,359 SF	
EXISTING CONDITIONS*:	
BUILDINGS	8,032 SF
GRAVEL DRIVEWAY	3,837 SF
ASPHALT DRIVEWAY	2,261 SF
CONC. PAVEMENT	705 SF
EXISTING IMPERVIOUS	14,835 SF
PROPOSED CONDITIONS**:	
BUILDINGS	10,663 SF
GRAVEL AREAS	12,991 SF
ASPHALT DRIVEWAY	2,127 SF
CONC. PAVEMENT	734 SF
BLOCK STORAGE WALLS	887 SF
PROPOSED IMPERVIOUS	27,402 SF
PROPOSED IMPERVIOUS = 27,402 SF < 32,000 SF THRESHOLD OF SITE RUNOFF REQUIREMENTS	

* EXISTING CONDITIONS CALCULATIONS BASED ON KENDALL COUNTY GIS AERIAL IMAGERY WHICH SHOWS THE SUBJECT SITE PRIOR TO GRAVEL BEING INSTALLED OVER A LARGE PORTION.

** PROPOSED IMPERVIOUS DOES NOT INCLUDE 15,519 SF OF UNIFORM GRADED 2"-3" CA-7.

SITE DATA:
TOTAL ACRES = 3.02 AC

NUMBER OF PROPOSED PARKING STALLS: 10 (INCLUDING 1 HANDICAP ACCESSIBLE PARKING SPACE)

NUMBER OF REQUIRED PARKING STALLS: NOT APPLICABLE AS SITE IS A PRIVATE BUSINESS NOT OPEN TO RETAIL CUSTOMERS. SPACES PROVIDED FOR EMPLOYEE PARKING.

NUMBER OF HANDICAP ACCESSIBLE PARKING STALLS: 1

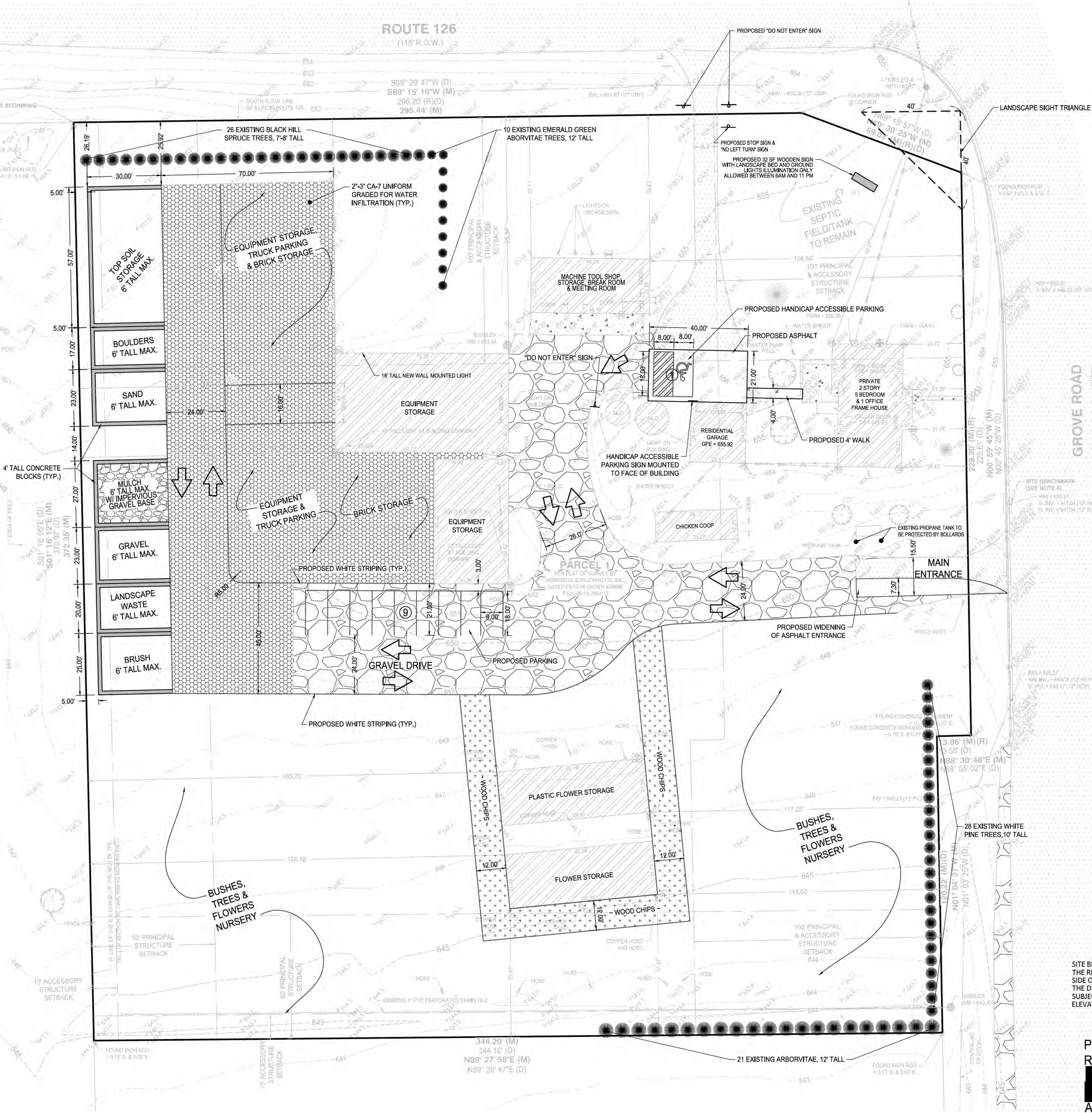
NUMBER OF HANDICAP ACCESSIBLE PARKING STALLS REQUIRED : 1

DEVELOPMENT AREA:

1. NEW GRAVEL PARKING & DRIVEWAYS	9,154 SF
2. CA-7 STORAGE, PARKING & DRIVEWAYS	15,519 SF
3. NEW FLOWER & PLASTIC FLOWER STORAGE	2,631 SF
4. NEW MISCELLANEOUS STORAGES ALONG WEST PROPERTY LINE (CONCRETE BLOCKS ONLY)	887 SF
5. NEW CONCRETE WALKWAY	90 SF
6. NEW ASPHALT DRIVE AREA & HANDICAP ACCESSIBLE PARKING AREA	1,159 SF
TOTAL = 29,440 SF	

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

2" - 3" UNIFORM GRADED CA-7



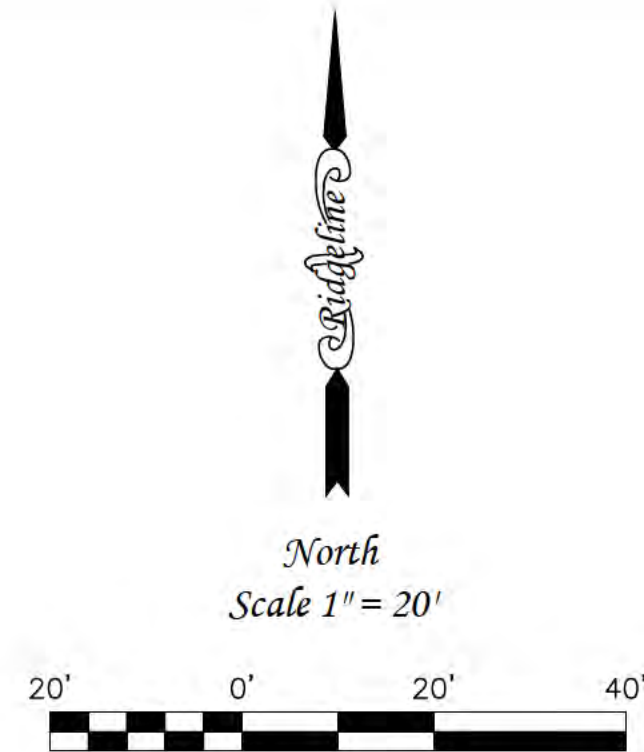
SITE BENCHMARK: CUT CROSS ON THE NORTHEAST CORNER OF THE RIM OF A SQUARE CATCH BASIN LOCATED ON THE WEST SIDE OF GROVE ROAD APPROXIMATELY 11.5 FEET NORTH OF THE DRIVEWAY APRON (CONNECTED TO GROVE ROAD) OF THE SUBJECT PROPERTY. SEE DRAWING FOR EXACT LOCATION. ELEVATION = 650.64 (NAVD 88)

PLANS PREPARED FOR:
R & S LANDSCAPING & NURSERY
ATTN: ROMAN CORREA

Ridgeline Consultants LLC
1081 Asafield Road, Yorkville, IL 62358
PH: 630.601.7927 FAX: 630.701.1365
Janelle Hise P.L.S. 4071 Expiration Date 11/30/2024
Shane L. Stewart P.L.S. 3415 Expiration Date 11/30/2024



R & S LANDSCAPING & NURSERY
5022 IL ROUTE 126
YORKVILLE, ILLINOIS



SITE PLAN

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. 20160000859, 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. 20160000859, 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 (PARCEL 1), YORKVILLE, ILLINOIS.

SITE AREA TABLE

LOT = 131,359 SF

EXISTING CONDITIONS*:

BUILDINGS	8,032 SF
GRAVEL DRIVEWAY	3,837 SF
ASPHALT DRIVEWAY	2,261 SF
CONC. PAVEMENT	705 SF
EXISTING IMPERVIOUS	14,835 SF

PROPOSED CONDITIONS**:

BUILDINGS	8,032 SF
GRAVEL AREAS	19,317 SF
ASPHALT DRIVEWAY	2,967 SF
CONC. PAVEMENT	785 SF
BLOCK STORAGE WALLS	887 SF
PROPOSED IMPERVIOUS	31,988 SF

PROPOSED IMPERVIOUS = 31,988 SF < 32,000 SF THRESHOLD OF SITE RUNOFF REQUIREMENTS

* EXISTING CONDITIONS CALCULATIONS BASED ON KENDALL COUNTY GIS AERIAL IMAGERY WHICH SHOWS THE SUBJECT SITE PRIOR TO GRAVEL BEING INSTALLED OVER A LARGE PORTION.

GRADING NOTES:

- EXISTING GRAVEL TO REMAIN AT EXISTING GRADE.
- AREAS WHERE EXISTING GRAVEL IS REMOVED ARE TO BE GRADED TO PRE-EXISTING GRADE.

SITE DATA:

TOTAL ACRES = 3.02 AC

NUMBER OF PROPOSED PARKING STALLS: 10 (INCLUDING 1 HANDICAP ACCESSIBLE PARKING SPACE)

NUMBER OF REQUIRED PARKING STALLS: NOT APPLICABLE AS SITE IS A PRIVATE BUSINESS NOT OPEN TO RETAIL CUSTOMERS. SPACES PROVIDED FOR EMPLOYEE PARKING.

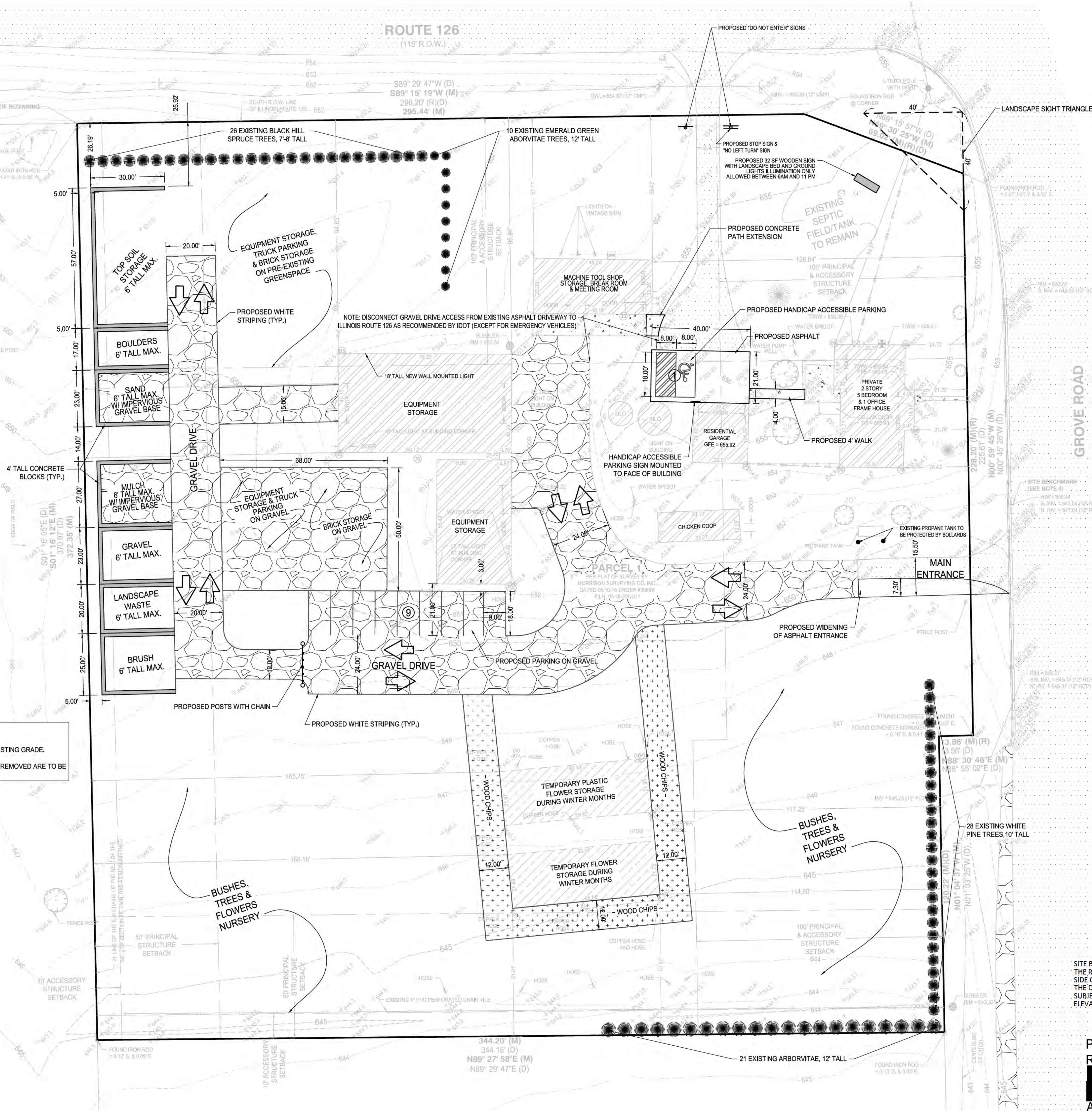
NUMBER OF HANDICAP ACCESSIBLE PARKING STALLS: 1

NUMBER OF HANDICAP ACCESSIBLE PARKING STALLS REQUIRED : 1

DEVELOPMENT AREA:

1. NEW GRAVEL PARKING & DRIVEWAYS	19,317 SF
2. NEW FLOWER & PLASTIC FLOWER STORAGE	2,631 SF
4. NEW MISCELLANEOUS STORAGES ALONG WEST PROPERTY LINE (CONCRETE BLOCKS ONLY)	887 SF
5. NEW CONCRETE WALKWAY & PATH EXTENSION	142 SF
6. NEW ASPHALT DRIVE AREA & HANDICAP ACCESSIBLE PARKING AREA	1,159 SF
TOTAL	24,136 SF

TOTAL OF 24,136 SF < 45,000 SF THRESHOLD OF SITE RUNOFF REQUIREMENTS



SITE BENCHMARK: CUT CROSS ON THE NORTHEAST CORNER OF THE RIM OF A SQUARE CATCH BASIN LOCATED ON THE WEST SIDE OF GROVE ROAD APPROXIMATELY 11.5 FEET NORTH OF THE DRIVEWAY APRON (CONNECTED TO GROVE ROAD) OF THE SUBJECT PROPERTY. SEE DRAWING FOR EXACT LOCATION. ELEVATION = 650.64 (NAVD 88)

PLANS PREPARED FOR:
R & S LANDSCAPING & NURSERY

ATTN: ROMAN CORREA

Ridgeline Consultants LLC



R & S LANDSCAPING & NURSERY

SHEET 1 OF 1

1081 Asafield Road, Yorkville, IL 62358
PH: 630.601.1927 FAX: 630.701.1985
Gordon L. Shaw, P.L.S., 4071 Expiration Date 11/30/2024
Shaw L. Shaw, P.L.S., 3415 Expiration Date 11/30/2024

PROPERTY ADDRESS
5022 IL ROUTE 126
YORKVILLE, ILLINOIS

BOOK: DWG. SIZE: D
DRAWN: RSW
CHECKED: JAL
DATE: 02/01/2023
PROJECT NO.: 2022-0733

PROJECT NAME: R & S LANDSCAPING & NURSERY

M

ROUTE 126

EXISTING TREES

26 BLACK HILL SPRUCE 7'-8'

10 EMERALD GREEN ARBORVITAE 12'

PROPERTY LINE

2 CRABS

2 TREES

GARAGE

GRAVEL DRIVE

BARN

DRIVEWAY

SPRUCE

MAPLE

EX. SPRUCE

LANDSCAPING SIGN

EX. PINE

EX. CRAB

EX. MAPLE

SPRUCE

EX. YEW

MAPLE

19'

PATIO

HOUSE

WALK

PINE

4 VELVET BOXWOOD

3 HYDRANGEA

WALL

3 HYDRANGEA

7 VELVET BOXWOOD

EX. MAPLE

SHED

GRAVEL DRIVE

GRAVEL DRIVE

MAIN ENTRANCE

PROPOSED WIDENING OF THE DRIVEWAY

3 ROSES

FLOWERS

3 OUTCROPPING STONES

5 GRASSES

28 WHITE PINES 10'

21 ARBORVITAE 12'

TOP SOIL STORAGE

BOULDERS

SAND

MULCH

GRAVEL

LANDSCAPE WASTE

BRUSH

2"-3" CA-7 UNIFORM GRADED FOR WATER INFILTRATION (TYP.)

