



**KENDALL COUNTY
ZONING BOARD OF APPEALS
PUBLIC HEARING/MEETING**

111 West Fox Street • Rooms 209 and 210 • Yorkville, IL • 60560
(630) 553-4141 Fax (630) 553-4179

AGENDA

January 30, 2023 – 7:00 p.m.

CALL TO ORDER – ZONING BOARD OF APPEALS

ROLL CALL for the Zoning Board of Appeals: Randy Mohr (Chair); Scott Cherry, Cliff Fox, Tom LeCuyer, Jillian Prodehl, Dick Thompson, and Dick Whitfield

MINUTES: Approval of Minutes from the December 19, 2022, Zoning Board of Appeals Hearing/Meeting (Pages 2-9)

PETITION:

1. **Petition 22 – 27 – Deb Howard on Behalf of Jade Restorations, Inc. (Current Owner) and Bullmastiff Construction Company LTD. (Contractor) (Pages 10-122)**
- Request:** Major Amendment to the Special Use Permit for a Kennel and Veterinary Granted by Ordinance 2020-01 by Changing the Site Plan, Landscaping Plan, and Photometric Plan and a Variance to Section 7:01.D.29 of the Kendall County Zoning Ordinance Allowing Animals at the Kennel to be Outdoors after Sunset
- PIN:** 09-24-100-012
- Location:** 949 Bell Road, Minooka in Seward Township
- Purpose:** Petitioner Wants to Change the Site Plan, Landscaping Plan, and Photometric Plan and Allow Animals Outdoors After Sunset; Property is Zoned A-1 with a Special Use Permit

NEW BUSINESS/ OLD BUSINESS

1. Kendall County Regional Planning Commission Annual Meeting-February 4, 2023, at 9:00 A.M. (Page 123)

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

1. Petition 22-24 Special Use Permits for Watchman's Quarters and Outdoor Storage at 5375 Route 34

PUBLIC COMMENT:

ADJOURN ZONING BOARD OF APPEALS- Next hearing/meeting on February 27, 2023

If special accommodations or arrangements are needed to attend this County meeting, please contact the Administration Office at 630-553-4171, a minimum of 24-hours prior to the meeting time.

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
December 19, 2022 – 7:00 p.m.

CALL TO ORDER

Chairman Randy Mohr called the Zoning Board of Appeals meeting to order at 7:02 p.m.

ROLL CALL:

Members Present: Cliff Fox, Tom LeCuyer, Randy Mohr, and Dick Whitfield

Members Absent: Scott Cherry, Dick Thompson, and Jillian Prodehl

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

Others Present: Boyd Ingemunson

Chairman Mohr asked what would have occurred if no quorum was present. Mr. Asselmeier responded that the hearing would need to be rescheduled and the hearing would need to be re-noticed at the County's expense. Discussion occurred about not having hearings in the future in December. The number of petitions in December was usually small.

MINUTES:

Member Fox made a motion, seconded by Member LeCuyer to approve the minutes of the October 31, 2022, hearing/meeting.

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

PETITIONS

The Zoning Board of Appeals started their review of Petition 22-24 at 7:06 p.m.

Petition 22 – 24 – Raymond Gonzalez as Beneficiary of Merchants National Bank Under Trust Agreement Dated February 24, 1997 as Trust Number 5191

Request: Special Use Permit for a Dwelling Unit for a Watchman and Their Immediate Family and a Special Use Permit for Outdoor Storage

PIN: 03-18-403-015

Location: 5375 Route 34 in Oswego Township

Purpose: Petitioner Wishes to Rent a Unit of the Southern Building to a Watchmen and Have Outdoor Storage North of the Buildings Presently Located on the Property; Property is Zoned B-2

Mr. Asselmeier summarized the request.

The Petitioner would like to provide housing for a watchman in one (1) of the units on the first floor of the southern, mixed use building on the subject property.

Also, the Petitioner would also like to store boats, recreational vehicles, and granite outdoors at the subject property north of the garage building.

The southern, mixed use building was constructed in 1960. The subject property has been zoned B-2 since 1976. The existing dwelling units on the second floor are lawfully non-conforming.

The application materials, site plan, a picture of the mixed use building, a picture of the garage, a picture of the western fence, a picture of the eastern fence and, a picture of the existing monument sign was provided.

