



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 203

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

Petition 23-21

**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)**

Conditional Use Permit to Allow Agricultural Labor Housing

INTRODUCTION

The Petitioners would like to operate a landscaping business at the subject property. They would like permission for the owner of the landscaping and nursery business to reside on the property as an agricultural laborer.

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 variances to remove the lawful non-conformities at the subject property by obtaining applicable variances, see Petition 23-20.

Property information can be found in the memo regarding Petition 23-19.

RECOMMENDATION

Staff recommends approval of the requested conditional use permit subject to the following conditions and restrictions:

1. The use shall be used in connection with an agricultural purpose as defined in State Statute 55 ILCS 5/5-12001 as here after amended.
2. The use shall meet all requirements of the Kendall County Health Department.
3. The use shall be used for agricultural labor housing or living quarters for a groomsman, an employee watchman and their immediate family.
4. The use shall meet all required setbacks and minimum lot size, providing applicable variances are granted.
5. The property owner and residents of the use allowed by this conditional use permit shall follow all applicable Federal, State, and Local laws related to the operation of this type of use.
6. Failure to comply with one or more of the above conditions or restrictions could result in the amendment or revocation of the conditional use permit.
7. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
8. This conditional use permit 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. Unsigned Conditional Use Permit



PLANNING, BUILDING & ZONING DEPARTMENT

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

630/553-4141 • FAX 630/553-4179

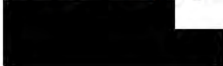
www.kendallcountyil.gov

May 9, 2023

Brent A. Stary and Tracy A. Stary (Sent by Email to Mark Daniel)
MCB52, Inc.



Roman Correa (Sent by Email to Mark Daniel)
R&S Landscaping and Nursery, Inc.



RE: *A-1 Conditional Use-Agricultural Labor Housing*
(PIN # 06-18-200-011 and 06-18-200-013)

Petition #23-21

To Whom It May Concern:

This letter serves as a copy of the approved Agricultural Conditional Use for Agricultural Labor Housing for property located at the southwest corner of the intersection of Route 126 and Grove Road and addressed as 5022 Route 126 and identified by parcel identification numbers 06-18-200-011 and 06-18-200-013 in Na-Au-Say Township. The Agricultural Conditional Use for Agricultural Labor Housing applies specifically to the property described in attached Exhibit A.

At their meeting on May 8, 2023, the Kendall County Planning, Building and Zoning Committee approved the issuance of the conditional use permit subject to the following conditions:

1. The use shall be used in connection with an agricultural purpose as defined in State Statute 55 ILCS 5/5-12001 as here after amended.
2. The use shall meet all requirements of the Kendall County Health Department.
3. The use shall be used for agricultural labor housing or living quarters for a groomsman, an employee watchman and their immediate family.
4. The use shall meet all required setbacks and minimum lot size, providing applicable variances are granted.
5. The property owner and residents of the use allowed by this conditional use permit shall follow all applicable Federal, State, and Local laws related to the operation of this type of use.
6. Failure to comply with one or more of the above conditions or restrictions could result in the amendment or revocation of the conditional use permit.

7. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
8. This conditional use permit 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.

This conditional use is valid indefinitely and will run with the land. At the time of application for the building permit and Health Department permits, the applicant will be required to supply a copy of this letter with the applications.

Should you have any questions or concerns about this matter, please feel free to contact me at (630) 553-4139.

Sincerely,

Seth Wormley
PBZ Chairman

Matthew H. Asselmeier, AICP, CFM
Senior Planner/ Zoning Administrator

CC: Brian Holdiman, Code Inspector
Aaron Rybski, Director of Environmental Health

ENC: Exhibit A Legal Description
Exhibit B Plat of Survey

Exhibit A

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.

Boundary and Topographic Survey

Exhibit B

LEGAL DESCRIPTION:
 THAT PART OF THE EAST 6 CHAINS 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 SAID OUT AND TRAVELED PER DOCUMENT NO. 20160000889, 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, 13.58 FEET (13.86 FEET RECORD); 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 01 DEGREE 03 MINUTES 25 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.