2"-3" CA-7 UNIFORM GRADED FOR WATER INFILTRATION (TYP.)

OWNER IS TO PLANT IN THE GAPS WITHIN EXISTING OFFSITE TREES. AUTHORIZATION LETTER FROM NEIGHBOR WILL BE SECURED. IN THE EVENT THAT THE OFFSITE TREES ARE TO BE REMOVED, THE OWNER IS TO PLANT LANDSCAPE SCREENING WITHIN THE SUBJECT PROPERTY WITHIN 6 MONTHS OF EXISTING OFFSITE TREE REMOVAL.

GROVE RD



03/22/2023 08:37



03/22/2023 08:37



03/22/2023 08:37

Attachment 9 Equipment Storage Building



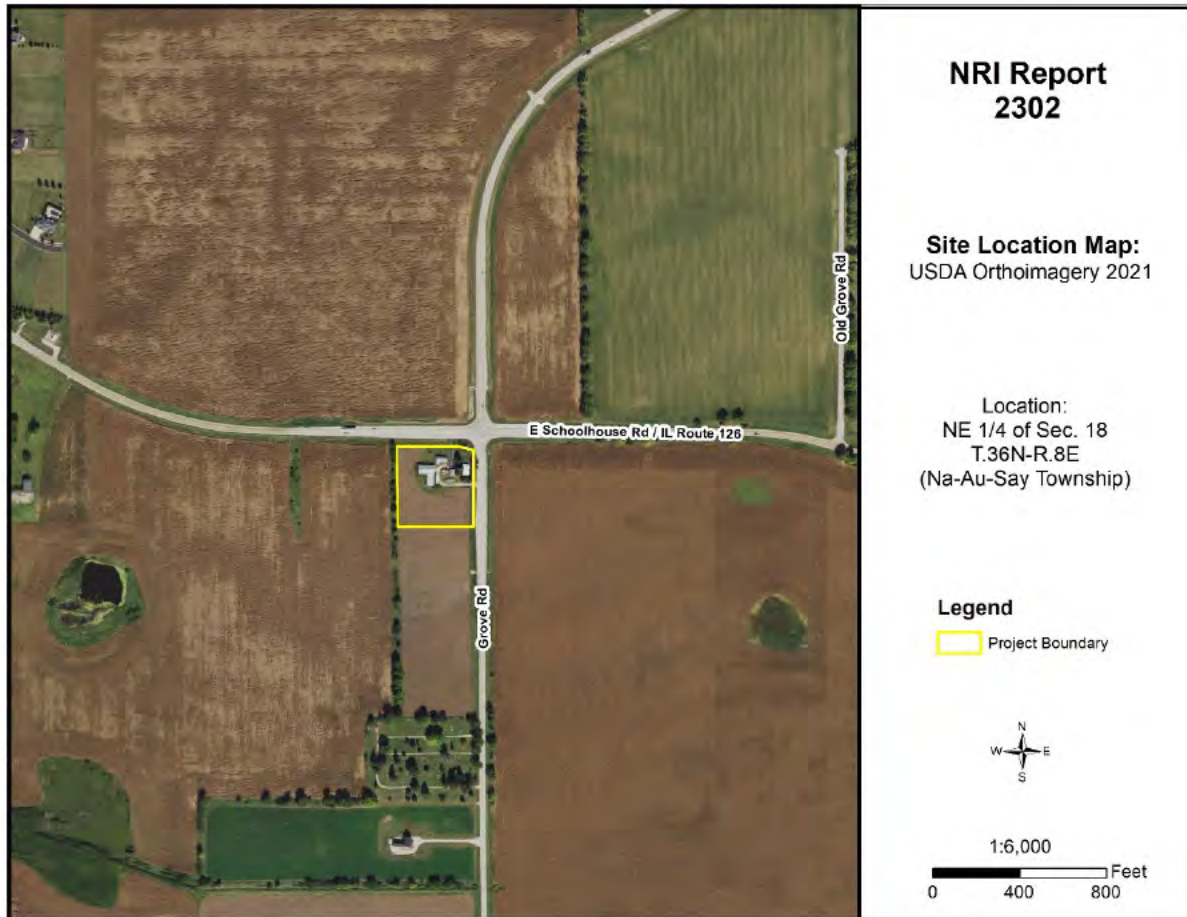
03/22/2023 08:37

Attachment 10 Grove Road Entrance

03/22/2023 08:39



NATURAL RESOURCE INFORMATION (NRI) REPORT: #2302



Mar.
2023

Petitioner: R&S Landscaping & Nursery
Contact: Roman Correa

Prepared By:


**Kendall County Soil & Water
Conservation District**

7775A Route 47
Yorkville, Illinois 60560
Phone: (630) 553-5821 x3
www.kendallswcd.org

KENDALL COUNTY SOIL AND WATER CONSERVATION DISTRICT NATURAL RESOURCE INFORMATION (NRI) REPORT

Natural Resource Information Report Number	2302
Date District Board Reviews Application	March 2023
Applicant's Name	R&S Landscaping & Nursery
Size of Parcel	(+/-) 3.00 acres
Current Zoning & Use	A-1 Agricultural; Rural Residence
Proposed Zoning & Use	A-1 Agricultural Special Use; Landscaping Business
Parcel Index Number(s)	06-18-200-011 & 06-18-200-013
Contact Person	Roman Correa

Copies of this report or notification of the proposed land-use change was provided to:	Yes	No
The Applicant	X	
The Applicant's Legal Representation		X
The Local/Township Planning Commission	X	
The Village/City/County Planning and Zoning Department or Appropriate Agency	X	
The Kendall County Soil and Water Conservation District Files	X	

Report Prepared By: *Alyse Olson* Position: *Resource Conservationist*

PURPOSE AND INTENT

The purpose of this report is to provide officials of the local governing body and other decision-makers with natural resource information. This information may be useful when undertaking land use decisions concerning variations, amendments or relief of local zoning ordinances, proposed subdivision of vacant or agricultural lands and the subsequent development of these lands. This report is a requirement under Section 22.02a of the Illinois Soil and Water Conservation Districts Act.

The intent of this report is to present the most current natural resource information available in a readily understandable manner. It contains a description of the present site conditions, the present resources, and the potential impacts that the proposed change may have on the site and its resources. The natural resource information was gathered from standardized data, on-site investigations and information furnished by the petitioner. This report must be read in its entirety so that the relationship between the natural resource factors and the proposed land use change can be fully understood.

Due to the limitations of scale encountered with the various resource maps, the property boundaries depicted in the various exhibits in this report provide a generalized representation of the property location and may not precisely reflect the legal description of the PIQ (Parcel in Question).

This report, when used properly, will provide the basis for proper land use change decisions and development while protecting the natural resource base of the county. It should not be used in place of detailed environmental and/or engineering studies that are warranted under most circumstances, but in conjunction with those studies.

The conclusions of this report in no way indicate that a certain land use is not possible, but it should alert the reader to possible problems that may occur if the capabilities of the land are ignored. Any questions on the technical data supplied in this report or if anyone feels that they would like to see more additional specific information to make the report more effective, please contact:

Kendall County Soil and Water Conservation District
7775A Route 47, Yorkville, IL 60560
Phone: (630) 553-5821 ext. 3
E-mail: Alyse.Olson@il.nacdnet.net

TABLE OF CONTENTS

EXECUTIVE SUMMARY	1
PARCEL LOCATION	7
ARCHAEOLOGIC/CULTURAL RESOURCES INFORMATION	9
ECOLOGICALLY SENSITIVE AREAS	10
SOILS INFORMATION	12
SOILS INTERPRETATIONS EXPLANATION.....	14
BUILDING LIMITATIONS	15
SOIL WATER FEATURES	19
SOIL EROSION AND SEDIMENT CONTROL.....	21
PRIME FARMLAND SOILS	22
LAND EVALUATION AND SITE ASSESSMENT (LESA)	23
LAND USE PLANS.....	25
DRAINAGE, RUNOFF, AND FLOOD INFORMATION	25
WATERSHED PLANS	29
WETLAND INFORMATION	30
HYDRIC SOILS	32
WETLAND AND FLOODPLAIN REGULATIONS.....	34
GLOSSARY.....	35
REFERENCES.....	38

LIST OF FIGURES

FIGURE 1: Soil Map	2
FIGURE 2: Soil Limitations	4
FIGURE 3: 2021 Plat Map	7
FIGURE 4: 2019 Aerial Map with NRI Site Boundary	8
FIGURE 5: Soil Map	13
FIGURE 6A-6B: Maps of Building Limitations	17-18

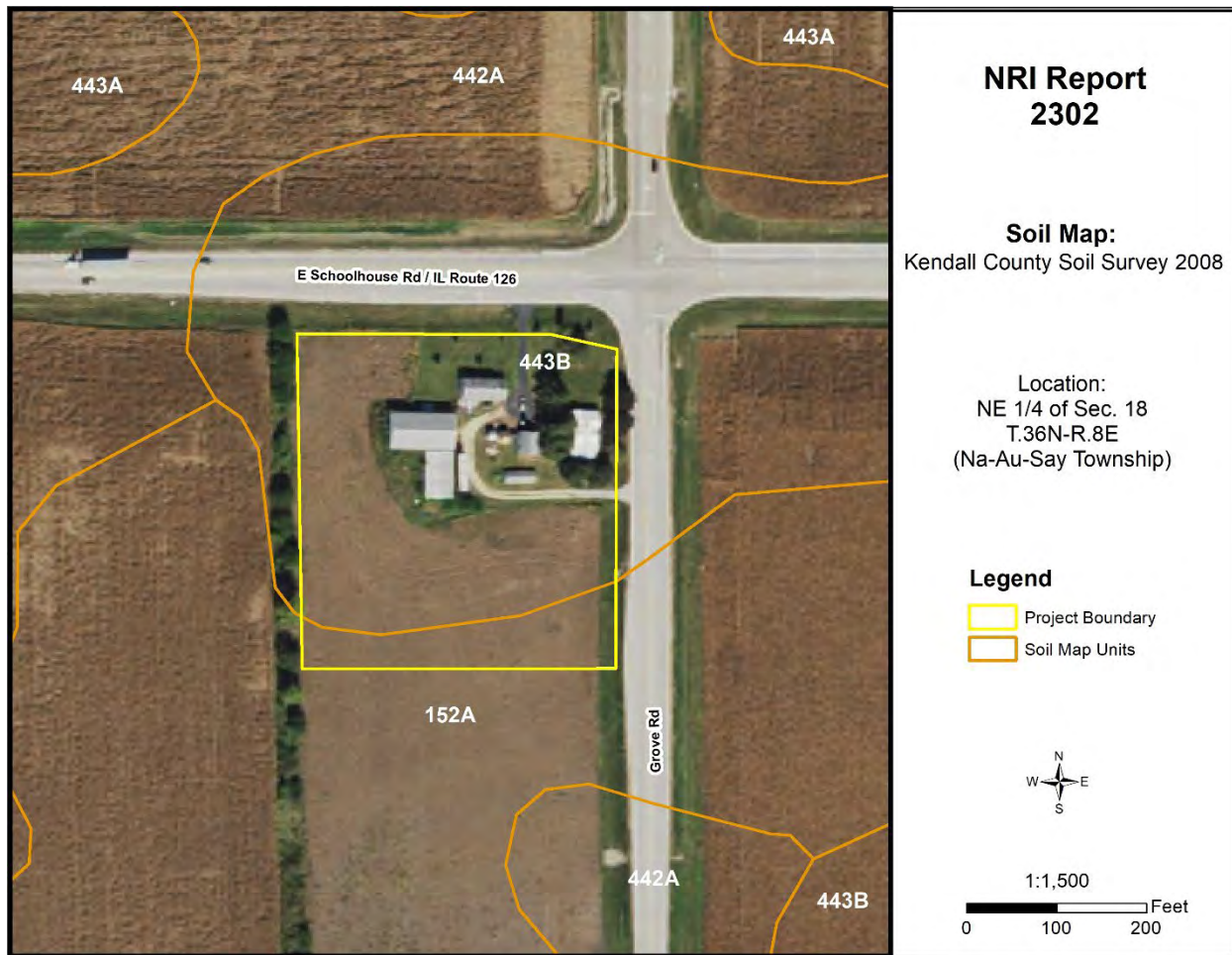
FIGURE 7: Map of Prime Farmland Soils	22
FIGURE 8: FEMA Floodplain Map	27
FIGURE 9: USGS Topographic Map	28
FIGURE 10: Wetland Map – USFWS National Wetland Inventory	33
FIGURE 11: Hydric Soils Map	33

LIST OF TABLES

TABLE 1: Soils Information	2
TABLE 2: Soil Limitations	4
TABLE 3: Soil Map Unit Descriptions	13
TABLE 4: Building Limitations	16
TABLE 5: Water Features	20
TABLE 6: Soil Erosion Potential	21
TABLE 7: Prime Farmland Soils	22
TABLE 8A: Land Evaluation Computation	23
TABLE 8B: Site Assessment Computation	24
TABLE 9: LESA Score Summary	24
TABLE 10: Hydric Soils	32

EXECUTIVE SUMMARY

Natural Resource Information Report Number	#2302
Petitioner	R&S Landscaping & Nursery
Contact Person	Roman Correa
County or Municipality the Petition is Filed With	Kendall County
Location of Parcel	NE ¼ of Section 18, Township 36 North, Range 8 East (Na-Au-Say Township) of the 3 rd Principal Meridian
Project or Subdivision Name	R&S Landscaping & Nursery
Existing Zoning & Land Use	A-1 Agricultural; Rural Residence
Proposed Zoning & Land Use	A-1 Agricultural Special Use; Landscaping Business
Proposed Water Source	Well
Proposed Type of Sewage Disposal System	Septic
Proposed Type of Storm Water Management	Perforated drain tile
Size of Site	(+/-) 3.00 acres
Land Evaluation Site Assessment Score	231 (Land Evaluation: 89; Site Assessment: 142)

NATURAL RESOURCE CONSIDERATIONS**Figure 1: Soil Map****SOIL INFORMATION**

Based on information from the United States Department of Agriculture-Natural Resources Conservation Service (USDA-NRCS) 2008 Kendall County Soil Survey, this parcel is shown to contain the following soil types (please note this does not replace the need for or results of onsite soil testing; if completed, please refer to onsite soil test results for planning/engineering purposes):

Table 1: Soils Information

Map Unit	Soil Name	Drainage Class	Hydrologic Group	Hydric Designation	Farmland Designation
152A	Drummer silty clay loam, 0-2% slopes	Poorly Drained	B/D	Hydric	Prime Farmland if Drained
443B	Barrington silt loam, 2-4% slopes	Moderately Well Drained	C	Non-Hydric with Hydric Inclusions Likely	Prime Farmland

Hydrologic Soil Groups – Soils have been classified into four (A, B, C, D) hydrologic groups based on runoff characteristics due to rainfall. If a soil is assigned to a dual hydrologic group (A/D, B/D or C/D), the first letter is for drained areas and the second letter is for undrained areas.

