

MINUTES – UNOFFICIAL UNTIL APPROVED
KENDALL COUNTY
ZONING BOARD OF APPEALS MEETING
111 WEST FOX STREET, COUNTY BOARD ROOM (ROOMS 209 and 210)
YORKVILLE, IL 60560
July 1, 2024 – 7:00 p.m.

CALL TO ORDER

Vice-Chairman Tom LeCuyer called the Zoning Board of Appeals meeting to order at 7:05 p.m.

ROLL CALL:

Members Present: Scott Cherry, Cliff Fox, Tom LeCuyer, and Dick Thompson,

Members Absent: Randy Mohr, Jillian Prodehl, and Dick Whitfield

Staff Present: Matthew Asselmeier, AICP, CFM, Director and Wanda Rolf, Office Assistant

Others Present: Alex Schuster, Katherine Rousonelos, Ray Jackinowski, and Jim Filotto

The Zoning Board of Appeals started their review of Petition 24-10 at 7:06 p.m.

PETITIONS:

Petition **24 – 10 – Alex M. Schuster**

Request: Special Use Permit for a Landscaping Business

PIN: 03-22-400-001

Location: 2142 Wooley Road, Oswego in Oswego Township

Purpose: Petitioner Would Like to Operate a Landscaping Business; Property is Zoned A-1

Mr. Asselmeier summarized the request.

The Petitioner is seeking a special use permit for a landscaping business, including allowing outdoor storage of materials.

The application materials, plat of survey, current conditions plat, revised proposed site plan reflecting WBK Engineering’s comments, proposed landscaping plan, and pictures of the property were provided.

The address of the property was 2142 Wooley Road.

The property was approximately three (3) acres in size.

The current land use was Improve Residential/Farmstead.

The County’s Future Land Use Map called for the property to be Rural Estate Residential. The Village of Oswego’s Future Land Use Map called for the property to be Large Lot Residential.

Wooley Road was a Minor Collector maintained by Oswego Township.

The Village of Oswego has a trail planned along Wooley Road.

There were no floodplains or wetlands on the property.

The adjacent properties were used as Agricultural and Farmstead.

The adjacent properties were zoned A-1.

The County's Future Land Use Map called for the area to be Rural Estate Residential and Commercial.

The Village of Oswego's Future Land Use Map called for the area to be Large Lot Residential.

Properties within one half (1/2) of a mile were zoned A-1 in the County and B-3 in the Village of Oswego.

Approximately three (3) houses are located within a half mile (0.5) miles of the subject property.

EcoCAT Report was submitted on March 14, 2024, and consultation was terminated

The NRI application was submitted on April 29, 2024. The LESA Score was 173 indicating a low level of protection. The NRI Report was provided.

Petition information was sent to Oswego Township on May 1, 2024. Prior to formal application submittal, Oswego Township submitted an email requesting a thirty-three foot (33') deep right-of-way dedication from the center of Wooley Road. This email was provided.

Petition information was sent to the Village of Oswego on May 1, 2024. No comments received.

Petition information was sent to the Oswego Fire Protection District on May 1, 2024. The Oswego Fire Protection District submitted an email stating no objections to the proposal. This email was provided.

ZPAC reviewed this proposal at their meeting on May 7, 2024. Discussion occurred regarding the size and location of the septic system. The right-of-way dedication was raised to forty feet (40'). ZPAC recommended approval of the request with the additional condition related to the septic system and increasing the right-of-way dedication 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.

The Kendall County Regional Planning Commission reviewed the proposal at their meeting on June 26, 2024. Discussion occurred regarding the future land use map for properties in the area and the distance of the house to road. Discussion also occurred regarding the business starting at the property before a special use permit was issued. The Kendall County Regional Planning Commission recommended approval of the proposal 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.32 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, the above conditions have been met.

As noted in the project narrative, the Petitioners would like to operate ASE Illini-Scapes at the subject property.

They would use the site for storage of landscaping materials, equipment, offices, and related operations. Employees would visit the site to get materials. The site would not be open to customers.

The business would be open from 6:00 a.m. until 6:00 p.m. Monday through Friday during the growing season and everyday for twenty-four hours (24) during snow events in the winter. The business has a maximum of fifteen (15) employees, during the busy season, and two (2) employees year-round. Employees either report to the subject property or report directly to job sites.

The site plan shows one (1) approximately one thousand three hundred seventy (1,370) square foot material bin area and one (1) approximately three thousand five hundred (3,500) square foot hard goods storage area near the eastern property line. One (1) approximately five hundred (500) square foot material storage bin was shown near the southern property line. One (1) additional approximately three thousand three hundred (3,300) square foot equipment and storage area is shown south of the existing accessory buildings. The Petitioner indicated that the piles of materials would not exceed ten feet (10') in height.

Equipment would be stored outdoors, when the business is closed.

The Petitioner intends to grow nursery stock in the future.

The subject property presently has one (1) approximately three thousand three hundred (3,300) square foot house, constructed in 1875, one (1) frame garage, two (2) metal frame accessory buildings, and one (1) outhouse onsite that is used as decoration and gardening shed.

The site plan showed two (2) future greenhouses, one (1) approximately one thousand one hundred (1,100) square feet in size and one (1) approximately one thousand fifty (1,050) square feet in size.

Any structures related to the landscaping business, other than the greenhouses, would be required to obtain applicable building permits. However, at this time, no additional structures, besides the greenhouses, are proposed.

The well was located southwest of the house. The septic area was located east of the house, between the proposed employee parking area and the southern most greenhouse. The property was served by electricity and natural gas.

One (1) dumpster area was proposed east of the western most equipment and storage area. Given its location on the property and proposed perimeter screening around the property, the Petitioner did not propose any screening specifically for the dumpster area.

The property drains towards Wooley Road.

The site plan showed a drainage system along the east and northeast side of the property.

The Petitioners submitted an application for a stormwater management permit. WBK submitted a review letter requesting additional information and clarification. This letter was provided. The Petitioner's Engineer submitted a response on June 5, 2024, including a revised site plan addressing WBK's comments. This letter was provided. WBK submitted a letter on June 24, 2024, requesting additional information. This letter was provided.

Per the site plan, the property has a gravel driveway. The Petitioner plans to install a turnaround area at the south end of the driveway.

According to the site plan, the Petitioner proposes a gravel parking lot with ten (10) parking spaces located north of the turnaround area. One (1) ADA accessible parking space is required. The Petitioner intends to use a vehicular rated permeable paver to meet this requirement.

In addition, the Petitioner proposes an approximately one thousand seven hundred fifty square foot (1,750) truck and trailer parking area south of the turnaround area. This lot would also be gravel.

No lighting was planned for the property.

No signage was proposed.

The property presently has a fence along the perimeter as shown in several of the pictures and the landscaping plan.

The landscaping plan showed six (6) existing maple trees, two (2) existing willow, thirty-two (32) existing spruce trees, two (2) existing birch trees, two (2) existing oak trees, and several existing evergreen trees. The Petitioner proposes to add twenty-six (26) purple coneflowers, three (3) six foot (6') service berries, trellised English ivy, and five (5) six foot (6') Nigra arborvitae.

The Petitioner plans to install landscaping within one (1) year of the approval of special use permit.

No information was provided regarding noise control.

No information was provided regarding odor control.

If approved, this would be the twenty-first (21st) special use permit for a landscaping business in unincorporated Kendall County.

The proposed Findings of Fact 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. Numerous landscaping businesses have been approved throughout unincorporated Kendall County, including one (1) at 655 Wooley Road. The proposed use is along Wooley Road, which is classified as a minor collector. Reasonable restrictions can be placed in the special use permit to ensure the health, safety, and general welfare of the area are protected.

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. The use will not impede farms or residential uses on the adjoining properties. Reasonable restrictions may be placed on the special use permit to address hours of operation, noise, landscaping, and site layout to prevent neighboring property owners are not negatively impacted by the proposed use.

Adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. The proposal states that customers will not come to the property. Given the limited number of employees reporting to the property, adequate utilities, access roads, and ingress/egress exists. A stormwater permit and conditions in the special use permit can address concerns related to drainage.

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. This is true.

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 proposal is also consistent with a goal

and objective found on page 6-34 of the Land Resource Management Plan, “A strong base of agriculture, commercial and industrial uses that provide a broad range of job opportunities, a healthy tax base, and improved quality of services to County residents.” “Encourage opportunities for locally owned business.” In addition, the future land use map calls for this property to be Mixed Use Business. Similar types of uses were planned for the subject property and properties in the vicinity of the subject property.

Staff recommended approval of the requested special use permit subject to the following conditions and restrictions. To date, the Petitioner had not agreed to these conditions and restrictions:

1. The site shall be developed substantially in accordance with the submitted site plan and landscaping plan.
2. Within ninety (90) days of the approval of the special use permit, the owners of the subject property shall dedicate a strip of land ~~thirty-three feet (33')~~ **forty feet (40')** in depth along the northern property line to Oswego Township. The Kendall County Planning, Building and Zoning Committee may grant an extension to this deadline. **(Amended at ZPAC)**
3. The location and size of the septic system should be assessed to determine if the system is placed and sized properly for the use allowed by this special use permit. **(Added at ZPAC)**
4. Equipment and vehicles related to the business allowed by the special use permit may be stored outdoors at the subject property when the business is closed.
5. 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.
6. 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.
7. 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.
8. Except for the purposes of loading and unloading, all landscape related materials shall be stored at the designated storage areas shown on the submitted site plan. The maximum height of the piles of landscaping related material shall be ten feet (10'). **(Clarified at ZPAC)**
9. A maximum of fifteen (15) 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.
10. No customers of the business allowed by the special use permit shall be invited onto the subject property for matters related to the business allowed by the special use permit.

11. The hours of operation of the business allowed by this special use permit shall be Monday through Friday from 6:00 a.m. until 6:00 p.m. and the business shall be open twenty-four (24) hours to address snow events. The owners of the business allowed by this special use permit may reduce these hours of operation.
12. 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. This restriction does not apply to greenhouses.
13. No signs are shown on the site plan. The owner of the business allowed by the special use permit may request a sign in the future using the minor amendment process, provided that the proposed sign meets the requirements of the Kendall County Zoning Ordinance.
14. Only lighting related to security may be installed outdoors at the subject property.
15. 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.
16. The vegetation described in the landscaping plan shall be installed within one (1) year 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. Materials and vegetation stored in the greenhouses and material storage area shall not be subject to this requirement and shall not be considered part of the landscaping plan.
17. No landscape waste generated off the property can be burned on the subject property.
18. 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 homes permitted prior to the date of the issuance of the special use permit shall have standing to file noise complaints.

19. 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.
20. The owners of the business allowed by this special use permit acknowledge and agree to follow Kendall County's Right to Farm Clause.
21. 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, including, but not limited to, installed the applicable number of ADA required parking spaces.
22. 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.
23. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
24. This special use permit shall be treated as a covenant running with the land and is binding on the successors, heirs, and assigns as to the same special use conducted on the property.

Member Fox asked if a greenhouse needs a permit. Mr. Asselmeier stated that a greenhouse is for agricultural use, so it is allowed on A-1 zoned property.

Vice-Chairman LeCuyer opened the public hearing at 7:16 p.m. and swore in Alex Schuster.

Member Cherry asked why the Petitioner started operating the business before obtaining the special use permit. Mr. Schuster said that he was initially under the impression that a landscaping business could operate at the property and then County notified him that a special use permit was required to operate a landscaping business at the property.

Member Cherry asked the Petitioner if there would be any burning on the property. Mr. Schuster stated there would not be any burning on the property. Mr. Schuster also stated he lives on the property.

Member Cherry asked if there is a bathroom on the property for employees. Mr. Schuster stated there is a porta pot on the property. Mr. Asselmeier stated that, normally, the Health Department would like to see indoor bathrooms. Mr. Schuster stated that members of his staff typically stop by the property to get materials and leave for work sites. Mr. Asselmeier noted the proposed condition regarding the septic system that ZPAC recommended.

Vice-Chairman LeCuyer asked if the Petitioner was agreeable to the proposed conditions. Mr. Schuster requested clarification on the right-of-way dedication. Mr. Asselmeier stated the dedication is measured from the centerline of the road at forty (40') feet inward.

Vice Chairman LeCuyer adjourned the public hearing at 7:21 p.m.

Member Cherry made a motion, seconded by Member Thompson, to approve the Findings of Fact.

The votes were as follows:

Ayes (4): Cherry, Fox, LeCuyer, and Thompson

Nays (0): None

Abstain (0): None

Absent (3): Mohr, Prodehl, and Whitfield

The motion carried.

Member Thompson made a motion, seconded by Member Fox, to recommend approval of the special use permit with the conditions proposed by Staff.

The votes were as follows:

Ayes (4): Cherry, Fox, LeCuyer, and Thompson

Nays (0): None

Abstain (0): None

Absent (3): Mohr, Prodehl, and Whitfield

The motion carried.

The proposal goes to the Kendall County Planning, Building and Zoning Committee on July 8, 2024.

The Zoning Board of Appeals completed their review of Petition 24-10 at 7:22 p.m.

PUBLIC COMMENTS

Mr. Asselmeier stated the next ZBA hearing will be on July 29, 2024 with two agenda items. One is regarding the solar panels on Simons Road and the other is a proposed text amendment, the Planning, Building, and Zoning is requesting regarding the depth of pipelines.

ADJOURNMENT OF THE ZONING BOARD OF APPEALS

Member Fox made a motion, seconded by Member Cherry, to adjourn.

With a voice vote of four (4) ayes, the motion carried.

The Zoning Board of Appeals meeting adjourned at 7:50 p.m.

The next regularly scheduled meeting/hearing will be on July 29, 2024.

Respectfully submitted by,
Wanda A. Rolf
Administrative Assistant

Exhibits

1. Memo on Petition 24-10 Dated June 28, 2024
2. Certificate of Publication and Certified Mail Receipts for Petition 24-10 (Not Included with Report but on file in Planning, Building and Zoning Office)



**KENDALL COUNTY
ZONING BOARD OF APPEALS
JULY 1, 2024**

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.

NAME	ADDRESS	SIGNATURE
Jim Filotto		
ALEX Schubert		
KATHERINE ROYSONE		
Ray Jackson		



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 203

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

Petition 24-10

Alex M. Schuster

A-1 Special Use Permit for Landscaping Business

INTRODUCTION

The Petitioner is seeking a special use permit for a landscaping business, including allowing outdoor storage of materials.

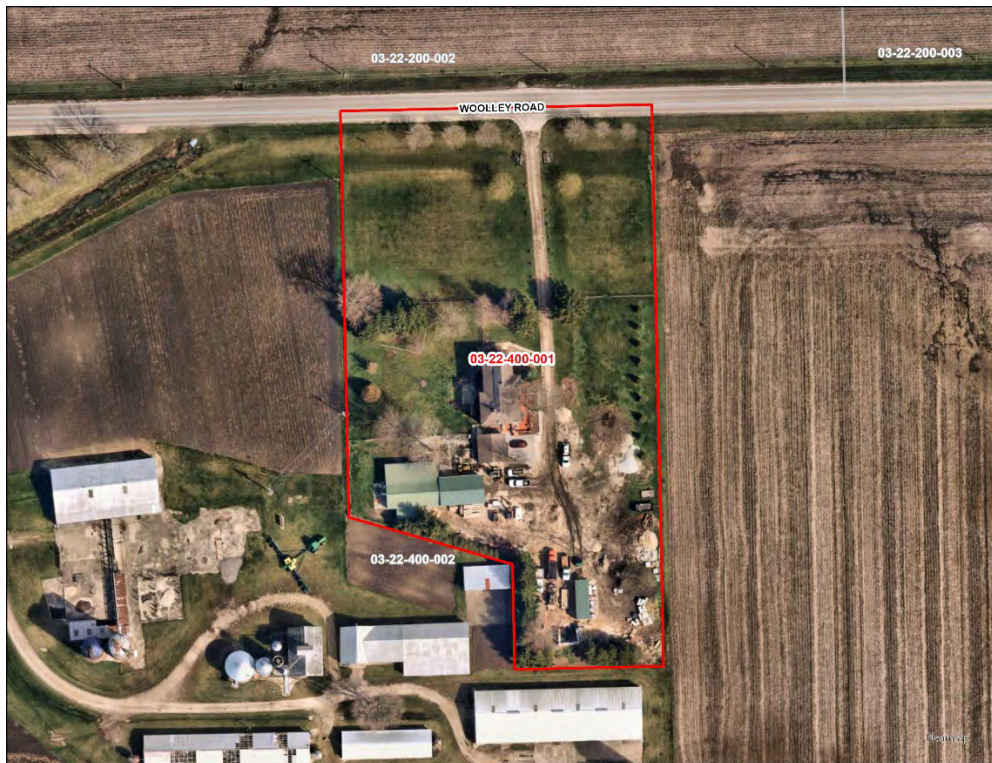
The application materials are included as Attachment 1. The plat of survey is included as Attachment 2. The current conditions plat is included as Attachment 3. The revised proposed site plan reflecting WBK Engineering's comments is included as Attachment 4. The proposed landscaping plan is included as Attachment 5. Pictures of the property and vicinity are included as Attachments 6-11.

SITE INFORMATION

PETITIONER: Alex M. Schuster

ADDRESS: 2142 Wooley Road, Oswego

LOCATION: Approximately 0.25 Miles East of Douglas Road on the South Side of Wooley Road



TOWNSHIP: Oswego

PARCEL #: 03-22-400-001

LOT SIZE: 3.07 +/- Acres

EXISTING LAND USE: Improved Residential/Farmstead

ZONING: A-1

LRMP: Future Land Use	Rural Estate Residential (Max 0.45 DU/Acre) (County) Large Lot Residential (Oswego)
Roads	Wooley Road is a Minor Collector maintained by Oswego Township.
Trails	The Village of Oswego has a trail planned along Wooley Road.
Floodplain/Wetlands	There are no floodplains or wetlands on the property.

REQUESTED ACTIONS: Special Use Permit for a Landscaping Business

APPLICABLE REGULATIONS: Section 7:01.D.32 – A-1 Special Uses
Section 13:08 – Special Use Procedures

SURROUNDING LAND USE

Location	Adjacent Land Use	Adjacent Zoning	Land Resource Management Plan	Zoning within 1/2 Mile
North	Agricultural/Farmstead	A-1	Rural Estate Residential (County) Large Lot Residential (Oswego)	A-1
South	Agricultural/Farmstead	A-1	Rural Estate Residential (County) Large Lot Residential (Oswego)	A-1
East	Agricultural	A-1	Rural Estate Residential (County) Large Lot Residential (Oswego)	A-1
West	Agricultural/Farmstead	A-1	Commercial (County) Large Lot Residential (Oswego)	A-1 (County) B-3 (Oswego)

Approximately three (3) houses are located within a half mile (0.5) miles of the subject property.

PHYSICAL DATA

ENDANGERED SPECIES REPORT

EcoCAT Report was submitted on March 14, 2024 and consultation was terminated, see Attachment 1, Page 9.

NATURAL RESOURCES INVENTORY

The NRI application was submitted on April 29, 2024, see Attachment 1, Page 8. The LESA Score was 173 indicating a low level of protection. The NRI Report is included as Attachment 13.

ACTION SUMMARY

OSWEGO TOWNSHIP

Petition information was sent to Oswego Township on May 1, 2024. Prior to formal application submittal, Oswego Township submitted an email requesting a thirty-three foot (33') deep right-of-way dedication from the center of Wooley Road. This email is included as Attachment 12.

