

**KENDALL COUNTY  
REGIONAL PLANNING COMMISSION**

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

**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

**APPROVAL OF AGENDA**

Member Wormley made a motion, seconded by Member Rodriguez, to approve the agenda with an amendment moving Petition 23-19 ahead of Petition 23-17. With a voice vote of eight (8) ayes, the motion carried.

**APPROVAL OF MINUTES**

Member Nelson made a motion, seconded by Member McCarthy-Lange, to approve the minutes of the of the March 22, 2023, meeting. With a voice vote of eight (8) ayes, the motion carried.

**PETITIONS**

**Petition 23-19 Brent A. Sary and Tracy A. Sary 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 (19<sup>th</sup>) 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.

**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

**NEW BUSINESS**

None

**OLD BUSINESS**

None

**REVIEW OF PETITIONS THAT WENT TO 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. The County was working to update the GIS online to reflect the Agricultural Conservation Areas. Two (2) parcels were added during the comment period. Discussion occurred regarding the benefit to the property owner.

**OTHER BUSINESS/ANNOUNCEMENTS**

Discussion occurred regarding someone dumping logs at the corner of Newark Road and Route 47. The owner was likely going to claim to be a forester.

Discussion occurred regarding vehicles and boats parked at 16296 Route 47.

Discussion occurred regarding a logging operation at Sandy Bluff and Route 34.

The sports dome was erected on County Line Road in Seward Township.

Mr. Asselmeier reported that the Village of Plainfield was having a meeting regarding their comprehensive plan update on April 27, 2023, at 7:00 p.m., at Plainfield Village Hall.

**ADJOURNMENT**

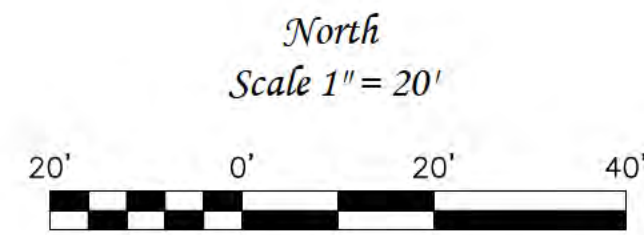
Member Nelson made a motion, seconded by Member Wormley, to adjourn. With a voice vote of nine (9) ayes, the motion carried.

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

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

Enc.

# 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	
<b>EXISTING CONDITIONS*:</b>	
BUILDINGS	8,032 SF
GRAVEL DRIVEWAY	3,837 SF
ASPHALT DRIVEWAY	2,261 SF
CONC. PAVEMENT	705 SF
EXISTING IMPERVIOUS	14,835 SF
<b>PROPOSED CONDITIONS**:</b>	
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