- **Hydrologic group A:** Soils have a high infiltration rate (low runoff potential) when thoroughly wet. These consist mainly of deep, well drained to excessively drained sands or gravelly sands. These soils have a high rate of water transmission.
- **Hydrologic group B:** Soils have a moderate infiltration rate when thoroughly wet, consist chiefly of moderately deep to deep, moderately well drained to well drained soils that have a moderately fine to moderately coarse texture. These soils have a moderate rate of water transmission.
- **Hydrologic group C:** Soils having a slow infiltration rate when thoroughly wet. These consist chiefly of soils having a layer that impedes the downward movement of water or soils of moderately fine texture or fine texture. These soils have a slow rate of water transmission.
- **Hydrologic group D:** Soils having a very slow infiltration rate (high runoff potential) when thoroughly wet. These consist chiefly of clays that have a high shrink-swell potential, soils that have a high water table, have a claypan or clay layer at or near the surface, and soils that are shallow over nearly impervious material. These soils have a very slow rate of water transmission.

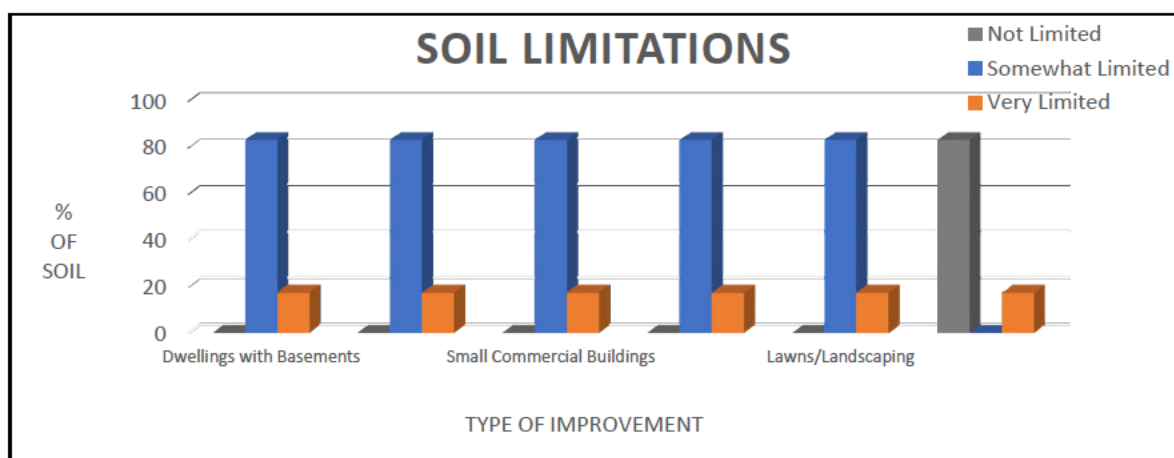
Hydric Soils – A hydric soil is one that formed under conditions of saturation, flooding, or ponding long enough during the growing season to develop anaerobic conditions in the upper part of the soil profile that supports the growth or regeneration of hydrophytic vegetation. Soils with hydric inclusions have map units dominantly made up of non-hydric soils that may have inclusions of hydric soils in the lower positions on the landscape. Of the soils found onsite, one is classified as hydric soil (152A Drummer silty clay loam) and one is classified as non-hydric soil with hydric inclusions likely (443B Barrington silt loam).

Prime Farmland – Prime farmland is land that has the best combination of physical and chemical characteristics for agricultural production. Prime farmland soils are an important resource to Kendall County and some of the most productive soils in the United States occur locally. Of the soils found onsite, one is designated as prime farmland (443B Barrington silt loam) and one is designated as prime farmland if drained (152A Drummer silty clay loam). Both are considered designations of prime farmland.

Soil Limitations – The USDA-NRCS Web Soil Survey rates the limitations of soils for dwellings, small commercial buildings, solar arrays, shallow excavations, lawns/landscaping, local roads and streets, etc. Soils have different properties which influence the development of building sites. The USDA-NRCS classifies soils as Not Limited, Somewhat Limited, and Very Limited. Soils that are Not Limited indicates that the soil has properties that are favorable for the specified use. They will perform well and will have low maintenance. Soils that are Somewhat Limited are moderately favorable, and their limitations can be overcome through special planning, design, or installation. Soils that are Very Limited have features that are unfavorable for the specified use, and their limitations cannot easily be overcome.

Table 2: Soil Limitations

Soil Type	Dwellings with Basements	Dwellings without Basements	Small Commercial Buildings	Shallow Excavations	Lawns/Landscaping	Onsite Sewage Disposal
152A	Very Limited	Very Limited	Very Limited	Very Limited	Very Limited	Very Limited
443B	Somewhat Limited	Somewhat Limited	Somewhat Limited	Somewhat Limited	Somewhat Limited	Not Limited

**Figure 2:** Soil Limitations

KENDALL COUNTY LAND EVALUATION AND SITE ASSESSMENT (LESA)

Decision-makers in Kendall County use the Land Evaluation and Site Assessment (LESA) system to determine the suitability of a land use change and/or a zoning request as it relates to agricultural land. The LESA system was developed by the United States Department of Agriculture-Natural Resources Conservation Service (USDA-NRCS) and takes into consideration local conditions such as physical characteristics of the land, compatibility of surrounding land-uses, and urban growth factors. The LESA system is a two-step procedure that includes:

- **Land Evaluation (LE):** The soils of a given area are rated and placed in groups ranging from the best to worst suited for a stated agriculture use, cropland, or forestland. The best group is assigned a value of 100 and all other groups are assigned lower values. The Land Evaluation is based on data from the Kendall County Soil Survey. The Kendall County Soil and Water Conservation District is responsible for this portion of the LESA system.
 - The Land Evaluation score for this site is 89, indicating that the soils are well suited for agricultural uses.
- **Site Assessment (SA):** The site is numerically evaluated according to important factors that contribute to the quality of the site. Each factor selected is assigned values in accordance with the local needs and objectives. The Site Assessment value is based on a 200-point scale and accounts for 2/3 of the total score. The Kendall County LESA Committee is responsible for this portion of the LESA system.
 - The Site Assessment score for this site is 142.

The LESA Score for this site is 231 out of a possible 300, which indicates a high level of protection for the proposed project site. Note: Selecting the project site with the lowest total points will generally protect the best farmland located in the most viable areas and maintain and promote the agricultural

industry in Kendall County. If the project is agricultural in nature, however, a higher score may provide an indication of the suitability of the project as it relates to the compatibility with existing agricultural land use.

WETLANDS

The U.S. Fish & Wildlife Service's National Wetlands Inventory map does **not** indicate the presence of a wetland(s)/waters on the proposed project site. To determine if a wetland is present, a wetland delineation specialist, who is recognized by the U.S. Army Corps of Engineers, should determine the exact boundaries and value of the wetlands.

FLOODPLAIN

The Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Map (FIRM) for Kendall County, Community Panel No. 17093C0130H (effective date January 8, 2014) was reviewed to determine the presence of floodplain and floodway areas within the project site. According to the map, the site is **not** located within the floodplain or floodway.

SEDIMENT AND EROSION CONTROL

Development on this site should include an erosion and sediment control plan in accordance with local, state, and federal regulations. Soil erosion on construction sites is a resource concern because suspended sediment from areas undergoing development is a primary nonpoint source of water pollution. Please consult the *Illinois Urban Manual* (<https://illinoisurbanmanual.org/>) for appropriate best management practices.

STORMWATER POLLUTION

A National Pollutant Discharge Elimination System (NPDES) permit (Permit No. ILR10) from the Illinois Environmental Protection Agency (IEPA) is required for stormwater discharges from construction sites that will disturb 1 or more acres of land. Conditions of the NPDES ILR10 permit require the development and implementation of a Stormwater Pollution Prevention Plan (SWPPP) to reduce stormwater pollutants on the construction site before they can cause environmental issues.

LAND USE FINDINGS:

The Kendall County Soil and Water Conservation District (SWCD) Board has reviewed the proposed site plans for Petitioner R&S Landscaping & Nursery. The petitioner is requesting a Special Use Permit and variances on two parcels (Parcel Index Numbers 06-18-200-011 and 06-18-200-013) for a proposed landscaping business within Na-Au-Say Township of Kendall County located in the northeast ¼ of Section 18, Township 36N, and Range 8E of the 3rd Principal Meridian. The proposed variances relate to outdoor parking and loading setbacks, size of handicap parking spaces, and width of an existing driveway. Based on the information provided by the petitioner and a review of natural resource related data available to the Kendall County SWCD, the SWCD Board presents the following information.


The Kendall County SWCD has always had the opinion that prime farmland soils should be preserved whenever feasible due to their highly productive qualities for growing agriculturally important grain and fiber crops. Of the soils found onsite, 100% are designated as prime farmland. A land evaluation (LE), which is a part of the Land Evaluation and Site Assessment (LESA), was conducted on this parcel. The soils on this parcel scored an 89 out of a possible 100 points indicating that the soils are well suited for agricultural uses. The total LESA Score for this site is 231 out of a possible 300, which indicates a high level of protection for the proposed project site. Selecting the project site with the lowest total points will generally protect the best farmland located in the most viable areas and maintain and promote the agricultural industry in Kendall County. If the project is agricultural in nature, however, a higher score may provide an indication of the suitability of the project as it relates to the compatibility with existing agricultural land use.

Soils found on the project site are rated for specific uses and can have potential limitations for development. Soil types with severe limitations do not preclude the ability to develop the site for the proposed use, but it is important to note that the limitation may require soil reclamation, special design/engineering, or maintenance to obtain suitable soil conditions to support development with significant limitations. This report indicates that for soils located on the parcel, 17% are considered very limited for dwellings with and without basements, small commercial buildings, shallow excavations, and lawns/landscaping. The remaining soils are considered somewhat limited for these types of developments/uses. Additionally, 17% of the soils appear to be unsuitable for conventional septic systems. This information is based on the soil in an undisturbed state. If the scope of the project may include the use of onsite septic systems, please consult with the Kendall County Health Department.

This site is located within the Lower Fox River watershed and the Morgan Creek sub watershed. This development should include a soil erosion and sediment control plan to be implemented during construction. It is critical to have vegetative cover during construction and after to protect the soil from erosion. Sediment may become a primary non-point source of pollution; eroded soils during the construction phase can create unsafe conditions on roadways, degrade water quality and destroy aquatic ecosystems lower in the watershed.

For intense use, it is recommended that a drainage tile survey be completed on the parcel to locate the subsurface drainage tile and should be taken into consideration during the land use planning process. Drainage tile expedites drainage and facilitates farming. It is imperative that these drainage tiles remain undisturbed. Impaired tile may affect a few acres or hundreds of acres of drainage.

The information that is included in this Natural Resources Information Report is to assure that the land developers take into full consideration the limitations of that land that they wish to develop. Guidelines and recommendations are also a part of this report and should be considered in the planning process. The Natural Resource Information Report is required by the Illinois Soil and Water Conservation District Act (Ill. Compiled Statutes, Ch. 70, Par 405/22.02a).



SWCD Board Representative

 04/10/2023
Date

PARCEL LOCATION

Location Map for Natural Resources Information Report #2302

Northeast $\frac{1}{4}$ of Section 18, Township 36 North, Range 8 East (Na-Au-Say Township) on approximately 3.00 acres. This site is located at the southwest corner of Illinois Route 126 and Grove Road in Yorkville, Illinois.

