

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
September 3, 2024 – 7:00 p.m.

CALL TO ORDER

Chairman Randy Mohr called the Zoning Board of Appeals meeting to order at 7:01 p.m.

ROLL CALL:

Members Present: Scott Cherry, Cliff Fox, Tom LeCuyer, Randy Mohr, Jillian Prodehl, Dick Thompson, and Dick Whitfield

Members Absent: None

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

Others Present: Dan Kramer, Scott Hill, and Seth Wormley

PETITIONS:

Chairman Mohr swore in Dan Kramer, Scott Hill, and Seth Wormley.

The Zoning Board of Appeals started their review of Petition 24-23 at 7:12 p.m.

Petition 24 – 23 – Seth Wormley on Behalf of the Richard Budd Wormley Revocable Living Trust (Owner) and Matthew D. Toftoy on Behalf of Finer Finish Grounds Care, LLC (Tenant)

Request: Special Use Permit for a Landscaping Business

PINs: 04-04-400-015 (Part) and 04-04-400-016 (Part)

Location: 6891 Fox River Drive, Yorkville in the Village of Millbrook

Purpose: Petitioner Wants to Lease and Operate a Landscaping Business at the Property; Property is Zoned A-1

Mr. Asselmeier summarized the request.

The Petitioners are seeking a special use permit for a landscaping business, including allowing outdoor storage of equipment.

The application materials, site plan, and pictures of the property were provided.

The property is located at 6891 Fox River Drive, Yorkville, inside the Village of Millbrook.

The proposed special use area of the property was approximately three point two (3.2) acres in size.

The existing land use of the property is Agricultural.

The property is zoned A-1 by the Village of Millbrook.

Millbrook Plan calls for the property to be Low Density Residential (Max 0.65 DU/Acre).

Fox River Drive is a Major Collector maintained by Kendall County.

The County has a trail planned along Fox River Drive.

There are no floodplains or wetlands on the portion of the parcels where the special use is proposed.

The adjacent properties are Agricultural and Single-Family Residential. The Fox River is located west of the subject property.

The adjacent properties are zoned A-1 in the County and A-1 inside the Village of Millbrook.

The County's Land Resource Management Plan calls for the area to be Countryside Residential (Max 0.33 DU/Acre) and Open Space. Millbrook's Future Land Use Map calls for the area to be Low Density Residential, Open Space, and Forest Preserve.

The properties within one half (1/2) of a mile are zoned A-1 and A-1 BP in the County and A-1 inside Millbrook.

Approximately eight (8) houses are located within a half mile (0.5) miles of the subject property.

The Millbrook North Forest Preserve is located within a half mile (0.5) miles of the subject property.

EcoCAT Report was submitted on July 18, 2024, and while some protected resources were in the area, the opinion was that adverse impacts were unlikely.

The NRI application was submitted on July 19, 2024. The LESA Score was 163 indicating a low level of protection. The NRI Report was provided.

Petition information was sent to Fox Township on July 30, 2024. No comments were received.

Petition information was sent to the Village of Millbrook on July 30, 2024. No comments were received.

Petition information was sent to the Little Rock-Fox Fire Protection District on July 30, 2024. No comments were received.

ZPAC reviewed this proposal at their meeting on August 6, 2024. The Petitioner's Attorney requested that the condition setting a maximum number of employees be removed. The Petitioner's Attorney was agreeable to the other conditions. The conditions would be amended to correct a typographical error to allow outdoor storage of equipment when the business is closed. The reference to greenhouses in the condition pertaining to building permits would also be removed. The Health Department offered to assist the Petitioners, if the Petitioners wished to install a septic system at the property in the future. ZPAC recommended approval of the proposal with the removal of the condition pertaining to the maximum number of employees, the correction of the condition to allow outdoor storage of equipment when the business is closed, and the removal of the reference to greenhouses in the condition pertaining to building permits by a vote of seven (7) in favor, zero (0) in opposition, one (1) abstention, and (2) members absent. The minutes of the meeting were provided.

The Kendall County Regional Planning Commission reviewed this proposal at their meeting on August 28, 2024. Discussion occurred regarding the removal of the condition capping the maximum number of employees; the condition was removed in order to allow the business to grow in the future. It was also noted that several other landscaping businesses have conditions in their special use permits allowing outside storage. The Kendall County Regional Planning Commission recommended approval of the proposal with the conditions proposed by Staff by a vote of seven (7) in favor, zero (0) in opposition, one (1) abstention, and (2) members 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 Millbrook Village Board approves the outdoor storage of equipment, the above conditions have been met.

As noted in the project narrative, the Petitioners would like to operate Finer Finish Ground Care, LLC at the subject property. The landscaping business would lease the property from the property owner.

They would use the site for storage equipment. Employees would visit the site to get equipment. The business' main office is located offsite. The site would not be open to customers.

The business would be open from 7:00 a.m. until 6:00 p.m. daily and daily for twenty-four hours (24) during snow events in the winter. The business has a maximum of ten (10) employees.

The site plan shows one (1) approximately three thousand two hundred twenty-eight (3,228) square foot metal barn, one (1) approximately one thousand one hundred fifty (1,150) square foot frame barn, one (1) approximately one thousand eight hundred (1,800) square foot metal barn, and one (1) approximately six hundred ten (610) square foot frame barn. There would be no outdoor storage of landscape materials; equipment would be stored outdoors.

Equipment consists of pickup trucks, trailers, side-by-sides, mowers, water tanks, small utility tractors, riding mowers, and skid steers. These items would be stored outdoors, when the business is closed.

Many of the buildings on the subject property appear on the 1939 and subsequent year aerials.

No new buildings are planned as part of the special use permit.

Any structures related to the landscaping business would be required to obtain applicable building permits.

The property is served by a well on an adjoining property. There is no septic system on the property and a septic system is not planned. Electricity is on site.

One (1) dumpster area is proposed on the "concrete pad" area labeled on the site plan.

The property drains towards southwest.

Because the Petitioners are not proposing outdoor storage and because the buildings and impervious areas appear on the 1939 aerial, no stormwater permit is required.

Per the site plan, the property has a gravel driveway.

According to the site plan, the Petitioners proposes a gravel parking lot with twelve (12) parking spaces, including one (1) ADA accessible parking space.

No new lighting was planned for the property. There are wall pack lights that light the driveway and building entrances.

No signage was proposed.

The property presently has cameras on the main buildings.

No landscaping besides the existing mature plantings and pines that are visible in several of the pictures is planned.

No information was provided regarding noise control.

No information was provided regarding odor control.

If approved, this would be the first (1st) special use permit for a landscaping business in the Village of Millbrook.

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. The proposed use is along Fox River Drive, which is classified as a major 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. The proposal does not call for outdoor storage of materials.

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 7-26 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."

Staff recommended approval of the requested special use permit subject to the following conditions and restrictions.

1. The site shall be developed substantially in accordance with the site plan.
2. Equipment and vehicles related to the business allowed by the special use permit may ~~not~~ be stored outdoors at the subject property when the business is closed (**Corrected at ZPAC**).

3. 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.
4. 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.
5. 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.
6. Except for the purposes of loading and unloading, all landscape related materials shall be stored indoors.
- ~~7. A maximum of ten (10) 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. (Deleted at ZPAC)~~
8. 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.
9. The hours of operation of the business allowed by this special use permit shall be daily from 7:00 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.
10. 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.~~ (Corrected at ZPAC).
11. 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.
12. Only lighting related to security may be installed outdoors at the subject property.
13. No landscape waste generated off the property can be burned on the subject property.
14. 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.

15. 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.
16. The owners of the business allowed by this special use permit acknowledge and agree to follow Kendall County's Right to Farm Clause.
17. 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.
18. 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.
19. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
20. 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.

Chairman Mohr asked if signs were requested. Mr. Asselmeier responded no signs were requested.

Chairman Mohr asked if there were any substantial changes to site from the current layout shown in the aerial. Mr. Asselmeier said no changes would occur.

Chairman Mohr opened the public hearing at 7:21 p.m.

Dan Kramer, Attorney for the Petitioner, commended the Petitioner for obtaining the special use permit at their own initiative. The property has been used as a landscaping business for some time. The only

change to the site was the addition of the handicapped accessible parking space. Office operations are not run at the site and no customers come to the property. Mr. Kramer explained the Intergovernmental Agreement with Millbrook.

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

There is no well onsite. Water to the site is provided by another property owned by the Petitioner across Fox River Drive. The water line had been replaced and upgraded recently.

Member Fox made a motion, seconded by Member LeCuyer, to approve the findings of fact.

The votes were as follows:

Ayes (7): Cherry, Fox, LeCuyer, Mohr, Prodehl, Thompson, and Whitfield

Nays (0): None

Abstain (0): None

Absent (0): None

The motion carried.

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

The votes were as follows:

Ayes (7): Cherry, Fox, LeCuyer, Mohr, Prodehl, Thompson, and Whitfield

Nays (0): None

Abstain (0): None

Absent (0): None

The motion carried.

The proposal goes to the Millbrook Village Board on September 24, 2024.

The Zoning Board of Appeals completed their review of Petition 24-26 at 7:25 p.m.

PUBLIC COMMENTS

Mr. Asselmeier reported the rezoning request at 10835 Legion Road, the review of the special use permit for the solar project on Simons Road, and the approval of the 2025 meeting calendar were the only agenda items for the September 30th hearing.

The Seward Township LRMP amendment is on the Planning, Building and Zoning Committee on September 9, 2024. Seward Township indicated that they wanted to meet on the matter again in the middle of September. The Planning, Building and Zoning Committee will have to decide if another extension should be granted or if a vote will occur.

ADJOURNMENT OF THE ZONING BOARD OF APPEALS

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

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

The Zoning Board of Appeals meeting adjourned at 7:31 p.m.

The next regularly scheduled meeting/hearing will be on Monday, September 30, 2024.

Respectfully submitted by,
Matthew H. Asselmeier
Planning, Building and Zoning Director

Exhibits

1. Memo on Petition 24-23 Dated August 29, 2024
2. Certificate of Publication for Petition 24-23 (Not Included with Report but on file in Planning, Building and Zoning Office)



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 203

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

Petition 24-23

**Seth Wormley on Behalf of the Richard Budd Wormley Revocable Living Trust (Owner) and Matthew D. Toftoy on Behalf of Finer Finish Grounds Care, LLC (Tenant)
A-1 Special Use Permit for Landscaping Business**

INTRODUCTION

The Petitioners are seeking a special use permit for a landscaping business, including allowing outdoor storage of equipment.

The application materials are included as Attachment 1. The site plan is included as Attachment 2. Pictures of the property are included as Attachments 3-6.