The property is approximately one point six-three (1.63) acres in size.

The existing land use is improved commercial.

The County's Future Land Use Map calls for the property to be Suburban Residential (Max 1 DU/Acre). The Village of Oswego's Future Land Use Map calls for the property to be Downtown.

Route 34 is an Arterial Road maintained by the Illinois Department of Transportation.

The Village of Oswego has a trail planned along Route 34 in this area.

There are no floodplains or wetlands on the property.

The adjacent land uses are single-family residential, vocational school, parking lot, and vacant.

The adjacent properties are zoned R-3, B-2, and B-3.

The County's Future Land Use Map calls for the area to be Suburban Residential.

The Village of Oswego's Future Land Use Maps calls for the area to be Downtown.

Nearby properties are zoned A-1, A-1 SU, R-3, R-3 SU, B-1, B-3 and B-3 SU in the County and R-2, R-3, R-4, and B-2 inside the Village of Oswego.

The R-3 special use to the east is for a church sign. The B-3 special use to south is for outside storage. The A-1 special use to west is for a riding stable, including an apartment.

EcoCAT Report not required because the property was not zoned A-1.

The NRI application was submitted on November 16, 2022. The LESA Score was 133 indicating a low level of protection. The NRI was provided.

Oswego Township was emailed Petition information on November 21, 2022.

The Village of Oswego was emailed Petition information on November 21, 2022.

The Oswego Fire Protection District was emailed Petition information on November 21, 2022. The Oswego Fire Protection District submitted an email clarifying condition 2 regarding the living situation of the watchman. This email was provided.

ZPAC reviewed this proposal at their meeting on December 6, 2022. Mr. Rybski noted that the existing septic system was located near the front monument sign. The septic system was designed in 1987 for

seven (7) bedrooms. Discussion occurred regarding the definition of Downtown Use in the Village of Oswego's plan. The Petitioner's Attorney said the Petitioner was agreeable to the proposed conditions, but may request clarification on the documents required for annual submittal as outlined in condition 2. ZPAC recommended approval of the proposal with the conditions proposed by Staff by a vote of five (5) in favor and zero (0) in opposition with four (4) members absent. The minutes of the meeting were provided.

The Kendall County Regional Planning Commission reviewed this proposal at their meeting on December 14, 2022. Discussion occurred regarding the special use permits following the land or ceasing when the property was sold. Discussion occurred regarding limiting outdoor storage to certain items. Discussion occurred regarding which unit would be converted to watchman's quarters; this would likely be the easternmost unit. Only one (1) watchman's quarters would be allowed on the first floor. The Kendall County Regional Planning Commission recommended approval of the proposal with the conditions proposed by Staff and the addition of a condition restricting outdoor storage to certain items by a vote of seven (7) in favor and zero (0) in opposition with three (3) members absent. The minutes of the meeting were provided.

According to the submitted information, there are four (4) commercial tenants housed on the first floor of the mixed use building. The specific unit where the watchman and their family would live was not identified.

The outside storage would consist of cars, boats, trailers, recreational vehicles, granite, and other materials related to businesses housed on the property. No information was provided regarding the number or amount of items parked or stored outdoors on the premises. The materials would be stored outdoors within the fenced area north of the garage.

One (1) two (2) story approximately three thousand eight hundred (3,800) square foot masonry and frame mixed use building is located on the property; this building was constructed in 1960. One (1) approximately three thousand seven hundred fifty (3,750) square foot detached garage is located on the property north of the mixed use building.

The property is served by well and septic.

The driving area perpendicular and south of the garage is asphalt paved.

The site plan showed twenty-three (23) parking spaces around the mixed use building. One (1) parking space was marked onsite as a handicapped accessible parking space.

The storage area within the fence north of the garage is gravel.

The property fronts Route 34.

On November 17, 2022, Staff emailed the Illinois Department of Transportation for comments regarding this proposal; this email was provided. The Illinois Department of Transportation submitted an email stating they were not requesting a right-of-way dedication for a trail and noted that an access permit would be required, if the property owner changed or added entrances. This email was provided.

According to the submitted materials, no additional impervious surface is planned.

No information was provided regarding lights.