VILLAGE OF OSWEGO

Petition information was sent to the Village of Oswego on May 1, 2024.

OSWEGO FIRE PROTECTION DISTRICT

Petition information was sent to the Oswego Fire Protection District on May 1, 2024. The Oswego Fire Protection District submitted an email stating no objections to the proposal. This email was provided as Attachment 14.

ZPAC

ZPAC reviewed this proposal at their meeting on May 7, 2024. Discussion occurred regarding the size and location of the septic system. The right-of-way dedication was raised to forty feet (40'). ZPAC recommended approval of the request with the additional condition related to the septic system and increasing the right-of-way dedication by a vote of nine (9) in favor and zero (0) in opposition with one (1) member absent. The minutes of the meeting were included as Attachment 15.

RPC

The Kendall County Regional Planning Commission reviewed this proposal at their meeting on June 26, 2024. Discussion occurred regarding the future land use map for properties in the area and the distance of the house to road. Discussion also occurred regarding the business starting at the property before a special use permit was issued. The Kendall County Regional Planning Commission recommended approval of the proposal 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 18.

GENERAL INFORMATION

Per Section 7:01.D.32 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, the above conditions have been met.

BUSINESS OPERATIONS

As noted in the project narrative contained in Attachment 1 on Page 2, the Petitioners would like to operate ASE Illini-Scapes at the subject property.

They would use the site for storage of landscaping materials, equipment, offices, and related operations. Employees would visit the site to get materials. The site would not be open to customers.

The business would be open from 6:00 a.m. until 6:00 p.m. Monday through Friday during the growing season and everyday for twenty-four hours (24) during snow events in the winter. The business has a maximum of fifteen (15) employees, during the busy season, and two (2) employees year-round. Employees either report to the subject property or report directly to job sites.

The site plan (Attachment 4, Pages 3 and 4) shows one (1) approximately one thousand three hundred seventy (1,370) square foot material bin area and one (1) approximately three thousand five hundred (3,500) square foot hard goods storage area near the eastern property line. One (1) approximately five hundred (500) square foot material storage bin was shown near the southern property line. One (1) additional approximately three thousand three hundred (3,300) square foot equipment and storage area is shown south of the existing accessory buildings. The Petitioner indicated that the piles of materials would not exceed ten feet (10') in height.

Equipment would be stored outdoors, when the business is closed.

The Petitioner intends to grow nursery stock in the future.

BUILDINGS AND BUILDING CODES

The subject property presently has one (1) approximately three thousand three hundred (3,300) square foot house, constructed in 1875, one (1) frame garage, two (2) metal frame accessory buildings, and one (1) outhouse onsite that is used as decoration and gardening shed.

The site plan (Attachment 4, pages 3 and 4) shows two (2) future greenhouses, one (1) approximately one thousand one hundred (1,100) square feet in size and one (1) approximately one thousand fifty (1,050) square feet in size.

Any structures related to the landscaping business, other than the greenhouses, would be required to obtain applicable building permits. However, at this time, no additional structures, besides the greenhouses, are proposed.

ENVIRONMENTAL HEALTH

The well is located southwest of the house. The septic area is located east of the house, between the proposed employee parking area and the southern most greenhouse. The property is served by electricity and natural gas.

One (1) dumpster area is proposed east of the western most equipment and storage area. Given its location on the property and proposed perimeter screening around the property, the Petitioner did not propose any screening specifically for the dumpster area.

STORMWATER

The property drains towards Wooley Road.

The site plan (Attachment 4, Page 3) shows a drainage system along the east and northeast side of the property.

The Petitioners submitted an application for a stormwater management permit. WBK submitted a review letter requesting additional information and clarification. This letter is included as Attachment 16. The Petitioner's Engineer submitted a response on June 5, 2024, including a revised site plan addressing WBK's comments. This letter is included as Attachment 17. WBK submitted an additional on June 24, 2024, requesting additional information. This letter is included as Attachment 19.

ACCESS

Per the site plan (Attachment 4, Pages 3 and 4), the property has a gravel driveway. The Petitioner plans to install a turnaround area at the south end of the driveway.

PARKING AND INTERNAL TRAFFIC CIRCULATION

According to the site plan (Attachment 4, Pages 3 and 4), the Petitioner proposes a gravel parking lot with ten (10) parking spaces located north of the turnaround area. One (1) ADA accessible parking space is required. The Petitioner intends to use a vehicular rated permeable paver to meet this requirement.

In addition, the Petitioner proposes an approximately one thousand seven hundred fifty square foot (1,750) truck and trailer parking area south of the turnaround area. This lot would also be gravel.

LIGHTING

No lighting was planned for the property.

SIGNAGE

No signage was proposed.

SECURITY

The property presently has a fence along the perimeter as shown in several of the pictures and the landscaping plan (Attachment 5).

LANDSCAPING

The landscaping plan (Attachment 5) shows six (6) existing maple trees, two (2) existing willow, thirty-two (32) existing spruce trees, two (2) existing birch trees, two (2) existing oak trees, and several existing evergreen trees.

The Petitioner proposes to add twenty-six (26) purple coneflowers, three (3) six foot (6') service berries, trellised English ivy, and five (5) six foot (6') Nigra arborvitae.

The Petitioner plans to install landscaping within one (1) year of the approval of special use permit.

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 twenty-first (21st) special use permit for a landscaping business in unincorporated Kendall County.

FINDINGS OF FACT-SPECIAL USE PERMIT

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

The establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. Numerous landscaping businesses have been approved throughout unincorporated Kendall County, including one (1) at 655 Wooley Road. The proposed use is along Wooley Road, which is classified as a minor collector. Reasonable restrictions can be placed in the special use permit to ensure the health, safety, and general welfare of the area are protected.

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. The use will not impede farms or residential uses on the adjoining properties. Reasonable restrictions may be placed on the special use permit to address hours of operation, noise, landscaping, and site layout to prevent neighboring property owners are not negatively impacted by the proposed use.**

Adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. **The proposal states that customers will not come to the property. Given the limited number of employees reporting to the property, adequate utilities, access roads, and ingress/egress exists. A stormwater permit and conditions in the special use permit can address concerns related to drainage.**

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. **This is true.**

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 proposal is also consistent with a goal and objective found on page 6-34 of the Land Resource Management Plan, "A strong base of agriculture, commercial and industrial uses that provide a broad range of job opportunities, a healthy tax base, and improved quality of services to County residents." "Encourage opportunities for locally owned business."** In addition, the future land use map calls for this property to be Mixed Use Business. Similar types of uses were planned for the subject property and properties in the vicinity of the subject property.

RECOMMENDATION

Staff recommends approval of the requested special use permit subject to the following conditions and restrictions. As of the date of this memo, the Petitioner has not agreed to these conditions and restrictions:

1. The site shall be developed substantially in accordance with the attached site plan (Attachment 4) and landscaping plan (Attachment 5).
2. Within ninety (90) days of the approval of the special use permit, the owners of the subject property shall dedicate a strip of land ~~thirty-three feet (33')~~ **forty feet (40')** in depth along the northern property line to Oswego Township. The Kendall County Planning, Building and Zoning Committee may grant an extension to this deadline. **(Amended at ZPAC)**
3. The location and size of the septic system should be assessed to determine if the system is placed and sized properly for the use allowed by this special use permit. **(Added at ZPAC)**
4. Equipment and vehicles related to the business allowed by the special use permit may be stored outdoors at the subject property when the business is closed.
5. 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.
6. 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.
7. 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.
8. Except for the purposes of loading and unloading, all landscape related materials shall be stored at the designated storage areas shown on the attached site plan (Attachment 4). The maximum height of the piles of landscaping related material shall be ten feet (10'). **(Clarified at ZPAC)**
9. A maximum of fifteen (15) 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.

10. No customers of the business allowed by the special use permit shall be invited onto the subject property for matters related to the business allowed by the special use permit.
11. The hours of operation of the business allowed by this special use permit shall be Monday through Friday from 6:00 a.m. until 6:00 p.m. and the business shall be open twenty-four (24) hours to address snow events. The owners of the business allowed by this special use permit may reduce these hours of operation.
12. 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. This restriction does not apply to greenhouses.
13. No signs are shown on the site plan. The owner of the business allowed by the special use permit may request a sign in the future using the minor amendment process, provided that the proposed sign meets the requirements of the Kendall County Zoning Ordinance.
14. Only lighting related to security may be installed outdoors at the subject property.
15. 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.
16. The vegetation described in the landscaping plan (Attachment 5) shall be installed within one (1) year 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. Materials and vegetation stored in the greenhouses and material storage area shall not be subject to this requirement and shall not be considered part of the landscaping plan.
17. No landscape waste generated off the property can be burned on the subject property.
18. 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 homes permitted prior to the date of the issuance of the special use permit shall have standing to file noise complaints.
19. 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.
20. The owners of the business allowed by this special use permit acknowledge and agree to follow Kendall County's Right to Farm Clause.
21. 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, including,

but not limited to, installed the applicable number of ADA required parking spaces.

22. 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.
23. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
24. This special use permit shall be treated as a covenant running with the land and is 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, and EcoCat)
2. Plat of Survey
3. Current Conditions Plat
4. Revised Proposed Site Plan
5. Proposed Landscaping Plan
6. Picture of Existing Driveway
7. Picture of Culvert at Existing Driveway
8. Looking Southeast
9. Looking Southwest
10. Looking Northwest
11. Looking Northeast
12. April 24, 2024, Oswego Township Email
13. NRI Report
14. May 7, 2024, Oswego Fire Protection District Email
15. May 7, 2024, ZPAC Meeting Minutes (This Petition Only)
16. May 14, 2024, Letter from WBK Engineering
17. June 5, 2024, Letter from Rivercrest Consulting, LLC
18. June 26, 2024, Kendall County Regional Planning Commission Minutes (This Petition Only)
19. June 24, 2024, Letter from WBK Engineering



DEPARTMENT OF PLANNING, BUILDING & ZONING

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

APPLICATION

PROJECT NAME _____ FILE #: _____

NAME OF APPLICANT (Including First, Middle Initial, and Last Name)		
Alex M Schuster		
CURRENT LANDOWNER/NAME(s)		
Alex M and Wendy A Schuster		
SITE INFORMATION	SITE ADDRESS OR LOCATION	ASSESSOR'S ID NUMBER (PIN)
ACRES 3.07	2142 Wooley Road, Oswego, IL 60543	03-22-400-001
EXISTING LAND USE	CURRENT ZONING	LAND CLASSIFICATION ON LRMP
farmstead	A1	Farmstead
REQUESTED ACTION (Check All That Apply):		
<input checked="" type="checkbox"/> SPECIAL USE	<input type="checkbox"/> MAP AMENDMENT (Rezone to _____)	<input type="checkbox"/> VARIANCE
<input type="checkbox"/> ADMINISTRATIVE VARIANCE	<input type="checkbox"/> A-1 CONDITIONAL USE for: _____	<input 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)		
¹ PRIMARY CONTACT	PRIMARY CONTACT MAILING ADDRESS	PRIMARY CONTACT EMAIL
Alex Schuster	[REDACTED]	[REDACTED]
PRIMARY CONTACT PHONE #	PRIMARY CONTACT FAX #	PRIMARY CONTACT OTHER #(Cell, etc.)
[REDACTED]	[REDACTED]	[REDACTED]
² ENGINEER CONTACT	ENGINEER MAILING ADDRESS	ENGINEER EMAIL
ENGINEER PHONE #	ENGINEER FAX #	ENGINEER OTHER # (Cell, etc.)
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
[REDACTED SIGNATURE]		3-19-24

FEE PAID: \$ _____
 CHECK #: _____

¹ Primary Contact will receive all correspondence from County
² Engineering Contact will receive all correspondence from the County's Engineering Consultants

Date Stamp Here If Checklist Is Complete


DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

APPLICATION

PROJECT NAME _____ FILE #: _____

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

Alex M Schuster

CURRENT LANDOWNER/NAME(s)

Alex M and Wendy A Schuster

SITE INFORMATION ACRES	SITE ADDRESS OR LOCATION	ASSESSOR'S ID NUMBER (PIN)
3.07	2142 Wooley Rd, Oswego Il 60543	03-22-400-001
EXISTING LAND USE	CURRENT ZONING	LAND CLASSIFICATION ON LRMP
farmstead	A1	Farmstead

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)

¹ PRIMARY CONTACT	PRIMARY CONTACT MAILING ADDRESS	PRIMARY CONTACT EMAIL
Alex Schuster	[REDACTED]	[REDACTED]

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

² ENGINEER CONTACT	ENGINEER MAILING ADDRESS	ENGINEER EMAIL

ENGINEER PHONE #	ENGINEER FAX #	ENGINEER OTHER # (Cell, etc.)

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

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

SIGNATURE OF APPLICANT

DATE

4-23-24

FEE PAID:\$ _____

CHECK #: _____

¹Primary Contact will receive all correspondence from County

²Engineering Contact will receive all correspondence from the County's Engineering Consultants

Detailed description of proposed use including business plan

ASE Illini-Scapes is an independent, family owned and operated, local landscaping company.

During the peak season we can have up to 15 field employees some reporting to the shop and some reporting directly to the job site on a seasonal basis and two year-round employees. During the growing season the hours of operation are 6:00 AM – 6:00 PM, Monday through Friday. There are limited operations during snow events that would necessitate 24 hour operation during the winter. The property is used as a base of operations for storage of equipment and bulk materials. We intend in the future to grow container nursery stock.



WARRANTY DEED
ILLINOIS STATUTORY
INDIVIDUAL

202200002016

DEBBIE GILLETTE
RECORDER - KENDALL COUNTY, IL

RECORDED: 1/25/2022 03:16 PM
WD: 57.00 RHPFS FEE: 10.00
STATE TAX: 495.00
COUNTY TAX: 247.50
PAGES: 4

FIRST AMERICAN TITLE
FILE # [REDACTED]

FATIC No.: [REDACTED]

THE GRANTOR(S) Peter G. Praetz and Robyn Draper-Praetz, A Married Couple, of [REDACTED] of the [REDACTED] County of Kendall, [REDACTED] for and in consideration of Ten and 00/100 Dollars, and other good and valuable consideration in hand paid, CONVEY(S) and WARRANT(S) to Alex Schuster and Wendy Schuster, A Married Couple, Tenants by the entirety, all interest in the following described Real Estate situated in the County of Kendall in the State of Illinois, to wit: X Mark X Ann

See Exhibit "A" attached hereto and made a part hereof

SUBJECT TO:

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

Permanent Real Estate Index Number(s): 03-22-400-001-0000

Address(es) of Real Estate: 2142 Wooley Road
Oswego, Illinois 60543

Dated this 30th day of November, 2021

[REDACTED]

Peter G. Praetz

[REDACTED]

Robyn Draper-Praetz

STATE OF ILLINOIS)
) SS
COUNTY OF Kendall)

I, Erin O'Connell the undersigned, a Notary Public in and for said County, in the State aforesaid, CERTIFY THAT, Peter G. Praetz and Robyn Draper- Praetz, A Married Couple, personally known to me to be the same person(s) whose name(s) are subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that they signed, sealed 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 30th day of November, 2021.




Notary Public

Prepared by:
Blacha Law Office LLC
One Energy Center 40 Shuman Bl Suite 118
Naperville, IL 60563

Mail to:



Name and Address of Taxpayer: / Grantee
Alex Schuster + Wendy Schuster

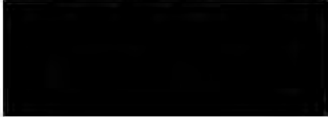


Exhibit "A" – Legal Description

THAT PART OF THE EAST 1/2 OF THE SOUTH EAST 1/4 OF SECTION 22, TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTH WEST CORNER OF THE SOUTH EAST 1/4 OF SAID SECTION 22, THENCE SOUTH 89 DEGREES, 50 MINUTES, 30 SECONDS EAST 1417.6 FEET FOR THE POINT OF BEGINNING, THENCE SOUTH 89 DEGREES 50 MINUTES 30 SECONDS EAST 287.12 FEET, THENCE SOUTH 00 DEGREES 09 MINUTES 30 SECONDS WEST 517.87 FEET, THENCE NORTH 89 DEGREES 50 MINUTES 30 SECONDS WEST 137.22 FEET, THENCE NORTH 00 DEGREES 09 MINUTES 30 SECONDS EAST 96.87 FEET, THENCE NORTH 072 DEGREES 37 MINUTES 30 SECONDS WEST 156.93 FEET, THENCE NORTH 00 DEGREES 09 MINUTES 30 SECONDS EAST 374.54 FEET TO THE POINT OF BEGINNING IN THE TOWNSHIP OF OSWEGO, KENDALL COUNTY, ILLINOIS.





Debbie Gillette
Kendall County Clerk & Recorder

PLAT ACT AFFIDAVIT OF METES AND BOUNDS

STATE OF ILLINOIS)
)SS
COUNTY OF KENDALL)

Joe Nasti c/o First American Title Ins. Co., being duly sworn on oath, states that affiant resides at [REDACTED]. 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 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 27 day of January, 2022.



[REDACTED]
Signature of Notary Public

[REDACTED]
Signature of Affiant



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: Alex Schuster Contact Person: Alex Schuster
Address:
City, State, Zip:
Phone Number:
Email:

Please select: How would you like to receive a copy of the NRI Report? [X]Email []Mail

Site Location & Proposed Use

Township Name Oswego Township 37 N, Range 8 E, Section(s) 22
Parcel Index Number(s) 03-22-400-001
Project or Subdivision Name Number of Acres 3.07
Current Use of Site Ag/ Residential Proposed Use Landscape business/ Residential
Proposed Number of Lots 1 Proposed Number of Structures 2
Proposed Water Supply well Proposed type of Wastewater Treatment septic
Proposed type of Storm Water Management Existing overland flow to drainage ditch along the road

Type of Request

- [] Change in Zoning from to
[] Variance (Please describe fully on separate page)
[X] 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 \$

NOTE: Applications are due by the 1st of each month to be on that month's SWCD Board Meeting Agenda. Applications can be emailed to Alyse.Olson@il.nacdnet.net and checks mailed separately. Once a completed application is submitted, including NRI fee, 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.

Petitioner or Authorized Agent

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: Alex Schuster

IDNR Project Number: 2411803

Contact: Alex Schuster

Date: 03/14/2024

Address:



Project: 2142 Wooley Road

Address: 2142 Wooley Rd, Oswego

Description: Updating zoning to A1 with special use for landscape business

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:
37N, 8E, 22



IL Department of Natural Resources

Contact

Bradley Hayes
217-785-5500
Division of Ecosystems & Environment

Government Jurisdiction

Kendall County Planning, Building & Zoning
Brian Holdeman
111 West 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.