SITE INFORMATION

PETITIONERS: Seth Wormley on Behalf of the Richard Budd Wormley Revocable Living Trust (Owner) and Matthew D. Toftoy on Behalf of Finer Finish Grounds Care, LLC

ADDRESS: 6891 Fox River Drive, Yorkville, Inside the Village of Millbrook

LOCATION: Approximately 1 Mile South of Fox Road on the West Side of Fox River Drive



TOWNSHIP: Fox

PARCEL #s: Parts of 04-04-400-015 and 04-04-400-016

LOT SIZE: 3.22 +/- Acres (Special Use Area)

EXISTING LAND USE: Agricultural

ZONING: Millbrook A-1

LRMP: Future Land Use	Low Density Residential (Max 0.65 DU/Acre) (Millbrook)
Roads	Fox River Drive is a Major Collector maintained by Kendall County.
Trails	The County has a trail planned along Fox River Drive.
Floodplain/Wetlands	There are no floodplains or wetlands on the portion of the parcels where the special use is proposed.

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 and Single-Family Residential	A-1 (County) A-1 (Millbrook)	Countryside Residential (Max 0.33 DU/Acre) (County)	A-1 and A-1 BP (County)
			Low Density Residential (Millbrook)	A-1 (Millbrook)
South	Agricultural	A-1 (County) A-1 (Millbrook)	Countryside Residential and Open Space (County)	A-1 (County)
			Low Density Residential and Forest Preserve (Millbrook)	A-1 (Millbrook)
East	Agricultural and Single Family Residential	A-1 (County) A-1 (Millbrook)	Countryside Residential and Open Space (County)	A-1 (County)
			Low Density Residential (Millbrook)	A-1 (Millbrook)
West	Fox River and Single-Family Residential	A-1 (County) A-1 (Millbrook)	Countryside Residential (County)	A-1 (County)
			Low Density Residential and Open Space (Millbrook)	A-1 (Millbrook)

Approximately eight (8) houses are located within a half mile (0.5) miles of the subject property.

The Millbrook North Forest Preserve is located within a half mile (0.5) miles of the subject property.

PHYSICAL DATA

ENDANGERED SPECIES REPORT

EcoCAT Report was submitted on July 18, 2024, and while some protected resources were in the area, the opinion was that adverse impacts were unlikely (see Attachment 1, Pages 25-26).

NATURAL RESOURCES INVENTORY

The NRI application was submitted on July 19, 2024 (see Attachment 1, Page 24). The LESA Score was 163 indicating a low level of protection. The NRI Report is included as Attachment 8.

ACTION SUMMARY

FOX TOWNSHIP

Petition information was sent to Fox Township on July 30, 2024.

VILLAGE OF MILLBROOK

Petition information was sent to the Village of Millbrook on July 30, 2024.

LITTLE ROCK-FOX FIRE PROTECTION DISTRICT

Petition information was sent to the Little Rock-Fox Fire Protection District on July 30, 2024.

ZPAC

ZPAC reviewed this proposal at their meeting on August 6, 2024. The Petitioner's Attorney requested that the condition setting a maximum number of employees be removed. The Petitioner's Attorney was agreeable to the other conditions. The conditions would be amended to correct a typographical error to allow outdoor storage of equipment when the business is closed. The reference to greenhouses in the condition pertaining to building permits would also be removed. The Health Department offered to assist the Petitioners, if the Petitioners wished to install a septic system at the property in the future. ZPAC recommended approval of the proposal with the removal of the condition pertaining to the maximum number of employees, the correction of the condition to allow outdoor storage of equipment when the business is closed, and the removal of the reference to greenhouses in the condition pertaining to building permits by a vote of seven (7) in favor, zero (0) in opposition, one (1) abstention, and (2) members absent. The minutes of the meeting are included as Attachment 7.

RPC

The Kendall County Regional Planning Commission reviewed this proposal at their meeting on August 22, 2024. Discussion occurred regarding the removal of the condition capping the maximum number of employees; the condition was removed in order to allow the business to grow in the future. It was also noted that several other landscaping businesses have conditions in their special use permits allowing outside storage. The Kendall County Regional Planning Commission recommended approval of the proposal with the conditions proposed by Staff by a vote of seven (7) in favor, zero (0) in opposition, one (1) abstention, and (2) members absent. The minutes of the meeting are included as Attachment 9.

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 Millbrook Village Board approves the outdoor storage of equipment, the above conditions have been met.

BUSINESS OPERATIONS

As noted in the project narrative contained in Attachment 1 on Pages 4 and 5, the Petitioners would like to operate Finer Finish Ground Care, LLC at the subject property. The landscaping business would lease the property from the property owner.

They would use the site for storage equipment. Employees would visit the site to get equipment. The business' main office is located offsite. The site would not be open to customers.

The business would be open from 7:00 a.m. until 6:00 p.m. daily and daily for twenty-four hours (24) during snow events in the winter. The business has a maximum of ten (10) employees.

The site plan (Attachment 2) shows one (1) approximately three thousand two hundred twenty-eight (3,228) square foot metal barn, one (1) approximately one thousand one hundred fifty (1,150) square foot frame barn, one (1) approximately one thousand eight hundred (1,800) square foot metal barn, and one (1) approximately six hundred ten (610) square foot frame barn. There would be no outdoor storage of landscape materials; equipment would be stored outdoors.

Equipment consists of pickup trucks, trailers, side-by-sides, mowers, water tanks, small utility tractors, riding mowers, and skid steers. These items would be stored outdoors, when the business is closed.

BUILDINGS AND BUILDING CODES

Many of the buildings on the subject property appear on the 1939 and subsequent year aerials.

No new buildings are planned as part of the special use permit.

Any structures related to the landscaping business would be required to obtain applicable building permits.

ENVIRONMENTAL HEALTH

The property is served by a well on an adjoining property. There is no septic system on the property and a septic system is not planned. Electricity is on site.

One (1) dumpster area is proposed on the "concrete pad" area labeled on the site plan.

STORMWATER

The property drains towards southwest.

Because the Petitioners are not proposing outdoor storage and because the buildings and impervious areas appear on the 1939 aerial, no stormwater permit is required.

ACCESS

Per the site plan (Attachment 2), the property has a gravel driveway.

PARKING AND INTERNAL TRAFFIC CIRCULATION

According to the site plan (Attachment 2), the Petitioners proposes a gravel parking lot with twelve (12) parking spaces, including one (1) ADA accessible parking space.

LIGHTING

No new lighting was planned for the property. There are wall pack lights that light the driveway and building entrances.

SIGNAGE

No signage was proposed.

SECURITY

The property presently has cameras on the main buildings.

LANDSCAPING

No landscaping besides the existing mature plantings and pines that are visible in several of the pictures is planned.

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 first (1st) special use permit for a landscaping business in the Village of Millbrook.

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. The proposed use is along Fox River Drive, which is classified as a major 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. The proposal does not call for outdoor storage of materials.

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 7-26 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."

RECOMMENDATION

Staff recommends approval of the requested special use permit subject to the following conditions and restrictions.

1. The site shall be developed substantially in accordance with the attached site plan (Attachment 2).
2. Equipment and vehicles related to the business allowed by the special use permit may ~~not~~ be stored

outdoors at the subject property when the business is closed (**Corrected at ZPAC**).

3. 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.
4. 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.
5. 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.
6. Except for the purposes of loading and unloading, all landscape related materials shall be stored indoors.

~~7. A maximum of ten (10) 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. (Deleted at ZPAC)~~

8. 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.
9. The hours of operation of the business allowed by this special use permit shall be daily from 7:00 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.
10. 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. (Corrected at ZPAC)**.
11. 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.
12. Only lighting related to security may be installed outdoors at the subject property.
13. No landscape waste generated off the property can be burned on the subject property.

14. 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.

15. 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.

16. The owners of the business allowed by this special use permit acknowledge and agree to follow Kendall County's Right to Farm Clause.
17. 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.
18. 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.
19. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
20. 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. Looking South
4. Looking Southwest
5. Looking West
6. Looking North
7. August 6, 2024, ZPAC Meeting Minutes (This Petition Only)
8. NRI Report
9. August 28, 2024, Kendall County Regional Planning Commission Minutes (This Petition Only)



DEPARTMENT OF PLANNING, BUILDING & ZONING

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

APPLICATION

PROJECT NAME Finer Finish Grounds Care, LLC **FILE #:** _____

NAME OF APPLICANT (Including First, Middle Initial, and Last Name)		
Richard Budd Wormley Revocable Living Trust and Finer Finish Grounds Care, LLC		
CURRENT LANDOWNER/NAME(s)		
Richard Budd Wormley Revocable Living Trust		
SITE INFORMATION	SITE ADDRESS OR LOCATION	ASSESSOR'S ID NUMBER (PIN)
ACRES 3.2243 acres	650 Fox River Drive Yorkville, Illinois 60560	part of 04-04-400-015 part of 04-04-400-016
EXISTING LAND USE	CURRENT ZONING	LAND CLASSIFICATION ON LRMP
Agricultural Far	A-1 Agricultural	A-1 Agricultural
REQUESTED ACTION (Check All That Apply):		
<input checked="" type="checkbox"/> SPECIAL USE ___ MAP AMENDMENT (Rezone to ___) ___ VARIANCE ___ ADMINISTRATIVE VARIANCE ___ A-1 CONDITIONAL USE for: _____ ___ SITE PLAN REVIEW ___ TEXT AMENDMENT ___ RPD (___ Concept; ___ Preliminary; ___ Final) ___ ADMINISTRATIVE APPEAL ___ PRELIMINARY PLAT ___ FINAL PLAT ___ OTHER PLAT (Vacation, Dedication, etc.) AMENDMENT TO A SPECIAL USE (___ Major; ___ Minor)		
PRIMARY CONTACT	PRIMARY CONTACT MAILING ADDRESS	PRIMARY CONTACT EMAIL
Daniel J. Kramer	[REDACTED]	[REDACTED]
PRIMARY CONTACT PHONE #	PRIMARY CONTACT FAX #	PRIMARY CONTACT OTHER #(Cell, etc.)
[REDACTED]	[REDACTED]	
ENGINEER CONTACT	ENGINEER MAILING ADDRESS	ENGINEER EMAIL
NONE		
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]		7-19-2024

FEE PAID: \$ _____
 CHECK #: _____

¹Primary Contact will receive all correspondence from County
²Engineering 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 Finer Finish Grounds Care, LLC **FILE #:** _____

NAME OF APPLICANT (Including First, Middle Initial, and Last Name)		
Richard Budd Wormley Revocable Living Trust and Finer Finish Grounds Care, LLC		
CURRENT LANDOWNER/NAME(s)		
Richard Budd Wormley Revocable Living Trust		
SITE INFORMATION	SITE ADDRESS OR LOCATION	ASSESSOR'S ID NUMBER (PIN)
ACRES 3.2243 acres	6850 Fox River Drive Yorkville, Illinois 60560	part of 04-04-400-015 part of 04-04-400-016
EXISTING LAND USE	CURRENT ZONING	LAND CLASSIFICATION ON LRMP
Agricultural Far	A-1 Agricultural	A-1 Agricultural
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.)
AMENDMENT TO A SPECIAL USE (<input type="checkbox"/> Major; <input type="checkbox"/> Minor)		
PRIMARY CONTACT	PRIMARY CONTACT MAILING ADDRESS	PRIMARY CONTACT EMAIL
Daniel J. Kramer	[REDACTED]	[REDACTED]
PRIMARY CONTACT PHONE #	PRIMARY CONTACT FAX #	PRIMARY CONTACT OTHER #(Cell, etc.)
[REDACTED]	[REDACTED]	
¹ENGINEER CONTACT	ENGINEER MAILING ADDRESS	ENGINEER EMAIL
NONE		
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]		7-22-24