One (1) existing monument sign was shown on the site plan. A picture of the sign was provided. The sign was approximately nine feet (9') in width and seven feet (7') in height with a small shake roof. No plans existed to illuminate the sign. Each tenant in the mixed use building has one (1) sign attached to the building. No information was provided regarding whether the storage business would have a sign or the placement of the sign.

No information was provided regarding security of the outdoor storage area. There is one (1) eight foot (8') tall cedar privacy fence around the outdoor storage area.

In addition to the cedar privacy fence, there is one (1) white vinyl fence located east of the mixed use building.

According to the site plan, there are two (2) landscape planters located at the southern end of the property. One (1) of these planters is located in the middle of the access from Route 34 and the other planter is located around the monument sign.

No information was provided regarding noise control.

The site plan showed one (1) dumpster located east of the garage. The dumpster area is six foot by eight foot (6'X8'). The dumpster was visible in the picture of the eastern fence.

If approved, this would be the second (2nd) active special use permit for a dwelling unit for a watchman on non A-1 zoned property in unincorporated Kendall County.

If approved, this would be the third (3rd) active special use permit for a storage facility on non A-1 zoned property in unincorporated Kendall County.

The proposed Findings of Fact were as follows:

That 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. Provided the site is developed in accordance with the submitted site plan, including the maintenance of the existing vinyl and cedar fences, and the business allowed by the special use permit follows the Kendall County Inoperable Vehicle Ordinance, Kendall County Junk and Debris Ordinance, and related ordinances, the special use permit will not be detrimental to the public health, safety, morals, comfort, or general welfare.

That 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 shall make 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. Provided that the business operates as proposed, no injury should occur to other property and property values should not be negatively impacted. The same is true with allowing a watchman and their immediate family to reside on the premises.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. The proposed uses will be low utility users. Adequate utilities exist for the site. Adequate access exists for the site. Because no additional impervious surfaces are planned, drainage should not be an issue.

That 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, provided the screening created by the vinyl and cedar fences are maintained.

That 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. This is true for both proposed uses. The operation of an outdoor storage facility and allowing a dwelling unit for a watchman is consistent with an objective found on Page 6-34 of the Kendall County Land Resource Management Plan which calls for “a strong base of agricultural, commercial and industrial uses that provide a broad range of job opportunities, a healthy tax base, and improved quality of services to County residents” through the encouragement “. . . of locally owned businesses.” Allowing a dwelling unit for a watchman at the property should help ensure that the building continues to be maintained in a manner that attracts and retains quality tenants.

Staff recommended approval of the special use permits subject to the following conditions and restrictions:

1. The site shall be developed substantially in accordance with the submitted site plan. Except for loading and unloading, outside storage of materials shall be restricted to the fenced area north of the frame garage shown on the submitted site plan.
2. Items stored outdoors are limited to cars, boats, trailers, recreational vehicles, granite, and other materials related to businesses housed on the property. No junk or debris, as defined by the Kendall County Junk and Debris Ordinance, shall be stored outdoors on the property. **(Added at RPC).**
3. The owner of the property shall submit information to the Kendall County Planning, Building and Zoning Department annually confirming that the tenants of the apartment are employed as a watchman of a business operating on the subject property or are immediate family members of the watchman **(Amended at ZPAC)**. Only one (1) watchman and the family of the one (1) watchman may reside on the first floor of southern, mixed use building shown in the submitted picture. **(Clarified at RPC).**
4. The operator(s) of the business allowed by this special use permit shall ensure that the existing fences shown in the submitted pictures are maintained in good order to provide screening of the outdoor storage area from adjacent and surrounding properties. The operator(s) of the

business allowed by this special use permit may alter the materials used to create the fences, but shall not decrease the screening created by the fences that existed at the time of the issuance of the special use permit.