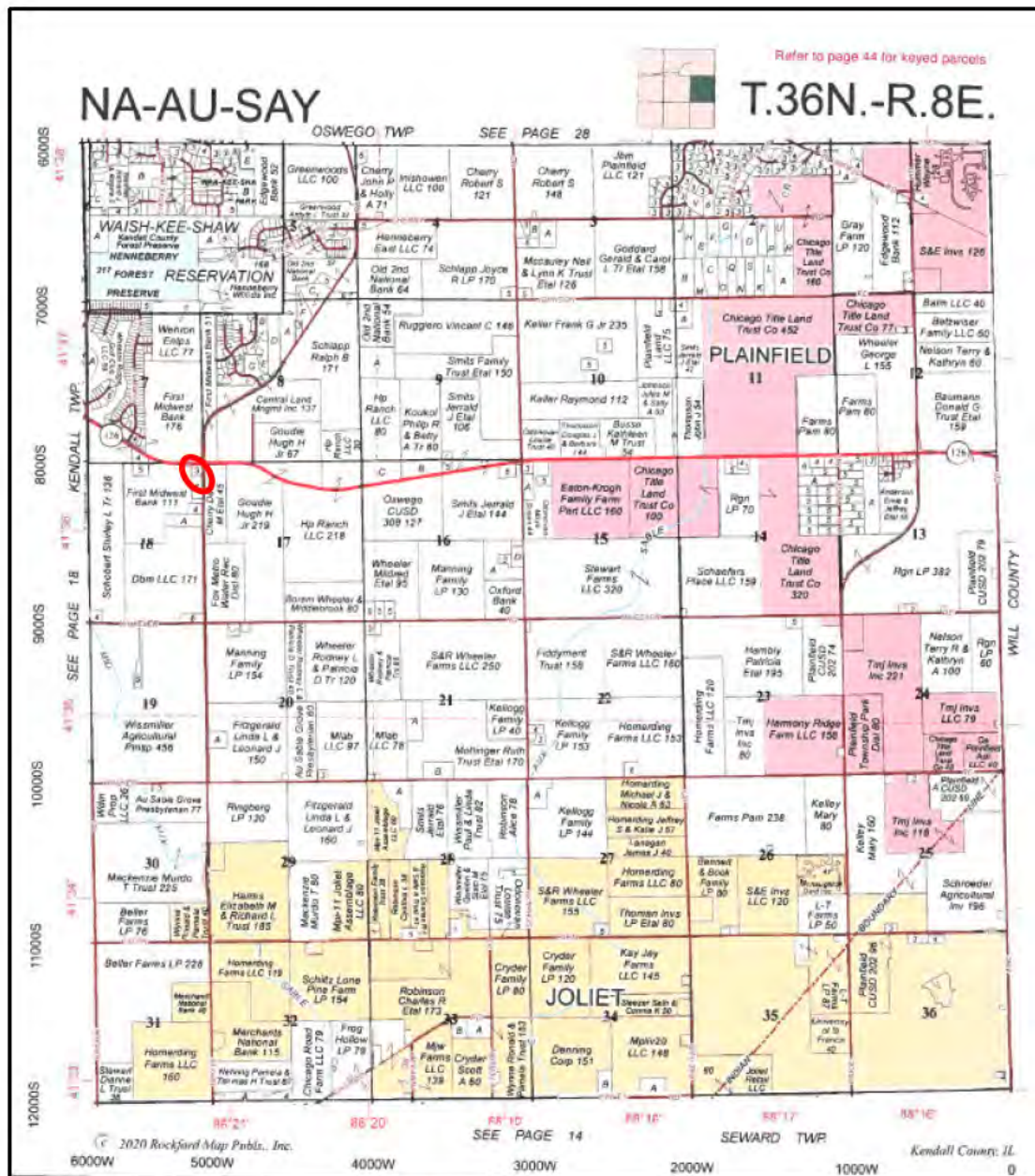


Figure 3: 2021 Plat Map

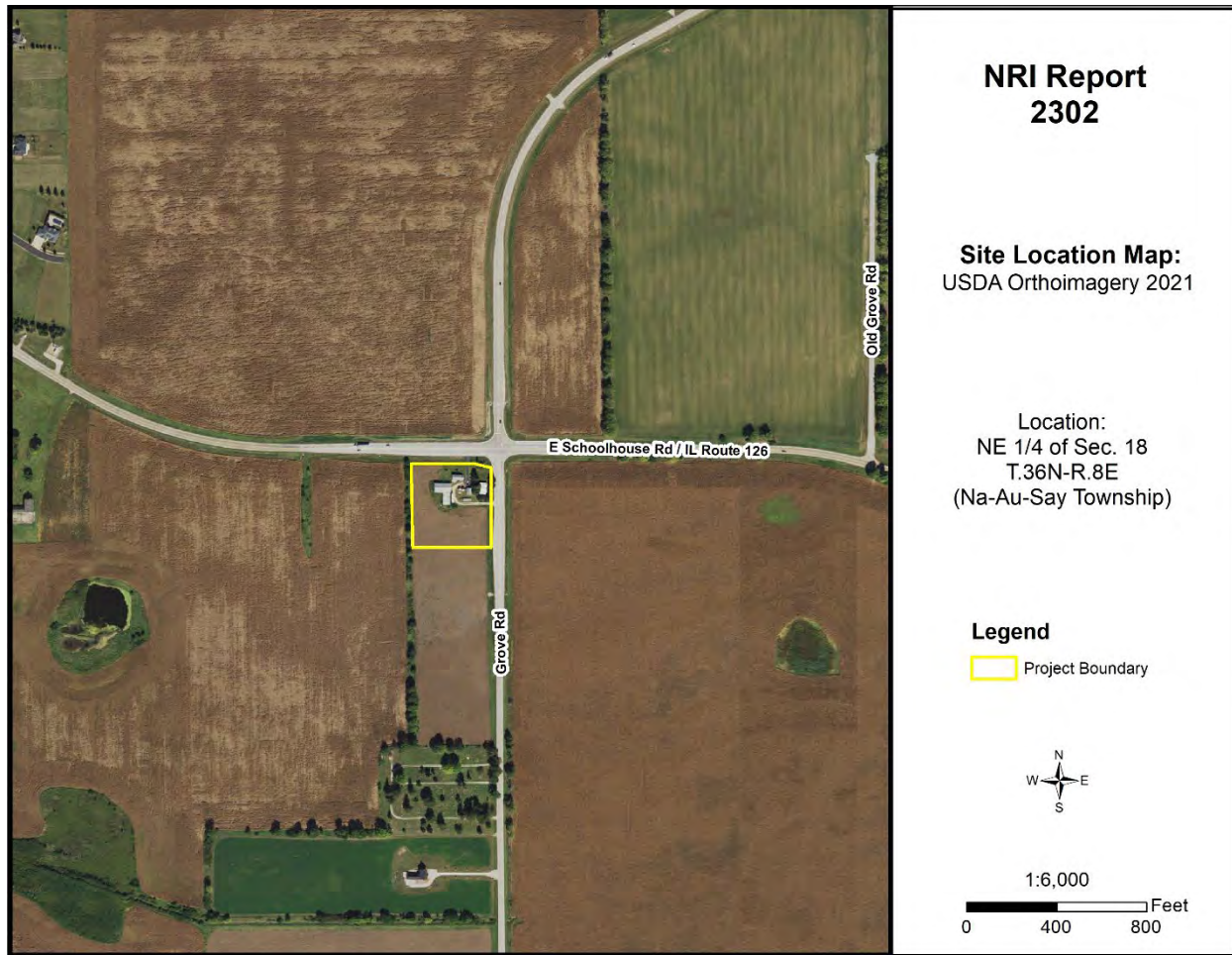


Figure 4: 2021 Aerial Map with NRI Project Boundary

ARCHAEOLOGIC/CULTURAL RESOURCES INFORMATION

Simply stated, cultural resources are all the past activities and accomplishments of people. They include the following: buildings; objects made or used by people; locations; and less tangible resources, such as stories, dance forms, and holiday traditions.

The Soil and Water Conservation District most often encounters cultural resources as historical properties. These may be prehistoric or historical sites, buildings, structures, features, or objects. The most common type of historical property that the Soil and Water Conservation District may encounter is non-structural archaeological sites. These sites often extend below the soil surface and must be protected against disruption by development or other earth moving activity if possible. Cultural resources are *non-renewable* because there is no way to “grow” a site to replace a disrupted site.

Landowners with historical properties on their land have ownership of that historical property. However, the State of Illinois owns all the following: human remains, grave markers, burial mounds, and artifacts associated with graves and human remains.

Non-grave artifacts from archaeological sites and historical buildings are the property of the landowner. The landowner may choose to disturb a historical property but may not receive federal or state assistance to do so. If an earth moving activity disturbs human remains, the landowner must contact the county coroner within 48 hours.

The Illinois Historic Preservation Office has not been notified of the proposed land use change by the Kendall County SWCD. The applicant may need to contact the Illinois Historic Preservation Office according to current Illinois law.

ECOLOGICALLY SENSITIVE AREAS

WHAT IS BIOLOGICAL DIVERSITY AND WHY SHOULD IT BE CONSERVED?¹

Biological diversity, or biodiversity, is the range of life on our planet. A more thorough definition is presented by botanist Peter H. Raven: “At the simplest level, biodiversity is the sum total of all the plants, animals, fungi and microorganisms in the world, or in a particular area; all of their individual variation; and all of the interactions between them. It is the set of living organisms that make up the fabric of the planet Earth and allow it to function as it does, by capturing energy from the sun and using it to drive all of life’s processes; by forming communities of organisms that have, through the several billion years of life’s history on Earth, altered the nature of the atmosphere, the soil and the water of our Planet; and by making possible the sustainability of our planet through their life activities now” (Raven 1994).

It is not known how many species occur on our planet. Presently, about 1.4 million species have been named. It has been estimated that there are perhaps 9 million more that have not been identified. What is known is that they are vanishing at an unprecedented rate. Reliable estimates show extinction occurring at a rate several orders of magnitude above “background” in some ecological systems (Wilson 1992, Hoose 1981).

The reasons for protecting biological diversity are complex, but they fall into four major categories. First, loss of diversity generally weakens entire natural systems. Healthy ecosystems tend to have many natural checks and balances. Every species plays a role in maintaining this system. When simplified by the loss of diversity, the system becomes more susceptible to natural and artificial perturbations. The chances of a system-wide collapse increase. In parts of the midwestern United States, for example, it was only the remnant areas of natural prairies that kept soil intact during the dust bowl years of the 1930s (Roush 1982).

Simplified ecosystems are almost always expensive to maintain. For example, when synthetic chemicals are relied upon to control pests, the target species are not the only ones affected. Their predators are almost always killed or driven away, exasperating the pest problem. In the meantime, people are unintentionally breeding pesticide-resistant pests. A process has begun where people become perpetual guardians of the affected area, which requires the expenditure of financial resources and human ingenuity to keep the system going.

A second reason for protecting biological diversity is that it represents one of our greatest untapped resources. Great benefits can be reaped from a single species. About 20 species provide 90% of the world’s food. Of these 20, just three, wheat, maize, and rice supply over one half of that food. American wheat farmers need new varieties every five to 15 years to compete with pests and diseases. Wild strains of wheat are critical genetic reservoirs for these new varieties.

Further, every species is a potential source of human medicine. In 1980, a published report identified the market value of prescription drugs from higher plants at over \$3 billion. Organic alkaloids, a class of

chemical compounds used in medicines, are found in an estimated 20% of plant species. Yet only 2% of plant species have been screened for these compounds (Hoose 1981).

The third reason for protecting diversity is that humans benefit from natural areas and depend on healthy ecosystems. The natural world supplies our air, our water, our food and supports human economic activity. Further, humans are creatures that evolved in a diverse natural environment between forest and grasslands. People need to be reassured that such places remain. When people speak of “going to the country,” they generally mean more than getting out of town. For reasons of their own sanity and wellbeing, they need a holistic, organic experience. Prolonged exposure to urban monotony produces neuroses, for which cultural and natural diversity cure.

Historically, the lack of attention to biological diversity, and the ecological processes it supports, has resulted in economic hardships for segments of the basin’s human population.

The final reason for protecting biological diversity is that species and natural systems are intrinsically valuable. The above reasons have focused on the benefits of the natural world to humans. All things possess intrinsic value simply because they exist.

BIOLOGICAL RESOURCES CONCERNING THE SUBJECT PARCEL

As part of the Natural Resources Information Report, staff checks office maps to determine if any nature preserves or ecologically sensitive areas are in the general vicinity of the parcel in question. If there is a nature preserve in the area, then that resource will be identified as part of the report. The SWCD recommends that every effort be made to protect that resource. Such efforts should include, but are not limited to erosion control, sediment control, stormwater management, and groundwater monitoring.

Office maps indicate that ecologically sensitive area(s) are located on or near the parcel in question (PIQ). Rob Roy Creek, a tributary to the Fox River, flows near the eastern boundary of the parcel.

¹Taken from *The Conservation of Biological Diversity in the Great Lakes Ecosystem: Issues and Opportunities*, prepared by the Nature Conservancy Great Lakes Program 79W. Monroe Street, Suite 1309, Chicago, IL 60603, January 1994.

SOILS INFORMATION

IMPORTANCE OF SOILS INFORMATION

Soils information comes from the Natural Resources Conservation Service Soil Maps and Descriptions for Kendall County. This information is important to all parties involved in determining the suitability of the proposed land use change.

Each soil polygon is given a number, which represents its soil type. The letter found after the soil type number indicates the soils slope class.

Each soil map unit has limitations for a variety of land uses such as septic systems, buildings with basements, and buildings without basements. It is important to remember that soils do not function independently of each other. The behavior of a soil depends upon the physical properties of adjacent soil types, the presence of artificial drainage, soil compaction, and its position in the local landscape.

The limitation categories (not limited, somewhat limited, or very limited) indicate the potential for difficulty in using that soil unit for the proposed activity and, thus, the degree of need for thorough soil borings and engineering studies. A limitation does not necessarily mean that the proposed activity cannot be done on that soil type. It does mean that the reasons for the limitation need to be thoroughly understood and dealt with to complete the proposed activity successfully. Very limited indicates that the proposed activity will be more difficult and costly to do on that soil type than on a soil type with a somewhat limited or not limited rating.

Soil survey interpretations are predictions of soil behavior for specified land uses and specified management practices. They are based on the soil properties that directly influence the specified use of the soil. Soil survey interpretations allow users of soil surveys to plan reasonable alternatives for the use and management of soils.

Soil interpretations do not eliminate the need for on-site study and testing of specific sites for the design and construction for specific uses. They can be used as a guide for planning more detailed investigations and for avoiding undesirable sites for an intended use. The scale of the maps and the range of error limit the use of the soil delineation.

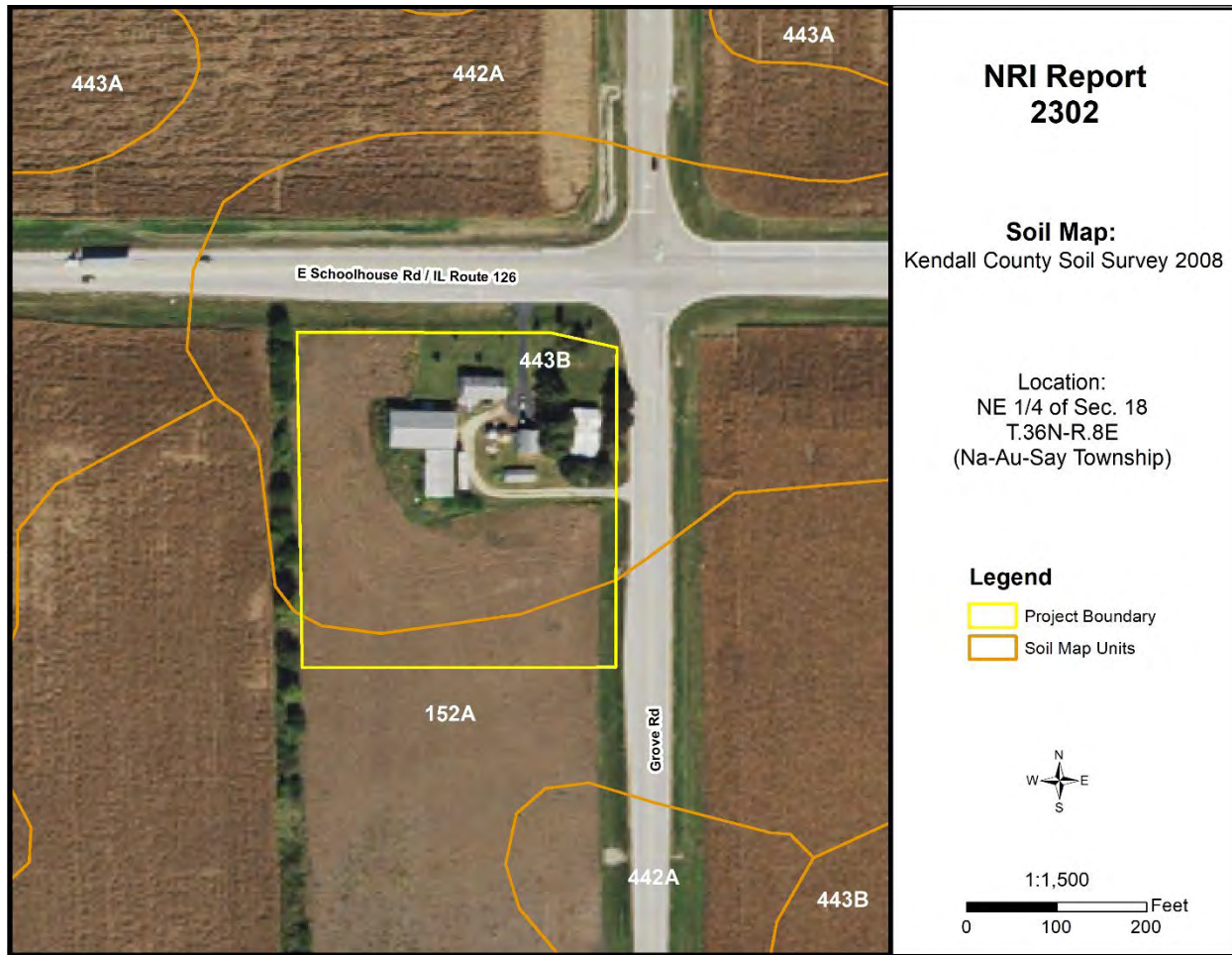


Figure 5: Soil Map

Table 3: Soil Map Unit Descriptions

Symbol	Descriptions	Acres	Percent
152A	Drummer silty clay loam, 0-2% slopes	0.5	17.2%
443B	Barrington silt loam, 2-4% slopes	2.5	82.8%

Source: National Cooperative Soil Survey – USDA-NRCS

SOILS INTERPRETATIONS EXPLANATION

GENERAL – NONAGRICULTURAL

These interpretative ratings help engineers, planners, and others to understand how soil properties influence behavior when used for nonagricultural uses such as building site development or construction materials. This report gives ratings for proposed uses in terms of limitations and restrictive features. The tables list only the most restrictive features.