Findings of Fact – Special Use Permit Application for 2142 Wooley Road, Oswego, IL

1. 2142 Wooley Road, (herein after referred to as the Property) is currently zoned A1 for agricultural use.
2. Alex M Schuster, (herein after referred to as the Petitioner) has applied for special use permitting to allow a landscape business to be run from the subject Property.
3. The allowance of said special use permitting does not change the general character of the subject Property.
4. The allowance of said special use permitting both encourages the natural use of the land as farmland as well as enhances the economic base of the area by introducing another small business into the county and region.
5. Agriculture related businesses assist in shaping the economic viability of the county per county zoning ordinance Section 7:01-B-4, consistent with the Land Resource Management Plan.
6. County zoning ordinance Section 7:01-D-32 refers specifically to landscaping businesses as a special use for zoning A1, showing the special use shall in all other respects conform to the applicable regulations of the district in which it is located.
7. The use of the Property by the Petitioner as a landscape business is in line with the intention of the A1 zoning as nursery materials will be grown on the site for use by said landscape business.
8. According to the Eco-Cat report, there are no endangered or threatened species on the Property.
9. The establishment of this special use permit will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare of the public or surrounding areas.
10. The special use will not be substantially injurious to the use and enjoyment of other properties in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood since similar properties within 1 mile of the subject Property have been granted and are operating under the same special use.
11. Adequate utilities and access are already established at the subject Property.

Attachment 1, Page 1
Please fill out the following findings of fact to the best of your capabilities. § 13:04 of the Zoning Ordinance outlines findings that the Zoning Board of Appeals shall take into consideration the extent to which the following conditions have been established by the evidence:

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.

THE CURRENT ROAD CLASSIFICATION IS INSUFFICIENT FOR THE PROPOSED DELIVERIES TO THE PROPOSED SITE

That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification.

A VARIANCE HAS ALREADY BEEN GRANTED FOR A SIMILAR BUSINESS ON WOOLEY RD PRIOR TO THIS REQUEST

That the alleged difficulty or hardship has not been created by any person presently having an interest in the property.

WE HAD NO INPUT INTO THE CURRENT ROAD CLASSIFICATION

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.

NO NOTICEABLE IMPACT TO EXISTING TRAFFIC

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.

NO NOTICEABLE CHANGE ARE ANTICIPATED

LEGEND

	STORM SEWER
	SANITARY SEWER
	COMBINED SEWER
	WATER MAIN
	GAS MAIN
	UNDERGROUND TELEPHONE LINE
	UNDERGROUND ELECTRIC LINE
	UNDERGROUND CITY LINE
	OVERHEAD WIRES OR UTILITY POLES
	FIBER OPTIC LINE
	FENCING
	QUARRY
	EDGE OF WATER
	WETLAND LIMITS
	SANITARY MANHOLE
	STORM MANHOLE
	CATCH BASIN
	INLET
	FLARED END SECTION
	ELECTRIC MANHOLE
	TELEPHONE UPRIGHT
	ELECTRIC UPRIGHT
	CABLE TV UPRIGHT
	FIRE HYDRANT
	VALVE AND VAULT
	WATER VALVE
	GAS VALVE
	HARD HOLE
	STREET LIGHT
	UTILITY POLE
	TRAFFIC SIGNAL
	TRAFFIC SIGNAL BOX
	SPRINKLER HEAD
	WELLHEAD
	WELL
	SEWER MANHOLE
	SPOT ELEVATION
	IRON / STEEL ROD
	IRON PIPE
	CUT CROSS
	FIRE AND AIR
	PARKING STRIP
	SOIL BORING
	TREE WITH SIZE
	FIR TREE WITH SIZE
	BUSH
	ASPHALT
	CONCRETE
	DRIVEWAY

NOTE:

UNDERGROUND UTILITIES ARE SHOWN BY USING PHYSICAL EVIDENCE FOUND ON THE SURFACE AND/OR FROM UTILITY COMPANY'S FIELD STAKES AND, THEREFORE, THEIR LOCATIONS ARE APPROXIMATE AND SUSPECTED AND MAY NOT BE COMPLETELY ACCURATE. FOR MORE ACCURATE LOCATION, FIELD EXCAVATE.

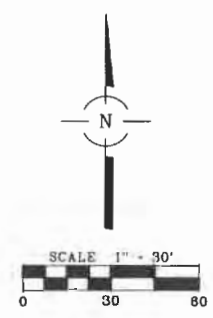
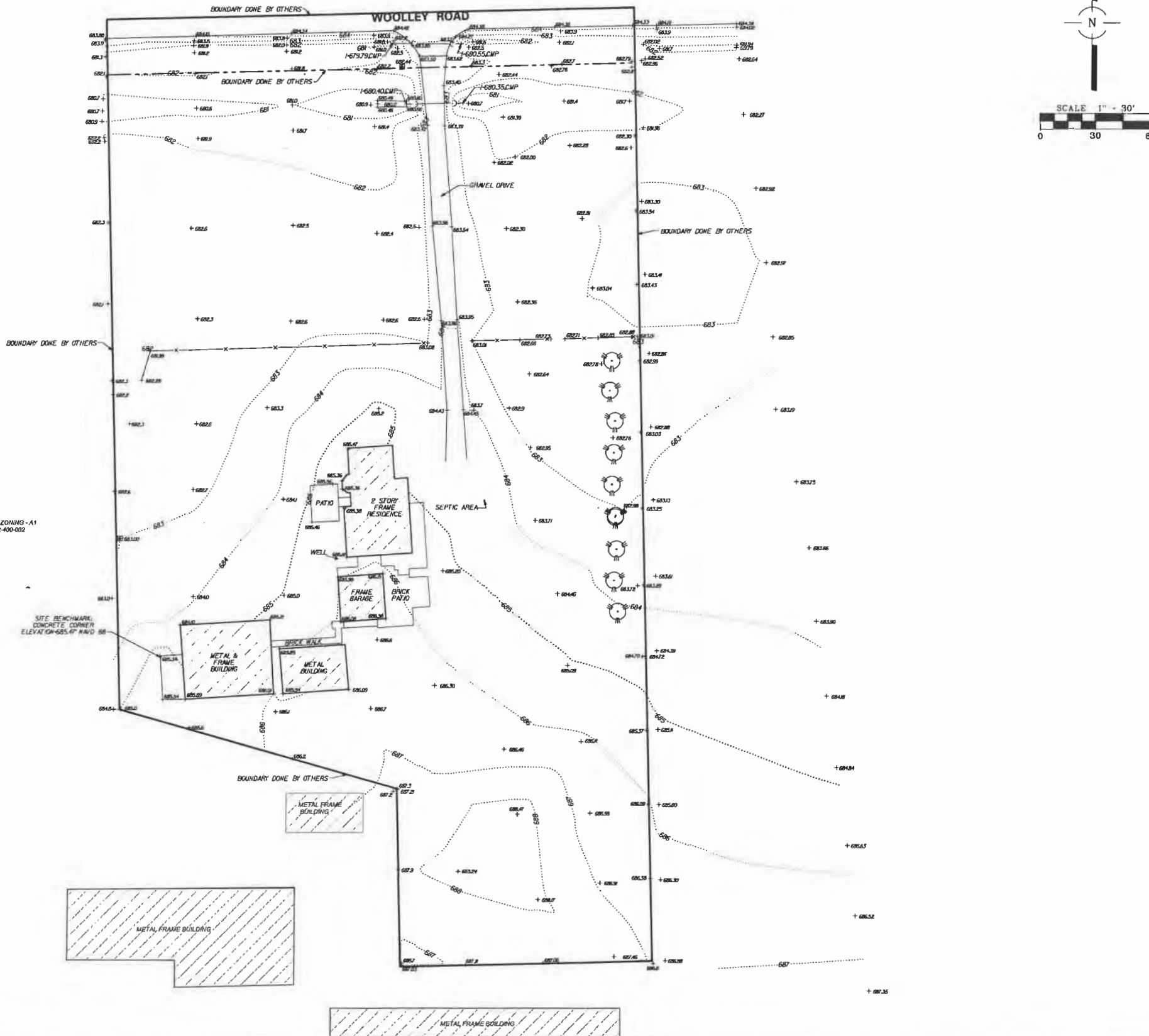
PIPE FLOW DIRECTIONS, IF SHOWN, ARE BASED ON FIELD INVERT ELEVATIONS UNLESS EXISTING PLANS INDICATE OTHERWISE, IN WHICH CASE THE EXISTING PLAN FLOW DIRECTION IS SHOWN.

LAST DATE OF FIELD WORK: MARCH 8, 2022.

SHOW CONDITIONS EXISTED OVER THE SITE AT THE TIME OF FIELD WORK. ADDITIONAL IMPROVEMENTS MAY EXIST, BUT WERE NOT VISIBLE AT THE TIME OF SURVEY DUE TO SNOW.

CURRENT ZONING - A1
PIN 03-22-400-012

SITE BENCHMARK
CONCRETE CORNER
ELEVATION 625.47 NAVD 88



	NO. DATE REMARKS
	NO. DATE REMARKS
EXISTING CONDITIONS 2142 WOOLLEY ROAD OSWEGO, ILLINOIS	
CONSULTING ENGINEERS SITE DEVELOPMENT ENGINEERS LAND SURVEYORS 224 1/2 N. Liberty Street, Morris, Illinois 60451 Phone: (815) 841-0260 Fax: (815) 841-0263	
FILENAME: 11985TOPO-01	
DATE: 03/11/2022	
JOB NO. 11985	
SHEET E1	
1 OF 1	

SCHUSTER RESIDENCE

2142 WOOLEY ROAD
OSWEGO, IL

SITE IMPROVEMENT PLANS

SUGGESTED CONSTRUCTION SEQUENCE

1. INSTALL SILT & CHAIN LINK FENCE AT LOCATIONS AS INDICATED ON THE PLANS.
2. SITE DEMOLITION AND PREP
3. EXCAVATE AND PREP FOR FINISH INSTALLATIONS..
4. CONSTRUCT HARDSCAPE IMPROVEMENTS PER PLAN.
5. COMPLETE TOPSOIL PLACEMENT AND PERMANENT SEEDING/SODDING AND LANDSCAPING.
6. REMOVE AND PROPERLY DISPOSE OF TEMPORARY EROSION CONTROL MEASURES.

BENCHMARK: (OFF-SITE)

TBD

EL = XXX.XX NAVD88

SITE BENCHMARK

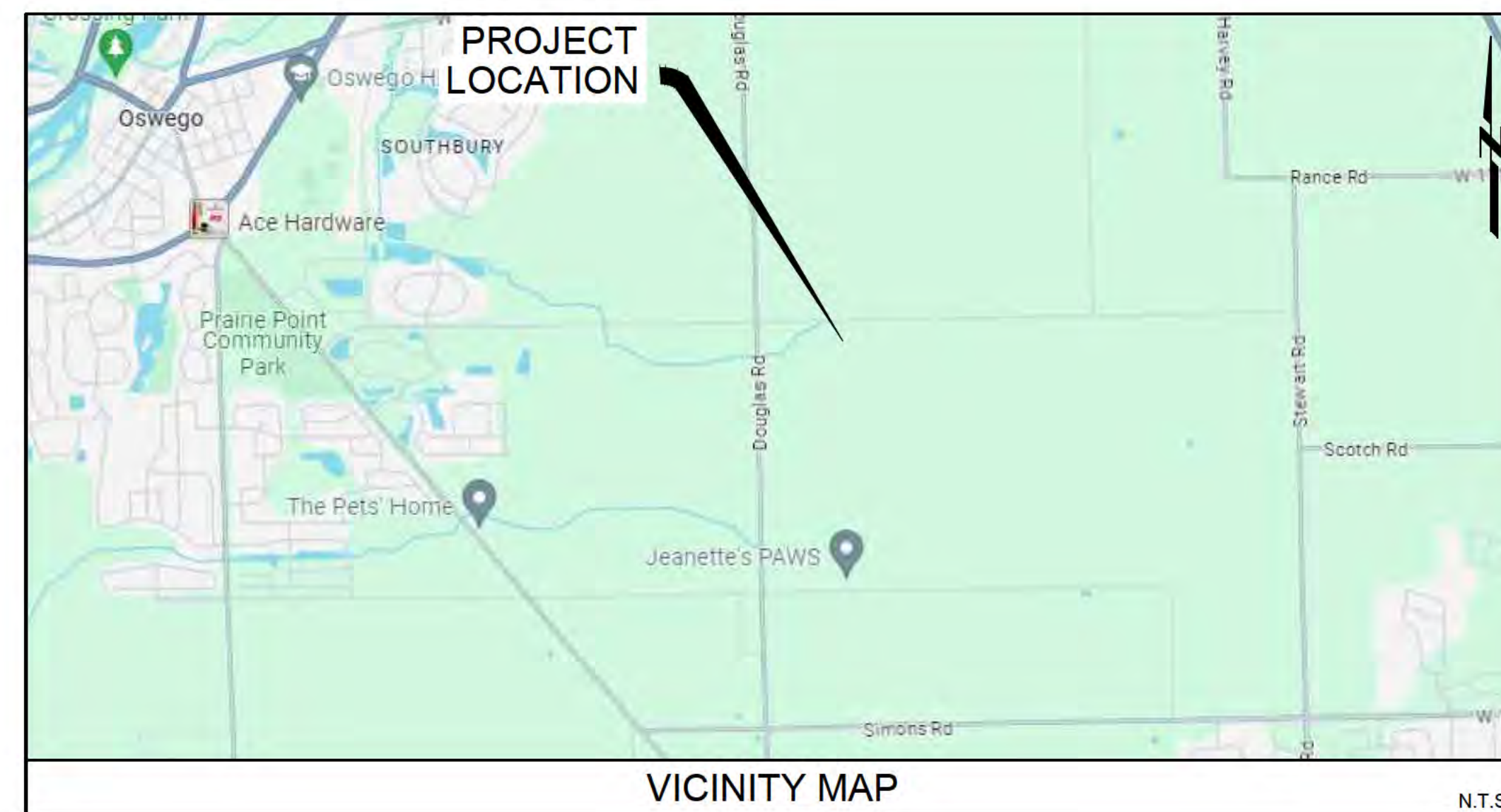
CONCRETE CORNER AT SW CORNER OF SITE

ELEVATION = 685.45 NAVD88

PREPARED FOR:

ALEX SCHUSTER

ALPINE RIDGE BUILDERS, LLC
12249 S. RHEA DRIVE, STE. 2
PLAINFIELD, IL 60585



INDEX OF DRAWINGS	
SHEET NO.	DRAWING TITLE
C1.0	COVER SHEET
C2.0	EXISTING CONDITIONS
C2.1	SITE DEMO AND EROSION CONTROL PLAN
C3.0	SITE GRADING PLAN

CONSTRUCTION NOTE

1. A SET OF THE FINAL APPROVED ENGINEERING PLANS SHALL BE ON SITE DURING ANY CONSTRUCTION ACTIVITIES AT ALL TIMES. FAILURE TO DO SO MAY RESULT IN A NOTICE TO STOP CONSTRUCTION ACTIVITIES.

SURFACE WATER STATEMENT

STATE OF ILLINOIS)
) SS
COUNTY OF DU PAGE)

TO THE BEST OF OUR KNOWLEDGE AND BELIEF THE DRAINAGE OF SURFACE WATERS WILL NOT BE CHANGED BY THE CONSTRUCTION OF SUCH DEVELOPMENT OR ANY PART THEREOF, OR, THAT IF SUCH SURFACE WATER DRAINAGE WILL BE CHANGED, REASONABLE PROVISION HAS BEEN MADE FOR COLLECTION AND DIVERSION OF SUCH SURFACE WATERS INTO PUBLIC AREAS, OR DRAINS WHICH THE OWNER HAS A RIGHT TO USE, AND THAT SUCH SURFACE WATERS WILL BE PLANNED FOR IN ACCORDANCE WITH GENERALLY ACCEPTED ENGINEERING PRACTICES SO AS TO REDUCE THE LIKELIHOOD OF DAMAGE TO THE ADJOINING PROPERTY BECAUSE OF THE CONSTRUCTION OF THE DEVELOPMENT.

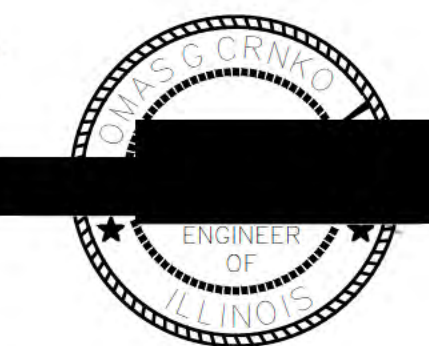
DATED THIS 18TH DAY OF APRIL, A.D., 20 24

THOMAS G. CRNKOVICH, III
ILLINOIS REGISTERED
PROFESSIONAL ENGINEER
062-060814

STATE REGISTRATION NUMBER
11/30/24

REGISTRATION EXPIRATION / RENEWAL DATE
OWNER COMPANY NAME: RIVERCREST CONSULTING, LLC

SIGNATURE SIGNATURE
TITLE: MANAGING PARTNER TITLE:



PROJ. MGR.: TGC
PROJ. ENG.: TGC
DRAWN BY: TGC
DATE: 04/18/24
SCALE: N.T.S.