5. None of the vehicles or items parked or stored on premises shall be considered agricultural equipment as they relate to the businesses allowed by these special use permits.
6. All of the vehicles or items stored on the premises shall be maintained in good condition with no deflated tires and shall be licensed if required by law.
7. The owners of the business allowed by these special use permits shall diligently monitor the property for leaks from vehicles and items stored on the premises and shall promptly clean up the site if leaks occur.
8. The operator(s) of the business allowed by these special use permits acknowledge and agree to follow Kendall County's Right to Farm Clause.
9. The operator(s) of the business allowed by these special use permits shall follow all applicable Federal, State, and Local laws related to the operation of this type of business, including but not limited to the sign regulations contained in the Kendall County Zoning Ordinance.
10. The property owner shall follow all applicable Federal, State, and Local laws related to renting the property to a watchman and the family of the watchman.
11. Failure to comply with one or more of the above conditions or restrictions could result in the amendment or revocation of the special use permits.
12. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
13. These special use permits shall be treated as covenants running with the land and are binding on the successors, heirs, and assigns as to the same special uses conducted on the property.

Chairman Mohr asked about the conditions imposed on other special use permits for watchman's quarters. Mr. Asselmeier responded that few conditions existed on non A-1 zoned properties for watchman's quarters. Mr. Asselmeier noted the proposed condition requiring documentation be submitted annually showing the unit was rented to a watchman. Chairman Mohr asked how that documentation was defined. Mr. Asselmeier discussed another special use permit for a mobile home involving agricultural labor housing with a similar condition. Chairman Mohr asked how the County would prove that the tenant was a watchman. Discussion occurred about proof of compensation. It was noted that renting the space for a residential use would generate less revenue than renting the space to a commercial tenant. A new occupancy permit would be required to change the unit to a residential use and to change the unit back to commercial use.

Chairman Mohr opened the public hearing at 7:20 p.m.

Chairman Mohr swore in Boyd Ingemunson.

Boyd Ingemunson, Attorney for the Petitioner, noted that no improvements were planned for the property and the current owner has owned the property for a number of years.

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

Chairman Mohr requested that Mr. Asselmeier check to see if the current special use for the agricultural laborer is verified for employment. Discussion occurred regarding the eviction process for an employee.

Member Whitfield made a motion, seconded by Member Fox, to approve the Findings of Fact for the special use permits.

The votes were as follows:

Ayes (4): Fox, LeCuyer, Mohr, and Whitfield
Nays (0): None
Abstain (0): None
Absent (3): Cherry, Prodehl, and Thompson

The motion passed.

Member LeCuyer made a motion, seconded by Member Whitfield, to approve the conditions proposed by Staff.

The votes were as follows:

Ayes (4): Fox, LeCuyer, Mohr, and Whitfield
Nays (0): None
Abstain (0): None
Absent (3): Cherry, Prodehl, and Thompson

The motion passed.

Member LeCuyer made a motion, seconded by Member Whitfield, to recommend approval of the special use permits.

The votes were as follows:

Ayes (4): Fox, LeCuyer, Mohr, and Whitfield
Nays (0): None
Abstain (0): None
Absent (3): Cherry, Prodehl, and Thompson

The motion passed.

The proposal goes to the Planning, Building and Zoning Committee on January 9, 2023.

The Zoning Board of Appeals completed their review of Petition 22-24 at 7:26 p.m.

NEW BUSINESS/OLD BUSINESS

None

REVIEW OF PETITIONS THAT WENT TO THE COUNTY BOARD

Mr. Asselmeier reported that Petition 22-19 was approved by the County Board. Petition 22-20 was approved by the Millbrook Village Board.

PUBLIC COMMENTS

None

ADJOURNMENT OF THE ZONING BOARD OF APPEALS

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

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

The Zoning Board of Appeals meeting adjourned at 7:26 p.m.

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

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

Exhibits

1. Memo on Petition 22-24 Dated December 15, 2022
2. Certificate of Publication and Certified Mail Receipts for Petition 22-20 (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 22-27

Deb Howard on Behalf of Jade Restorations, Inc. (Current Owner) and Bullmastiff Construction Company LTD. (Contractor)

Major Amendment to A-1 Special Use – For Kennel and Veterinary Establishment and Variance to Allow Animals Outdoor After Sunset

INTRODUCTION

On February 18, 2020, the County Board approved Ordinance 2020-01, granting a special use permit for a kennel and veterinary at the northeast corner of Ridge Road and Bell Road, now addressed as 949 Bell Road, Minooka.