 FEE PAID: \$ _____
 CHECK #: _____

¹Primary Contact will receive all correspondence from County

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

Wormley Special Use Findings of Fact

1. The operation of the Special has not and will not endanger any public health, safety, morals, comfort or general welfare. To the contrary it provides both employment and Landscape services to area customers and is operated by local Citizens who are multi-generational Residents of Kendall County and continues the orderly expansion of a local landscaping business that hires local Kendall County Employees in a quasi-agricultural endeavor to promote economic success for both the Applicant and Kendall County and County customers.
2. The Special Use will not substantially be injurious to the use and enjoyment of surrounding properties. The property in an agricultural area. There are many agricultural/landscaping/nursery businesses scattered in the agricultural zoning throughout the County.
3. Fox River Drive is a hard surface Road and provides adequate ingress and egress for all vehicles entering and leaving the subject property. There are not heavy ingress and egress uses with only employees arriving in the morning to pick-up equipment, leaving for jobs and returning equipment in the late afternoon. The Applicant may do some snowplowing with lesser amount of employees in the winter. Drainage is easily handled on the subject property given the low density of existing Farm buildings, no new structures are planned.
4. Applicant fully expects to comply with all applicable regulations and Kendall County Zoning Applications for the anticipated Special Use.
5. The Application for the Special Use is totally consistent with the purpose and objectives of the Land Resource Management Plan as set out in the answer to the first paragraph above.

Business Information - Finer Finish Grounds Care, LLC

Number of Employees: 10

Hours of Operation: 7:00 am to 6:00 pm

No customers on-site

No new buildings

No septic on-site and no plans to add one

Parcel is served by underground water line from property owned across the street. No new well planned.

Matt Asselmeier

From: Seth Wormley
Sent: Thursday, July 25, 2024 3:29 PM
To: Matt Asselmeier
Cc: Christina Burns
Subject: RE: Wormley Trust Special Use

- 1.) Help with a Legal Description is fine.
- 2.) I don't believe we need this either. (Stormwater Permit)
- 3.) Pickup trucks (F-150- F550), trailers less than 25k GVWR, mowers, side by sides, water tanks, small utility tractors, Riding Mowers, and skid steers.
- 4.) The smallest building closest to the road is not part of the permit. This is a retired corn crib and not worth anything but looks.
- 5.) Business is open from 7am to 6pm with the exception for snow events when 24 business operations would exist.
- 6.) There is no bathroom or septic on site. In the past 7 years this has not been an issue. This site is used as storage for the business equipment and the main office is registered on Hughes rd. Emergency use is available on another parcel of land, but not part of this arrangement.
- 7.) There will be no signage
- 8.) There will no fencing.
- 9.) Refuse area is available on the concrete pad referenced on the site plan as 'concrete pad'. Although this landscape business does not bring any refuse to the site or dispose of any. The purpose of refuse area would be for future use if needed.
- 10.) The site is lighted with wall pack lights on the face of the buildings to light the drive and the entrances to the two main buildings, both of which have power. There is also security cameras on these buildings.
- 11.) There is no landscape plan besides the mature landscaping that exists on site which can be referenced on google maps. Large pines near the entrance of the property.

From: Matt Asselmeier <masselmeier@kendallcountyil.gov>
Sent: Thursday, July 25, 2024 9:01 AM
To: Seth Wormley <swormley@kendallcountyil.gov>
Cc: Christina Burns <cburns@kendallcountyil.gov>
Subject: RE: Wormley Trust Special Use

Seth:

Here are my comments and questions regarding the application:

1. I sent a request to GIS to confirm that the legal description matches the special use area since the special use area includes parts of 2 parcels.
2. In my opinion, a stormwater permit will not be required because the gravel areas and other hard surface areas appear on the 1939 aerial and subsequent aerials. Greg Chismark might have a different opinion.
3. The Zoning Ordinance requires that the types of vehicles and equipment be noted. What types of vehicles and equipment will be onsite?
4. Will all of the buildings shown on the plat be used as part of the special use permit.
5. The business plan has hours of operation from 7:00 a.m. to 6:00 p.m. Any plans to have the business open for 24 hours for snow removal?
6. What bathroom facilities will be provided to employees?

LEGAL DESCRIPTION:

That Part of the Southeast Quarter of Section 4, Township 36 North, Range 6 East of the Third Principal Meridian described using bearings referenced to the Illinois Coordinate System East Zone as follows: Commencing at a point on the South Line of the Southwest Quarter of Section 3 (Township and Range aforesaid) which is 349.80 feet Westerly of the Southeast Quarter of said Southwest Quarter; thence North 02°16'00" West parallel with the East Line of said Southwest Quarter, 2040.32 feet; thence South 89°04'25" West, 1844.21 feet to the center line of Fox River Drive; thence Southwesterly along said center line, 1568.50 feet for the point of beginning; thence North 58°18'14" West, 255.0 feet; thence South 90°00'00" West, 480.0 feet; thence South 00°00'00" West, 200.0 feet; thence North 90°00'00" East, 381.35 feet; thence South 58°18'14" East, 234.58 feet to said center line of Fox River Drive; thence Northeasterly along said center line of Fox River Drive, being a curve to the right with a radius of 34377.60 feet and a chord of North 31°30'32" East, 222.0 feet, an arc distance of 222.0 feet to the point of beginning, in Fox Township, Kendall County, Illinois.



201500002901

DEBBIE
GILLETTE
KENDALL COUNTY, IL

RECORDED: 2/26/2015 3:26 PM
DTR: 42.00
PAGES: 7

Recording Cover Page

This page added for the purposes of affixing Recording Information

Deed DATED JANUARY 10, 2013

Other _____

UCC

Plat

Remarks:

TO CLARIFY CHAIN OF TITLE, THIS DEED
IS BEING RE-RECORDED

AFTER RECORDING, RETURN TO:
ROBERT E NELSON





DEED IN TRUST

201300000864

NEBBIE
GILLETTE
KENDALL COUNTY, IL

RECORDED: 1/10/2013 2:18 PM
DTR: 50.00 RHSPS FEE: 10.00
PAGES: 5

THIS INDENTURE WITNESSETH, That the Grantor, RICHARD BUDD WORMLEY, (an un-married person) of the County of Kendall and State of Illinois for and in consideration of Ten (\$10 00) Dollars, and other good and valuable consideration in hand paid, Conveys and Quit Claims unto

Grantee, RICHARD BUDD WORMLEY, his successor or successors, as Trustee under a trust agreement dated the 18th day of October, 2000, known as Richard Budd Wormley Revocable Living Trust, the following described real estate in the County of Kendall and State of Illinois, to-wit

SEE LEGAL DESCRIPTION ON EXHBIT A ATTACHED HERETO AND MADE A PART HEREOF

PARCEL NUMBER 04 14 400 014, 04 04 400 015, 04 09 200 001, 04 10 100 002, and 04 03 300 003

ADDRESS OF REAL ESTATE 6910 Fox River Drive, Yorkville, IL 60560

TO HAVE AND TO HOLD the real estate with its appurtenances upon the trusts and for the uses and purposes herein and in the trust agreement set forth

Full power and authority is hereby granted to said trustee to subdivide and resubdivide the real estate or any part thereof, to dedicate parks, streets, highways or alleys and to vacate any subdivision or part thereof, to execute contracts to sell or exchange, or execute grants of options to purchase, to execute contracts to sell on any terms, to convey either with or without consideration, to convey the real estate or any part thereof to a successor or successors in trust and to grant to such successor or successors in trust all of the title, estate, powers and authorities vested in the trustee, to donate, to dedicate, to mortgage, or otherwise encumber the real estate, or any part thereof, to execute leases of the real estate, or any part thereof, from time to time, in possession or reversion, by leases to commence in praesenti or futuro, and upon any terms and for any period or periods of time, and to execute renewals or extensions of leases upon any terms and for any period or periods of time and to execute amendments, changes or modifications of leases and the terms and provisions thereof at any time or times hereafter, to execute contracts to make leases and to execute options to lease and options to renew leases and options to purchase the whole or any part of the reversion and to execute contracts respecting the manner of fixing the amount of present or future rentals, to execute grants of easements or charges of any kind, to release, convey or assign any right, title or interest in or about or easement appurtenant to the real estate or any part thereof, and to deal with the title to said real estate and every part thereof in all other ways and for such other considerations as it would be




lawful for any person owning the title to the real estate to deal with it, whether similar to or different from the ways above specified and at any time or times hereafter

In no case shall any party dealing with said trustee in relation to the real estate, or to whom the real estate or part thereof shall be conveyed, contracted to be sold, leased or mortgaged by the trustee, be obliged to see to the application of any purchase money, rent, or money borrowed or advanced on the real estate, or be obliged to see that the terms of the trust have been complied with, or be obliged to inquire into the necessity or expediency of any act of the trustee, or be obliged or privileged to inquire into any of the terms of the trust agreement, and every deed, trust deed, mortgage, lease or other instrument executed by the trustee in relation to the real estate shall be conclusive evidence in favor of every person relying upon or claiming under any such conveyance, lease or other instrument, (a) that at the time of the delivery thereof the trust created herein and by the trust agreement was in full force and effect, (b) that such conveyance or other instrument was executed in accordance with the trusts, conditions and limitations contained herein and in the trust agreement or in any amendments thereof and binding upon all beneficiaries, (c) that the trustee was duly authorized and empowered to execute and deliver every such deed, trust deed, lease, mortgage or other instrument and (d) if the conveyance is made to a successor or successors in trust, that such successor or successors in trust have been properly appointed and are fully vested with all the title, estate rights, powers, authorities, duties and obligations of its, his or their predecessor in trust


The interest of each beneficiary under the trust agreement and of all persons claiming under them or any of them shall be only in the possession, earnings, and the avails and proceeds arising from the sale, mortgage or other disposition of the real estate, and such interest is hereby declared to be personal property, and no beneficiary shall have any title or interest, legal or equitable, in or to the real estate as such, but only an interest in the possession, earnings, avails and proceeds thereof as aforesaid

IN WITNESS WHEREOF, the Grantor aforesaid has hereunto set his hand and seal this 10th day of January, 2013

 (SEAL)
Richard Budd Wormley

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

DATE Jan. 10, 2013



Signature of buyer, seller or representative


STATE OF ILLINOIS)
) SS
COUNTY OF KANE)


I, ROBERT E NELSON, a Notary Public in and for said County, in the state aforesaid, DO HEREBY CERTIFY that Richard Budd Wormley, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he signed, sealed and delivered the said instrument as his own free and voluntary act, for the uses and purposes therein set forth