Other features may need treatment to overcome soil limitations for a specific purpose. Ratings come from the soil's "natural" state, that is, no unusual modification occurs other than that which is considered normal practice for the rated use. Even though soils may have limitations, an engineer may alter soil features or adjust building plans for a structure to compensate for most degrees of limitations. Most of these practices, however, are costly. The final decision in selecting a site for a particular use generally involves weighing the costs for site preparation and maintenance. Soil properties influence development of building sites, including the selection of the site, the design of the structure, construction, performance after construction, and maintenance. Soil limitation ratings of not limited, somewhat limited, and very limited are given for the types of proposed improvements that are listed or inferred by the petitioner as entered on the report application and/or zoning petition. The most common types of building limitation that this report gives limitations ratings for is septic systems. It is understood that engineering practices can overcome most limitations for buildings with and without basements, and small commercial buildings. Limitation ratings for these types of buildings are not commonly provided. Organic soils, when present on the parcel, are referenced in the hydric soils section of the report. This type of soil is considered unsuitable for all types of construction.

LIMITATIONS RATINGS

- **Not Limited:** This soil has favorable properties for the use. The degree of limitation is minor. The people involved can expect good performance and low maintenance.
- **Somewhat Limited:** This soil has moderately favorable properties for the use. Special planning, design, or maintenance can overcome this degree of limitation. During some part of the year, the expected performance is less desirable than for soils rated slight.
- **Very Limited:** This soil has one or more properties that are unfavorable for the rated use. These may include the following: steep slopes, bedrock near the surface, flooding, high shrink-swell potential, a seasonal high water table, or low strength. This degree of limitation generally requires major soil reclamation, special design, or intensive maintenance, which in most situations is difficult and costly.

BUILDING LIMITATIONS

BUILDING ON POORLY SUITED OR UNSUITABLE SOILS

Building on poorly suited or unsuitable soils can present problems to future property owners such as cracked foundations, wet basements, lowered structural integrity and high maintenance costs associated with these problems. The staff of the Kendall County SWCD strongly urges scrutiny by the plat reviewers when granting parcels with these soils exclusively.

Dwellings with Basements – Ratings are for undisturbed soil for a building structure of less than 3 stories with a basement. The foundation is assumed to be spread footings of reinforced concrete built on undisturbed soil at a depth of about 7 feet. The ratings for dwellings are based on soil properties that affect the capacity of the soil to support a load without movement and on the properties that affect excavation and construction costs.

Dwellings without Basements – Ratings are for undisturbed soil for a house of three stories or less than 3 stories without a basement. The foundation is assumed to be spread footings of reinforced concrete at a depth of 2 feet or the depth of maximum frost penetration, whichever is deeper. The ratings for dwellings are based on soil properties that affect the capacity of the soil to support a load without movement and on the properties that affect excavation and construction costs.

Small Commercial Buildings – Ratings are for structures that are less than three stories high and do not have basements. The foundation is assumed to be spread footings of reinforced concrete built on disturbed soil at a depth of 2 feet or at the depth of maximum frost penetration, whichever is deeper. The ratings are based on soil properties that affect the capacity of the soil to support a load without movement and on the properties that affect excavation and construction costs.

Shallow Excavations – Trenches or holes dug to a maximum depth of 5 or 6 feet for utility lines, open ditches, or other purposes. Ratings are based on soil properties that influence the ease of digging and the resistance to sloughing.

Lawns and Landscaping – Require soils on which turf and ornamental trees and shrubs can be established and maintained (irrigation is not considered in the ratings). The ratings are based on the soil properties that affect plant growth and trafficability after vegetation is established.

Onsite Sewage Disposal – The factors considered are the characteristics and qualities of the soil that affect the limitations for absorbing waste from domestic sewage disposal systems. The major features considered are soil permeability, percolation rate, groundwater level, depth to bedrock, flooding hazards, and slope. The table below indicates soils that are deemed unsuitable per the Kendall County Subdivision Control Ordinance. Installation of an on-site sewage disposal system in soils designated as unsuitable may necessitate the installation of a non-conventional onsite sewage disposal system. For more information please contact the Kendall County Health Department – Environmental Health at (630) 553-9100 x8026.

Table 4: Building Limitations

Soil Type	Dwellings with Basements	Dwellings without Basements	Small Commercial Buildings	Shallow Excavations	Lawns & Landscaping	Onsite Sewage Disposal	Acres	%
152A	Very Limited: Ponding Depth to saturated zone Shrink-swell	Very Limited: Ponding Depth to saturated zone Shrink-swell	Very Limited: Ponding Depth to saturated zone Shrink-swell	Very Limited: Ponding Depth to saturated zone Dusty Unstable excavation walls Too clayey	Very Limited: Ponding Depth to saturated zone Dusty	Unsuitable/ Very Limited: Wet	0.5	17.2%
443B	Somewhat Limited: Depth to saturated zone Shrink-swell	Somewhat Limited: Shrink-swell	Somewhat Limited: Shrink-swell	Somewhat Limited: Depth to saturated zone Dusty Unstable excavation walls	Somewhat Limited: Dusty	Suitable/ Not Limited	2.5	82.8%
% Very Limited	17.2%	17.2%	17.2%	17.2%	17.2%	17.2%		

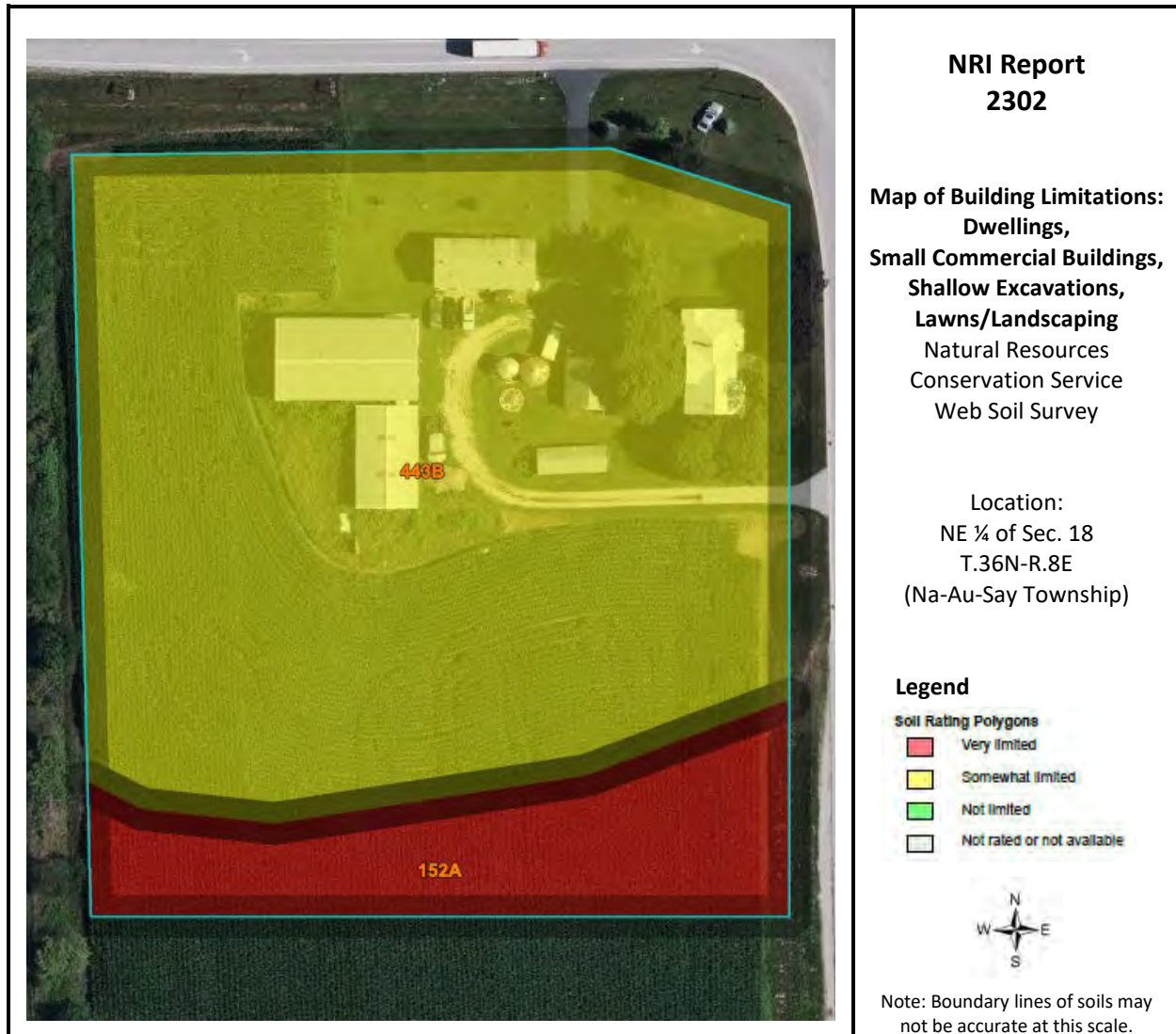


Figure 6A: Map of Building Limitations – Dwellings with Basements, Dwellings without Basements, Small Commercial Buildings, Shallow Excavations, and Lawns/Landscaping

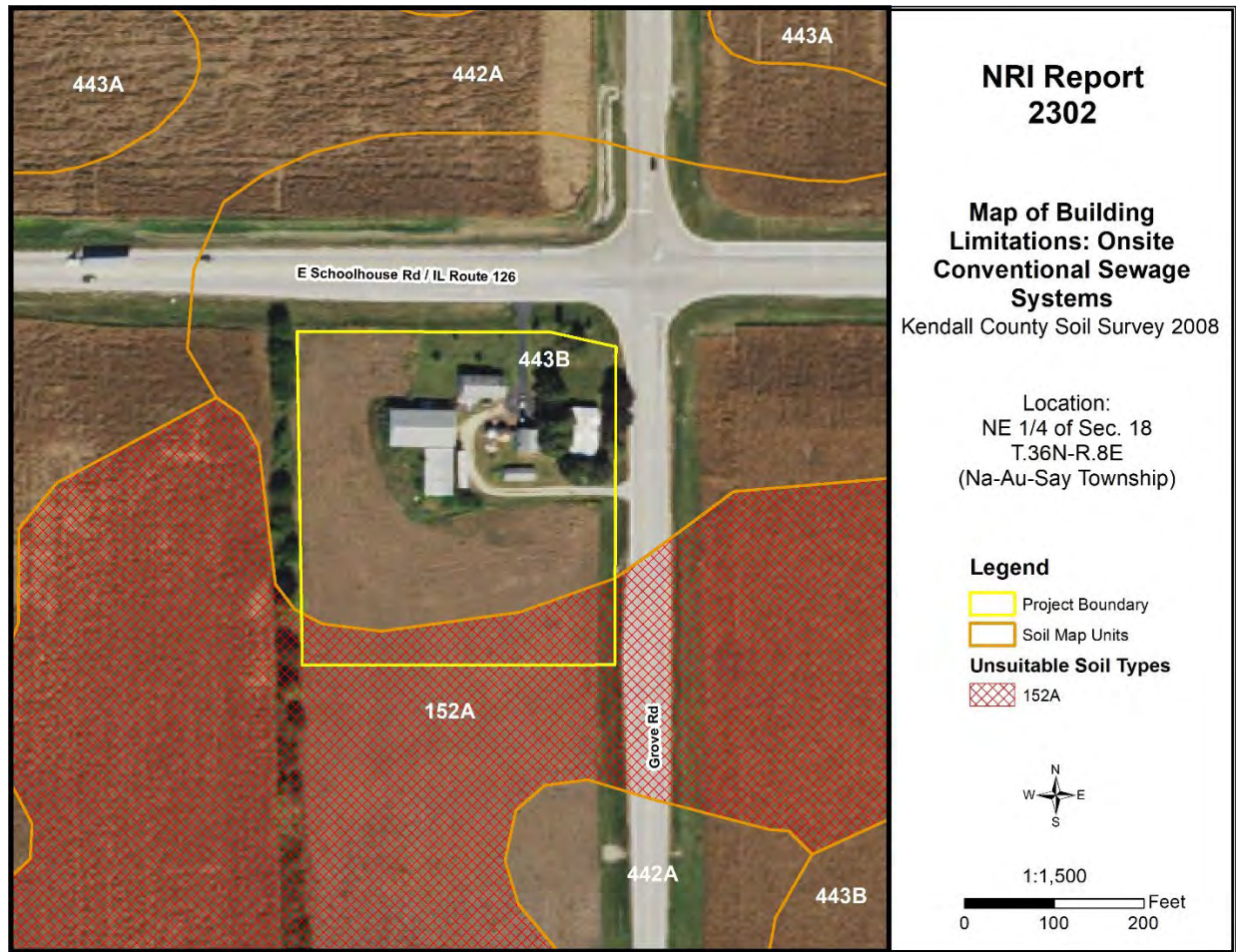


Figure 6B: Map of Building Limitations – Onsite Conventional Sewage System

SOIL WATER FEATURES

Table 5, below, gives estimates of various soil water features that should be taken into consideration when reviewing engineering for a land use project.

HYDROLOGIC SOIL GROUPS (HSGs) – The groups are based on estimates of runoff potential. Soils are assigned to one of four groups according to the rate of water infiltration when the soils are not protected by vegetation, are thoroughly wet, and receive precipitation from long-duration storms.

- **Group A:** Soils having a high infiltration rate (low runoff potential) when thoroughly wet. These consist mainly of deep, well drained to excessively drained sands or gravelly sands. These soils have a high rate of water transmission.
- **Group B:** Soils having a moderate infiltration rate when thoroughly wet. These consist chiefly of moderately deep or deep, moderately well drained, or well drained soils that have moderately fine texture to moderately coarse texture. These soils have a moderate rate of water transmission.
- **Group C:** Soils having a slow infiltration rate when thoroughly wet. These consist chiefly of soils having a layer that impedes the downward movement of water or soils of moderately fine texture or fine texture. These soils have a slow rate of water transmission.
- **Group D:** Soils having a very slow infiltration rate (high runoff potential) when thoroughly wet. These consist chiefly of clays that have a high shrink-swell potential, soils that have a high water table, soils that have a claypan or clay layer at or near the surface, and soils that are shallow over nearly impervious material. These soils have a very slow rate of water transmission.

Note: If a soil is assigned to a dual hydrologic group (A/D, B/D or C/D) the first letter is for drained areas and the second is for undrained areas.

SURFACE RUNOFF – Surface runoff refers to the loss of water from an area by flow over the land surface. Surface runoff classes are based upon slope, climate and vegetative cover and indicates relative runoff for very specific conditions (it is assumed that the surface of the soil is bare and that the retention of surface water resulting from irregularities in the ground surface is minimal). The classes are negligible, very low, low, medium, high, and very high.

MONTHS – The portion of the year in which a water table, ponding, and/or flooding is most likely to be a concern.

WATER TABLE – Water table refers to a saturated zone in the soil and the data indicates, by month, depth to the top (upper limit) and base (lower limit) of the saturated zone in most years. These estimates are based upon observations of the water table at selected sites and on evidence of a saturated zone (grayish colors or mottles (redoximorphic features)) in the soil. Note: A saturated zone that lasts for less than a month is not considered a water table.

PONDING – Ponding refers to standing water in a closed depression, and the data indicates surface water depth, duration, and frequency of ponding.

- **Duration:** Expressed as *very brief* if less than 2 days, *brief* if 2 to 7 days, *long* if 7 to 30 days and *very long* if more than 30 days.
- **Frequency:** Expressed as: *none* meaning ponding is not possible; *rare* means unlikely but possible under unusual weather conditions (chance of ponding is 0-5% in any year); *occasional* means that it occurs, on the average, once or less in 2 years (chance of ponding is 5 to 50% in any year); and frequent means that it occurs, on the average, more than once in 2 years (chance of ponding is more than 50% in any year).

FLOODING – The temporary inundation of an area caused by overflowing streams, by runoff from adjacent slopes, or by tides. Water standing for short periods after rainfall or snowmelt is not considered flooding, and water standing in swamps and marshes is considered ponding rather than flooding.