During the summer of 2022, the Planning, Building and Zoning Department received complaints regarding lights at the subject property. Upon investigation, Staff discovered that the site had not been developed in accordance with the site plan, landscaping plan, and photometric plan attached to the special use permit ordinance. The property owner agreed to amend the special use permit to have the site plan, landscaping plan, and photometric plan to match the current conditions. The specific amendments are as follows (items in red are Staff comments):

1. Fence limits on the west side of the building are different with a larger outdoor area enclosed and extended further south. The installed fence height is eight feet (8'), not six feet (6') as described in the associated exhibits attached to Ordinance 2020-01. **The fence was a cedar fence in the approved plans; the installed fence was vinyl.**
2. Westerly septic field is enclosed within the expanded fenced outdoor plan area. Westerly septic tank is installed further north than previously proposed. The southerly septic tank/piping was designed to be on the east side of the main entry, but was installed on the west side of the entry.
3. The Rusty Ridge sign at the southwest corner of the site is located within the Kendall County right-of-way. This will be relocated as part of the major amendment to the originally proposed location at a ten foot (10') setback from the right-of-way along the middle of the property west of the proposed location. **No information was provided regarding the other sign. The approved plans had one (1) monument sign along Bell Road and one (1) monument sign along Ridge Road. Both signs were to be four feet by eight feet (4'X8') and a maximum of eight feet (8') in height. Neither sign will be illuminated.**
4. Sidewalk has been added around the building that was not part of the original plans. There is a gravel driveway/PCC walk along the north side of the building for equestrian trailer access. Additional parking was added in the northeast corner of the building. **Number of parking stalls increased from fifty-two (52) to sixty-five (65). The number of handicapped accessible parking spaces remains at three (3).**
5. The east side walkway/covered entrance/building was eliminated and the walk is shown coming out of the south side of the building.
6. A five thousand (5,000) gallon external tank was previously proposed next to the well for fire protection. This was not constructed. Tank was installed in basement of building per discussions with the Minooka Fire Department.

7. An additional wall pack was added along the west wall of the building as the play area was enlarged/moved from the northeast corner of building. As built-photometric plan was unchanged and light intensities at west property line are still zero point zero (0.0) foot candles. **Change in location of lights. Number of pole lights to remain the same. Height of pole lights to remain the same.**
8. The concrete pad for trash enclosure is installed but no walls have been constructed. Concrete pad relocated further north to allow equestrian trailer access along the north side of the building from the parking lot. **Petitioner still plans to install the seven foot (7') tall masonry or wood fencing around the refuse area.**
9. Well head installed further north of design location.
10. Outdoor play area was eliminated on the northeast corner of building due to the installation of air handling units. **Original plans called for two (2) approximately twelve thousand (12,000) square foot outdoor play areas that were planned on both sides of the kennel wing of the building.**
11. A three thousand, one hundred (3,100) gallon holding tank was eliminated that was previously proposed for therapy pool/dog wash. Therapy pool was eliminated from building.
12. Per Seward Township Board meeting of December 13, 2022, Owner and Township Agreed that building and parking lot lighting will be turned off at 10:00 p.m. every night and all parking lot lighting and building lighting and building wall packs will be installed with cutoffs or shields. On January 26, 2023, the Petitioner's Engineer submitted a request to allow the wall pack lights on the building to be considered lighting necessary for security and be kept on twenty-four (24) hours and that the parking lots be turned off by Midnight, which is one (1) hour after the business closes as allowed by the Zoning Ordinance. The Petitioner's Engineer would like this language included as a condition of the special use permit. This email is included as Attachment 11. **Security lighting has motion sensors.**
13. Owner is requesting a variation to Kendall County Zoning Ordinance 7:01.D.29 for A-1 special use and modify "Condition G" of 2020-01 special use ordinance to State the following: "All pets shall be indoors between the hours of sunset and sunrise except for the purposes of owners dropping-off and picking-up pets and necessary bathroom breaks until 10:00 p.m. each evening."
14. **Change in vegetation count from thirty-eight (38) shade trees of various types, seventy-eight (78) evergreen trees of various types, sixty-eight (68) evergreen shrubs of various types, two hundred eighty-two (282) deciduous shrubs of various types, and one hundred fifteen (115) perennials of various types to thirty (30) ornamental trees of various types, twenty-six (26) trees of various types, forty-nine (49) evergreen trees of various types, and one hundred sixty-nine (169) shrubs of various types. Some vegetation has not been installed.**

The application material is included as Attachment 1. The proposed site plan is included as Attachment 2. The proposed landscaping plan is included as Attachment 3. The proposed photometric plan is included as Attachment 4. The building elevations are included as Attachment 5. Ordinance 2020-01 is included as Attachment 6.