Given under my hand and notarial seal this 10th day of JANUARY, 2013




Notary Public

GRANTEE'S ADDRESS
Richard Budd Wormley, Trustee


THIS INSTRUMENT PREPARED BY
Robert E Nelson


AFTER RECORDING, RETURN TO
Robert E Nelson



SEND TAX BILLS TO
Richard Budd Wormley, Trustee


EXHIBIT A

LEGAL DESCRIPTION

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 3, PART OF THE SOUTH HALF OF SECTION 4, PART OF THE NORTHEAST QUARTER OF SECTION 9 AND PART OF THE NORTHWEST QUARTER OF SECTION 10, ALL IN TOWNSHIP 36 NORTH, RANGE 6 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED USING BEARINGS REFERENCED TO THE ILLINOIS COORDINATE SYSTEM EAST ZONE AS FOLLOWS BEGINNING AT A POINT ON THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 3 WHICH IS 349 80 FEET WESTERLY OF THE SOUTHEAST CORNER OF SAID SOUTHWEST QUARTER, THENCE NORTH 02 DEGREES 16 MINUTES 00 SECONDS WEST PARALLEL WITH EAST LINE OF SAID SOUTHWEST QUARTER 2040 32 FEET, THENCE SOUTH 89 DEGREES 04 MINUTES 25 SECONDS WEST 1844 21 FEET TO THE CENTER LINE OF FOX RIVER DRIVE, THENCE SOUTHWESTERLY ALONG SAID CENTER LINE 947 22 FEET TO THE SOUTH LINE OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 4, AS MONUMENTED, THENCE SOUTH 89 DEGREES 00 MINUTES 32 SECONDS WEST 1391 77 FEET TO A STONE MONUMENT AT THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 4, THENCE NORTH 89 DEGREES 35 MINUTES 45 SECONDS WEST 49 42 FEET, THENCE NORTH 0 DEGREES 24 MINUTES 15 SECONDS EAST 276 0 FEET, THENCE NORTH 89 DEGREES 35 MINUTES 45 SECONDS WEST 288 70 FEET TO THE EASTERLY BANK OF THE FOX RIVER, THENCE SOUTHWESTERLY ALONG SAID RIVER BANK 1363 68 FEET TO THE NORTHERLY LINE OF A TRUST OF LAND CONVEYED TO JOHN H HUTCHINGS BY A WARRANTY DEED RECORDED JULY 25, 1966 AS DOCUMENT 152688, (THE FOLLOWING 5 COURSES BEING ALONG THE NORTHERLY AND WESTERLY LINES OF SAID HUTCHINGS TRACT AS MONUMENTED) THENCE SOUTH 56 DEGREES 05 MINUTES 04 SECONDS EAST 1781 30 FEET TO THE CENTER LINE OF FOX RIVER DRIVE, THENCE NORTHEASTERLY ALONG SAID CENTER LINE 778 52 FEET, THENCE SOUTH 60 DEGREES 46 MINUTES 13 SECONDS EAST 237 04 FEET, THENCE NORTH 31 DEGREES 52 MINUTES 49 SECONDS EAST 545 37 FEET, THENCE SOUTH 55 DEGREES 34 MINUTES 22 SECONDS EAST, 2387 00 FEET, THENCE NORTH 34 DEGREES 06 MINUTES 44 SECONDS EAST 999 00 FEET TO THE POINT OF BEGINNING, IN FOX TOWNSHIP, KENDALL COUNTY, ILLINOIS



Debbie Gillette
Kendall County Clerk & Recorder

PLAT ACT AFFIDAVIT OF METES AND BOUNDS

STATE OF ILLINOIS)
) SS
COUNTY OF KENDALL)

RICHARD BUOD WORMLEY, being duly sworn on oath, And further states that (please check the appropriate box)

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

- 1 The division or subdivision of land into parcels or tracts of 50 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 50 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 10 day of JANUARY, 2010

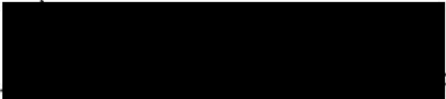
Signature of Notary Public



STATEMENT OF EXEMPTION
UNDER REAL ESTATE TRANSFER TAX LAW

I, THE UNDERSIGNED, DO HEREBY DECLARE THAT THE TRANSACTION REPRESENTED BY THE ATTACHED DEED IS EXEMPT UNDER THE PROVISIONS OF PARAGRAPH E IN SECTION 31-45 OF THE REAL ESTATE TRANSFER TAX LAW (35 ILCS 200/31-45).

DATE: FEB, 26, 2015

SIGNED:  _____

Being a purchaser, seller or
representative



QUIT CLAIM DEED

201300003330

**DEBBIE
GILLETTE
KENDALL COUNTY, IL**

RECORDED: 2/11/2013 1:21 PM
QCD: 284.75 RHSPS FEE: 18.00
PAGES: 4

88 98701

THE GRANTOR, James T Wormley (a married man) of the City of Woodstock, County of McHenry, State of Illinois, for and in consideration of TEN (\$10 00) DOLLARS and other good and valuable consideration in hand paid, CONVEYS AND QUIT CLAIMS to Richard Budd Wormley, of the [REDACTED]

[REDACTED] all the Grantor's interest in and to the following described real estate situated in the County of Kendall, in the State of Illinois, to wit

See legal description on Exhibit A attached hereto and made a part hereof

Address of property 6910 Fox River Drive, Yorkville, IL 60560

Permanent Index Numbers 04 14 400 014, 04 04 400 015, 04 09 200 001, 04 03 300 003, and 04 10 100 002

Note the real estate conveyed hereby is not used or occupied by the Grantor for residential purposes

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

Dated this 11 day of DECEMBER, 2012

[REDACTED] (SEAL)

James T Wormley

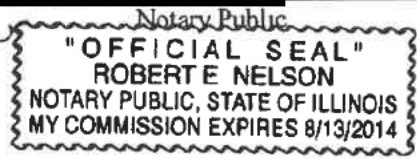


4

STATE OF ILLINOIS)
) SS
COUNTY OF KANE)

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, CERTIFY THAT James T Wormley, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that he signed, sealed and delivered the instrument as his 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 notarial seal, this 11 day of DECEMBER, 2012



GRANTEE'S ADDRESS
Richard Budd Wormley



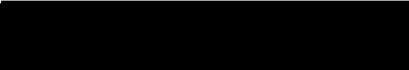
NAME AND ADDRESS OF PREPARER
Robert E Nelson
Nelson & Shea Ltd



SEND SUBSEQUENT TAX BILLS TO
Richard Budd Wormley



AFTER RECORDING, RETURN TO
Robert E Nelson
Nelson & Shea Ltd



COUNTY OF KENDALL
REAL ESTATE TRANSFER TAX
\$ 235.75 *lw*

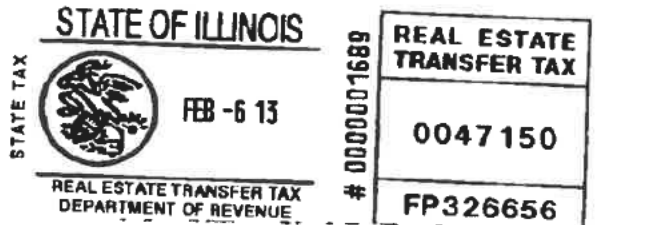


EXHIBIT A LEGAL DESCRIPTIONS

That part of the Southwest Quarter of Section 3, part of the Southeast Quarter of Section 4, part of the Northeast Quarter of Section 9 and part of the Northwest Quarter of Section 10, Township 36 North, Range 6 East of the Third Principal Meridian, described as follows: Beginning at a point on the south line of the Southwest Quarter of said Section 3 that is 349.80 feet westerly of the southeast corner of said Southwest Quarter; thence North $0^{\circ} 51' 25''$ West parallel with the east line of said Southwest Quarter 2040.32 feet; thence westerly along a line forming an angle of $91^{\circ} 20' 25''$ with the last described course (measured clockwise therefrom) 1844.12 feet to the center line of Fox River Drive; thence southerly along said center line 799.44 feet to the south line extended easterly of the North Half of the Southeast Quarter of said Section 4; thence North $89^{\circ} 34'$ West along said south line extended and said south line 1388.06 feet to a point that is 49.50 feet North $89^{\circ} 34'$ West of the southeast corner of the Northwest Quarter of said Southeast Quarter; thence North $0^{\circ} 42'$ East parallel with the east line of the Northwest Quarter of said Southeast Quarter 276.0 feet; thence North $89^{\circ} 34'$ West parallel with the south line of said North half 300 feet to the southeasterly bank of the Fox River; thence southwesterly along said southeasterly bank 1413 feet to a northwest corner of a tract of land conveyed to John H. Hutchings by Warranty Deed recorded July 25, 1966 as document 152688; thence South $54^{\circ} 42'$ East along a northeasterly line of said Hutchings' tract 1785 feet to the center line of Fox River Drive; thence North $32^{\circ} 07'$ East along said center line 778.50 feet; thence South $59^{\circ} 16'$ East along a northeasterly line of said Hutchings' tract 237.04 feet to an angle in the line of said Hutchings' tract; thence North $33^{\circ} 16'$ East along a northwesterly line of said Hutchings' tract 545.80 feet to an angle in the line of said Hutchings' tract; thence South $54^{\circ} 10'$ East along a northeasterly line of said Hutchings' tract and said northeasterly line extended southeasterly 2387.0 feet; thence North $35^{\circ} 31' 10''$ East 998.52 feet to the point of beginning, in Fox Township, Kendall County, Illinois.



TRUSTEE'S DEED

201200018880

DEED
GILLETTE
KENDALL COUNTY, IL

RECORDED: 10/1/2012 2:49 PM
INSD: 49.00 RNSPS FEE: 10.00
PAGES: 4

THIS INDENTURE, made this 26 day of September, 2012, by the GRANTOR, Jean W. Rothfusz, as Trustee of the Jean W. Rothfusz Survivor's Living Trust and as Trustee of the Paul W. Rothfusz Family Trust (said trusts originating in a certain trust agreement dated April 18, 2005, known as the Paul W. and Jean W. Rothfusz Living Trust),

WITNESSETH, that said Grantor, in consideration of the sum of TEN (\$10.00) DOLLARS, and other good and valuable consideration in hand paid, does hereby grant, sell and convey unto GRANTEE, Richard Budd Wormley, all the Grantor's interest in and to the following described real estate, situated in Kendall County, Illinois to wit:

See Legal Description on Exhibit A Attached Hcreto

Permanent Index Number: 04-04-400-008; 04-09-200-001; 04-03-300-003; 04-10-100-002


Address of Property: 6910 Fox River Drive, Yorkville, Illinois 60560

together with tenements and appurtenances thereto belonging,

TO HAVE AND TO HOLD the same unto said Grantee, forever,

This deed is executed by the Grantor, as trustee, as aforesaid, pursuant to and in the exercise of the power and authority granted to and vested in her by the terms of a deed or deeds in trust and the provisions of said Trust Agreement above mentioned, and of every other power and authority thereunto enabling.

IN WITNESS WHEREOF, said Grantor has signed the day and year first above written.