- **Duration:** Expressed as: *extremely brief* if 0.1 hour to 4 hours; *very brief* if 4 hours to 2 days; *brief* if 2 to 7 days; *long* if 7 to 30 days; and *very long* if more than 30 days.
- **Frequency:** Expressed as: *none* means flooding is not probable; *very rare* means that it is very unlikely but possible under extremely unusual weather conditions (chance of flooding is less than 1% in any year); *rare* means that it is unlikely but possible under unusual weather conditions (chance of flooding is 1 to 5% in any year); *occasional* means that it occurs infrequently under normal weather conditions (chance of flooding is 5 to 50% in any year but is less than 50% in all months in any year); and *very frequent* means that it is likely to occur very often under normal weather conditions (chance of flooding is more than 50% in all months of any year).

Note: The information is based on evidence in the soil profile. In addition, consideration is also given to local information about the extent and levels of flooding and the relation of each soil on the landscape to historic floods. Information on the extent of flooding based on soil data is less specific than that provided by detailed engineering surveys that delineate flood-prone areas at specific flood frequency levels.

Table 5: Water Features

Map Unit	Hydrologic Group	Surface Runoff	Water Table	Ponding	Flooding
152A	B/D	Negligible	<u>January - May</u> Upper Limit: 0.0'-1.0' Lower Limit: 6.0' <u>June - December</u> Upper Limit: -- Lower Limit: --	<u>January - May</u> Surface Water Depth: 0.0'-0.5' Duration: Brief (2 to 7 days) Frequency: Frequent <u>June - December</u> Surface Water Depth: -- Duration: -- Frequency: --	<u>January - December</u> Duration: -- Frequency: None
443B	C	Low	<u>January</u> Upper Limit: -- Lower Limit: -- <u>February - April</u> Upper Limit: 2.0'-3.5' Lower Limit: 6.0' <u>May - December</u> Upper Limit: -- Lower Limit: --	<u>January - December</u> Surface Water Depth: -- Duration: -- Frequency: --	<u>January - December</u> Duration: -- Frequency: None

SOIL EROSION AND SEDIMENT CONTROL

Erosion is the wearing away of the soil by water, wind, and other forces. Soil erosion threatens the Nation's soil productivity and contributes the most pollutants in our waterways. Water causes about two thirds of erosion on agricultural land. Four properties, mainly, determine a soil's erodibility: texture, slope, structure, and organic matter content.

Slope has the most influence on soil erosion potential when the site is under construction. Erosivity and runoff increase as slope grade increases. The runoff then exerts more force on the particles, breaking their bonds more readily and carrying them farther before deposition. The longer water flows along a slope before reaching a major waterway, the greater the potential for erosion.

Soil erosion during and after this proposed construction can be a primary non-point source of water pollution. Eroded soil during the construction phase can create unsafe conditions on roadways, decrease the storage capacity of lakes, clog streams and drainage channels, cause deterioration of aquatic habitats, and increase water treatment costs. Soil erosion also increases the risk of flooding by choking culverts, ditches, and storm sewers and by reducing the capacity of natural and man-made detention facilities.

The general principles of erosion and sedimentation control measures include:

- Reducing/diverting flow from exposed areas, storing flows, or limiting runoff from exposed areas
- Staging construction to keep disturbed areas to a minimum
- Establishing or maintaining temporary or permanent groundcover
- Retaining sediment on site
- Properly installing, inspecting, and maintaining control measures

Erosion control practices are useful controls only if they are properly located, installed, inspected, and maintained. Soil erosion and sedimentation control plans, including maintenance responsibilities, should be clearly communicated to all contractors working on the site.

The SWCD recommends an erosion and sediment control plan for all building sites, especially if there is a wetland or stream nearby. Additionally, a National Pollutant Discharge Elimination System (NPDES) permit (Permit No. ILR10) from the Illinois Environmental Protection Agency (IEPA) is required for stormwater discharges from construction sites that will disturb 1 or more acres of land. Conditions of the NPDES ILR10 permit require the development and implementation of a Stormwater Pollution Prevention Plan (SWPPP) to reduce stormwater pollutants on the construction site before they can cause environmental issues.

Table 6: Soil Erosion Potential

Soil Type	Slope	Rating	Acreage	Percent of Parcel
152A	0-2%	Slight	0.5	17.2%
443B	2-4%	Slight	2.5	82.8%

PRIME FARMLAND SOILS

Prime farmland soils are an important resource to Kendall County. Some of the most productive soils in the United States occur locally. Each soil map unit in the United States is assigned a prime or non-prime rating. Prime agricultural land does not need to be in the production of food & fiber.

Section 310 of the NRCS general manual states that urban or built-up land on prime farmland soils is not prime farmland. The percentages of soil map units on the parcel reflect the determination that urban or built-up land on prime farmland soils is not prime farmland.

Table 7: Prime Farmland Soils

Soil Types	Prime Designation	Acreage	Percent
152A	Prime Farmland if Drained	0.5	17.2%
443B	Prime Farmland	2.5	82.8%
% Prime Farmland	100%		

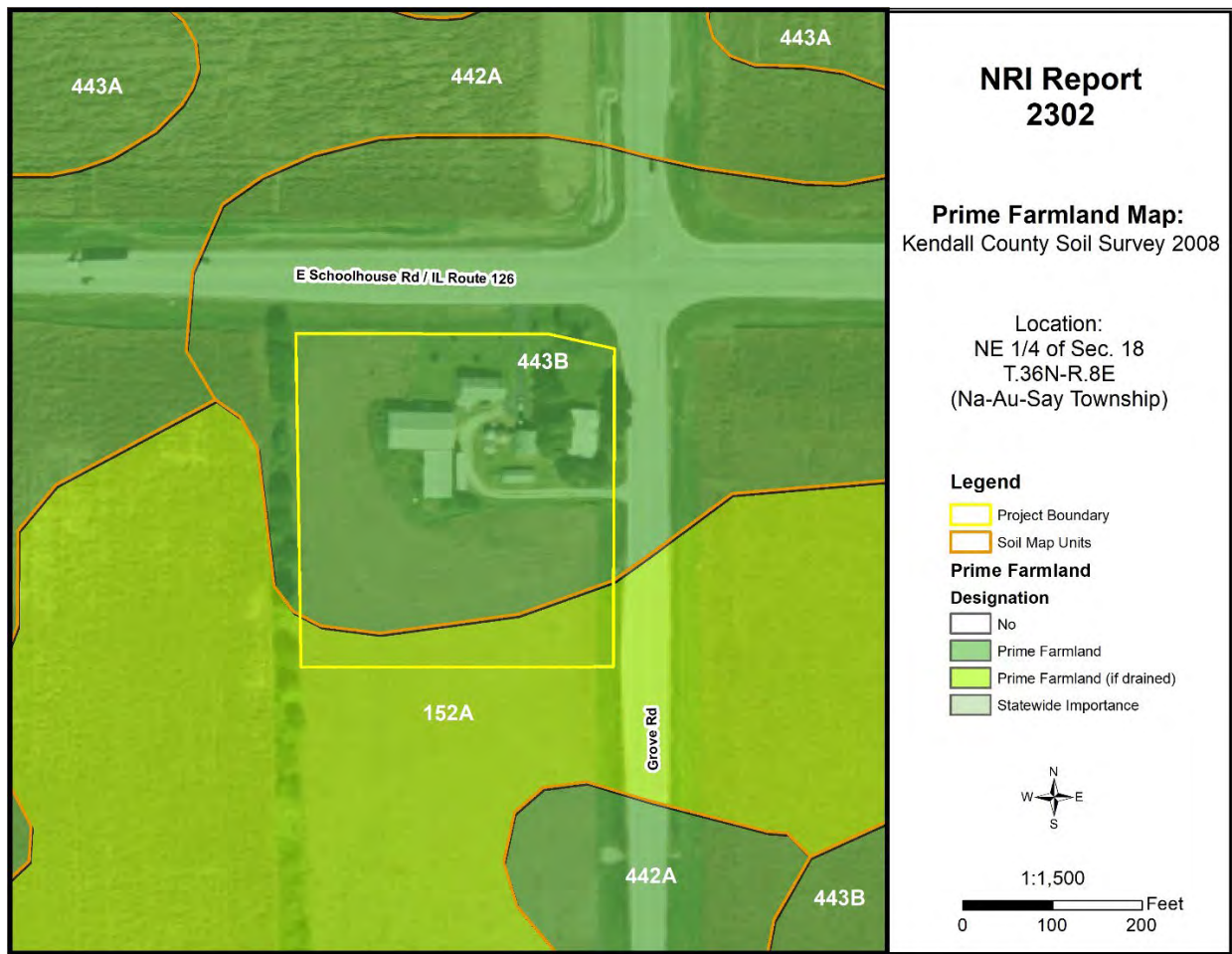


Figure 7: Map of Prime Farmland Soils

LAND EVALUATION AND SITE ASSESSMENT (LESA)

Decision-makers in Kendall County use the Land Evaluation and Site Assessment (LESA) system to determine the suitability of a land use change and/or a zoning request as it relates to agricultural land. The LESA system was developed by the United States Department of Agriculture-Natural Resources Conservation Service (USDA-NRCS) and takes into consideration local conditions such as physical characteristics of the land, compatibility of surrounding land-uses, and urban growth factors. The LESA system is a two-step procedure that includes:

LAND EVALUATION (LE)

The soils of a given area are rated and placed in groups ranging from the best to worst suited for a stated agriculture use, cropland, or forestland. The best group is assigned a value of 100, and all other groups are assigned lower values. The Land Evaluation is based on data from the Kendall County Soil Survey. The LE score is calculated by multiplying the relative value of each soil type by the number of acres of that soil. The sum of the products is then divided by the total number of acres; the answer is the Land Evaluation score on this site. The Kendall County Soil and Water Conservation District is responsible for this portion of the LESA system.

SITE ASSESSMENT (SA)

The site is numerically evaluated according to important factors that contribute to the quality of the site. Each factor selected is assigned values in accordance with the local needs and objectives. The value group is a predetermined value based upon prime farmland designation. The Kendall County LESA Committee is responsible for this portion of the LESA system.

Please Note: A land evaluation (LE) score will be compiled for every project parcel. However, when a parcel is located within municipal planning boundaries, a site assessment (SA) score is not compiled as the scoring factors are not applicable. As a result, only the LE score is available, and a full LESA score is unavailable for the parcel.

Table 8A: Land Evaluation Computation

Soil Type	Value Group	Relative Value	Acres	Product (Relative Value x Acres)
152A	1	100	0.5	50.0
443B	3	87	2.5	217.5
Totals			3.0	267.5
LE Calculation			(Product of relative value / Total Acres) 267.5 / 3.0 = 89.2	
LE Score			LE = 89	

The Land Evaluation score for this site is 89 out of 100, indicating that the soils are well suited for agricultural uses considering the Land Evaluation score is above 80.

Table 8B: Site Assessment Computation

A.	Agricultural Land Uses	Points
	1. Percentage of area in agricultural uses within 1.5 miles of site. (20-10-5-0)	20
	2. Current land use adjacent to site. (30-20-15-10-0)	30
	3. Percentage of site in agricultural production in any of the last 5 years. (20-15-10-5-0)	15
	4. Size of site. (30-15-10-0)	0
B.	Compatibility / Impact on Uses	
	1. Distance from city or village limits. (20-10-0)	20
	2. Consistency of proposed use with County Land Resource Management Concept Plan and/or municipal comprehensive land use plan. (20-10-0)	20
	3. Compatibility of agricultural and non-agricultural uses. (15-7-0)	0
C.	Existence of Infrastructure	
	1. Availability of public sewage system. (10-8-6-0)	10
	2. Availability of public water system. (10-8-6-0)	10
	3. Transportation systems. (15-7-0)	7
	4. Distance from fire protection service. (10-8-6-2-0)	10
	Site Assessment Score:	142

The Site Assessment score for this site is 142. The Land Evaluation value (89) is added to the Site Assessment value (142) to obtain a LESA Score of 231. The table below shows the level of protection for the proposed project site based on the LESA Score.

Table 9: LESA Score Summary

LESA SCORE	LEVEL OF PROTECTION
0-200	Low
201-225	Medium
226-250	High
251-300	Very High

Land Evaluation Value: 89 + Site Assessment Value: 142 = LESA Score: 231

The LESA Score for this site is 231 which indicates a high level of protection for the proposed project site. Note: Selecting the project site with the lowest total points will generally protect the best farmland located in the most viable areas and maintain and promote the agricultural industry in Kendall County. If the project is agricultural in nature, however, a higher score may provide an indication of the suitability of the project as it relates to the compatibility with existing agricultural land use.

LAND USE PLANS

Many counties, municipalities, villages, and townships have developed land-use plans. These plans are intended to reflect the existing and future land-use needs of a given community. Please contact the Kendall County Planning, Building & Zoning for information regarding the County's comprehensive land use plan and map.

DRAINAGE, RUNOFF, AND FLOOD INFORMATION

U.S.G.S Topographic maps give information on elevations, which are important mostly to determine slopes, drainage directions, and watershed information.

Elevations determine the area of impact of floods of record. Slope information determines steepness and erosion potential. Drainage directions determine where water leaves the PIQ, possibly impacting surrounding natural resources.

Watershed information is given for changing land use to a subdivision type of development on parcels greater than 10 acres.

WHAT IS A WATERSHED?

Simply stated, a watershed is the area of land that contributes water to a certain point. The watershed boundary is important because the area of land in the watershed can now be calculated using an irregular shape area calculator such as a dot counter or planimeter.

Using regional storm event information, and site-specific soils and land use information, the peak stormwater flow through the point marked "O" for a specified storm event can be calculated. This value is called a "Q" value (for the given storm event) and is measured in cubic feet per second (CFS).

When construction occurs, the Q value naturally increases because of the increase in impermeable surfaces. This process decreases the ability of soils to accept and temporarily hold water. Therefore, more water runs off and increases the Q value.

Theoretically, if each development, no matter how large or small, maintains their preconstruction Q value after construction by the installation of stormwater management systems, the streams and wetlands and lakes will not suffer damage from excessive urban stormwater.

For this reason, the Kendall County SWCD recommends that the developer for intense uses such as a subdivision calculate the preconstruction Q value for the exit point(s). A stormwater management system

should be designed, installed, and maintained to limit the postconstruction Q value to be at or below the preconstruction value.

IMPORTANCE OF FLOOD INFORMATION

A floodplain is defined as land adjoining a watercourse (riverine) or an inland depression (non-riverine) that is subject to periodic inundation by high water. Floodplains are important areas demanding protection since they have water storage and conveyance functions which affect upstream and downstream flows, water quality and quantity, and suitability of the land for human activity. Since floodplains play distinct and vital roles in the hydrologic cycle, development that interferes with their hydrologic and biologic functions should be carefully considered.

Flooding is both dangerous to people and destructive to their properties. The following maps, when combined with wetland and topographic information, can help developers and future homeowners to “sidestep” potential flooding or ponding problems.

FIRM is the acronym for the Flood Insurance Rate Map, produced by the Federal Emergency Management Agency (FEMA). These maps define flood elevation adjacent to tributaries and major bodies of water and superimpose that onto a simplified USGS topographic map. The scale of the FIRM maps is generally dependent on the size and density of parcels in that area. (This is to correctly determine the parcel location and floodplain location.) The FIRM map has three (3) zones. Zone A includes the 100-year flood, Zone B or Zone X (shaded) is the 100 to 500-year flood, and Zone C or Zone X (unshaded) is outside the floodplain.

The Hydrologic Atlas (H.A.) Series of the Flood of Record Map is also used for the topographic information. This map is different from the FIRM map mainly because it will show isolated or pocketed flooded areas. Kendall County uses both these maps in conjunction with each other for flooded area determinations. The Flood of Record maps show the areas of flood for various years. Both maps stress that the recurrence of flooding is merely statistical. A 100-year flood may occur twice in one year, or twice in one week, for that matter.

It should be noted that greater floods than those shown on the two maps are possible. The flood boundaries indicated provide a historic record only until the map publication date. Additionally, these flood boundaries are a function of the watershed conditions existing when the maps were produced. Cumulative changes in runoff characteristics caused by urbanization can result in an increase in flood height of future flood episodes.