SHEET NO.
C1.0

PROJ. NUMBER: 22119

COVER SHEET

SCHUSTER RESIDENCE

2142 WOOLEY ROAD, OSWEGO, IL

PENDING APPROVAL - NOT FOR CONSTRUCTION

Civil Engineering
Stormwater Management
Entitlements

RIVERCREST CONSULTING, LLC

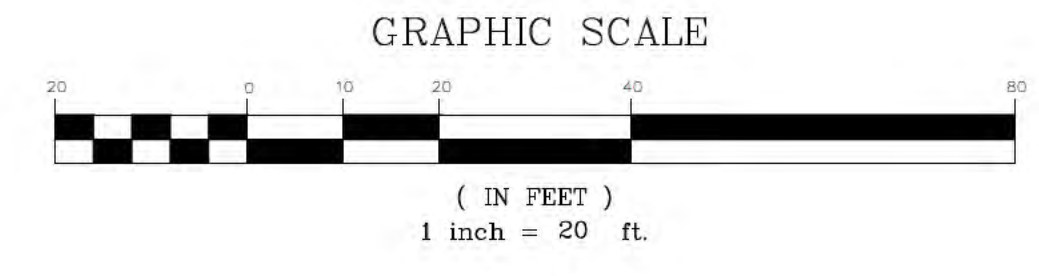
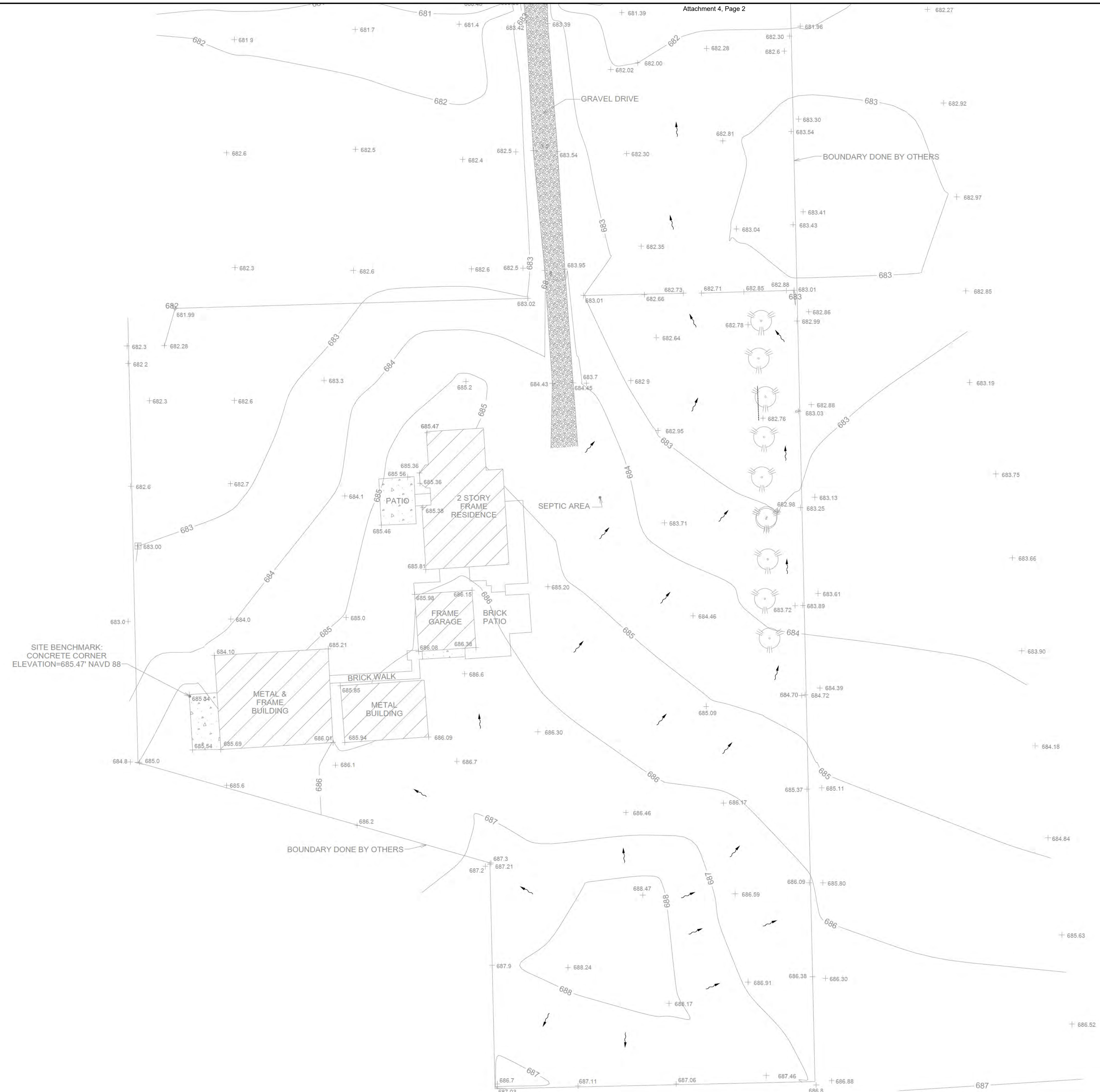
8952 HANSLUK COURT, UNIT 13
NAPERVILLE, IL 60564
(630) 538-5108

REVISIONS

06/05/24 REVISED PER COUNTY COMMENTS



CALL BEFORE YOU DIG
CONTACT JULIE AT 811
OR 800-892-0123
48 HOURS (2 working days) BEFORE YOU DIG



LEGEND

	STORM SEWER
	SANITARY SEWER
	COMBINED SEWER
	WATER MAIN
	GAS MAIN
	UNDERGROUND TELEPHONE LINE
	UNDERGROUND ELECTRIC LINE
	UNDERGROUND CATV LINE
	CATV
	OVERHEAD WIRE(S) ON UTILITY POLES
	FIBER OPTIC LINE
	RAILROAD
	FENCE
	GUARDRAIL
	EDGE OF WATER
	WETLAND LIMITS
	SANITARY MANHOLE
	STORM MANHOLE
	CATCH BASIN
	INLET
	FLARED END SECTION
	ELECTRIC MANHOLE
	TELEPHONE MANHOLE
	TELEPHONE UPRIGHT
	ELECTRIC UPRIGHT
	CABLE TV UPRIGHT
	FIRE HYDRANT
	VALVE AND VAULT
	WATER VALVE
	B BOX
	AUXILIARY VALVE
	WELL
	GAS VALVE
	HAND HOLE
	STREET LIGHT
	UTILITY POLE
	TRAFFIC SIGNAL
	TRAFFIC SIGNAL BOX
	SPRINKLER HEAD
	BOLLARD
	MAIL BOX
	SIGN
	UNIDENTIFIED MANHOLE
	CONTOUR
	SPOT ELEVATION
	RIGHT-OF-WAY MONUMENT
	DISC
	IRON / STEEL ROD
	IRON PIPE
	CUT CROSS
	PK / MAG NAIL
	RAILROAD SPIKE
	SOIL BORING
	TREE WITH SIZE
	FIR TREE WITH SIZE
	BUSH
	ASPHALT
	CONCRETE
	GRAVEL

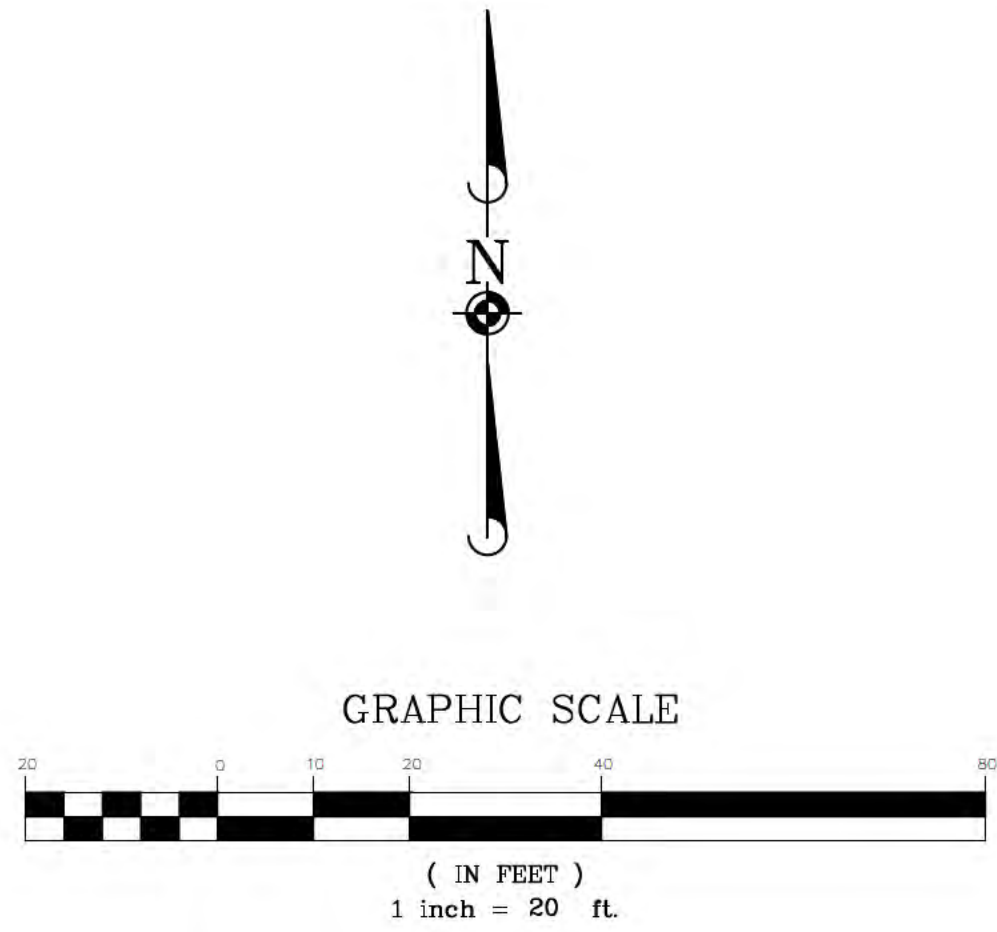
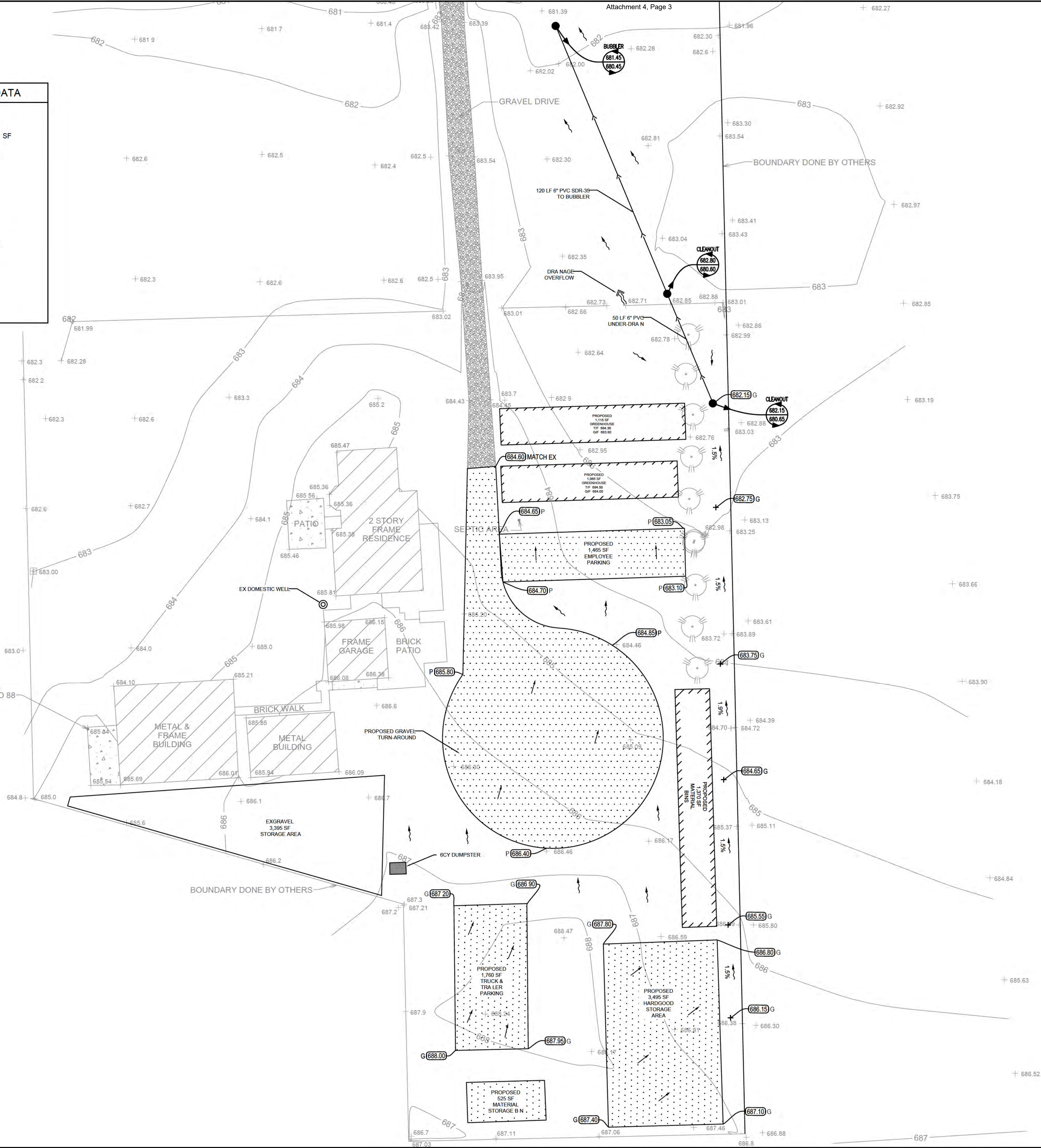
NOTE:
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PIPE FLOW DIRECTIONS, IF SHOWN, ARE BASED ON FIELD INVERT ELEVATIONS UNLESS EXISTING PLANS INDICATE OTHERWISE, IN WHICH CASE THE EXISTING PLAN FLOW DIRECTION IS SHOWN.

LAST DATE OF FIELD WORK: MARCH 8, 2022.

EXISTING CONDITIONS & PLAT OF SURVEY SCHUSTER RESIDENCE 2142 WOOLEY ROAD, OSWEGO, IL	PENDING APPROVAL - NOT FOR CONSTRUCTION
PROJ. MGR.: TGC PROJ. ENG.: TGC DRAWN BY: TGC DATE: 04/18/24 SCALE: 1"=20' SHEET NO. C2.0 PROJ. NUMBER: 22119	RIVERCREST CONSULTING, LLC Civil Engineering Stormwater Management Entitlements 8952 HANBLIK COURT, UNIT 13 NAPERVILLE, IL 60564 (630) 538-5108 REVISIONS 06/05/24 REVISED PER COUNTY COMMENTS

PROPOSED CONDITIONS SITE DATA	
TOTAL LOT AREA = 130,648 S.F.	
EXISTING LOT COVERAGE	
EX HOME AND ACCESSORY STRUCTURES - 6531 SF	
EX "METAL BUILDING" - 878 SF	
REMAINING IMPROVEMENTS ARE GRAVEL	
TOTAL EX COVERAGE = 7,409 S.F.	
TOTAL EX COVERAGE % = 5.67%	
PROPOSED LOT COVERAGE	
PROPOSED MATERIAL BINS - 1,370 SF	
PROPOSED GREENHOUSES - 2,180 SF	
ALL ADDITIONAL IMPROVEMENTS ARE GRAVEL	
TOTAL PROPOSED NEW IMPERVIOUS = 3,550 SF	
NET NEW IMPERVIOUS = 3,550 SF	
TOTAL PROPOSED NEW COVERAGE = 3,550 SF	
TOTAL LOT COVERAGE = 10,959 SF	
TOTAL LOT COVERAGE % = 8.39%	



SITE PAVING LEGEND	
	PRIVATE CONCRETE PAVEMENT 5" P.C. CONCRETE PAVEMENT 6" AGGREGATE BASE (CA-6)
	PUBLIC CONCRETE WALK 5" P.C. CONCRETE PAVEMENT 6" P.C. CONCRETE PAVEMENT AT DRIVEWAY 6" AGGREGATE BASE (CA-6)
	GRAVEL PAVEMENT DRIVE 8" AGGREGATE BASE COURSE, TYPE B, CA-6 NON-WOVEN GEOTEXTILE ROADWAY FABRIC

- GENERAL NOTES**
- ALL DIMENSIONS ARE TO FACE OF BUILDING UNLESS OTHERWISE INDICATED.
 - ALL DISTURBED LANDSCAPE AREAS ARE TO BE RESTORED TO EX. CONDITION. 6" TOPSOIL RESPREAD AND SEEDING.
 - STOCKPILES SHALL BE PROVIDED WITH PERIMETER SILT FENCE AT ALL TIMES DURING CONSTRUCTION.
 - STOCKPILES TO REMAIN IN PLACE MORE THAN THREE (3) DAYS SHALL BE PROVIDED WITH SOIL EROSION AND SEDIMENTATION CONTROL.
 - LAND DISTURBANCE ACTIVITIES IN STREAMS AND DITCHES SHALL BE AVOIDED WHERE POSSIBLE.
 - SOIL STOCKPILES SHALL NOT BE LEFT OVERNIGHT IN DITCHES OR WITHIN FLOODPLAINS.
 - ALL TEMPORARY EROSION AND SEDIMENT CONTROL MEASURES SHALL BE REMOVED WITH THIRTY (30) DAYS AFTER FINAL STABILIZATION IS ACHIEVED. TRAPPED SEDIMENT AND OTHER SOILS RESULTING FROM TEMPORARY MEASURES SHALL BE PROPERLY DISPOSED OF PRIOR TO PERMANENT STABILIZATION.
 - A MASONRY TREATMENT OR DROP SIDING MAY BE REQUIRED TO ENSURE THAT NO MORE THAN SIX INCHES OF THE FOUNDATION REMAIN EXPOSED IN ANY LOCATION.
 - A CONCRETE WASHOUT AREA SHOULD BE PROVIDED ONSITE. CONCRETE CANNOT BE WASHED OUT INTO THE PUBLIC RIGHT OF WAY OR STORM SEWER SYSTEM.
 - INSPECTION OF UTILITY TAPS AND DISCONNECTS SHALL BE INSPECTED BY CITY OF NAPERVILLE STAFF PRIOR TO BACKFILL. 24 HOUR NOTICE SHALL BE REQUIRED AHEAD OF INSPECTIONS.
 - PROPOSED SIDEWALK SHALL MATCH EXISTING GRADE AT THE LIMITS OF REPLACEMENT WHERE ABUTTING TO EXISTING WALK.
 - SPECIAL CARE SHALL BE TAKEN TO MINIMIZE COMPACTION OF THE PROPOSED PERMEABLE GRASSPAVE SUBGRADE AREAS. PRIOR TO CONSTRUCTION OF ANY PERMEABLE PAVER SYSTEMS, CITY OF OSWEGO ENGINEERING SHALL BE CONTACTED TO OBSERVE RELATED WORK TO ENSURE PROPER INSTALLATION.
 - PUMPING OF SEDIMENT LADEN WATER INTO ANY STORMWATER FACILITY OR DRAINAGE-WAY NOT DESIGNATED TO BE A SEDIMENT TRAP IS PROHIBITED.