The conditions in Ordinance 2020-01 are as follows:

1. The site shall be developed substantially in accordance with the attached site plan attached hereto as Exhibit C, landscaping plan attached hereto as Exhibit D, and photometric plan attached hereto as Exhibit E.
2. Within sixty days (60) days of approval of this special use permit ordinance, the property owners shall convey land to Kendall County and Seward Township for Ridge Road and Bell Road right-of-way in the locations and depths shown on the Right-of-Way Plat of Dedication attached hereto as Exhibit F.
3. The use allowed by this special use permit shall be located a minimum of two hundred fifty feet (250') from the lot line of lots zoned residential or shown as Residential on the Land Resource

Management Plan (LRMP) map and One Hundred Fifty Feet (150') from Lots Zoned Other Than Residential or Shown on the LRMP Map as non-residential.

4. Two (2) non-illuminated signs may be installed on the subject property in substantially the locations shown on the site plan (Exhibit C).
5. All vegetation and berms shall be installed within six (6) months of the opening of either the kennel or veterinary establishment at the subject property. The businesses shall be considered open on the date when the Kendall County Planning, Building and Zoning Department issues a certificate of occupancy for the building. Damaged or dead vegetation shall be replaced on a timeframe approved by the Kendall County Planning, Building and Zoning Department.
6. A maximum of eighty (80) dogs and twenty-five (25) cats may be kenneled on the subject property at any time.
7. All pets shall be indoors between the hours of sunset and sunrise except for the purposes of owners dropping-off and picking-up pets.
8. In the event that the kennel operations cease at the property, the veterinary business allowed by this special use permit may not board animals overnight except for medical treatment and observations.
9. The normal hours of operation for the businesses allowed by this special use permit shall be Monday through Friday from 6:00 a.m. until 7:00 p.m. and Saturday and Sunday from 7:00 a.m. until 7:00 p.m. The operator(s) of the business allowed by this special use permit may reduce these hours of operation. Pets experiencing medical emergencies at the kennel may be tended to outside the hours of operation. The veterinary establishment may be open beyond the hours of operation listed to handle medical emergencies.
10. The maximum combined number of employees for the businesses allowed by this special use permit shall be seventy (70), including the business owners.
11. Refuse shall be removed from the subject property at least one (1) time per week or as necessary to prevent litter or odors from emanating from the subject property.
12. Any construction on the property related to the businesses allowed by this special use permit shall not be considered as agricultural purposes and shall secure applicable permits.
13. The operator(s) of the businesses allowed by this special use permit may sell ancillary items related to their operations.
14. The operator(s) of the businesses allowed by this special use permit acknowledge and agree to follow Kendall County's Right to Farm Clause.
15. The operator(s) of the businesses allowed by this special use permit shall follow all applicable Federal, State, and Local laws related to the operation of these types of businesses.
16. 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.
17. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

The right-of-way dedication required called for in condition 2 occurred.

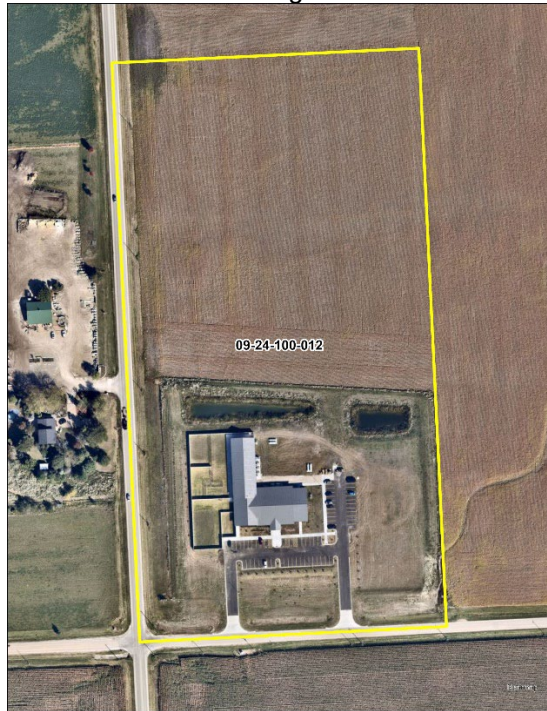
The proposed amendments would impact conditions 1 and 7. The vegetation referenced in condition 5 has not been installed completely. The remaining conditions shall remain valid and in effect.