Jean W. Rothfusz, as Trustee as aforesaid

4

STATE OF IOWA)
) SS.
COUNTY OF Polk)

I, Kristi Crothers, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that JEAN W. ROTHFUSZ, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that she signed, sealed and delivered the said instrument as her own free and voluntary act, as Trustee as aforesaid, for the uses and purposes therein set forth.

Given under my hand and Notarial Seal, this 26 day of September, 2012.

✓ [Redacted Signature]

Notary Public



GRANTEE'S ADDRESS:

Richard Budd Wormley

[Redacted Address]

SEND SUBSEQUENT TAX BILLS TO:

Richard Budd Wormley

[Redacted Address]

AFTER RECORDING, RETURN TO:

Robert E. Nelson

Nelson & Shea Ltd.

[Redacted Address]

THIS INSTRUMENT PREPARED BY:

Robert E. Nelson
Nelson & Shea Ltd.

[Redacted Signature]

Exempt under provision of Paragraph 1k
35 ILCS 200/31-45, Property Tax Code

Date: SEPT 27, 2012

[Redacted Signature]

Buyer, Seller, or Representative

Att at Law

EXHIBIT A

That part of the Southwest Quarter of Section 3, part of the Southeast Quarter of Section 4, part of the Northeast Quarter of Section 9 and part of the Northwest Quarter of Section 10, Township 36 North, Range 6 East of the Third Principal Meridian, described as follows: Beginning at a point on the south line of the Southwest Quarter of said Section 3 that is 349.80 feet westerly of the southeast corner of said Southwest Quarter; thence North $0^{\circ} 51' 25''$ West parallel with the east line of said Southwest Quarter 2040.32 feet; thence westerly along a line forming an angle of $91^{\circ} 20' 25''$ with the last described course (measured clockwise therefrom) 1844.12 feet to the center line of Fox River Drive; thence southerly along said center line 799.44 feet to the south line extended easterly of the North Half of the Southeast Quarter of said Section 4; thence North $89^{\circ} 34'$ West along said south line extended and said south line 1386.06 feet to a point that is 49.50 feet North $89^{\circ} 34'$ West of the southeast corner of the Northwest Quarter of said Southeast Quarter; thence North $0^{\circ} 42'$ East parallel with the east line of the Northwest Quarter of said Southeast Quarter 276.0 feet; thence North $89^{\circ} 34'$ West parallel with the south line of said North half 300 feet to the southeasterly bank of the Fox River; thence southwesterly along said southeasterly bank 1413 feet to a northwest corner of a tract of land conveyed to John H. Hutchings by Warranty Deed recorded July 25, 1966 as document 152688; thence South $54^{\circ} 42'$ East along a northeasterly line of said Hutchings' tract 1785 feet to the center line of Fox River Drive; thence North $32^{\circ} 07'$ East along said center line 778.50 feet; thence South $59^{\circ} 16'$ East along a northeasterly line of said Hutchings' tract 237.04 feet to an angle in the line of said Hutchings' tract; thence North $33^{\circ} 16'$ East along a northwesterly line of said Hutchings' tract 545.80 feet to an angle in the line of said Hutchings' tract; thence South $54^{\circ} 10'$ East along a northeasterly line of said Hutchings' tract and said northeasterly line extended southeasterly 2387.0 feet; thence North $35^{\circ} 31' 10''$ East 998.52 feet to the point of beginning, in Fox Township, Kendall County, Illinois.

KENDALL COUNTY
DISCLOSURE OF BENEFICIARIES FORM

1. Applicant Richard Budd Wormley Revocable Living Trust
Address: [REDACTED]
City Yorkville State Illinois Zip 60560

2. Nature of Benefit Sought Land Ownership

3. Nature of Applicant: (Please check one)
 Natural Person (a)
 Corporation (b)
 Land Trust/Trustee (c)
 Trust/Trustee (d)
 Partnership (e)
 Joint Venture (f)

4. If applicant is an entity other than described in Section 3, briefly state the nature and characteristics of the applicant:

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

NAME	ADDRESS	INTEREST
X Seth Wormely	[REDACTED]	TRUSTEE
X	[REDACTED]	

6. Name, address, and capacity of person making this disclosure on behalf of the applicant:
X Seth Wormley, Trustee [REDACTED]

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

Subscribed and sworn to before me this 22nd day of July, A.D. 2024

(seal)



[REDACTED]
Notary Public

KENDALL COUNTY
DISCLOSURE OF BENEFICIARIES FORM

1. Applicant Finer Finish Grounds Care LLC
Address 15876 Hughes Road
City Newark State IL Zip 60541

2. Nature of Benefit Sought operate Landscape Business

3. Nature of Applicant: (Please check one)

- Natural Person (a)
- Corporation (b)
- Land Trust/Trustee (c)
- Trust/Trustee (d)
- Partnership (e)
- Joint Venture (f)

Limited Liability Company

4. If applicant is an entity other than described in Section 3, briefly state the nature and characteristics of the applicant:

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

NAME	ADDRESS	INTEREST
<input checked="" type="checkbox"/> MATT TOFTOY		
<input checked="" type="checkbox"/> DAVE TOFTOY		

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

[Redacted Name and Address]

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

Subscribed and sworn to before me this 22nd day of July, A.D. 2024

(seal)



[Redacted Signature]

Notary Public



Kendall County Soil & Water Conservation District

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

www.kendallswcd.org

NATURAL RESOURCE INFORMATION (NRI) REPORT APPLICATION

Petitioner: Richard Budd Wormley Revoc. Trust Contact Person: Daniel J. Kramer
Address: [Redacted] City, State, Zip [Redacted]
Phone Number [Redacted]
Email: [Redacted]

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

Site Location & Proposed Use

Township Name Fox Township 36 N, Range 6 E, Section(s) 4
Parcel Index Number(s) part of 04-04-400-015 and part of 04-04-400-016
Project or Subdivision Name Wormley Number of Acres 3.2243
Current Use of Site Landscape Business Proposed Use Landscape Business
Proposed Number of Lots 1 Proposed Number of Structures all existing structures
Proposed Water Supply existing well Proposed type of Wastewater Treatment none
Proposed type of Storm Water Management none

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 County Planning, Building, and Zoning

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

- [X] 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
[X] 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.)

Table with 2 columns: Description, Amount. Row 1: Fee for first five acres and under, \$ 375.00. Row 2: Additional Acres at \$18.00 each, \$. Row 3: Total NRI Fee, \$ 375.00.

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

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

[Signature]
Petitioner or Authorized Agent

19-2024
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: Attorney Daniel J. Kramer
Contact: ATTORNEY DANIEL J. KRAMER
Address: [REDACTED]

IDNR Project Number: 2500925
Date: 07/18/2024

Project: Richard Budd Wormley Trust
Address: 6890/6891 Fox River Drive, Yorkville

Description: operate landscape business out of existing buildings

Natural Resource Review Results

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

The Illinois Natural Heritage Database shows the following protected resources may be in the vicinity of the project location:

- Fox River INAI Site
- Millhurst Fen INAI Site
- Millhurst Fen Nature Preserve
- Mottled Sculpin (*Cottus bairdii*)
- Mottled Sculpin (*Cottus bairdii*)
- River Redhorse (*Moxostoma carinatum*)
- River Redhorse (*Moxostoma carinatum*)

An IDNR staff member will evaluate this information and contact you to request additional information or to terminate consultation if adverse effects are unlikely.

Location

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

County: Kendall

Township, Range, Section:
36N, 6E, 4



IL Department of Natural Resources
Contact
Adam Rawe
217-785-5500
Division of Ecosystems & Environment

Government Jurisdiction
Kendall Count Planning, Building, and Zoning
Matt Asselmeier
111 W. Fox Street
Yorkville, Illinois 60560

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.



Illinois Department of Natural Resources

One Natural Resources Way Springfield, Illinois 62702-1271
<http://dnr.state.il.us>

JB Pritzker, Governor

Natalie Phelps Finnie, Director

July 18, 2024

ATTORNEY DANIEL J. KRAMER
Attorney Daniel J. Kramer

RE: Richard Budd Wormley Trust
Project Number(s): 2500925
County: Kendall

Dear Applicant:

This letter is in reference to the project you recently submitted for consultation. The natural resource review provided by EcoCAT identified protected resources that may be in the vicinity of the proposed action. The Department has evaluated this information and concluded that adverse effects are unlikely. Therefore, consultation under 17 Ill. Adm. Code Part 1075 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.

The natural resource review reflects the information existing in the Illinois Natural Heritage Database at the time of the project submittal, 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, you must comply with the applicable statutes and regulations. Also, note that termination does not imply IDNR's authorization or endorsement of the proposed action.

Please contact me if you have questions regarding this review.

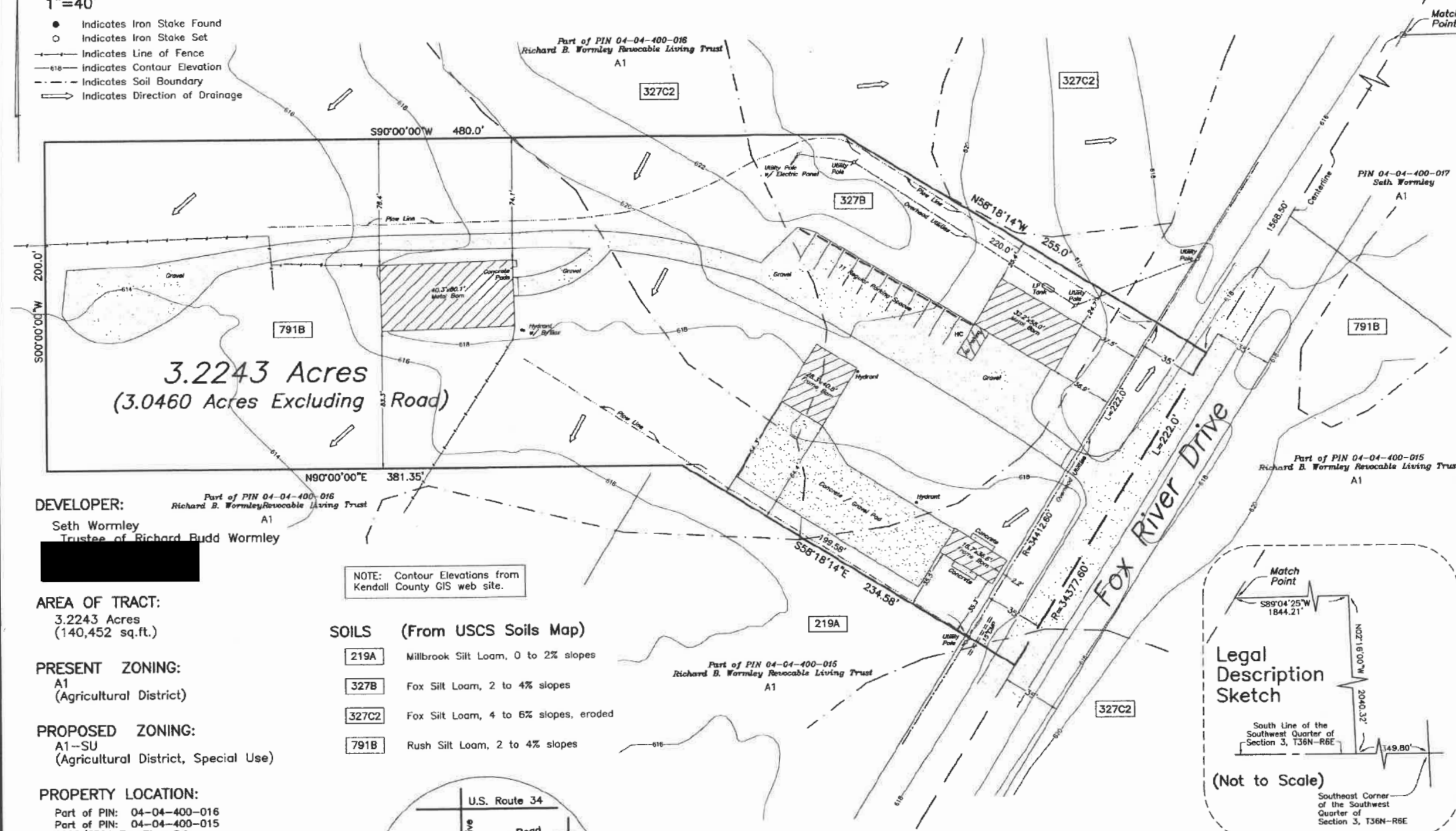
Adam Rawe
Division of Ecosystems and Environment
217-785-5500