<p>SITE GRADING PLAN</p> <p>SCHUSTER RESIDENCE</p> <p>2142 WOOLEY ROAD, OSWEGO, IL</p>	<p>PENDING APPROVAL - NOT FOR CONSTRUCTION</p>						
<p>PROJ. MGR.: TGC</p> <p>PROJ. ENG.: TGC</p> <p>DRAWN BY: TGC</p> <p>DATE: 04/18/24</p> <p>SCALE: 1"=20'</p>	<p>REVISIONS</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 5%;"> </td><td style="width: 15%;"> </td><td style="width: 15%;"> </td><td style="width: 15%;"> </td><td style="width: 15%;"> </td><td style="width: 15%;"> </td></tr> </table>						
<p>SHEET NO.</p> <p>C3.0</p>	<p>RIVERCREST CONSULTING, LLC Civil Engineering Stormwater Management Entitlements</p> <p>8952 HANSLIK COURT, UNIT 13 NAPERVILLE, IL 60564 (630) 538-5108</p> <p>06/05/24 REVISED PER COUNTY COMMENTS</p>						
<p>PROJ. NUMBER: 22119</p>							

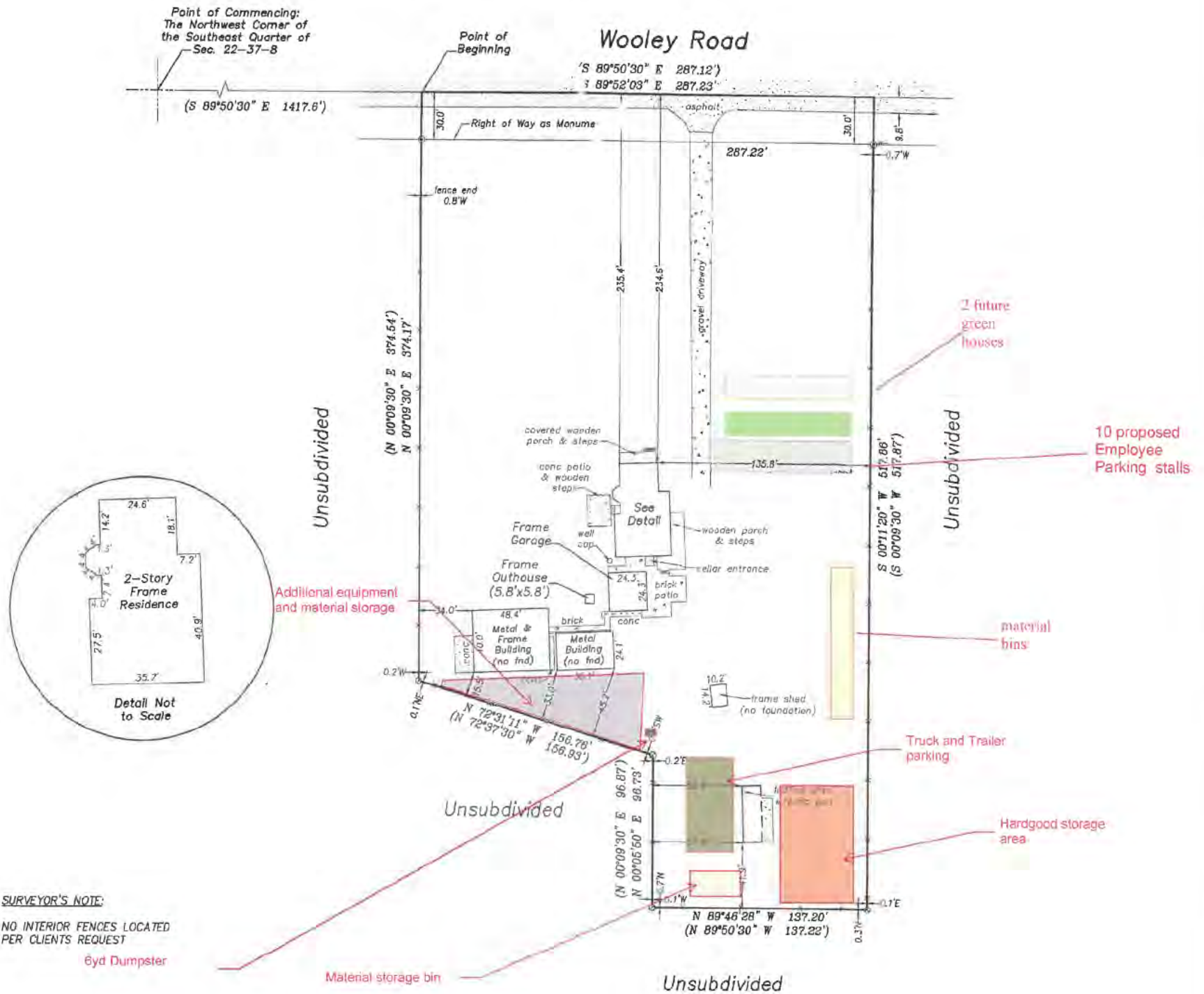
PLAT OF SURVEY

THAT PART OF THE EAST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 22, TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHEAST 1/4 OF SAID SECTION 22, THENCE SOUTH 89 DEGREES 50 MINUTES 30 SECONDS EAST 1417.6 FEET FOR THE POINT OF BEGINNING; THENCE SOUTH 89 DEGREES 50 MINUTES 30 SECONDS EAST, 287.12 FEET; THENCE SOUTH 00 DEGREES 09 MINUTES 30 SECONDS WEST, 517.87 FEET; THENCE NORTH 89 DEGREES 50 MINUTES 30 SECONDS WEST, 137.22 FEET; THENCE NORTH 00 DEGREES 09 MINUTES 30 SECONDS EAST, 96.87 FEET; THENCE NORTH 72 DEGREES 37 MINUTES 30 SECONDS WEST, 156.93 FEET; THENCE NORTH 00 DEGREES 09 MINUTES 30 SECONDS EAST 374.54 FEET TO THE POINT OF BEGINNING, IN THE TOWNSHIP OF OSWEGO, KENDALL COUNTY, ILLINOIS.

COMMONLY KNOWN AS: 2142 WOOLEY ROAD, OSWEGO, ILLINOIS.

PROPERTY CONTAINS: 3.0 ACRES (30,648.3 SQUARE FEET), MORE OR LESS.



SURVEYOR'S NOTE:
NO INTERIOR FENCES LOCATED PER CLIENTS REQUEST

STATE OF ILLINOIS)
) SS
COUNTY OF KENDALL)

WE, CORNERSTONE SURVEYING, P.C., AN ILLINOIS PROFESSIONAL DESIGN FIRM LAND SURVEYOR CORPORATION NO. 184.006522, DO HEREBY CERTIFY THAT THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY. SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS WHICH AN ACCURATE TITLE SEARCH MAY DISCLOSE.
DATED AT YORKVILLE, ILLINOIS ON NOVEMBER 29, 2021.



Scale: 1" = 50'

- ⊕ = Found 1/2" Dia. Iron Pipe
- ⊙ = Found 1/2" Dia. Iron Rod
- ⊚ = Found 1" Dia. Square Iron Rod
- (XX.XX)' = Record Distance
- XX.XX' = Measured Distance
- N = North E = East
- S = South W = West
- = Fence
- ▭ = Concrete/Asphalt

Michel C. Ensalaco, P.L.S. 2768, Exp. 11/30/2022
Eric C. Pokorny, P.L.S. 3818, Exp. 11/30/2022

TODD SURVEYING

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

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

Client:	Blacha Law Office, LLC
Book #:	2517
Drawn By:	JULIETT
Reference:	2013-0761
Plot #:	2517-1
Field Work Completed:	11/24/2021
Rev. Date	Rev. Description
Project Number:	2021-1594

Landscape Design by:
Alex Schuster
ASE Illini-Scapes Inc

Date: 4/23/2024

Landscape Plan: L-1

2142 Wooley Rd

Scale: 1" = 30'

Revision #:



Attachment 6 Existing Driveway



Attachment 7 Culvert at Existing Driveway



Attachment 8 Looking Southeast





2142 W
E-STOP
NO OPEN FLAMES
NO SMOKING
NO SPARKING TOOLS





O.F.P.D.
2142

Matt Asselmeier

From: Claude Ainsworth <cainsworth@oswegotownship.com>
Sent: Wednesday, April 24, 2024 3:38 PM
To: Matt Asselmeier
Subject: RE: [EXTERNAL] 2142 Wooley Road Question

Yes please. The same 33 feet from the center of the road.
Thanks.

From: Matt Asselmeier <masselmeier@kendallcountyil.gov>
Sent: Wednesday, April 24, 2024 3:33 PM
To: Claude Ainsworth <cainsworth@oswegotownship.com>
Cc: Christina Burns <cburns@kendallcountyil.gov>; Seth Wormley <swormley@kendallcountyil.gov>; Fran Klaas <FKlaas@kendallcountyil.gov>
Subject: [EXTERNAL] 2142 Wooley Road Question

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

Claude:

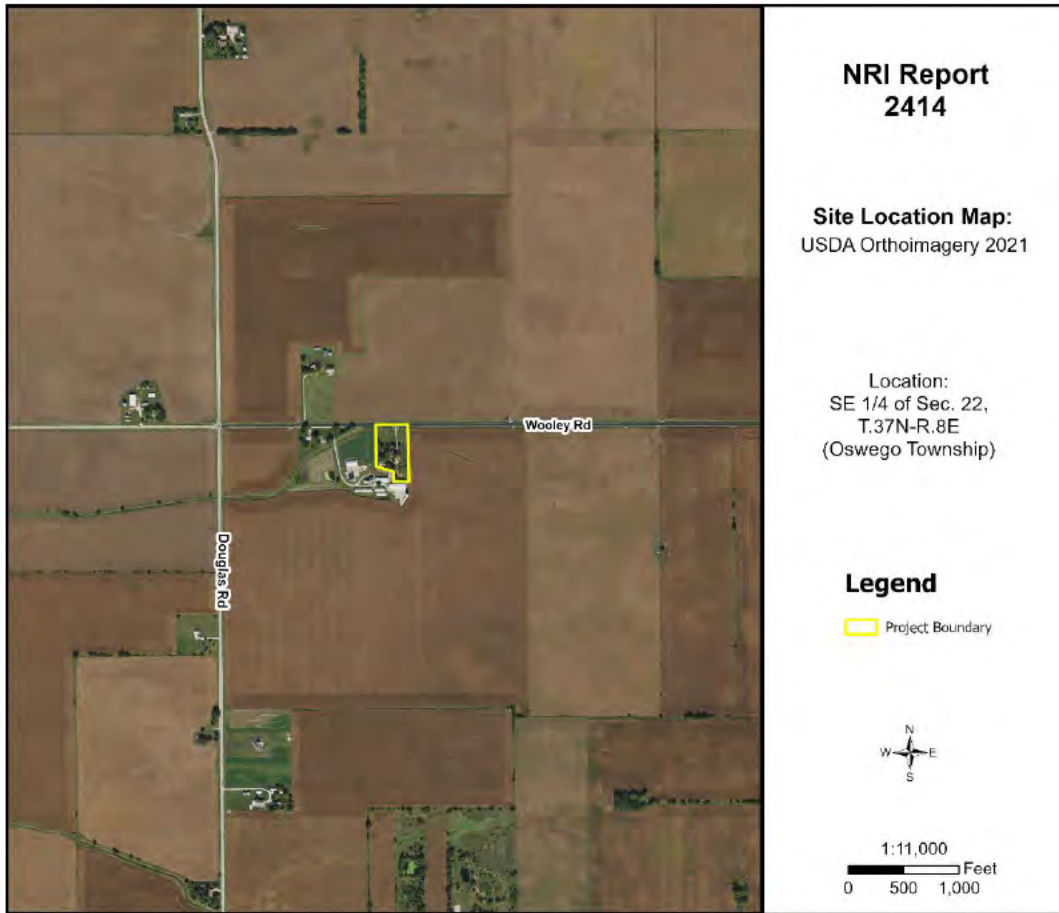
The County received an application for a special use permit and variance for a landscaping business at 2142 Wooley.

Does Oswego Township want any right-of-way dedications?

Thanks,

Matthew H. Asselmeier, AICP, CFM
Director
Kendall County Planning, Building & Zoning
111 West Fox Street
Yorkville, IL 60560-1498
PH: 630-553-4139
Fax: 630-553-4179

NATURAL RESOURCES INFORMATION (NRI) EXECUTIVE SUMMARY REPORT: #2414



May
2024

Petitioner: Alex Schuster
Contact: Alex Schuster

Prepared By:


**Kendall County Soil & Water
Conservation District**

7775A Route 47
Yorkville, Illinois 60560
Phone: (630) 553-5821 x3
Fax: (630) 553-7442
www.kendallswcd.org

TABLE OF CONTENTS

EXECUTIVE SUMMARY	3
NATURAL RESOURCE CONSIDERATIONS	2
SOIL INFORMATION	2
SOIL LIMITATIONS.....	5
KENDALL COUNTY LAND EVALUATION AND SITE ASSESSMENT (LESA)	10
WETLANDS.....	12
FLOODPLAIN	13
TOPOGRAPHY	14
SEDIMENT AND EROSION CONTROL	14
STORMWATER POLLUTION	14
LAND USE FINDINGS	15

LIST OF FIGURES

FIGURE 1: Soil Map	2
FIGURE 2: Soil Limitations	5
FIGURE 3A-3C: Maps of Building Limitations	7-9
FIGURE 4: Wetland Map	12
FIGURE 5: Flood Map	13
FIGURE 6: Topographic Map	14

LIST OF TABLES

TABLE 1: Soils Information	2
TABLE 2: Water Features	4
TABLE 3: Building Limitations	6
TABLE 4A: Land Evaluation Computation	10
TABLE 4B: Site Assessment Computation	11
TABLE 5: LESA Score Summary	11

EXECUTIVE SUMMARY

Natural Resource Information Report Number	#2414
Petitioner	Alex Schuster
Contact Person	Alex Schuster
County or Municipality the Petition is Filed With	Kendall County
Location of Parcel	Southeast ¼ of Section 22, Township 37 North, Range 8 East (Oswego Township) of the 3 rd Principal Meridian
Project or Subdivision Name	ASE Illini-Scapes Landscaping Business
Existing Zoning & Land Use	A-1 Agricultural; Improved Residential/Farmstead
Proposed Zoning & Land Use	A-1 Agricultural Special Use; Farmstead & Landscaping Business
Proposed Water Source	Existing well
Proposed Type of Sewage Disposal System	Existing septic
Proposed Type of Storm Water Management	Overland flow to roadside ditch
Size of Site	(+/-) 3.07 acres
Land Evaluation Site Assessment Score	173 (Land Evaluation: 98; Site Assessment: 75)

NATURAL RESOURCE CONSIDERATIONS

SOIL INFORMATION

Based on information from the United States Department of Agriculture-Natural Resources Conservation Service (USDA-NRCS) 2008 Kendall County Soil Survey, this project area contains the soil types shown in Figure 1 and Table 1. 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.

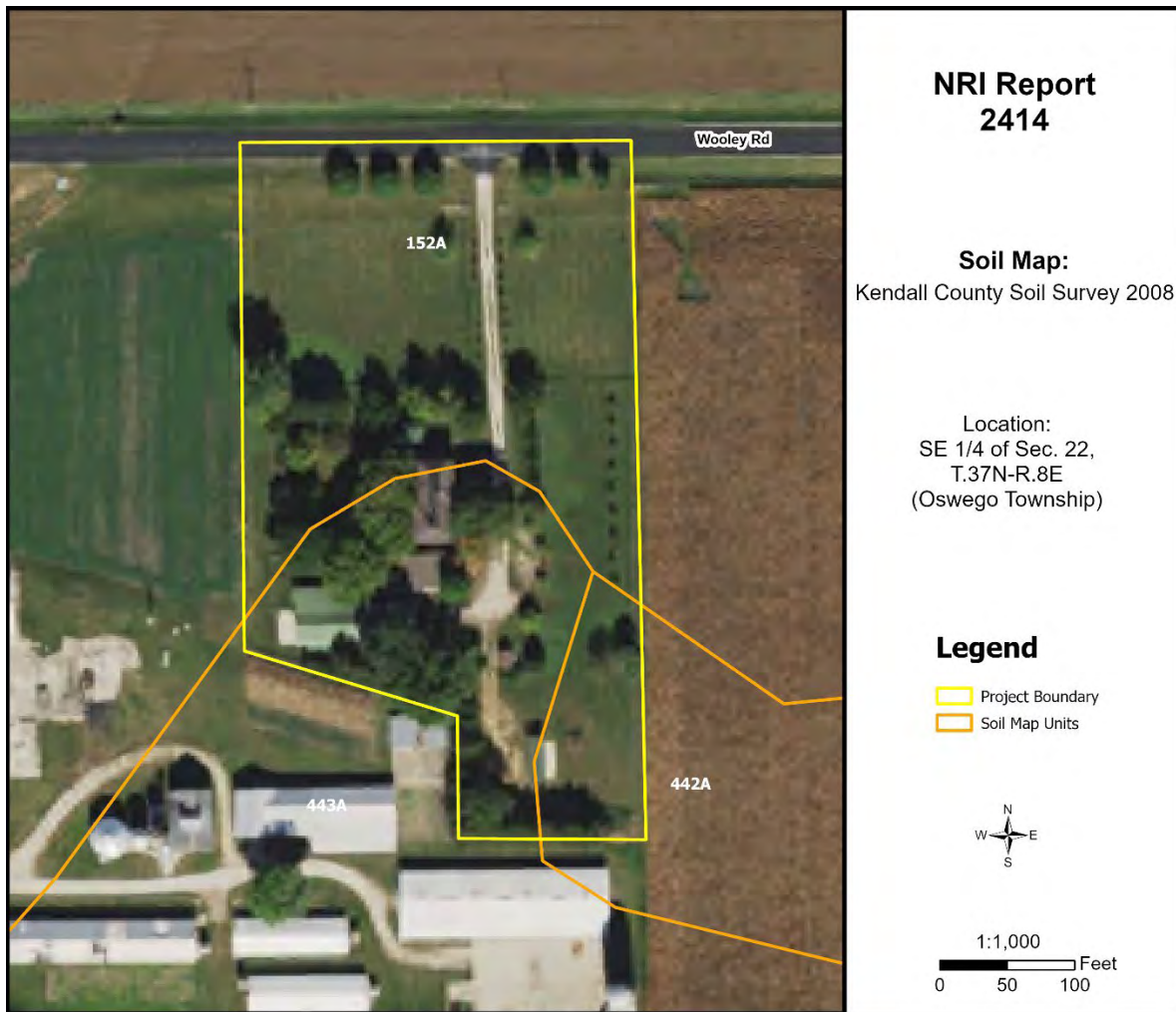


Figure 1: Soil Map

Table 1: Soils Information

Soil Type	Soil Name	Drainage Class	Hydrologic Group	Hydric Designation	Farmland Designation	Acres	% Area
152A	Drummer silty clay loam, 0-2% slopes	Poorly Drained	B/D	Hydric	Prime Farmland If Drained	1.8	60.3%
442A	Mundelein silt loam, 0-2% slopes	Somewhat Poorly Drained	B/D	Non-Hydric w/ Hydric Inclusions	Prime Farmland	0.3	9.2%
443A	Barrington silt loam, 0-2% slopes	Moderately Well Drained	C	Non-Hydric	Prime Farmland	0.9	30.5%

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), one is classified as non-hydric soil (443A Barrington silt loam), and one is classified as non-hydric soil with hydric inclusions likely (442A Mundelein 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, two are designated as prime farmland (442A Mundelein silt loam & 443A Barrington silt loam) and one is designated as prime farmland if drained (152A Drummer silty clay loam).

Soil Water Features – Table 2, below, gives estimates of various soil water features that should be taken into consideration when reviewing engineering for a land use project.

Table 2: Water Features

Map Unit	Hydrologic Group	Surface Runoff	Water Table	Ponding	Flooding
152A	B/D	Negligible	January - May Upper Limit: 0.0'-1.0' Lower Limit: 6.0'	January – May Surface Water Depth: 0.0'-0.5' Duration: Brief (2 to 7 days) Frequency: Frequent	January – December Frequency: None
442A	B/D	Negligible	January - May Upper Limit: 1.0'-2.0' Lower Limit: 6.0'	January – December Frequency: None	January – December Frequency: None
443A	C	Low	February - April Upper Limit: 2.0'-3.5' Lower Limit: 6.0'	January – December Frequency: None	January – December Frequency: None

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 surface runoff classes are identified as: 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 is standing water in a closed depression. Unless a drainage system is installed, the water is removed only by percolation, transpiration, or evaporation. Duration is expressed as very brief (less than 2 days), brief (2 to 7 days), long (7 to 30 days), very long (more than 30 days). Frequency is expressed as none (ponding is not probable), rare (unlikely but possible under unusual weather conditions), occasional (occurs, on average, once or less in 2 years) and frequent (occurs, on average, more than once in 2 years).

Flooding – 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 is expressed as brief (2 to 7 days) and frequent meaning that it is likely to occur often under normal weather conditions.

SOIL LIMITATIONS

According to the USDA-NRCS, soil properties influence the development of sites, including the selection of the site, the design of the structure, construction, performance after construction and maintenance. This report gives ratings for proposed uses in terms of limitations and restrictive features. The tables list only the most restrictive features. Ratings are based on the soil in an undisturbed 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. The final decision in selecting a site for a particular use generally involves weighing the costs for site preparation and maintenance.

- **Not Limited:** Indicates that the soil has features that are very favorable for the specified use; good performance and low maintenance can be expected.
- **Somewhat Limited:** Indicates that the soil has features that are moderately favorable for the specified use. The limitations can be overcome or minimized by special planning, design, or installation; fair performance and moderate maintenance can be expected.
- **Very Limited:** Indicates that the soil has one or more features that are unfavorable for the specified use. The limitations generally cannot be overcome without major soil reclamation, special design, or expensive installation procedures; poor performance and high maintenance can be expected.