Floodplains play a vital role in reducing the flood damage potential associated with an urbanizing area and, when left in an undisturbed state, also provide valuable wildlife habitat benefits. If it is the petitioner's intent to conduct floodplain filling or modification activities, the petitioner, and the Unit of Government responsible need to consider the potentially adverse effects this type of action could have on adjacent properties. The change or loss of natural floodplain storage often increases the frequency and severity of flooding on adjacent property.

If the available maps indicate the presence of a floodplain on the PIQ, the petitioner should contact the IDNR-OWR and FEMA to delineate a floodplain elevation for the parcel. If a portion of the property is indeed floodplain, applicable state, county, and local regulations will need to be reflected in the site plans.

Another indication of flooding potential can be found in the soils information. Hydric soils indicate the presence of drainageways, areas subject to ponding, or a naturally occurring high water table. These need to be considered along with the floodplain information when developing the site plan and the stormwater management plan. Development on hydric soils can contribute to the loss of water storage within the soil and the potential for increased flooding in the area.

This parcel is located on minimal topography (slopes 0 to 4%) and an elevation range of approximately 644'-656' above sea level. According to the FEMA Floodplain Map (Figure 8), the parcel in question is located outside of the 100-year floodplain. It is mapped as Zone X, an area of minimal flood hazard.

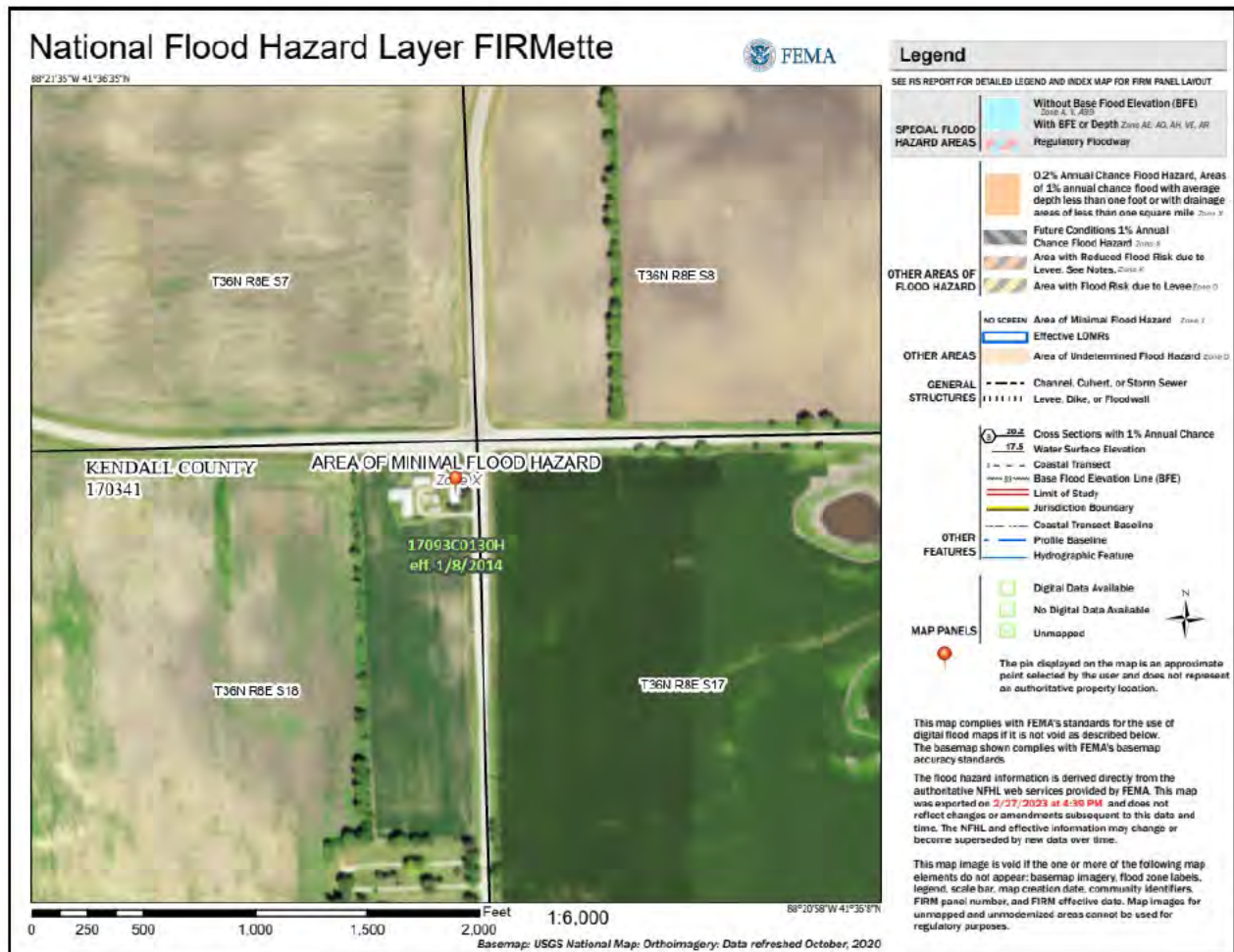


Figure 8: FEMA Floodplain Map

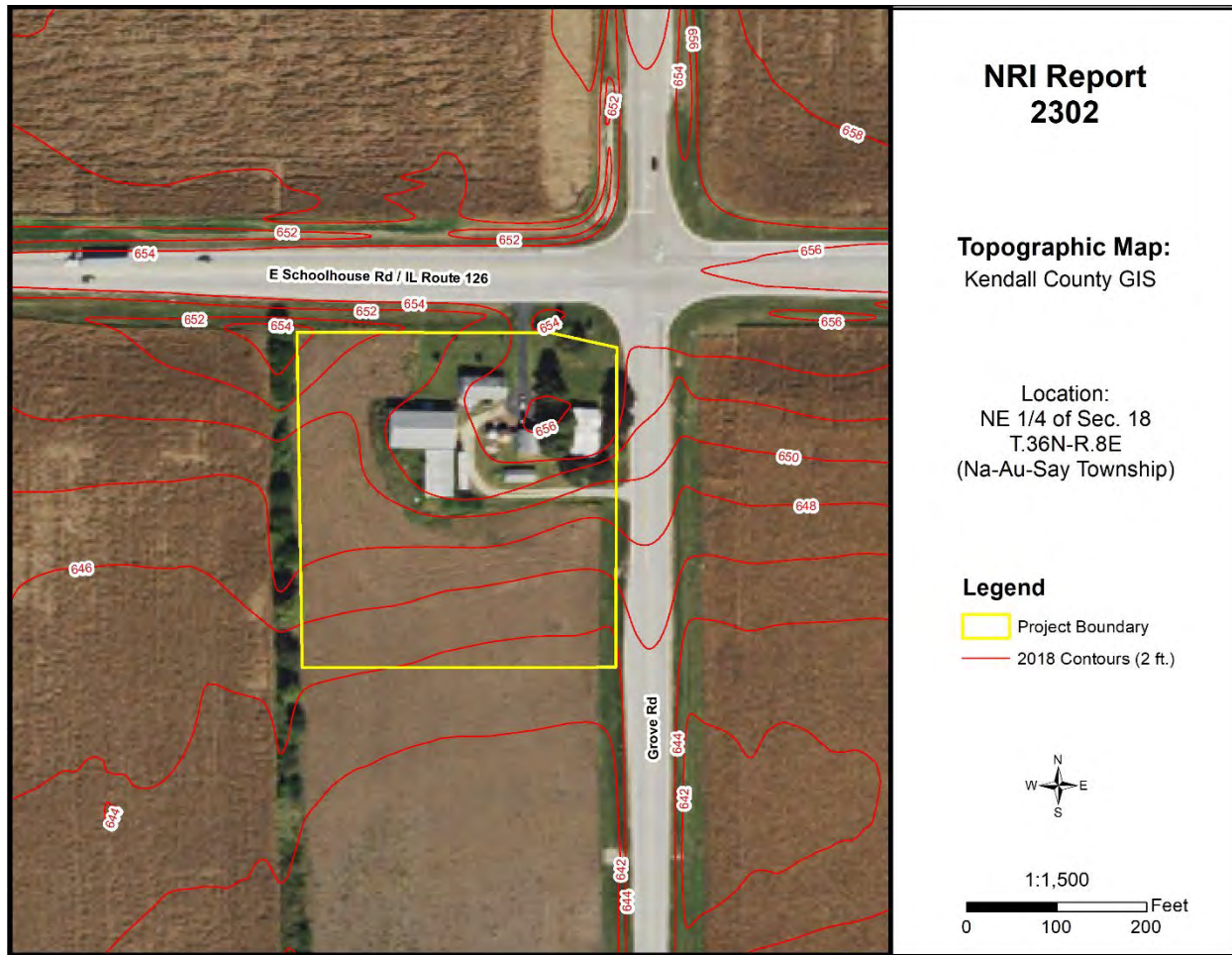


Figure 9: Topographic Map

WATERSHED PLANS

WATERSHED AND SUB WATERSHED INFORMATION

A watershed is the area of land that drains into a specific point including a stream, lake, or other body of water. High points on the Earth's surface, such as hills and ridges define watersheds. When rain falls in the watershed, it flows across the ground towards a stream or lake. Rainwater carries pollutants such as oils, pesticides, and soil.

Everyone lives in a watershed. Their actions can impact natural resources and people living downstream. Residents can minimize this impact by being aware of their environment and the implications of their activities, implementing practices recommended in watershed plans, and educating others about their watershed.

The following are recommendations to developers for protection of this watershed:

- Preserve open space
- Maintain wetlands as part of development
- Use natural water management
- Prevent soil from leaving a construction site
- Protect subsurface drainage
- Use native vegetation
- Retain natural features
- Mix housing styles and types
- Decrease impervious surfaces
- Reduce area disturbed by mass grading
- Shrink lot size and create more open space
- Maintain historical and cultural resources
- Treat water where it falls
- Preserve views
- Establish and link trails

This parcel is located within the Lower Fox River watershed and the Morgan Creek sub watershed.
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WETLAND INFORMATION

IMPORTANCE OF WETLAND INFORMATION

Wetlands function in many ways to provide numerous benefits to society. They control flooding by offering a slow release of excess water downstream or through the soil. They cleanse water by filtering out sediment and some pollutants and can function as rechargers of our valuable groundwater. They also are essential breeding, rearing, and feeding grounds for many species of wildlife.

These benefits are particularly valuable in urbanizing areas as development activity typically adversely affects water quality, increases the volume of stormwater runoff, and increases the demand for groundwater. In an area where many individual homes rely on shallow groundwater wells for domestic water supplies, activities that threaten potential groundwater recharge areas are contrary to the public good. The conversion of wetlands, with their sediment trapping and nutrient absorbing vegetation, to biologically barren stormwater detention ponds can cause additional degradation of water quality in downstream or adjacent areas.

It has been estimated that over 95% of the wetlands that were historically present in Illinois have been destroyed while only recently has the true environmental significance of wetlands been fully recognized. America is losing 100,000 acres of wetland a year and has saved 5 million acres total (since 1934). One acre of wetland can filter 7.3 million gallons of water a year. These are reasons why our wetlands are high quality and important.

This section contains the National Wetlands Inventory, which is the most comprehensive inventory to date. The National Wetlands Inventory is reproduced from an aerial photo at a scale of 1" equals 660 feet. The NRCS developed these maps in cooperation with U.S. EPA (Environmental Protection Agency,) and the U.S. Fish and Wildlife Service, using the National Food Security Act Manual, 3rd Edition. The main purpose of these maps is to determine wetland areas on agricultural fields and areas that may be wetlands but are in a non-agriculture setting.

The National Wetlands Inventory in no way gives an exact delineation of the wetlands, but merely an outline, or the determination that there is a wetland within the outline. For the final, most accurate wetland **determination** of a specific wetland, a wetland **delineation** must be certified by NRCS staff using the National Food Security Act Manual (on agricultural land.) On urban land, a certified wetland delineator must perform the delineation using the ACOE 1987 Manual. *See the glossary section for the definitions of "delineation" and "determination."*

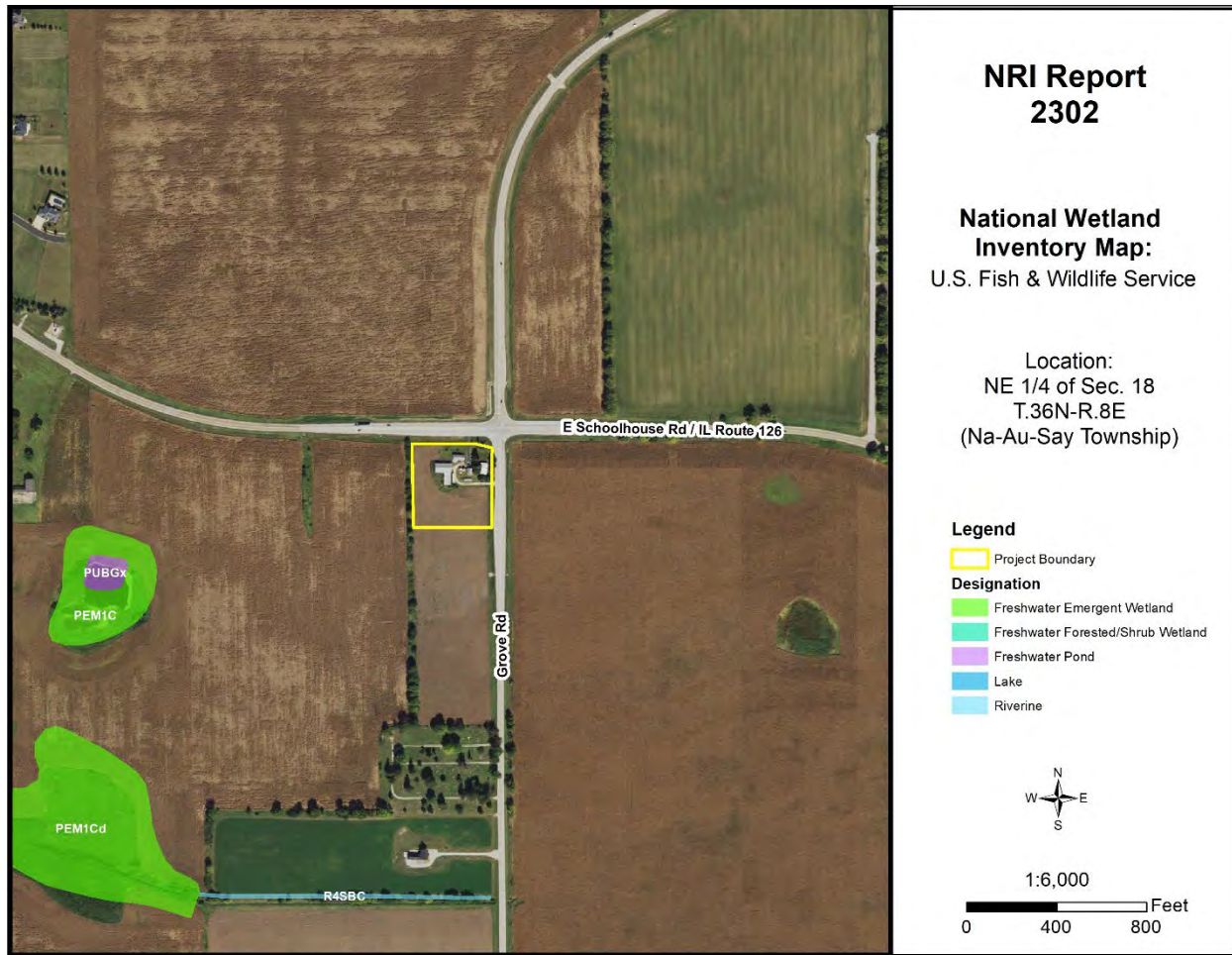


Figure 10: Wetland Map – USFWS National Wetlands Inventory

Office maps indicate that mapped wetlands/waters are not present on the parcel in question (PIQ).