ZONING PLAT OF
PART OF THE SOUTHEAST QUARTER OF SECTION 4, T36N-R6E, 3rd PM
FOX TOWNSHIP KENDALL COUNTY ILLINOIS

N

SCALE
1"=40'

- Indicates Iron Stake Found
- Indicates Iron Stake Set
- Indicates Line of Fence
- - - Indicates Contour Elevation
- - - Indicates Soil Boundary
- ⇒ Indicates Direction of Drainage



DEVELOPER:
Seth Wormley
Trustee of Richard Budd Wormley

AREA OF TRACT:
3.2243 Acres
(140,452 sq.ft.)

PRESENT ZONING:
A1
(Agricultural District)

PROPOSED ZONING:
A1-SU
(Agricultural District, Special Use)

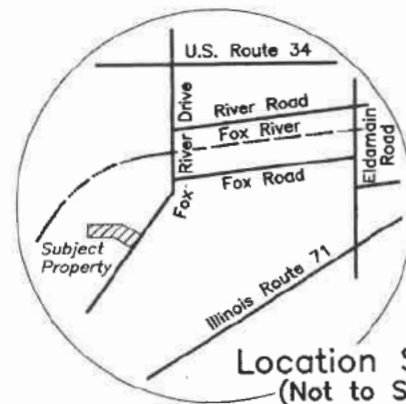
PROPERTY LOCATION:
Part of PIN: 04-04-400-016
Part of PIN: 04-04-400-015
6890/6891 Fox River Drive
Yorkville, Illinois 60560

FLOODPLAIN STATEMENT:
The Subject property is located in Zone X (areas of minimal flood hazard determined to be outside the 0.2% annual chance floodplain) as shown on FEMA Flood Insurance Rate Map Panel No. 17093C0100G with an effective date of February 4, 2009.

WETLANDS STATEMENT:
The National Wetlands Inventory Map does not depict any wetlands on the Subject Property.

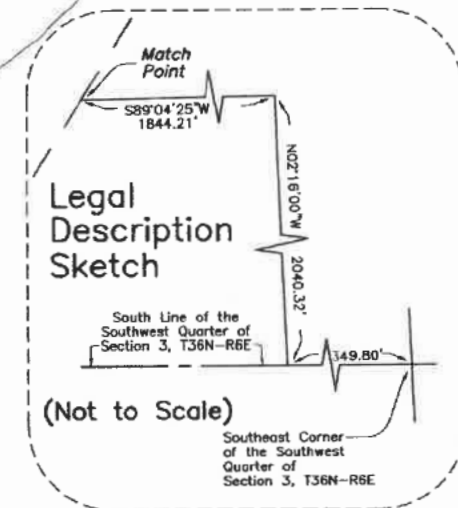
NOTE: Contour Elevations from Kendall County GIS web site.

SOILS	(From USCS Soils Map)
219A	Millbrook Silt Loam, 0 to 2% slopes
327B	Fox Silt Loam, 2 to 4% slopes
327C2	Fox Silt Loam, 4 to 6% slopes, eroded
791B	Rush Silt Loam, 2 to 4% slopes



LEGAL DESCRIPTION OF TRACT TO BE REZONED:

That Part of the Southeast Quarter of Section 4, Township 36 North, Range 6 East of the Third Principal Meridian described using bearings referenced to the Illinois Coordinate System East Zone as follows: Commencing at a point on the South Line of the Southwest Quarter of Section 3 (Township and Range aforesaid) which is 349.80 feet Westery of the Southeast Quarter of said Southwest Quarter; thence North 02°16'00" West parallel with the East Line of said Southwest Quarter, 2040.32 feet; thence South 89°04'25" West, 1844.21 feet to the center line of Fox River Drive; thence Southwesterly along said center line, 1568.50 feet for the point of beginning; thence North 58°18'14" West, 255.0 feet; thence South 90°00'00" West, 480.0 feet; thence South 00°00'00" West, 200.0 feet; thence North 90°00'00" East, 381.35 feet; thence South 58°18'14" East, 234.58 feet to said center line of Fox River Drive; thence Northeasterly along said center line of Fox River Drive, being a curve to the right with a radius of 34377.60 feet and a chord of North 31°30'32" East, 222.0 feet, an arc distance of 222.0 feet to the point of beginning, in Fox Township, Kendall County, Illinois.



July 22, 2024

1107B South Bridge Street
Yorkville, Illinois 60560
Telephone (630)553-1580

Philip D. Young and Associates, Inc.
LAND SURVEYING - TOPOGRAPHIC MAPPING - Lic.#184-002775

JOB NO. 24072
JOB NAME WORMLEY
DWG FILE 24072

Attachment 3, Looking South



Attachment 4, Looking Southwest



Attachment 5, Looking West



Attachment 6 Looking North



**ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)
August 6, 2024 – Unapproved Meeting Minutes**

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

Present:

Matt Asselmeier – PBZ Department
Lauren Belville – Health Department
Meagan Briganti – GIS Department
Brian Holdiman – PBZ Department
Fran Klaas – Highway Department
Alyse Olson – Soil and Water Conservation District
Antoinette White – Forest Preserve
Seth Wormley – PBZ Committee Chair

Absent:

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

Audience:

Dan Kramer, Steve Grebner, and Matt Toftoy

PETITIONS

PBZ Chairman Wormley recused himself at this time (9:15 a.m.).

Petition 24-23 Seth Wormley on Behalf of the Richard Budd Wormley Revocable Living Trust (Owner) and Matthew D. Toftoy on Behalf of Finer Finish Grounds Care, LLC (Tenant)

Mr. Asselmeier summarized the request.

The Petitioners are seeking a special use permit for a landscaping business, including allowing outdoor storage of equipment.

The application materials, site plan, and pictures of the property were provided.

The property is located at 6891 Fox River Drive, Yorkville, inside the Village of Millbrook.

The proposed special use area of the property was approximately three point two (3.2) acres in size.

The existing land use of the property is Agricultural.

The property is zoned A-1 by the Village of Millbrook.

Millbrook Plan calls for the property to be Low Density Residential (Max 0.65 DU/Acre).

Fox River Drive is a Major Collector maintained by Kendall County.

The County has a trail planned along Fox River Drive.

There are no floodplains or wetlands on the portion of the parcels where the special use is proposed.

The adjacent properties are Agricultural and Single-Family Residential. The Fox River is located west of the subject property.

The adjacent properties are zoned A-1 in the County and A-1 inside the Village of Millbrook.

The County's Land Resource Management Plan calls for the area to be Countryside Residential (Max 0.33 DU/Acre) and Open Space. Millbrook's Future Land Use Map calls for the area to be Low Density Residential, Open Space, and Forest Preserve.

The properties within one half (1/2) of a mile are zoned A-1 and A-1 BP in the County and A-1 inside Millbrook.

Approximately eight (8) houses are located within a half mile (0.5) miles of the subject property.

The Millbrook North Forest Preserve is located within a half mile (0.5) miles of the subject property.

EcoCAT Report was submitted on July 18, 2024, and while some protected resources were in the area, the opinion was that adverse impacts were unlikely.

The NRI application was submitted on July 19, 2024.

Petition information was sent to Fox Township on July 30, 2024. No comments were received.

Petition information was sent to the Village of Millbrook on July 30, 2024. No comments were received.

Petition information was sent to the Little Rock-Fox Fire Protection District on July 30, 2024. No comments were received.

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 Millbrook Village Board approves the outdoor storage of equipment, the above conditions have been met.

As noted in the project narrative, the Petitioners would like to operate Finer Finish Ground Care, LLC at the subject property. The landscaping business would lease the property from the property owner.

They would use the site for storage equipment. Employees would visit the site to get equipment. The business' main office is located offsite. The site would not be open to customers.

The business would be open from 7:00 a.m. until 6:00 p.m. daily and daily for twenty-four hours (24) during snow events in the winter. The business has a maximum of ten (10) employees.

The site plan shows one (1) approximately three thousand two hundred twenty-eight (3,228) square foot metal barn, one (1) approximately one thousand one hundred fifty (1,150) square foot frame barn, one (1) approximately one thousand eight hundred (1,800) square foot metal barn, and one (1) approximately six hundred ten (610) square foot frame barn. There would be no outdoor storage of landscape materials; equipment would be stored outdoors.

Equipment consists of pickup trucks, trailers, side-by-sides, mowers, water tanks, small utility tractors, riding mowers, and skid steers. These items would be stored outdoors, when the business is closed.

Many of the buildings on the subject property appear on the 1939 and subsequent year aerials.

No new buildings are planned as part of the special use permit.

Any structures related to the landscaping business would be required to obtain applicable building permits.

The property is served by a well on an adjoining property. There is no septic system on the property and a septic system is not planned. Electricity is on site.

One (1) dumpster area is proposed on the "concrete pad" area labeled on the site plan.

The property drains towards southwest.

Because the Petitioners are not proposing outdoor storage and because the buildings and impervious areas appear on the 1939 aerial, no stormwater permit is required.

Per the site plan, the property has a gravel driveway.

According to the site plan, the Petitioners proposes a gravel parking lot with twelve (12) parking spaces, including one (1) ADA accessible parking space.

No new lighting was planned for the property. There are wall pack lights that light the driveway and building entrances.

No signage was proposed.

The property presently has cameras on the main buildings.

No landscaping besides the existing mature plantings and pines that are visible in several of the pictures is planned.

No information was provided regarding noise control.

No information was provided regarding odor control.

If approved, this would be the first (1st) special use permit for a landscaping business in the Village of Millbrook.