Limitations are listed below for shallow excavations, lawns/landscaping, and conventional septic systems. Please note this information is based on soils in an undisturbed state as compiled for the USDA-NRCS 2008 Soil Survey of Kendall County, IL. This does not replace the need for site specific soil testing or results of onsite soil testing.

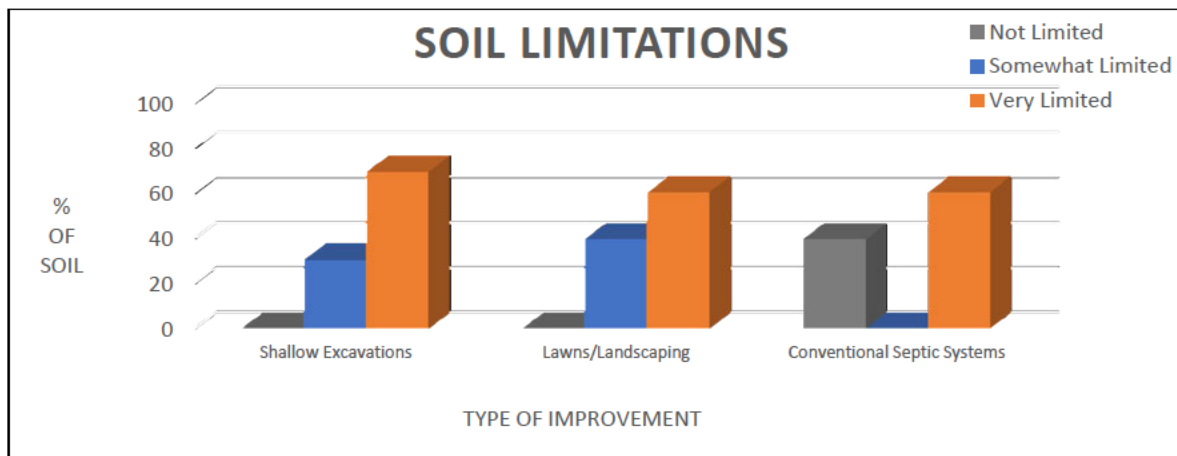


Figure 2: Soil Limitations

Table 3: Building Limitations

Soil Type	Shallow Excavations	Lawns & Landscaping	Conventional Septic Systems*	Acres	%
152A	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	1.8	60.3%
442A	Very Limited: Depth to saturated zone Dusty Unstable excavation walls Ponding	Somewhat Limited: Depth to saturated zone Dusty Low exchange capacity	Suitable / Not Limited	0.3	9.2%
443A	Somewhat Limited: Depth to saturated zone Dusty Unstable excavation walls	Somewhat Limited: Dusty	Suitable / Not Limited	0.9	30.5%
% Very Limited	69.5%	60.3%	60.3%		

*This column indicates soils that are deemed unsuitable per the Kendall County Subdivision Control Ordinance. Please consult with the Kendall County Health Department to verify the limitations of your site for onsite sewage disposal.

Figure 3A: Map of Building Limitations - Shallow Excavations



Map Scale: 1:942 if printed on A portrait (8.5" x 11") sheet.

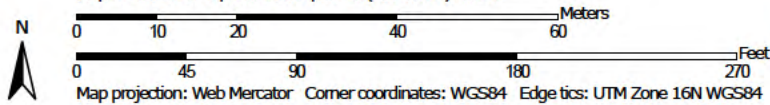
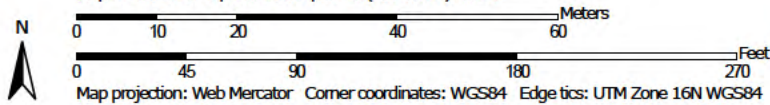


Figure 3B: Map of Building Limitations - Lawns / Landscaping



Map Scale: 1:942 if printed on A portrait (8.5" x 11") sheet.



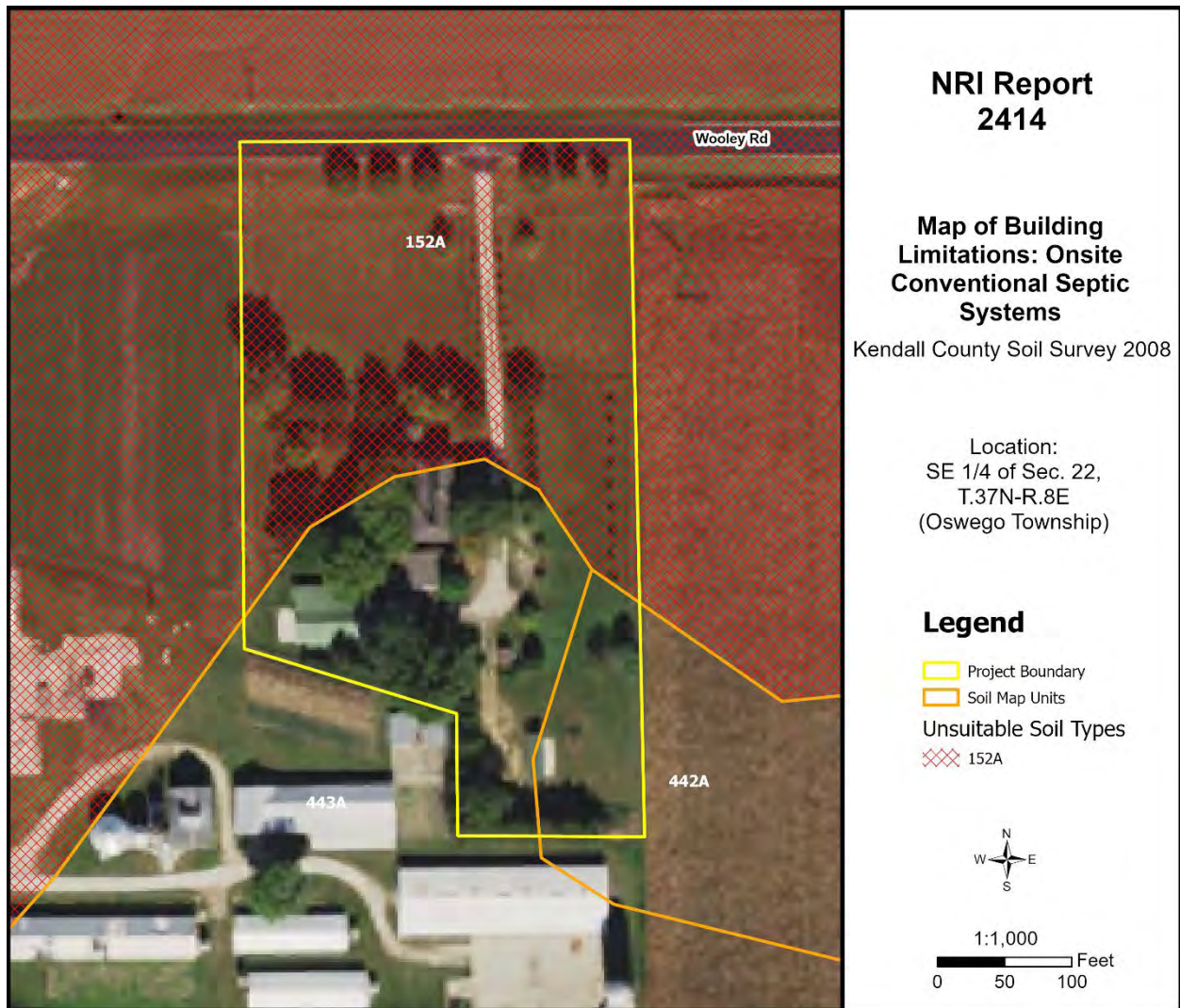


Figure 3C: Map of Building Limitations – Onsite Conventional Septic Systems

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 value accounts for 1/3 of the total score and 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.
- **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.

Table 4A: Land Evaluation Computation

Soil Type	Value Group	Relative Value	Acres	Product (Relative Value x Acres)
152A	1	100	1.8	180.0
442A	2	94	0.3	28.2
443A	2	94	0.9	84.6
Totals			3.0	292.8
LE Calculation			(Product of relative value / Total Acres) $292.8 / 3.0 = 97.6$	
LE Score			LE = 98	

*Acreage listed in this chart provides a generalized representation and may not precisely reflect exact acres of each soil type.

The Land Evaluation score for this site is 98, indicating that this site is currently designated as land that is well suited for agricultural uses considering the Land Evaluation score is above 80.

Table 4B: 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)	0
	4. Size of site. (30-15-10-0)	0
B.	Compatibility / Impact on Uses	
	1. Distance from city or village limits. (20-10-0)	0
	2. Consistency of proposed use with County Land Resource Management Concept Plan and/or municipal comprehensive land use plan. (20-10-0)	0
	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)	8
	2. Availability of public water system. (10-8-6-0)	8
	3. Transportation systems. (15-7-0)	7
	4. Distance from fire protection service. (10-8-6-2-0)	2
	Site Assessment Score:	75

Land Evaluation Value: 98 + Site Assessment Value: 75 = LESA Score: 173

The table below shows the level of protection for the proposed project site based on the LESA Score.

Table 5: LESA Score Summary

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

The LESA Score for this site is 173, which indicates a low 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.

WETLANDS

The U.S. Fish & Wildlife Service’s National Wetland Inventory map indicates that mapped wetlands/waters are not present on the proposed project site. A riverine waterway and freshwater pond are mapped to the west of the 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.

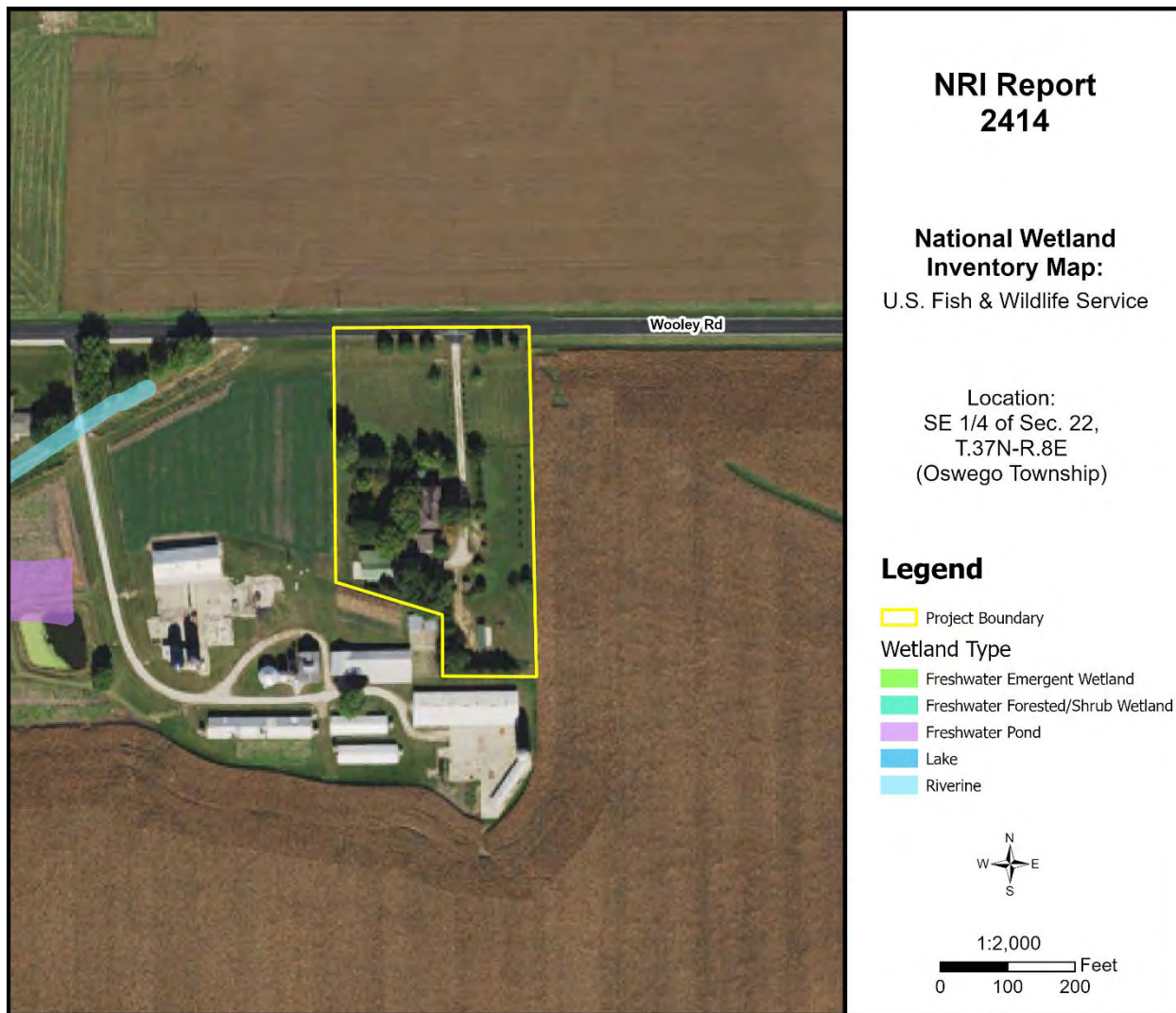


Figure 4: Wetland Map

FLOODPLAIN

The Federal Emergency Management Agency’s (FEMA) Flood Insurance Rate Map (FIRM) for Kendall County, Community Panel No. 17093C0070G (effective date February 4, 2009) was reviewed to determine the presence of floodplain and floodway areas within the project site. According to the map, the parcel does not contain areas of floodplain or floodway. It is mapped as Zone X, an area of minimal flood hazard determined to be outside of the 0.2% annual chance flood.

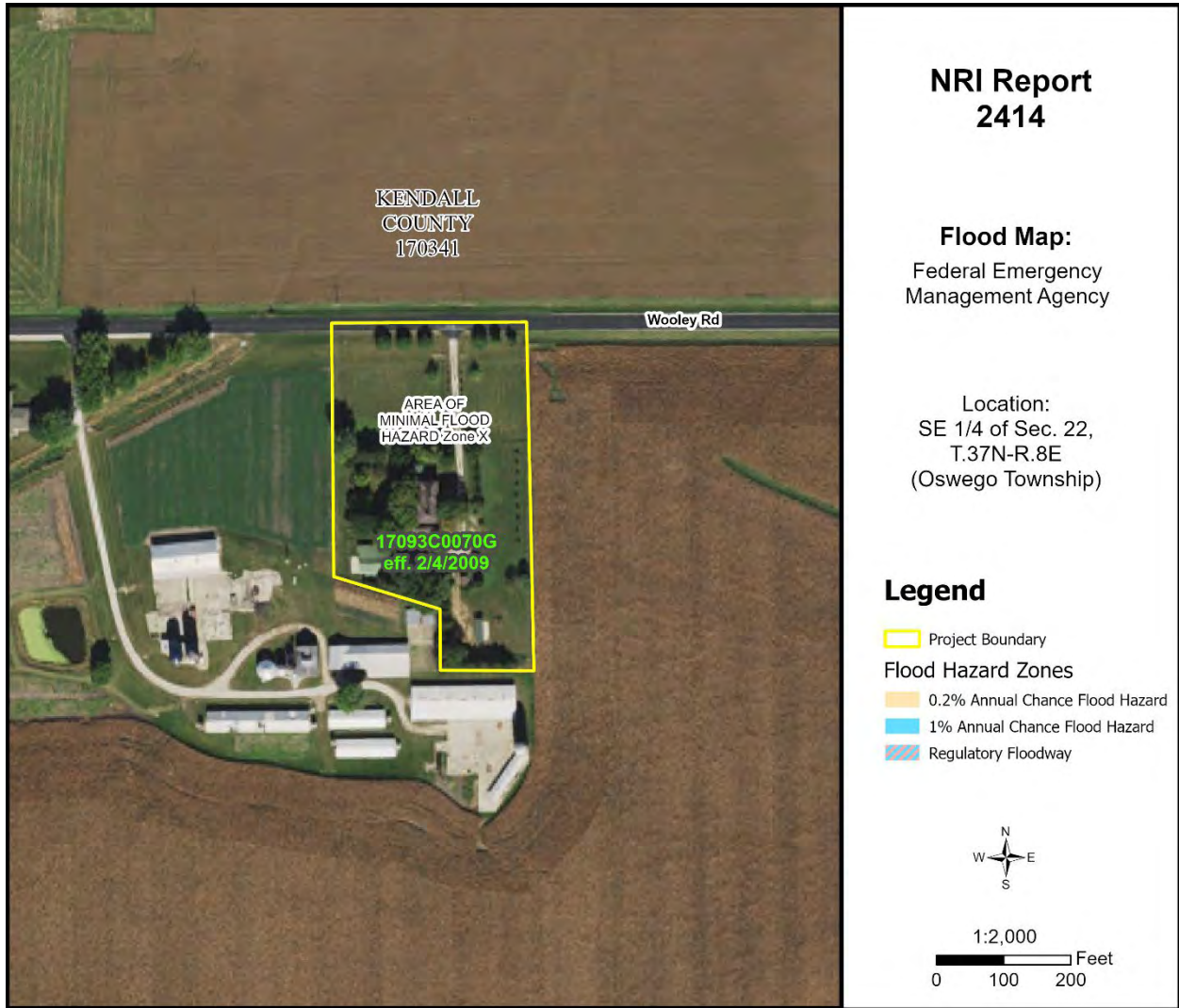


Figure 5: Flood Map

TOPOGRAPHY

The parcel is on minimal topography (slopes 0-2%) and at an elevation of approximately 682'-688' above sea level. The highest point is at the southern end and the lowest point is at the northern end. The property drains north toward Wooley Road.