Vicinity Map
(No Scale)

SYMBOL LEGEND

- [Symbol] = ASPHALT
- [Symbol] = AIR CONDITIONER
- [Symbol] = B BOX
- [Symbol] = BUBBLER
- [Symbol] = CONCRETE
- [Symbol] = DECIDUOUS TREE
- [Symbol] = DOWNSPOUT
- [Symbol] = ELECTRIC METER
- [Symbol] = FOUND MONUMENT
- [Symbol] = GAS METER
- [Symbol] = GRAVEL
- [Symbol] = GUY ANCHOR
- [Symbol] = LIGHT
- [Symbol] = MAIL BOX
- [Symbol] = PINE TREE
- [Symbol] = SET IRON PIPE 1/2" DIA x 24"
- [Symbol] = SIGN
- [Symbol] = SQUARE CURB DRAIN
- [Symbol] = TELEPHONE NETWORK INTERFACE
- [Symbol] = WOOD UTILITY POLE

LINE TYPE LEGEND

- [Line Style] = BOUNDARY LINE
- [Line Style] = FENCE
- [Line Style] = CENTERLINE BETWEEN POLES WITH OVERHEAD WIRES
- [Line Style] = STORM SEWER
- [Line Style] = TREE OR BRUSH LINE

ABBREVIATION LEGEND

- B/C = BACK OF CURB
- B/CD = BACK OF DEPRESSED CURB
- (D) = DEED
- E = EAST
- FFE = FINISHED FLOOR ELEVATION
- GFE = GARAGE FLOOR ELEVATION
- GUT = GUTTER
- (M) = MEASURED DISTANCE
- N = NORTH
- (R) = RECORD DISTANCE
- RCP = REINFORCED CONCRETE PIPE
- R.O.W. = RIGHT OF WAY
- S = SOUTH
- T/E = TOP OF FOUNDATION ELEVATION
- T/WW = TOP OF WINDOW WELL ELEVATION
- W = WEST

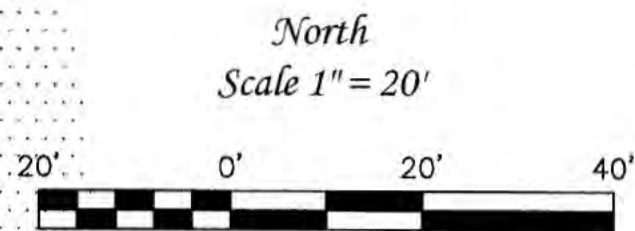
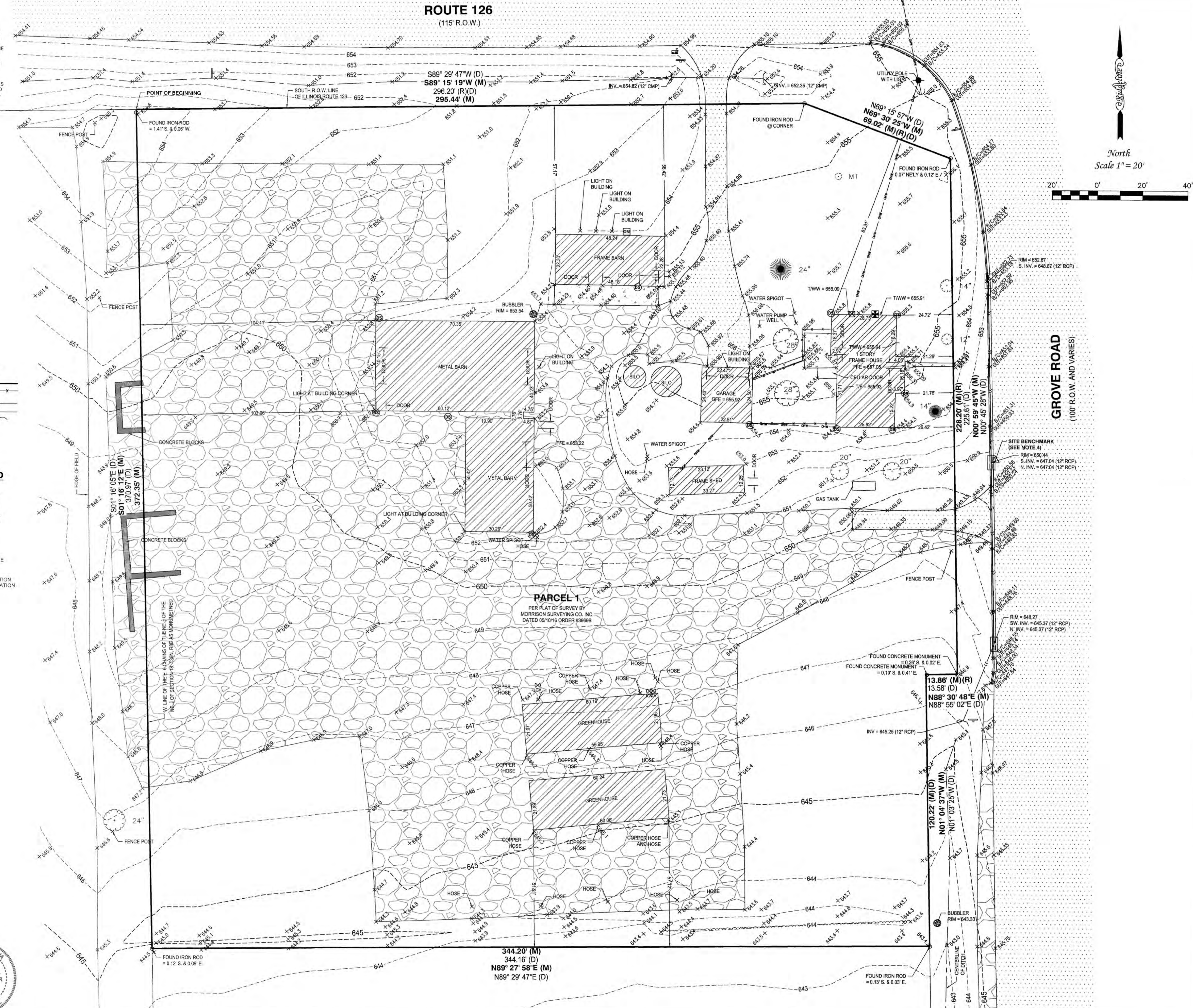
NOTES:

- 1) ALL MEASURED BEARINGS SHOWN HEREON ARE BASED ON NAD 83 ILLINOIS COORDINATE SYSTEM, EAST ZONE (2011 CORRECTION) AS DETERMINED BY USE OF GPS EQUIPMENT USING TRIMBLE VRS NETWORK AND EQUIPMENT ALONG WITH THE RECORDED PLAT OF HIGHWAY AND DEED BEARINGS.
- 2) CONTOUR INTERVAL = 1.0'
- 3) ELEVATIONS HEREON REFER TO NAVD 88.
- 4) SOURCE BENCHMARK: VERTICAL ELEVATIONS SHOWN HEREON ARE IN NAVD 88 VERTICAL DATUM AS DETERMINED BY USE OF TRIMBLE VRS (GPS) NETWORK AND EQUIPMENT.
 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)
- 5) A CURRENT TITLE REPORT WAS NOT FURNISHED, THEREFORE, ALL RESTRICTIONS, ROAD DEDICATIONS, ROAD VACATIONS, AND EASEMENTS MAY NOT BE SHOWN.
- 6) ALL UTILITIES MAY NOT BE SHOWN. CALL I.U.L.L.E. AT 1-800-892-0123 FOR FIELD LOCATION OF UNDERGROUND UTILITY LINES PRIOR TO ANY DIGGING OR CONSTRUCTION.
- 7) THIS PROPERTY MAY BE WITHIN UNINCORPORATED LIMITS OF KENDALL COUNTY AND AS SUCH IS SUBJECT TO ZONING AND BUILDING RESTRICTIONS.
- 8) SURVEY FIELD WORK COMPLETED ON JANUARY 13, 2023.
- 9) ALL TREES LESS THAN 6 INCHES IN DIAMETER ARE NOT SHOWN HEREON.
- 10) PARCEL CONTAINS APPROXIMATELY 131,359 SQUARE FEET (3.0164 ACRES).
- 11) ALL MONUMENT TIES ARE MEASURED PERPENDICULAR TO THE PROPERTY LINE(S).

STATE OF ILLINOIS)
 COUNTY OF KANE) SS

WE, RIDGELINE CONSULTANTS, LLC, ILLINOIS PROFESSIONAL DESIGN FIRM NO. 184-004766, HAVE PREPARED THIS BOUNDARY AND TOPOGRAPHIC SURVEY. SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS WHICH AN ACCURATE TITLE SEARCH MAY DISCLOSE. THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR BOUNDARY AND TOPOGRAPHIC SURVEYS.

DATED AT MONTGOMERY, ILLINOIS ON JANUARY 23, 2023.



| | | | | |
|------|-------|---------|------------|-------------|
| BOOK | DRAWN | CHECKED | DATE | PROJECT NO. |
| | | | 01/23/2023 | 2022-0733 |

Ridgeline Consultants LLC
 1185 August Road, Yorkville, IL 62458
 PH: 630.807.7927 FAX: 630.701.1385
 Operating under P.L.S. 4971 Expiration Date 11/30/2024
 Sheryl L. Shewert P.L.S. 3415 Expiration Date 11/30/2024



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