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. The proposed use is along Fox River Drive, which is classified as a major 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. The proposal does not call for outdoor storage of materials.

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 7-26 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."

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

1. The site shall be developed substantially in accordance with the site plan.

2. Equipment and vehicles related to the business allowed by the special use permit may ~~not~~ be stored outdoors at ZPAC Meeting Minutes 08.06.24

the subject property when the business is closed.

3. 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.
4. 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.
5. 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.
6. Except for the purposes of loading and unloading, all landscape related materials shall be stored indoors.
7. A maximum of ten (10) 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.
8. 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.
9. The hours of operation of the business allowed by this special use permit shall be daily from 7:00 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.
10. 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.~~
11. 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.
12. Only lighting related to security may be installed outdoors at the subject property.
13. No landscape waste generated off the property can be burned on the subject property.
14. 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.
15. 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.
16. The owners of the business allowed by this special use permit acknowledge and agree to follow Kendall County's Right to Farm Clause.
17. 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.

18. 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.
19. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
20. 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.

Dan Kramer, Attorney for the Petitioners, requested that the condition pertaining to the maximum number of employees be removed to encourage business growth. Mr. Kramer was agreeable to the other conditions.

Ms. Belville offered to help the Petitioners obtain a septic system in the future, if they wanted a septic system in the future.

Mr. Holdiman made a motion, seconded by Mr. Klaas, to recommend approval of the special use permit with the conditions proposed by Staff correcting the conditions to allow outdoor storage, removing the maximum number of employee recommendation, and correcting the reference to greenhouses in the condition requiring buildings to obtain permits.

The votes were follows:

Ayes (7): Asselmeier, Belville, Briganti, Holdiman, Klaas, Langston, Olson, and White
Nays (0): None
Abstain (1): Wormley
Absent (2): Chismark and Langston

The motion passed.

The proposal goes to the Kendall County Regional Planning Commission on August 28, 2024.

PBZ Chairman Wormley returned at this time (9:25 a.m.).

PUBLIC COMMENT

None

ADJOURNMENT

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

With a voice vote of eight (8) ayes, the motion carried.

The ZPAC, at 9:26 a.m., adjourned.

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

Enc.



**KENDALL COUNTY
ZONING & PLATTING ADVISORY COMMITTEE
AUGUST 6, 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)
Dor Kramer 24-21, 24-22, +24-23		



**Kendall County Soil & Water
Conservation District**

August 8, 2024

Richard Budd Wormley Revocable Living Trust
[REDACTED]

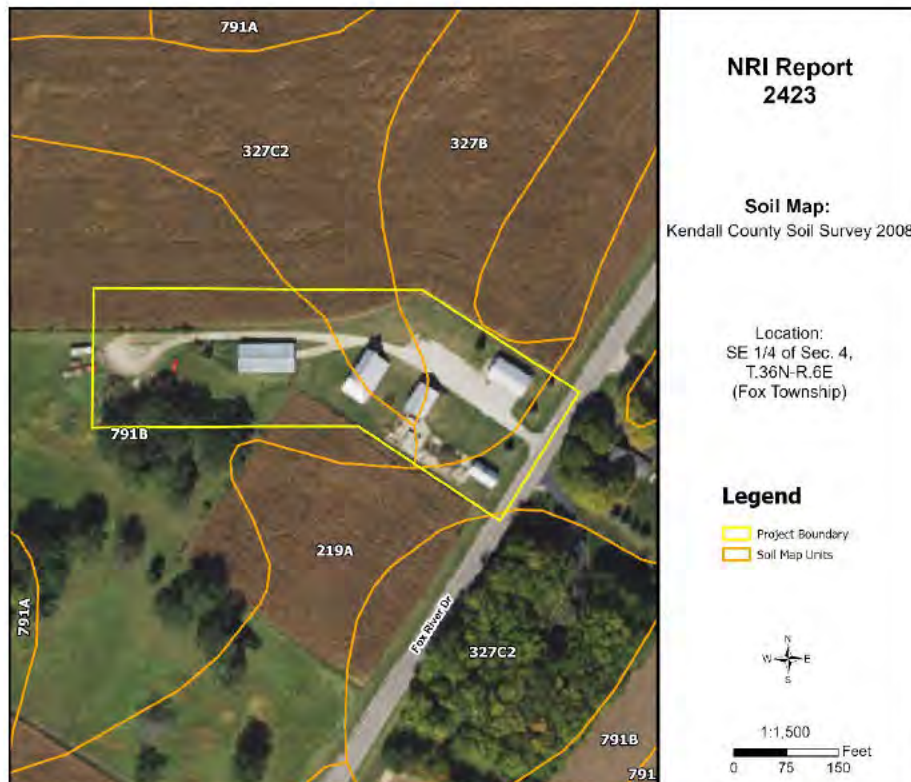
Dear Petitioner,

The Kendall County Soil & Water Conservation District (SWCD) received a Natural Resources Information (NRI) Report Application for a Special Use Permit request to operate a landscaping business on a 3.22-acre property located on Fox River Drive in the Village of Millbrook (Parcel Index Numbers 04-04-400-015 (part of) and 04-04-400-016 (part of)). The proposed project is in the southeast quarter of Section 4 in Fox Township (T.36N – R.6E).

After reviewing the application, it was determined that a *full NRI Report is not necessary at this time* for the proposed project. It appears that Finer Finish Grounds Care, LLC, the landscaping business, will operate on the site as is. There do not appear to be any proposed changes to the site such as grading, land disturbance, addition of buildings, or building expansions.

The Kendall County SWCD has reviewed the 3.22-acre project site and would like to note the following natural resources considerations:

- **SOILS:** The 2008 Soil Survey for Kendall County as maintained by the United States Department of Agriculture – Natural Resource Conservation Service (USDA-NRCS) contains soil maps and descriptions for soil types throughout the county. The figure & table below show the soil map units that are present within the project site.



Soil Map Unit	Acreage	Percent of Parcel
219A Millbrook silt loam, 0-2% slopes	0.4	12.5%
327B Fox silt loam, 2-4% slopes	0.7	21.9%
327C2 Fox silt loam, 4-6% slopes, eroded	0.4	12.5%
791B Rush silt loam, 2-4% slopes	1.7	53.1%

- Soil survey interpretations are predictions of soil behavior for specified land uses and specified management practices. These interpretative ratings help engineers, planners, and others to understand how soil properties influence behavior when used for nonagricultural uses such as building site development or construction materials. They are based on the soil properties that directly influence the specified use of the soil. Each soil map unit has limitations for a variety of land uses such as buildings with basements, buildings without basements, small commercial buildings, shallow excavations, onsite sewage disposal, and lawns/landscaping. It is important to remember that soils do not function independently of each other. The behavior of a soil depends upon the physical properties of adjacent soil types, the presence of artificial drainage, soil compaction, and its position in the local landscape.
- The information in the table below provides further detail on drainage class, hydrologic soil groups, and hydric soil designation of the soils present onsite.
 - **Drainage Class:** Refers to the frequency and duration of wet periods under similar conditions to those under which the soil formed.
 - **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. Group A soils have a high infiltration rate, low runoff potential and high rate of water transmission. Group B soils have a moderate infiltration rate and rate of water transmission. Group C soils have a slow infiltration rate and rate of water transmission. Group D soils have a very slow infiltration rate, high runoff potential and a very slow rate of water transmission.
 - **Hydric Soil Designation:** 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.

Map Unit	Drainage Class	Hydrologic Group	Hydric Soil Designation
219A	Somewhat Poorly Drained	C/D	Non-Hydric
327B	Well Drained	B	Non-Hydric
327C2	Well Drained	B	Non-Hydric
791B	Well Drained	B	Non-Hydric

- The information in the table below provides further detail on water features of the soils present onsite.
 - **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.
 - **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.

Map Unit	Surface Runoff	Water Table	Ponding	Flooding
219A	Low	January - May Upper Limit: 0.5'-2.0' Lower Limit: 6.0'	January – December Frequency: None	January – December Frequency: None
327B	Low	January - December Upper Limit: -- Lower Limit: --	January – December Frequency: None	January – December Frequency: None
327C2	Medium	January - December Upper Limit: -- Lower Limit: --	January – December Frequency: None	January – December Frequency: None
791B	Low	January - December Upper Limit: -- Lower Limit: --	January – December Frequency: None	January – December Frequency: None

- **DRAINAGE:** This site is located on slopes of approximately 0-6%. Topographic maps indicate that the site drains towards the Fox River to the west. The site lies within the Lower Fox River Watershed and the Hollenback Creek – Fox River sub watershed (HUC12 071200070602). The Hollenback Creek sub watershed comprises approximately 15,842 acres covering parts of Yorkville, Millbrook, and Newark.
- **WETLANDS & FLOOD HAZARD AREAS:** Based upon review of the U.S. Fish & Wildlife Service’s National Wetlands Inventory Map, the site does not appear to contain wetlands or waters of the U.S. The Fox River is located approximately 0.25 miles west of the site. Based on an in-office review of the Federal Emergency Management Agency’s (FEMA) Flood Insurance Rate Map (FIRM) for Kendall County, Community Panel No. 17093C0100G (effective date February 4, 2009), the site does not appear to be located within the 100-year floodplain. It is mapped as Zone X, an area of minimal flood hazard.

The laws of the United States and the State of Illinois assign certain agencies specific and different regulatory roles to protect the waters within the State's boundaries. Waters and wetlands in Kendall County are regulated by the U.S. Army Corps of Engineers, Chicago District. Floodways and floodplains are regulated by the Illinois Department of Natural Resources – Office of Water Resources. Unregulated use of the waters within the State of Illinois could permanently destroy or alter the character of these valuable resources and adversely impact the public. Therefore, please contact the proper regulatory authorities when planning any work associated with Illinois waters so that proper consideration and approval can be obtained.

- **SOIL EROSION & SEDIMENT CONTROL:** If construction is to occur onsite in the future, a soil erosion and sediment control plan should be prepared and implemented in accordance with both Kendall County and Illinois Environmental Protection Agency requirements. The Illinois Urban Manual (<https://illinoisurbanmanual.org/>) can

be used as a reference for proper selection and implementation of onsite soil erosion and sediment control practices to ensure that soil is properly maintained onsite from project initiation to completion.

- LAND EVALUATION SITE ASSESSMENT (LESA):** The Land Evaluation Site Assessment (LESA) system, a land use planning tool, assists decision-makers in Kendall County in determining the suitability of a land use change and/or a zoning request. Specifically, the LESA system is designed to facilitate decision making by providing a rational process for assisting local officials in making farmland conversion decisions through the local land use process. It provides a technical framework to numerically rank land parcels based on local resource evaluation and site considerations. 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) and Site Assessment (SA). The Land Evaluation is based on soils of a given area that are rated and placed in groups ranging from the best to worst suited for a stated agriculture use such as cropland and forestland. The best group is assigned a value of 100 and all other groups are assigned lower values (94, 87, 79, etc.). The Land Evaluation is based on data from the USDA Kendall County Soil Survey. The Site Assessment 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 overall score is based on a 300-point rating scale.