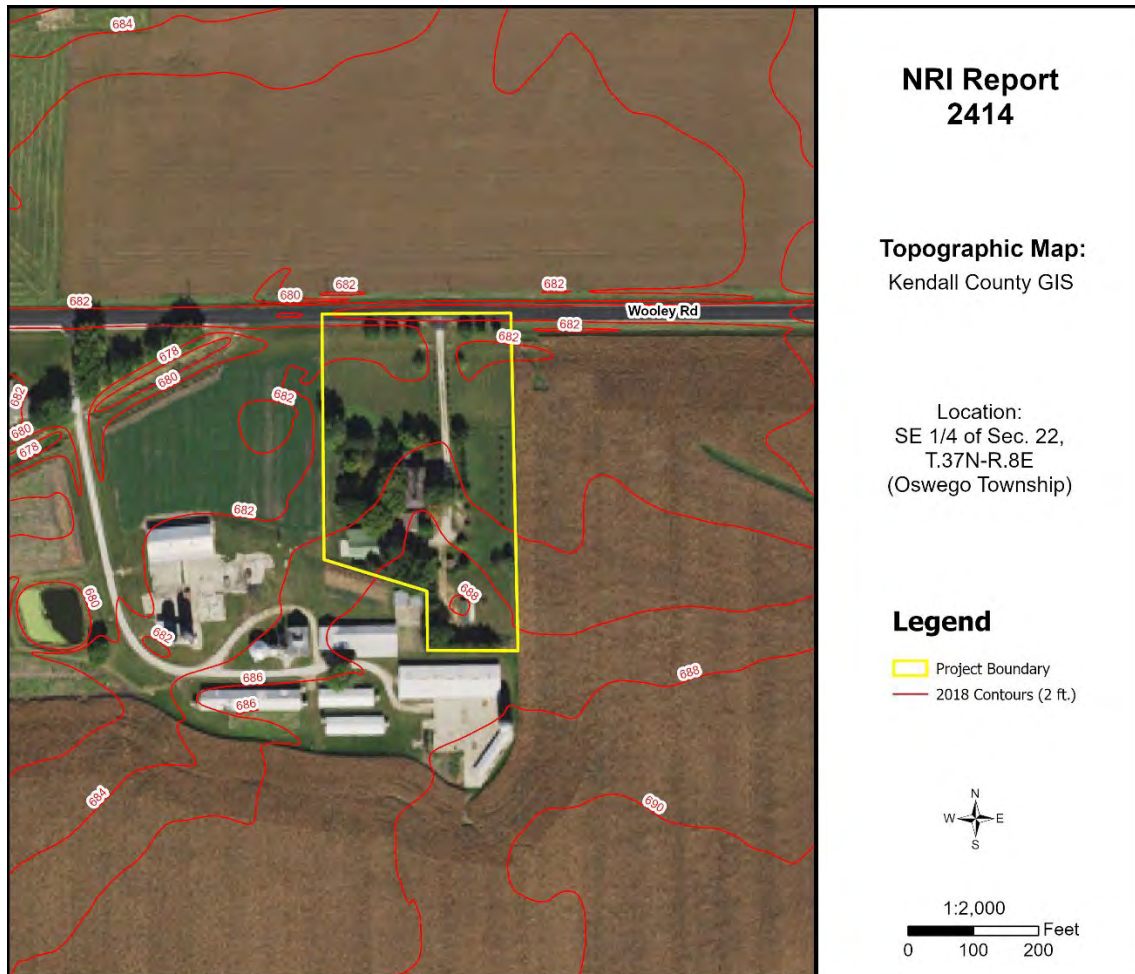


Figure 6: Topographic Map

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 Alex Schuster. The petitioner is requesting a Special Use Permit from Kendall County to operate a landscaping business on one parcel (Parcel Index Number 03-22-400-001) on an existing farmstead. The site is located in Section 22 of Oswego Township (T.37N – R.8E), Kendall County in the 3rd Principal Meridian. 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 should be preserved whenever feasible due to their highly productive qualities for growing agriculturally important crops in our community. This site is a farmstead that hasn't been farmed in many years, however, the soils onsite are designated as prime farmland or prime farmland if drained. 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 a 98 out of a possible 100 points indicating that the soils are well suited for agricultural uses. The total LESA score for this site is 173 out of a possible 300, which indicates a low 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.

Soils found on the project site are rated for specific uses and can have potential limitations. Soil types with severe limitations do not preclude the ability to develop the site for the proposed use, but it is important to note the limitation that 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, 69.5% are classified as very limited for supporting shallow excavations and 60.3% are classified as very limited for supporting lawns/landscaping. The remaining soils are considered somewhat limited for these types of uses. Additionally, 60.3% of the soils are classified as unsuitable for supporting 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 Waubonsie Creek sub watershed. If development occurs on this site, please ensure that a soil erosion and sediment control plan be implemented during construction. It is critical to have vegetative cover during and after construction 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 subsurface drainage tile. That survey 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 landowners take into full consideration the limitations of the site. 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 Statues, Ch. 70, Par 405/22.02a).


SWCD Board Representative

5/24/2024
Date

Matt Asselmeier

From: Alec Keenum <akeenum@oswegofire.com>
Sent: Tuesday, May 7, 2024 6:00 AM
To: Matt Asselmeier
Subject: [External]RE: Kendall County Petition 24-10

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.

Thanks Matt,

Normal stuff, Oswego FD does not have issue with the Special Use. Shal be noted that:

- Default is sprinkler & fire alarm protection for new construction
- In general Converting residence to business use, as long as its "office" type use and not mercantile, would not trigger addition of sprinkler nor fire alarm

Regards,

Capt. Alec J Keenum
Fire Marshal
Oswego Fire Protection District

From: Matt Asselmeier <masselmeier@kendallcountyil.gov>
Sent: Wednesday, May 1, 2024 9:34 AM
To: Alec Keenum <akeenum@oswegofire.com>; Claude Ainsworth (cainsworth@oswegotownship.com) <cainsworth@oswegotownship.com>; Joe West (jwest@oswegotownship.com) <jwest@oswegotownship.com>; FireChief <firechief@oswegofire.com>; Ken Holmstrom <holmstrom@oswegotownship.com>; Rod Zinner (rzenner@oswegoil.org) <rzenner@oswegoil.org>; ttouchette@oswegoil.org
Subject: Kendall County Petition 24-10

To All:

The Kendall County ZPAC will meet on Tuesday, May 7th, at 9:00 a.m., in the County Boardroom, at 111 W. Fox Street, Yorkville, to consider the following Petition:

1. **Petition 24 – 10 – Alex M. Schuster**
Request: Special Use Permit for a Landscaping Business
PIN: 03-22-400-001
Location: 2142 Wooley Road, Oswego in Oswego Township
Purpose: Petitioner Would Like to Operate a Landscaping Business; Property is Zoned A-1

Petition information is attached.

The Petitioner can be reached at alex@illini-scapes.com.

If you have any questions, please let me know.

Thanks,

**ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)
May 7, 2024 – 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 (Arrived at 9:02 a.m.)
Brian Holdiman – PBZ Department
Fran Klaas – Highway Department
Commander Jason Langston – Sheriff's Department
Alyse Olson – Soil and Water Conservation District (Arrived at 9:02 a.m.)
Aaron Rybski – Health Department
Seth Wormley – PBZ Committee Chair

Absent:

Greg Chismark – WBK Engineering, LLC

Audience:

Tim O'Brien, Pete Fleming, Michael Korst, Jim Filotto, Ryan Solum, Bruce Miller, Alex Schuster, and Gloria Foxman

PETITIONS

Petition 24-10 Alex M. Schuster

Mr. Asselmeier summarized the request.

The Petitioner was seeking a special use permit for a landscaping business, including allowing outdoor storage of materials.

The application materials, plat of survey, current conditions plat, proposed site plan, proposed landscaping plan and pictures of the property and vicinity were provided.

The address of the property was 2142 Wooley Road.

The property was approximately three (3) acres in size.

The current land use was Improve Residential/Farmstead.

The County's Future Land Use Map called for the property to be Rural Estate Residential. The Village of Oswego's Future Land Use Map called for the property to be Large Lot Residential.

Wooley Road was a Minor Collector maintained by Oswego Township.

The Village of Oswego has a trail planned along Wooley Road.

There were no floodplains or wetlands on the property.

The adjacent properties were used as Agricultural and Farmstead.

The adjacent properties were zoned A-1.

The County's Future Land Use Map called for the area to be Rural Estate Residential and Commercial. The Village of Oswego's Future Land Use Map called for the area to be Large Lot Residential.

Properties within one half (1/2) of a mile were zoned A-1 in the County and B-3 in the Village of Oswego.

Approximately three (3) houses are located within a half mile (0.5) miles of the subject property.

EcoCAT Report was submitted on March 14, 2024.

The NRI application was submitted on April 29, 2024.

Petition information was sent to Oswego Township on May 1, 2024. Prior to formal application submittal, Oswego Township submitted an email requesting a thirty-three foot (33') deep right-of-way dedication from the center of Wooley Road. This email was provided.

Petition information was sent to the Village of Oswego on May 1, 2024.

Petition information was sent to the Oswego Fire Protection District on May 1, 2024. The Oswego Fire Protection District submitted an email stating no objections to the proposal.

Per Section 7:01.D.32 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 ASE Illini-Scapes at the subject property.

They would use the site for storage of landscaping materials, equipment, offices, and related operations. Employees would visit the site to get materials. The site would not be open to customers.

The business would be open from 6:00 a.m. until 6:00 p.m. Monday through Friday during the growing season and everyday for twenty-four hours (24) during snow events in the winter. The business has a maximum of fifteen (15) employees, during the busy season, and two (2) employees year-round. Employees either report to the subject property or report directly to job sites.

The site plan shows one (1) approximately one thousand three hundred seventy (1,370) square foot material bin area and one (1) approximately three thousand five hundred (3,500) square foot hard goods storage area near the eastern property line. One (1) approximately five hundred (500) square foot material storage bin was shown near the southern property line. One (1) additional approximately three thousand three hundred (3,300) square foot equipment and storage area is shown south of the existing accessory buildings. The Petitioner indicated that the piles of materials would not exceed ten feet (10') in height.

Equipment would be stored outdoors, when the business is closed.

The Petitioner intends to grow nursery stock in the future.

The subject property presently has one (1) approximately three thousand three hundred (3,300) square foot house, constructed in 1875, one (1) frame garage, two (2) metal frame accessory buildings, and one (1) outhouse onsite that is used as decoration and gardening shed.

The site plan shows two (2) future greenhouses, one (1) approximately one thousand one hundred (1,100) square feet in size and one (1) approximately one thousand fifty (1,050) square feet in size.

Any structures related to the landscaping business, other than the greenhouses, would be required to obtain applicable building permits. However, at this time, no additional structures, besides the greenhouses, are proposed.

The well is located southwest of the house. The septic area is located east of the house, between the proposed employee parking area and the southern most greenhouse. The property is served by electricity and natural gas.

One (1) dumpster area is proposed east of the western most equipment and storage area. Given its location on the property and proposed perimeter screening around the property, the Petitioner did not propose any screening specifically for the dumpster area.

The property drains towards Wooley Road.

The site plan shows a drainage system along the east and northeast side of the property.

The Petitioners submitted an application for a stormwater management permit.

Per the site plan, the property has a gravel driveway. The Petitioner plans to install a turnaround area at the south end of the driveway.

According to the site plan, the Petitioner proposes a gravel parking lot with ten (10) parking spaces located north of the turnaround area. One (1) ADA accessible parking space is required. The Petitioner intends to use a vehicular rated permeable paver to meet this requirement.

In addition, the Petitioner proposes an approximately one thousand seven hundred fifty square foot (1,750) truck and trailer parking area south of the turnaround area. This lot would also be gravel.

No lighting was planned for the property.

No signage was proposed.

The property presently has a fence along the perimeter as shown in several of the pictures and the landscaping plan .

The landscaping plan shows six (6) existing maple trees, two (2) existing willow thirty-two (32) existing spruce trees, two (2) existing birch trees two (2) existing oak trees, and several existing evergreen trees.

The Petitioner proposes to add twenty-six (26) purple coneflowers, three (3) six foot (6') service berries, trellised English ivy, and five (5) six (6') Nigra arborvitae.

The Petitioner plans to install landscaping within one (1) year of the approval of special use permit.

No information was provided regarding noise control.

No information was provided regarding odor control.

If approved, this would be the twenty-first (21st) special use permit for a landscaping business in unincorporated Kendall County.

The proposed Findings of Fact 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. Numerous landscaping businesses have been approved throughout unincorporated Kendall County, including one (1) at 655 Wooley Road. The proposed use is along Wooley Road, which is classified as a minor collector. Reasonable restrictions can be placed in the special use permit to ensure the health, safety, and general welfare of the area are protected.

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. The use will not impede farms or residential uses on the adjoining properties. Reasonable restrictions may be placed on the special use permit to address hours of operation, noise, landscaping, and site layout to prevent neighboring property owners are not negatively impacted by the proposed use.

Adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. The proposal states that customers will not come to the property. Given the limited number of

employees reporting to the property, adequate utilities, access roads, and ingress/egress exists. A stormwater permit and conditions in the special use permit can address concerns related to drainage.

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. This is true.

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 proposal is also consistent with a goal and objective found on page 6-34 of the Land Resource Management Plan, "A strong base of agriculture, commercial and industrial uses that provide a broad range of job opportunities, a healthy tax base, and improved quality of services to County residents." "Encourage opportunities for locally owned business." In addition, the future land use map calls for this property to be Mixed Use Business. Similar types of uses were planned for the subject property and properties in the vicinity of the subject property.

Staff recommended approval of the requested special use permit subject to the following conditions and restrictions. To date, the Petitioner has not agreed to these conditions and restrictions:

1. The site shall be developed substantially in accordance with the submitted site plan and landscaping plan.
2. Within ninety (90) days of the approval of the special use permit, the owners of the subject property shall dedicate a strip of land thirty-three feet (33') in depth along the northern property line to Oswego Township. The Kendall County Planning, Building and Zoning Committee may grant an extension to this deadline.
3. Equipment and vehicles related to the business allowed by the special use permit may be stored outdoors at the subject property when the business is closed.
4. 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.
5. 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.
6. 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.
7. Except for the purposes of loading and unloading, all landscape related materials shall be stored at the designated storage areas shown on the submitted site plan. The maximum height of the piles of landscaping related material shall be ten feet (10') in height.
8. A maximum of fifteen (15) 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.
9. No customers of the business allowed by the special use permit shall be invited onto the subject property for matters related to the business allowed by the special use permit.
10. The hours of operation of the business allowed by this special use permit shall be Monday through Friday from 6:00 a.m. until 6:00 p.m. and the business shall be open twenty-four (24) hours to address snow events. The owners of the business allowed by this special use permit may reduce these hours of operation.
11. 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. This restriction does not apply to greenhouses.
12. No signs are shown on the site plan. The owner of the business allowed by the special use permit may request a sign in the future using the minor amendment process, provided that the proposed sign meets the requirements of the Kendall County Zoning Ordinance.
13. Only lighting related to security may be installed outdoors at the subject property.
14. 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.

15. The vegetation described in the landscaping plan shall be installed within one (1) year 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. Materials and vegetation stored in the greenhouses and material storage area shall not be subject to this requirement and shall not be considered part of the landscaping plan.
16. No landscape waste generated off the property can be burned on the subject property.
17. 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 homes permitted prior to the date of the issuance of the special use permit shall have standing to file noise complaints.
18. 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.
19. The owners of the business allowed by this special use permit acknowledge and agree to follow Kendall County's Right to Farm Clause.
20. 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, including, but not limited to, installed the applicable number of ADA required parking spaces.
21. 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.
22. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
23. This special use permit shall be treated as a covenant running with the land and is binding on the successors, heirs, and assigns as to the same special use conducted on the property.

Mr. Rybski questioned the location of the septic system. He noted that greenhouses or parking could not be in the area of septic system. He requested that the septic system be assessed in terms of location and size.

Mr. Klaas recommended that right-of-way dedication be raised to forty feet (40').

To date, no comments were received from neighbors.

Mr. Klaas made a motion, seconded by Mr. Rybski, to recommend approval of the proposal with the additional recommendation that the size and location of the septic system be examined and that the right-of-way dedication be increased to forty feet (40').

The votes were follows:

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

Absent (1): Chismark

The motion passed.

The proposal goes to the Kendall County Regional Planning Commission on May 22, 2024.

PUBLIC COMMENT

None

ADJOURNMENT

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

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

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

Respectfully Submitted,
Matthew H. Asselmeier, AICP, CFM
Director

Enc.

**KENDALL COUNTY
ZONING & PLATTING ADVISORY COMMITTEE
MAY 7, 2024**

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

NAME	ADDRESS (OPTIONAL)	EMAIL ADDRESS (OPTIONAL)
<i>Jim O'Brien</i>		
<i>Pete Fleming</i>		
<i>Michael Korst</i>		
<i>Jim Filotto</i>		
<i>Ryan Solum</i>		
<i>BRUCE MILLER</i>		
<i>ALEX Schuster</i>		

Matt Asselmeier

From: Alec Keenum <akeenum@oswegofire.com>
Sent: Tuesday, May 7, 2024 6:00 AM
To: Matt Asselmeier
Subject: [External]RE: Kendall County Petition 24-10

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.

Thanks Matt,

Normal stuff, Oswego FD does not have issue with the Special Use. Shal be noted that:

- Default is sprinkler & fire alarm protection for new construction
- In general Converting residence to business use, as long as its "office" type use and not mercantile, would not trigger addition of sprinkler nor fire alarm

Regards,

Capt. Alec J Keenum
Fire Marshal
Oswego Fire Protection District

From: Matt Asselmeier <masselmeier@kendallcountyil.gov>
Sent: Wednesday, May 1, 2024 9:34 AM
To: Alec Keenum <akeenum@oswegofire.com>; Claude Ainsworth (cainsworth@oswegotownship.com) <cainsworth@oswegotownship.com>; Joe West (jwest@oswegotownship.com) <jwest@oswegotownship.com>; FireChief <firechief@oswegofire.com>; Ken Holmstrom <holmstrom@oswegotownship.com>; Rod Zinner (rzenner@oswegoil.org) <rzenner@oswegoil.org>; ttouchette@oswegoil.org
Subject: Kendall County Petition 24-10

To All:

The Kendall County ZPAC will meet on Tuesday, May 7th, at 9:00 a.m., in the County Boardroom, at 111 W. Fox Street, Yorkville, to consider the following Petition:

1. **Petition 24 – 10 – Alex M. Schuster**
Request: Special Use Permit for a Landscaping Business
PIN: 03-22-400-001
Location: 2142 Wooley Road, Oswego in Oswego Township
Purpose: Petitioner Would Like to Operate a Landscaping Business; Property is Zoned A-1

Petition information is attached.

The Petitioner can be reached at alex@illini-scapes.com.

If you have any questions, please let me know.

Thanks,



May 14, 2024

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

Subject: 2142 Wooley Road- WBK Project 19-102.CA

Dear Mr. Asselmeier:

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

- Site Improvement Plans – Shuster Residence prepared by Rivercrest Consulting dated April 18, 2024 and received May 2, 2024
- Plat of Survey prepared by Todd Surveying dated November 29, 2021 and received May 2, 2024
- Conceptual Site Plan on Plat of Survey with no preparer identified and not dated

The following comments require resolution prior to plan approval and our recommendation for issuance of a stormwater permit.

Stormwater Permit

1. Submit a stormwater report with the following:
 - a. A brief narrative identifying the scope of proposed improvements
 - b. Identify existing and proposed drainage patterns.
 - c. Identify existing and proposed impervious surface comparison.
 - d. Identify the total extent of disturbed area.
 - e. Identify off-site areas draining on to the site.
 - f. Describe purpose and function of underdrain and sizing.

Engineering Plans – *Please provide pdf versions of plans submittals to facilitate review*

1. Provide additional elevations of storage and parking areas identified on the plan. Provide corner elevation with flow arrows.
2. Depict locations of any wells within the site. A well is located on one of the surveys but not the others submitted. Verify the location of all wells and locate them on the proposed conditions plan.
3. Clearly depict and locate the extent of septic tanks and septic field within the project limits. It appears proposed improvements may impact existing facilities.

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,



WBK Engineering, LLC

Rivercrest Consulting, LLC

12249 S. Rhea Drive
Suite 2
Plainfield, IL 60585
www.alpineridge.net

June 5, 2024

Via Email

Kendall County Planning, Building & Zoning; C/O
WBK Engineering
116 W. Main Street, Suite 201
St. Charles, IL 60174
Attn: Mr. Greg Chismark, P.E.
President

**RE: Comment Response Letter
Proposed Site Improvements – WBK Project 19-102.CA
2142 Wooley Road
Oswego, IL**

Dear Mr. Chismark,

We are in receipt of your comment letter dated May 14, 2024, prepared by WBK Engineering related to the above captioned proposed improvements. On behalf of Mr. Alex Schuster, we offer the following in response:

Stormwater Permit

WBK Comment #1:

A brief narrative identifying the scope of the proposed improvements.