HYDRIC SOILS

Soils information gives another indication of flooding potential. The soils map on the following page indicates the soil(s) on the parcel that the Natural Resources Conservation Service indicates as hydric. Hydric soils, by definition, have seasonal high water at or near the soil surface and/or have potential flooding or ponding problems. All hydric soils range from poorly suited to unsuitable for building. One group of the hydric soils are the organic soils, which formed from dead organic material. Organic soils are unsuitable for building because of not only the high water table but also their subsidence problems.

It is important to add the possibility of hydric inclusions in a soil type. An inclusion is a soil polygon that is too small to appear on these maps. While relatively insignificant for agricultural use, hydric soil inclusions become more important to more intense uses such as a residential subdivision.

While considering hydric soils and hydric inclusions, it is noteworthy to mention that subsurface agriculture drainage tile occurs in almost all poorly drained and somewhat poorly drained soils. Drainage tile expedites drainage and facilitates farming. It is imperative that these drainage tiles remain undisturbed. A damaged subsurface drainage tile may return original hydrologic conditions to all the areas that drained through the tile (ranging from less than one acre to many square miles.)

For an intense land use, such as a subdivision, the Kendall County SWCD recommends the following: a topographical survey with 1 foot contour intervals to accurately define the flood area on the parcel, an intensive soil survey to define most accurately the locations of the hydric soils and inclusions, and a drainage tile survey on the area to locate the tiles that must be preserved to maintain subsurface drainage.

Table 10: Hydric Soils

Soil Types	Drainage Class	Hydric Designation	Hydric Inclusions Likely	Acreage	Percent
152A	Poorly Drained	Hydric	No	0.5	17.2%
443B	Moderately Well Drained	Non-Hydric	Yes	2.5	82.8%

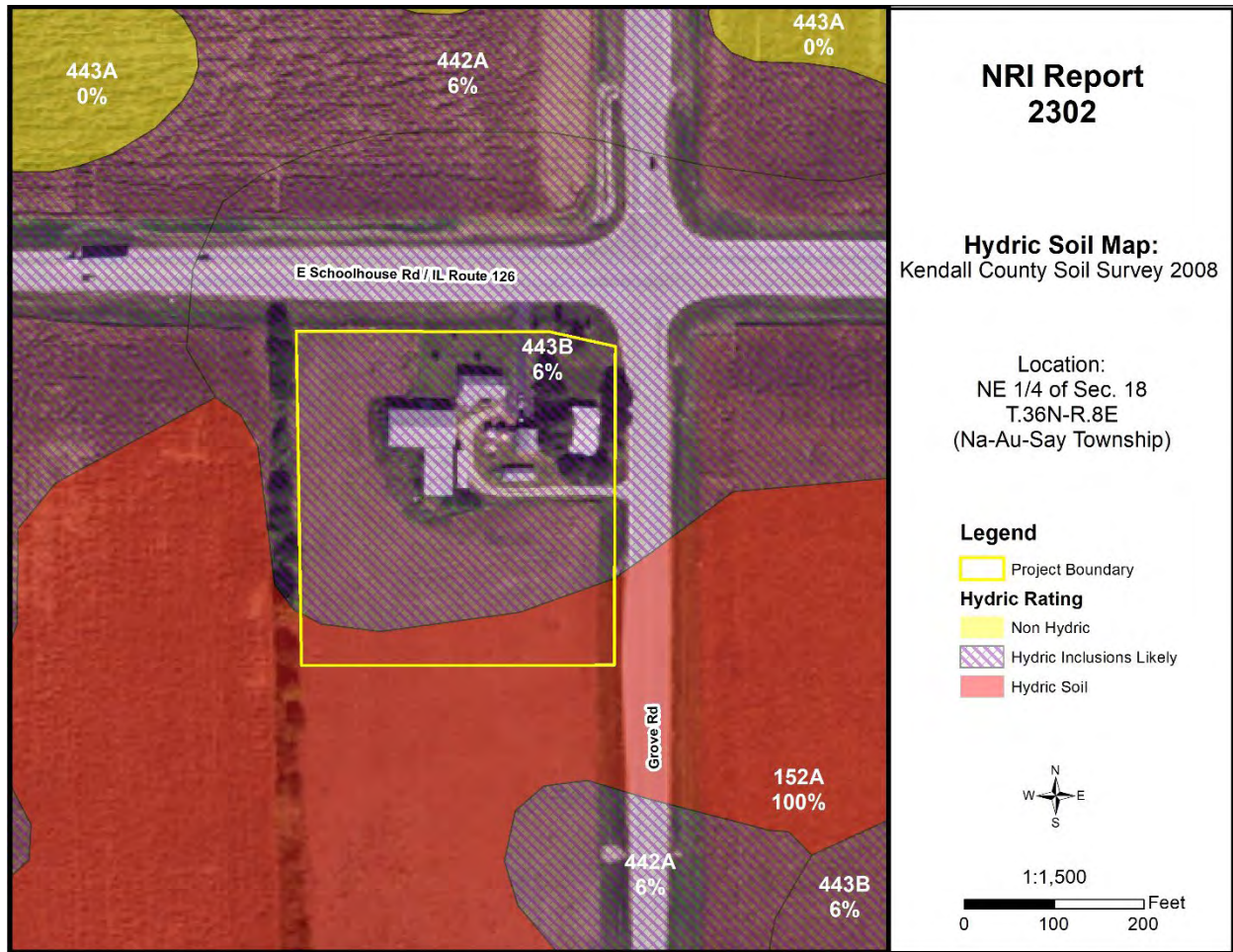


Figure 11: Hydric Soil Map

WETLAND AND FLOODPLAIN REGULATIONS

PLEASE READ THE FOLLOWING IF YOU ARE PLANNING TO DO ANY WORK NEAR A STREAM (THIS INCLUDES SMALL UNNAMED STREAMS), LAKE, WETLAND OR FLOODWAY.

The laws of the United States and the State of Illinois assign certain agencies specific and different regulatory roles to protect the waters within the State's boundaries. These roles, when considered together, include protection of navigation channels and harbors, protection against floodway encroachments, maintenance and enhancement of water quality, protection of fish and wildlife habitat and recreational resources, and, in general, the protection of total public interest. Unregulated use of the waters within the State of Illinois could permanently destroy or alter the character of these valuable resources and adversely impact the public. Therefore, please contact the proper regulatory authorities when planning any work associated with Illinois waters so that proper consideration and approval can be obtained.

WHO MUST APPLY?

Anyone proposing to dredge, fill, rip rap, or otherwise alter the banks or beds of, or construct, operate, or maintain any dock, pier, wharf, sluice, dam, piling, wall, fence, utility, floodplain or floodway subject to State or Federal regulatory jurisdiction should apply for agency approvals.

REGULATORY AGENCIES

- **Wetland or U.S. Waters:** U.S. Army Corps of Engineers, Rock Island District, Clock Tower Building, Rock Island, IL
- **Floodplains:** Illinois Department of Natural Resources/Office of Water Resources, One Natural Resources Way, Springfield, IL 62702-1270.
- **Water Quality/Erosion Control:** Illinois Environmental Protection Agency, Springfield, IL

COORDINATION

We recommend early coordination with the regulatory agencies BEFORE finalizing work plans. This allows the agencies to recommend measures to mitigate or compensate for adverse impacts. Also, the agency can make possible environmental enhancement provisions early in the project planning stages. This could reduce time required to process necessary approvals.

CAUTION: Contact with the United States Army Corps of Engineers is strongly advised before commencement of any work in or near a Waters of the United States. This could save considerable time and expense. Persons responsible for willful and direct violation of Section 10 of the River and Harbor Act of 1899 or Section 404 of the Federal Water Pollution Control Act are subject to fines ranging up to \$27,500 per day of violation and imprisonment for up to one year or both.

GLOSSARY

AGRICULTURAL PROTECTION AREAS (AG AREAS) - Allowed by P.A. 81-1173. An AG AREA consists of a minimum of 350 acres of farmland, as contiguous and compact as possible. Petitioned by landowners, AG AREAS protect for a period of ten years initially, then reviewed every eight years thereafter. AG AREA establishment exempts landowners from local nuisance ordinances directed at farming operations, and designated land cannot receive special tax assessments on public improvements that do not benefit the land, e.g. water and sewer lines.

AGRICULTURE - The growing, harvesting and storing of crops including legumes, hay, grain, fruit and truck or vegetable including dairying, poultry, swine, sheep, beef cattle, pony and horse production, fur farms, and fish and wildlife farms; farm buildings used for growing, harvesting and preparing crop products for market, or for use on the farm; roadside stands, farm buildings for storing and protecting farm machinery and equipment from the elements, for housing livestock or poultry and for preparing livestock or poultry products for market; farm dwellings occupied by farm owners, operators, tenants or seasonal or year around hired farm workers.

B.G. - Below Grade. Under the surface of the Earth.

BEDROCK - Indicates depth at which bedrock occurs. Also lists hardness as rippable or hard.

FLOODING - Indicates frequency, duration, and period during year when floods are likely to occur.

HIGH LEVEL MANAGEMENT - The application of effective practices adapted to different crops, soils, and climatic conditions. Such practices include providing for adequate soil drainage, protection from flooding, erosion and runoff control, near optimum tillage, and planting the correct kind and amount of high-quality seed. Weeds, diseases, and harmful insects are controlled. Favorable soil reaction and near optimum levels of available nitrogen, phosphorus, and potassium for individual crops are maintained. Efficient use is made of available crop residues, barnyard manure, and/or green manure crops. All operations, when combined efficiently and timely, can create favorable growing conditions and reduce harvesting losses -- within limits imposed by weather.

HIGH WATER TABLE - A seasonal high water table is a zone of saturation at the highest average depth during the wettest part of the year. May be apparent, perched, or artesian kinds of water tables.

- **Water table, Apparent:** A thick zone of free water in the soil. An apparent water table is indicated by the level at which water stands in an uncased borehole after adequate time is allowed for adjustment in the surrounding soil.
- **Water table, Artesian:** A water table under hydrostatic head, generally beneath an impermeable layer. When this layer is penetrated, the water level rises in an uncased borehole.
- **Water table, Perched:** A water table standing above an unsaturated zone. In places an upper, or perched, water table is separated from a lower one by a dry zone.

DELINEATION - For Wetlands: A series of pink or orange flags placed on the ground by a certified professional that outlines the wetland boundary on a parcel.

DETERMINATION - A polygon drawn on a map using map information that gives an outline of a wetland.

HYDRIC SOIL - This type of soil is saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part (USDA Natural Resources Conservation Service 1987).

INTENSIVE SOIL MAPPING - Mapping done on a smaller more intensive scale than a modern soil survey to determine soil properties of a specific site, e.g. mapping for septic suitability.

LAND EVALUATION AND SITE ASSESSMENT (L.E.S.A.) - LESA is a systematic approach for evaluating a parcel of land and to determine a numerical value for the parcel for farmland preservation purposes.

MODERN SOIL SURVEY - A soil survey is a field investigation of the soils of a specific area, supported by information from other sources. The kinds of soil in the survey area are identified and their extent shown on a map, and an accompanying report describes, defines, classifies, and interprets the soils. Interpretations predict the behavior of the soils under different used and the soils' response to management. Predictions are made for areas of soil at specific places. Soils information collected in a soil survey is useful in developing land-use plans and alternatives involving soil management systems and in evaluating and predicting the effects of land use.

PALUSTRINE - Name given to inland freshwater wetlands.

PERMEABILITY - Values listed estimate the range (in rate and time) it takes for downward movement of water in the major soil layers when saturated but allowed to drain freely. The estimates are based on soil texture, soil structure, available data on permeability and infiltration tests, and observation of water movement through soils or other geologic materials.

PIQ - Parcel in question

POTENTIAL FROST ACTION - Damage that may occur to structures and roads due to ice lens formation causing upward and lateral soil movement. Based primarily on soil texture and wetness.

PRIME FARMLAND - Prime farmland soils are lands that are best suited to food, feed, forage, fiber and oilseed crops. It may be cropland, pasture, woodland, or other land, but it is not urban and built up land or water areas. It either is used for food or fiber or is available for those uses. The soil qualities, growing season, and moisture supply are those needed for a well-managed soil economically to produce a sustained high yield of crops. Prime farmland produces in highest yields with minimum inputs of energy and economic resources and farming the land results in the least damage to the environment. Prime farmland has an adequate and dependable supply of moisture from precipitation or irrigation. The temperature and growing season are favorable. The level of acidity or alkalinity is acceptable. Prime farmland has few or no rocks and is permeable to water and air. It is not excessively erodible or saturated

with water for long periods and is not frequently flooded during the growing season. The slope ranges mainly from 0 to 5 percent (USDA Natural Resources Conservation Service).

SEASONAL - When used in reference to wetlands indicates that the area is flooded only during a portion of the year.

SHRINK-SWELL POTENTIAL - Indicates volume changes to be expected for the specific soil material with changes in moisture content.

SOIL MAPPING UNIT - A map unit is a collection of soil areas of miscellaneous areas delineated in mapping. A map unit is generally an aggregate of the delineations of many different bodies of a kind of soil or miscellaneous area but may consist of only one delineated body. Taxonomic class names and accompanying phase terms are used to name soil map units. They are described in terms of ranges of soil properties within the limits defined for taxa and in terms of ranges of taxadjuncts and inclusions.

SOIL SERIES - A group of soils, formed from a particular type of parent material, having horizons that, except for texture of the A or surface horizon, are similar in all profile characteristics and in arrangement in the soil profile. Among these characteristics are color, texture, structure, reaction, consistence, and mineralogical and chemical composition.

SUBSIDENCE - Applies mainly to organic soils after drainage. Soil material subsides due to shrinkage and oxidation.

TERRAIN - The area or surface over which a particular rock or group of rocks is prevalent.

TOPSOIL - That portion of the soil profile where higher concentrations of organic material, fertility, bacterial activity and plant growth take place. Depths of topsoil vary between soil types.

WATERSHED - An area of land that drains to an associated water resource such as a wetland, river or lake. Depending on the size and topography, watersheds can contain numerous tributaries, such as streams and ditches, and ponding areas such as detention structures, natural ponds and wetlands.

WETLAND - An area that has a predominance of hydric soils and that is inundated or saturated by surface or groundwater at a frequency and duration sufficient enough to support, and under normal circumstances does support, a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions.

REFERENCES

Hydric Soils of the United States. USDA Natural Resources Conservation Service, 2007.

FIRM – Flood Insurance Rate Maps for Kendall County. Prepared by FEMA – Federal Emergency Management Agency.

Hydrologic Unit Map for Kendall County. Natural Resources Conservation Service, United States Department of Agriculture.

Land Evaluation and Site Assessment System. The Kendall County Department of Planning Building and Zoning, and The Kendall County Soil and Water Conservation District. In cooperation with: USDA, Natural Resources Conservation Service.

Soil Survey of Kendall County. United States Department of Agriculture 2008, Natural Resources Conservation Service.

Illinois Urban Manual. Association of Illinois Soil & Water Conservation Districts, 2020.

Kendall County Land Atlas and Plat Book. 21st Edition, 2021.

Potential For Contamination of Shallow Aquifers from Land Burial of Municipal Wastes. Illinois State Geological Survey.

Natural Resources Conservation Service National Wetland Inventory Map. United States Department of Agriculture.

Geologic Road Map of Illinois. Department of Natural Resources, Illinois State Geological Survey, Natural Resources Building, 615 East Peabody, Champaign IL 61820-6964.

Wetlands - The Corps of Engineers' Administration of the Section 404 Program (GAO/RCED-88-110).

Soil Erosion by Water - United States Department of Agriculture Natural Resources Conservation Service. Agriculture Information Bulletin 513.

The Conservation of Biological Diversity in the Great Lakes Ecosystem: Issues and Opportunities, prepared by the Nature Conservancy Great Lakes Program 79W. Monroe Street, Suite 1309, Chicago, IL 60603, January 1994.