Land Evaluation Computation

Soil Type	Value Group	Relative Value	Acres	Product (Relative Value x Acres)
219A	3	87	0.4	34.8
327B	4	79	0.7	55.3
327C2	4	79	0.4	31.6
791B	4	79	1.7	134.3
Totals			3.2	256.0
LE Calculation			(Product of relative value / Total Acres) 256.0 / 3.2 = 80	
LE Score			LE = 80	

The Land Evaluation score for this site is 80 out of a possible 100 points, indicating that the soils are well-suited for agricultural uses since the score is at least 80 or greater.

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)	20
	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)	10
	3. Compatibility of agricultural and non-agricultural uses. (15-7-0)	0
C.	Existence of Infrastructure	
	1. Availability of public sewage system. (10-8-6-0)	10
	2. Availability of public water system. (10-8-6-0)	10
	3. Transportation systems. (15-7-0)	7
	4. Distance from fire protection service. (10-8-6-2-0)	6
	Site Assessment Score:	83

The Site Assessment score for this site is 83 out of a possible 200 points. The Land Evaluation value (80) is added to the Site Assessment value (83) to obtain a LESA Score of 163. The table below shows the level of protection for the proposed project site based on the LESA Score.

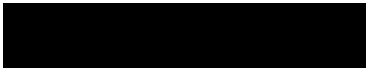
LESA Score Summary

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

The overall LESA Score for this site is 163 indicating a low level of protection for the proposed project site. Note: Selecting the project site with the lowest total points will generally protect the best farmland located in the most viable areas and maintain and promote the agricultural industry in Kendall County.

If you have any questions, please contact me at (630) 553-5821 extension 3 or alyse.olson@il.nacdnet.net.

Sincerely,



Alyse Olson
Resource Conservationist

Attachment 9, 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 August 28, 2024 - 7:00 p.m.

Starting at 7:03 p.m., the Commission observed a moment of silence in honor of Larry Nelson. Attendees commented on Member Nelson's passing and discussed their memories of him.

Chairman Bill Ashton called the meeting to order at 7:19 p.m.

ROLL CALL

Members Present: Bill Ashton, Eric Bernacki, Tom Casey, Dave Hamman, Karin McCarthy-Lange, Ruben Rodriguez, Claire Wilson, and Seth Wormley

Members Absent: Bob Stewart

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

Others Present: Dan Kramer, Scott Hill, Cheryl Hill, and Matthew Toftoy

APPROVAL OF AGENDA

Chairman Ashton announced that the Petitioner for Petition 24-22 requested the proposal to be continued to the September 25, 2024, meeting.

Member Wilson made a motion, seconded by Member Rodriguez, to approve the agenda with an amendment to remove Petition 24-22 from the agenda and continue the Petition to the September 25, 2024, meeting. With a voice vote of eight (8) ayes, the motion carried.

PETITIONS

Member Wormley recused himself at this time (7:29 p.m.).

Petition 24-23 Seth Wormley on Behalf of the Richard Budd Wormley Revocable Living Trust (Owner) and Matthew D. Toftoy on Behalf of Finer Finish Grounds Care, LLC (Tenant)

Mr. Asselmeier summarized the request.

The Petitioners are seeking a special use permit for a landscaping business, including allowing outdoor storage of equipment.

The application materials, site plan, and pictures of the property were provided.

The property is located at 6891 Fox River Drive, Yorkville, inside the Village of Millbrook.

The proposed special use area of the property was approximately three point two (3.2) acres in size.

The existing land use of the property is Agricultural.

The property is zoned A-1 by the Village of Millbrook.

Millbrook Plan calls for the property to be Low Density Residential (Max 0.65 DU/Acre).

Fox River Drive is a Major Collector maintained by Kendall County.

The County has a trail planned along Fox River Drive.

KCRPC Meeting Minutes 8.28.24

There are no floodplains or wetlands on the portion of the parcels where the special use is proposed.

The adjacent properties are Agricultural and Single-Family Residential. The Fox River is located west of the subject property.

The adjacent properties are zoned A-1 in the County and A-1 inside the Village of Millbrook.

The County's Land Resource Management Plan calls for the area to be Countryside Residential (Max 0.33 DU/Acre) and Open Space. Millbrook's Future Land Use Map calls for the area to be Low Density Residential, Open Space, and Forest Preserve.

The properties within one half (1/2) of a mile are zoned A-1 and A-1 BP in the County and A-1 inside Millbrook.

Approximately eight (8) houses are located within a half mile (0.5) miles of the subject property.

The Millbrook North Forest Preserve is located within a half mile (0.5) miles of the subject property.

EcoCAT Report was submitted on July 18, 2024, and while some protected resources were in the area, the opinion was that adverse impacts were unlikely.

The NRI application was submitted on July 19, 2024. The LESA Score was 163 indicating a low level of protection. The NRI Report was provided.

Petition information was sent to Fox Township on July 30, 2024. No comments were received.

Petition information was sent to the Village of Millbrook on July 30, 2024. No comments were received.

Petition information was sent to the Little Rock-Fox Fire Protection District on July 30, 2024. No comments were received.

ZPAC reviewed this proposal at their meeting on August 6, 2024. The Petitioner's Attorney requested that the condition setting a maximum number of employees be removed. The Petitioner's Attorney was agreeable to the other conditions. The conditions would be amended to correct a typographical error to allow outdoor storage of equipment when the business is closed. The reference to greenhouses in the condition pertaining to building permits would also be removed. The Health Department offered to assist the Petitioners, if the Petitioners wished to install a septic system at the property in the future. ZPAC recommended approval of the proposal with the removal of the condition pertaining to the maximum number of employees, the correction of the condition to allow outdoor storage of equipment when the business is closed, and the removal of the reference to greenhouses in the condition pertaining to building permits by a vote of seven (7) in favor, zero (0) in opposition, one (1) abstention, and (2) members 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 Millbrook Village Board approves the outdoor storage of equipment, the above conditions have been met.

As noted in the project narrative, the Petitioners would like to operate Finer Finish Ground Care, LLC at the subject property. The landscaping business would lease the property from the property owner.

They would use the site for storage equipment. Employees would visit the site to get equipment. The business' main office is located offsite. The site would not be open to customers.

The business would be open from 7:00 a.m. until 6:00 p.m. daily and daily for twenty-four hours (24) during snow events in the winter. The business has a maximum of ten (10) employees.

The site plan shows one (1) approximately three thousand two hundred twenty-eight (3,228) square foot metal barn, one (1) approximately one thousand one hundred fifty (1,150) square foot frame barn, one (1) approximately one thousand eight hundred (1,800) square foot metal barn, and one (1) approximately six hundred ten (610) square foot frame barn. There would be no outdoor storage of landscape materials; equipment would be stored outdoors.

Equipment consists of pickup trucks, trailers, side-by-sides, mowers, water tanks, small utility tractors, riding mowers, and skid steers. These items would be stored outdoors, when the business is closed.

Many of the buildings on the subject property appear on the 1939 and subsequent year aerials.

No new buildings are planned as part of the special use permit.

Any structures related to the landscaping business would be required to obtain applicable building permits.

The property is served by a well on an adjoining property. There is no septic system on the property and a septic system is not planned. Electricity is on site.

One (1) dumpster area is proposed on the "concrete pad" area labeled on the site plan.

The property drains towards southwest.

Because the Petitioners are not proposing outdoor storage and because the buildings and impervious areas appear on the 1939 aerial, no stormwater permit is required.

Per the site plan, the property has a gravel driveway.

According to the site plan, the Petitioners proposes a gravel parking lot with twelve (12) parking spaces, including one (1) ADA accessible parking space.

No new lighting was planned for the property. There are wall pack lights that light the driveway and building entrances.

No signage was proposed.

The property presently has cameras on the main buildings.

No landscaping besides the existing mature plantings and pines that are visible in several of the pictures is planned.

No information was provided regarding noise control.

No information was provided regarding odor control.

If approved, this would be the first (1st) special use permit for a landscaping business in the Village of Millbrook.

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. The proposed use is along Fox River Drive, which is classified as a major 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. The proposal does not call for outdoor storage of materials.

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 7-26 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."

Staff recommended approval of the requested special use permit subject to the following conditions and restrictions.

1. The site shall be developed substantially in accordance with the site plan.
2. Equipment and vehicles related to the business allowed by the special use permit may **not** be stored outdoors at the subject property when the business is closed (**Corrected at ZPAC**).
3. 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.
4. 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.
5. 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.
6. Except for the purposes of loading and unloading, all landscape related materials shall be stored indoors.
- ~~7. A maximum of ten (10) 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. (Deleted at ZPAC)~~
8. 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.
9. The hours of operation of the business allowed by this special use permit shall be daily from 7:00 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.
10. 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.** (**Corrected at ZPAC**).
11. 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.
12. Only lighting related to security may be installed outdoors at the subject property.
13. No landscape waste generated off the property can be burned on the subject property.
14. 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.

15. 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.
16. The owners of the business allowed by this special use permit acknowledge and agree to follow Kendall County's Right to Farm Clause.
17. 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.
18. 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.
19. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
20. 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 McCarthy-Lange asked why the maximum number of employee restriction was removed. Dan Kramer, Attorney for the Petitioner, responded, from an economic development, they did not want to prevent the business from adding employees in the future. The company only has approximately six (6) employees presently.

Mr. Kramer commended the Petitioner for following the Zoning Ordinance and obtaining a special use permit.

Member Rodriguez commented on the importance of businesses obtaining proper permits.

Discussion occurred regarding outdoor storage of equipment. Several other landscaping businesses have conditions in their special use permits pertaining to outdoor storage of equipment.

Member Hamman commented on how nice the property and other properties owned by the Petitioners were maintained.

Discussion occurred regarding the nursery in Millbrook and the type of special use permit it has.

Member Wilson made a motion, seconded by Member McCarthy-Lange, to recommend approval of the special use permit with the conditions proposed by Staff.

The votes were as follows:

Ayes (7): Ashton, Bernacki, Casey, Hamman, McCarthy-Lange, Rodriguez, and Wilson
Nays (0): None
Absent (1): Stewart
Abstain (1): Wormley

The motion carried.

The proposal goes to the Kendall County Zoning Board of Appeals on September 3, 2024.

Member Wormley returned at this time (7:45 p.m.).

CITIZENS TO BE HEARD/PUBLIC COMMENT

None

OTHER BUSINESS/ANNOUNCEMENTS

Mr. Asselmeier reported the rezoning request at 10835 Legion Road and the approval of the 2025 meeting calendar were the only agenda items for the September meeting. The items that were on the Comprehensive Land Plan Committee's agendas will be placed on the September Planning Commission meeting.

ADJOURNMENT

Member Bernacki made a motion, seconded by Member McCarthy-Lange, to adjourn. With a voice vote of eight (8) ayes, the motion carried.

The Kendall County Regional Planning Commission meeting adjourned at 8:04 p.m.

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

Enc.



**KENDALL COUNTY
REGIONAL PLANNING COMMISSION
AUGUST 28, 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>Don Kwan</i>		