Rivercrest Response #1:

Property owner intends to improve the existing layout to accommodate additional parking, storage, lay down and greenhouse facilities within the property limits. This work will necessitate modified grading, particularly along the eastern property line, to contain and direct flows accordingly.

WBK Comment #2:

Identify existing and proposed drainage patterns.

Rivercrest Response #2:

Drainage patterns have been added to both the existing and proposed layout sheets as requested.

WBK Comment #3:

Identify existing and proposed impervious surface comparison

Rivercrest Response #3:

An impervious area comparison chart has been added to the plans as requested.

WBK #4:

Identify total extent of disturbed area.

**Rivercrest Response #4:**

Total disturbed area is approximately 38,800 SF, encompassing generally the extent of proposed improvements; including the underdrain extension to the ROW area.

WBK Comment #5:

Identify off-site areas draining on to the site.

Rivercrest Response #5:

See accessory exhibit provided under separate cover.

WBK Comment #6:

Describe purpose and function of underdrain and sizing.

Rivercrest Response #6:

Drainage along the east property line is meant to contain property runoff within the limits of the subject parcel. The gradient (or available pitch) along that property line starts to flatten out as we progress north towards the road from the rear PL. Eventually, an existing high point is encountered that straddles the property line, limiting substantially any regrading needed to continue overland flow along the property line. With that said, flow at that point is being redirected northwest as shown into the existing overland flow path. Essentially, what is being proposed is an “end” to the new overland flow route at or in the vicinity of the above mentioned sideyard high point where surface flow can no longer continue north in a standard way. A yard inlet is proposed in this area to capture and convey perched waters following rain events below grade to the driveway culvert area via the proposed underdrain structure where they can continue conveyance downstream as normal. During active rain events, this area will overflow atop the shown overflow into the existing overland flow route to the north. The underdrain is meant to dry this area following these events and finish conveying remaining waters via pressure flow along the proposed underdrain route. It’s essentially meant to stop this area from becoming perpetually wet given that the property flattens out substantially on the north half.

Engineering Plans:**WBK Comment #1:**

Provide additional elevations of storage and parking areas identified on the plan. Provide corner elevation with flow arrows.

Rivercrest Response #1:

Additional elevations and drainage flow arrows have been added to the plans as requested.

WBK Comment #2:

Depict locations of any wells within the site. A well is located on one of the surveys but not the others submitted. Verify the location of all wells and locate them on the proposed conditions plan.

Alpine Ridge Builders Response #2:

The existing domestic well location has been added to the plans as requested.

WBK Comment #3:

Clearly depict and locate the extent of septic tanks and septic field within the project limits. It appears proposed improvements may impact existing facilities.

Rivercrest Response #3:

Septic tank location outlined on the supplied topographic survey is the only information relevant to the septic system made available to this office. As such, no further detail on the system layout or function can be provided under this cover. It is our understanding that the homeowner is currently



working directly with the Health Department to address this matter further. All associated detail and information will be supplied by Mr. Schuster related to the septic system and any needed improvements thereof.

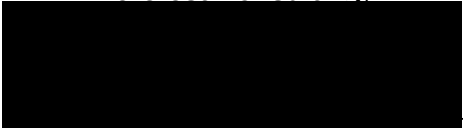
Included herewith, please find for your review and consideration and in accordance with the above comments and responses, the following:

- Revised civil plans, dated 06/05/24
- Supplemental off-site drainage area exhibit, furnished under separate cover
- Supplemental septic system information, furnished under separate cover

Should you have any questions, concerns or require any additional information please do not hesitate to contact me directly at (630) 538-5651 or via email at tom@alpineridge.net.

Yours truly,

Rivercrest Consulting, LLC



Thomas G. Crnkovich, P.E.
Managing Partner

/Encl.

Cc: Alex Schuster – Homeowner (Via Email)
Matt Juntunen – Alpine Ridge Builders, LLC (Via Email)

Attachment 18, 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 June 26, 2024 - 7:00 p.m.

Chairman Bill Ashton called the meeting to order at 7:01 p.m.

ROLL CALL

Members Present: Bill Ashton, Eric Bernacki, Tom Casey, Dave Hamman, Karin McCarthy-Lange, Larry Nelson, Bob Stewart, Claire Wilson, and Seth Wormley (Arrived at 7:03 p.m.)

Members Absent: Ruben Rodriguez

Staff Present: Matthew H. Asselmeier, Director, and Wanda A. Rolf, Office Assistant

Others Present: Alex Schuster, Marcia Rousonelos, Ray Jackinowski, Michael Korst, and Jim Filotto

PETITIONS

Petition 24-10 Alex M. Schuster

Mr. Asselmeier summarized the request.

The Petitioner was seeking a special use permit for a landscaping business, including allowing outdoor storage of materials.

The application materials, plat of survey, current conditions plat, revised proposed site plan reflecting WBK Engineering's comments, proposed landscaping plan and pictures of the property and vicinity were provided.

The address of the property was 2142 Wooley Road.

The property was approximately three (3) acres in size.

The current land use was Improve Residential/Farmstead.

The County's Future Land Use Map called for the property to be Rural Estate Residential. The Village of Oswego's Future Land Use Map called for the property to be Large Lot Residential.

Wooley Road was a Minor Collector maintained by Oswego Township.

The Village of Oswego has a trail planned along Wooley Road.

There were no floodplains or wetlands on the property.

The adjacent properties were used as Agricultural and Farmstead.

The adjacent properties were zoned A-1.

The County's Future Land Use Map called for the area to be Rural Estate Residential and Commercial. The Village of Oswego's Future Land Use Map called for the area to be Large Lot Residential.

Properties within one half (1/2) of a mile were zoned A-1 in the County and B-3 in the Village of Oswego.

Approximately three (3) houses are located within a half mile (0.5) miles of the subject property.

EcoCAT Report was submitted on March 14, 2024, and consultation was terminated.

The NRI application was submitted on April 29, 2024. The LESA Score was 173 indicating a low level of protection. The NRI Report was provided.

Petition information was sent to Oswego Township on May 1, 2024. Prior to formal application submittal, Oswego Township submitted an email requesting a thirty-three foot (33') deep right-of-way dedication from the center of Wooley Road. This email was provided.

Petition information was sent to the Village of Oswego on May 1, 2024. No comments were received.

Petition information was sent to the Oswego Fire Protection District on May 1, 2024. The Oswego Fire Protection District submitted an email stating no objections to the proposal. This email was provided.

ZPAC reviewed this proposal at their meeting on May 7, 2024. Discussion occurred regarding the size and location of the septic system. The right-of-way dedication was raised to forty feet (40'). ZPAC recommended approval of the request with the additional condition related to the septic system and increasing the right-of-way dedication 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.32 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, the above conditions have been met.

As noted in the project narrative, the Petitioners would like to operate ASE Illini-Scapes at the subject property.

They would use the site for storage of landscaping materials, equipment, offices, and related operations. Employees would visit the site to get materials. The site would not be open to customers.

The business would be open from 6:00 a.m. until 6:00 p.m. Monday through Friday during the growing season and everyday for twenty-four hours (24) during snow events in the winter. The business has a maximum of fifteen (15) employees, during the busy season, and two (2) employees year-round. Employees either report to the subject property or report directly to job sites.

The site plan shows one (1) approximately one thousand three hundred seventy (1,370) square foot material bin area and one (1) approximately three thousand five hundred (3,500) square foot hard goods storage area near the eastern property line. One (1) approximately five hundred (500) square foot material storage bin was shown near the southern property line. One (1) additional approximately three thousand three hundred (3,300) square

foot equipment and storage area is shown south of the existing accessory buildings. The Petitioner indicated that the piles of materials would not exceed ten feet (10') in height.

Equipment would be stored outdoors, when the business is closed.

The Petitioner intends to grow nursery stock in the future.

The subject property presently has one (1) approximately three thousand three hundred (3,300) square foot house, constructed in 1875, one (1) frame garage, two (2) metal frame accessory buildings, and one (1) outhouse onsite that is used as decoration and gardening shed.

The site plan shows two (2) future greenhouses, one (1) approximately one thousand one hundred (1,100) square feet in size and one (1) approximately one thousand fifty (1,050) square feet in size.

Any structures related to the landscaping business, other than the greenhouses, would be required to obtain applicable building permits. However, at this time, no additional structures, besides the greenhouses, are proposed.

The well is located southwest of the house. The septic area is located east of the house, between the proposed employee parking area and the southern most greenhouse. The property is served by electricity and natural gas.

One (1) dumpster area is proposed east of the western most equipment and storage area. Given its location on the property and proposed perimeter screening around the property, the Petitioner did not propose any screening specifically for the dumpster area.

The property drains towards Wooley Road.

The site plan shows a drainage system along the east and northeast side of the property.

The Petitioners submitted an application for a stormwater management permit. WBK submitted a review letter requesting additional information and clarification. This letter was provided. The Petitioner's engineer submitted a response on June 5, 2024, including a revised site plan addressing WBK's comments. This letter was provided. WBK Engineering submitted a second letter requesting additional information. This letter was provided.

Per the site plan, the property has a gravel driveway. The Petitioner plans to install a turnaround area at the south end of the driveway.

According to the site plan, the Petitioner proposes a gravel parking lot with ten (10) parking spaces located north of the turnaround area. One (1) ADA accessible parking space is required. The Petitioner intends to use a vehicular rated permeable paver to meet this requirement.

In addition, the Petitioner proposes an approximately one thousand seven hundred fifty square foot (1,750) truck and trailer parking area south of the turnaround area. This lot would also be gravel.

No lighting was planned for the property.

No signage was proposed.

The property presently has a fence along the perimeter as shown in several of the pictures and the landscaping plan.

The landscaping plan shows six (6) existing maple trees, two (2) existing willow thirty-two (32) existing spruce trees, two (2) existing birch trees two (2) existing oak trees, and several existing evergreen trees.

The Petitioner proposes to add twenty-six (26) purple coneflowers, three (3) six foot (6') service berries, trellised English ivy, and five (5) six foot (6') Nigra arborvitae.

The Petitioner plans to install landscaping within one (1) year of the approval of special use permit.

No information was provided regarding noise control.

No information was provided regarding odor control.

If approved, this would be the twenty-first (21st) special use permit for a landscaping business in unincorporated Kendall County.

The proposed Findings of Fact 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. Numerous landscaping businesses have been approved throughout unincorporated Kendall County, including one (1) at 655 Wooley Road. The proposed use is along Wooley Road, which is classified as a minor collector. Reasonable restrictions can be placed in the special use permit to ensure the health, safety, and general welfare of the area are protected.

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. The use will not impede farms or residential uses on the adjoining properties. Reasonable restrictions may be placed on the special use permit to address hours of operation, noise, landscaping, and site layout to prevent neighboring property owners are not negatively impacted by the proposed use.

Adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. The proposal states that customers will not come to the property. Given the limited number of employees reporting to the property, adequate utilities, access roads, and ingress/egress exists. A stormwater permit and conditions in the special use permit can address concerns related to drainage.

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. This is true.

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 proposal is also consistent with a goal and objective found

on page 6-34 of the Land Resource Management Plan, “A strong base of agriculture, commercial and industrial uses that provide a broad range of job opportunities, a healthy tax base, and improved quality of services to County residents.” “Encourage opportunities for locally owned business.” In addition, the future land use map calls for this property to be Mixed Use Business. Similar types of uses were planned for the subject property and properties in the vicinity of the subject property.

Staff recommended approval of the requested special use permit subject to the following conditions and restrictions. As of the date of this memo, the Petitioner has not agreed to these conditions and restrictions:

1. The site shall be developed substantially in accordance with the submitted site plan and landscaping plan.
2. Within ninety (90) days of the approval of the special use permit, the owners of the subject property shall dedicate a strip of land ~~thirty-three feet (33')~~ **forty feet (40')** in depth along the northern property line to Oswego Township. The Kendall County Planning, Building and Zoning Committee may grant an extension to this deadline. **(Amended at ZPAC)**
3. The location and size of the septic system should be assessed to determine if the system is placed and sized properly for the use allowed by this special use permit. **(Added at ZPAC)**
4. Equipment and vehicles related to the business allowed by the special use permit may be stored outdoors at the subject property when the business is closed.
5. 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.
6. 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.
7. 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.
8. Except for the purposes of loading and unloading, all landscape related materials shall be stored at the designated storage areas shown on the submitted site plan. The maximum height of the piles of landscaping related material shall be ten feet (10') in height. **(Clarified at ZPAC)**
9. A maximum of fifteen (15) 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.
10. No customers of the business allowed by the special use permit shall be invited onto the subject property for matters related to the business allowed by the special use permit.
11. The hours of operation of the business allowed by this special use permit shall be Monday through Friday from 6:00 a.m. until 6:00 p.m. and the business shall be open twenty-four (24) hours to address snow events. The owners of the business allowed by this special use permit may reduce these hours of operation.
12. 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. This restriction does not apply to greenhouses.

13. No signs are shown on the site plan. The owner of the business allowed by the special use permit may request a sign in the future using the minor amendment process, provided that the proposed sign meets the requirements of the Kendall County Zoning Ordinance.
14. Only lighting related to security may be installed outdoors at the subject property.
15. 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.
16. The vegetation described in the landscaping plan shall be installed within one (1) year 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. Materials and vegetation stored in the greenhouses and material storage area shall not be subject to this requirement and shall not be considered part of the landscaping plan.
17. No landscape waste generated off the property can be burned on the subject property.
18. 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 homes permitted prior to the date of the issuance of the special use permit shall have standing to file noise complaints.
19. 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.
20. The owners of the business allowed by this special use permit acknowledge and agree to follow Kendall County's Right to Farm Clause.
21. 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, including, but not limited to, installed the applicable number of ADA required parking spaces.
22. 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.

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

24. This special use permit shall be treated as a covenant running with the land and is binding on the successors, heirs, and assigns as to the same special use conducted on the property.

Member Bernacki asked if the parcel to the west of the subject property was Residential. Mr. Asselmeier responded that the parcel was Commercial on the Land Resource Management Plan.

Member Casey asked if the Petitioner lived in the house. Alex Schuster, Petitioner responded yes.

Member Casey asked the length of the driveway. Mr. Schuster responded that the house was approximately one hundred eighty feet (180') from the road.

Member Wilson asked if the business was currently operating at the property. Mr. Schuster responded yes. Member Wilson asked how long the business had been operating at the property. Mr. Schuster responded they moved in December 2022. Member Wilson asked if the Petitioner attempted to make an application for a special use permit prior to the current application. Mr. Schuster responded no; he was under the impression from his Realtor that a landscaping business was allowed at the property. Mr. Schuster said that the County notified him that a special use permit was required to operate a landscaping business at the property.

Member Wormley made a motion, seconded by Member Nelson, to recommend approval of the special use permit.

The votes were as follows:

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

The motion carried

The proposal goes to the Kendall County Zoning Board of Appeals on July 1, 2024.

CITIZENS TO BE HEARD/PUBLIC COMMENT

None

OTHER BUSINESS/ANNOUNCEMENTS

Chairman Ashton announced that a proposed amendment to the pipeline depth regulations will be on the agenda for the July meeting. Member Nelson discussed the TransCanada project in Kendall County. The proposal would require pipelines to be buried at least five feet (5') in the ground as measured from the top of the pipe.

Mr. Asselmeier reported that the owner of 7789 Route 47 wants a waiver to the landscaping requirements as part of site plan review.

Member Casey asked about an asphalt business on Route 52. Mr. Asselmeier responded that the Department was investigating the matter.

Member Bernacki reported that the Village of Plainfield discussed a development at the northwest corner of Ridge Road and Johnson Road. The proposal was condos and mixed use with industrial on the western portion; the proposal was denied by the Village Trustees. Discussion occurred regarding industrial going west of Ridge Road and planned infrastructure improvements in the area.

Member Nelson reported that the City of Plano has hired Teska Associates to update their Comprehensive Plan. Member Nelson was of the opinion that, since the Microsoft data center announcement, the drive for more solar panels outside of Plano will slow. Discussion occurred regarding a new transformer along the railroad tracks near Corneils Road.

Member Bernacki asked about the proposed solar farm on Simons Road. Mr. Asselmeier stated that the proposal was laid over at the Petitioner's request until the July 29, 2024, zoning hearing.

ADJOURNMENT

Member Bernacki made a motion, seconded by Member McCarthy-Lange, to adjourn. With a voice vote of nine (9) ayes, the motion carried.

The Kendall County Regional Planning Commission meeting adjourned at 7:56 p.m.

Respectfully submitted by,
Matthew H. Asselmeier, AICP, CFM, Director
Encs.



**KENDALL COUNTY
REGIONAL PLANNING COMMISSION
JUNE 26, 2024**

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

NAME	ADDRESS (OPTIONAL)	EMAIL ADDRESS (OPTIONAL)
ALEX SCHUSTER		
Michael Korst		
Jim Filotto		
Marcia Ranson		
[Handwritten Signature]		



June 24, 2024

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

Subject: 2142 Wooley Road- WBK Project 19-102.CA

Dear Mr. Asselmeier:

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


- Site Improvement Plans – Shuster Residence prepared by Rivercrest Consulting dated April 18, 2024 and received June 11, 2024
- Response Letter prepared by Riverside Consulting dated June 5, 2024 and received June 11, 2024

The following comments require resolution prior to plan approval and our recommendation for issuance of a stormwater permit.

1. Submit a stormwater permit application (see attached).
2. Gravel is considered an impervious surface particularly when used as a driving surface or for parking. Revise the charts accordingly.
3. Depict the swale cross section along the east property line and calculate design flows and swale capacity.
4. Revise grading so the southernmost portion of the site (Proposed 525 Sf material storage bin and hardwood storage area) drain towards the proposed gravel turn around and not off-site.
5. Yard inlets are noted in the response letter but clean outs are called out on the plan along with a bubbler. Provide details for these elements so the intent is clear.
6. Depict silt fence along the east property line and at the southerly end where flow is directed. Also provide inlet protection for any yard drains or inlets.
7. Clearly depict and locate the extent of septic tanks and septic field within the project limits. It appears proposed improvements may impact existing facilities.

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



June 24, 2024

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

Subject: 2142 Wooley Road- WBK Project 19-102.CA

Dear Mr. Asselmeier:

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


- Site Improvement Plans – Shuster Residence prepared by Rivercrest Consulting dated April 18, 2024 and received June 11, 2024
- Response Letter prepared by Riverside Consulting dated June 5, 2024 and received June 11, 2024

The following comments require resolution prior to plan approval and our recommendation for issuance of a stormwater permit.

1. Submit a stormwater permit application (see attached).
2. Gravel is considered an impervious surface particularly when used as a driving surface or for parking. Revise the charts accordingly.
3. Depict the swale cross section along the east property line and calculate design flows and swale capacity.
4. Revise grading so the southernmost portion of the site (Proposed 525 Sf material storage bin and hardwood storage area) drain towards the proposed gravel turn around and not off-site.
5. Yard inlets are noted in the response letter but clean outs are called out on the plan along with a bubbler. Provide details for these elements so the intent is clear.
6. Depict silt fence along the east property line and at the southerly end where flow is directed. Also provide inlet protection for any yard drains or inlets.
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