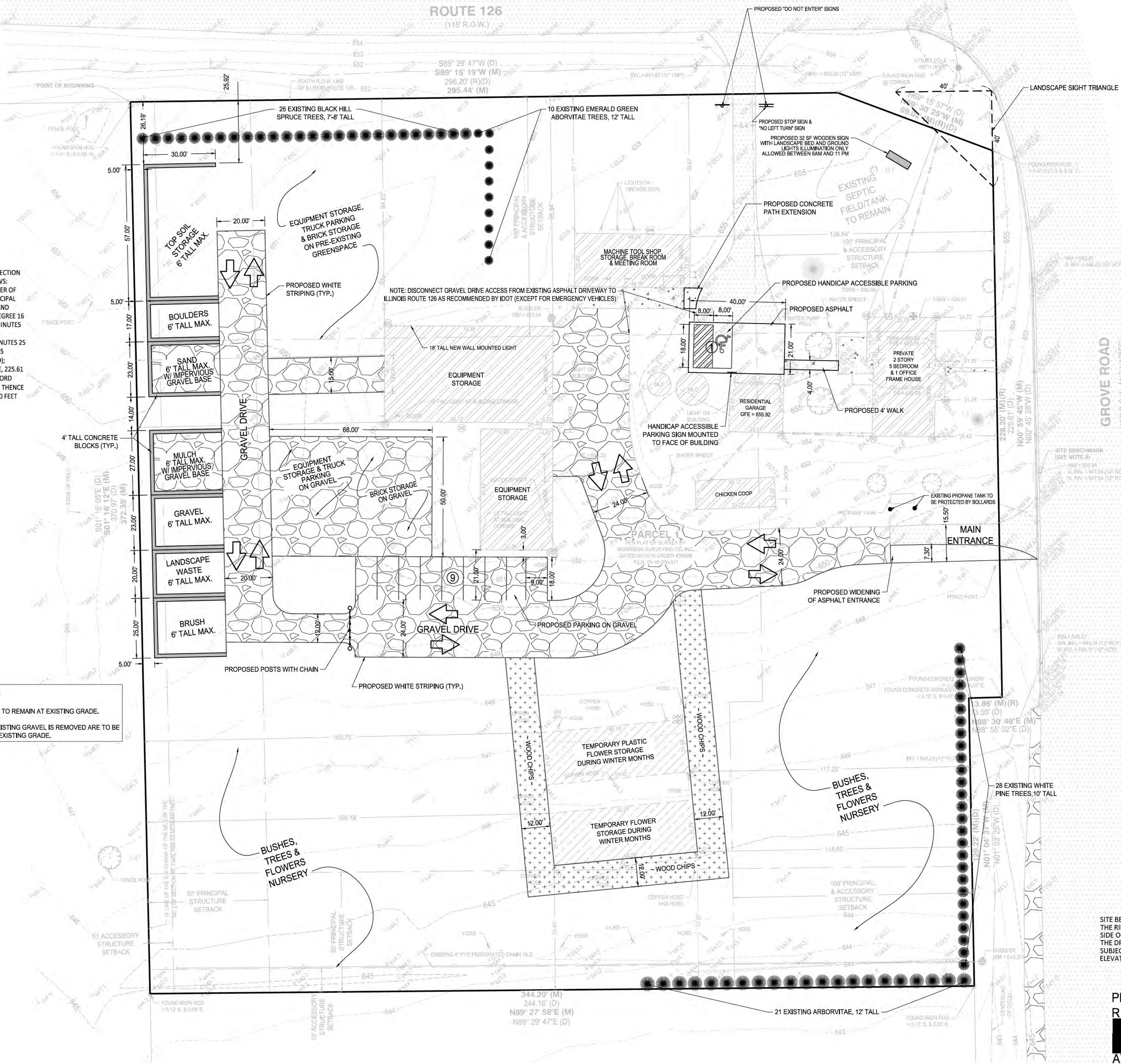
NUMBER OF PROPOSED PARKING STALLS: 10 (INCLUDING 1 HANDICAP ACCESSIBLE PARKING SPACE)

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
<b>TOTAL =</b>	<b>24,136 SF</b>
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

BOOK:	DWG. SIZE: D	CHECKED: JAL
DRAWN: RSW	DATE: 02/01/2024	PROJECT NO.: 2022-0733
REVISION:	DATE:	DESC:
1	02/02/2024	GENERAL DESIGN REVISIONS (REV)
2	02/02/2024	PER COMMENTS RECEIVED 02/22/2024 (REV)
3	04/22/2024	PER KENDALL COUNTY REVIEW (REV)

**Ridgeline Consultants LLC**  
 1081 Marshall Road, Yorkville, IL 62358  
 PH: 630.601.9227 FAX: 630.701.1385  
 Jennifer Hurl, P.L.S., 4071 Expiration Date: 11/30/2024  
 Shing L. Shewart, P.L.S., 3415 Expiration Date: 11/30/2024

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

SHEET 1 OF 1

**Matt Asselmeier**

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**From:** Amy De Boni <adeboni@goplainfield.com>  
**Sent:** Tuesday, April 18, 2023 11:48 AM  
**To:** Amy De Boni  
**Subject:** [External]You're invited - Community Visioning Workshop

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.

# PLAINFIELD, ILLINOIS COMPREHENSIVE PLAN

Hello!

Thank you for participating in Plainfield's Comprehensive Plan process. The plan will provide recommendations to direct growth, investment, and development in the Village. Ultimately, the plan will answer: "What should Plainfield look like in the next 15-20 years and how do we get there?"

The next step in the process is to hold a Community Visioning Workshop and we would like to invite you to participate:

**Thursday, April 27 at 7 p.m.**  
**Village Hall**  
**24401 W. Lockport Street**

At the workshop, community members will identify priorities, issues, and opportunities in the Village and use a mapping exercise to develop their vision for the future of the community.

Please share this information with your friends and neighbors who may be interested in attending. We want everyone in Plainfield to share their vision!

Regards -

Amy De Boni  
Community Relations Director  
Village of Plainfield  
(815) 439-4255