SITE INFORMATION

PETITIONER Deb Chow on Behalf of Jade Restorations, Inc. (Current Owner) and Bullmastiff Construction Company LTD.

ADDRESS 949 Bell Road, Minooka

LOCATION Northeast Corner of Ridge Road and Bell Road



TOWNSHIP Seward

PARCEL # 09-24-100-012

LOT SIZE 20.02 Acres (Gross) 8.49 Acres (Special Use Area)

EXISTING LAND USE Agricultural/Veterinary/Kennel

ZONING A-1 Agricultural District with a Special Use Permit

LRMP	Current Land Use	Agricultural/Veterinary/Kennel
	Future Land Use	Commercial
	Roads	Ridge Road is a County Road classified as an Arterial Road. Bell Road is a Township Road classified as a Minor Collector.
	Trails	Shorewood has a trail planned along Ridge Road and Bell Road.
	Floodplain/ Wetlands	None

REQUESTED ACTION Major Amendment to an A-1 Special Use to Operate a Kennel and a Veterinary Establishment and Variance to Allow Animals Outdoors After Sunset.

APPLICABLE REGULATIONS Section 7:01.D.29 – A-1 Special Uses – Permits Kennels to be Located in the A-1 District if the Kennel is Located Inside and Must Be Located a Minimum of Two Hundred Fifty Feet (250') from the Lot Line of Lots Zoned Residential or Shown as Residential on the Land Resource Management Plan (LRMP) Map and One Hundred Fifty Feet (150') from Lots Zoned Other Than Residential or Shown on the

LRMP Map as non-residential. The animals must be indoors by sunset.

Section 7:01.D.56 – A-1 Special Uses – Permits Veterinary Establishments But Not the Boarding of Animals Overnight Except for Medical Treatment and Observations.

Section 13:04 – Variance Procedures

Section 13:08 – Special Use Procedures

SURROUNDING LAND USE

Location	Adjacent Land Use	Adjacent Zoning	Land Resource Management Plan	Zoning within ½ Mile
North	Agricultural	A-1	Suburban Residential (Max 1.0 DU/Acre) and Commercial	A-1 and A-1 SU
South	Agricultural	A-1	Suburban Residential	A-1 and A-1 SU
East	Agricultural	A-1	Suburban Residential/Commercial/Mixed Use Business	A-1, A-1 SU, and R-1
West	Agricultural/Farmstead/Landscaping Business	A-1 and A-1 SU	Suburban Residential/Commercial	A-1 and A-1 SU

There are twelve (12) homes located within one half (1/2) mile of the subject property.

The special uses to the north and south are landing strips. The special use to the east is for natural gas compression. The special use to the west is for a landscaping business.

PHYSICAL DATA

ENDANGERED SPECIES REPORT

EcoCat submitted on December 5, 2019, and consultation was terminated (see Attachment 1, Pages 54-56).

NATURAL RESOURCES INVENTORY

The NRI that was prepared for the original special use permit remains valid. The LESA Score was 207 indicating a medium level of protection. NRI information is included as Attachment 1, Pages 22-53.

ACTION SUMMARY

SEWARD TOWNSHIP

Seward Township was emailed information on December 27, 2022. As noted previously, Seward Township reviewed the proposal prior to application submittal. The Seward Township Planning Commission submitted an email on January 19, 2023, noting their approval of the project provided shades were put on all of the remaining lights in the parking lot and on the building. This email is included as Attachment 9.

MINOOKA FIRE PROTECTION DISTRICT

The Minooka Fire Protection District was emailed information on December 27, 2022. They responded on December 29, 2022, saying they had no stipulations regarding this proposal. The email is included as Attachment 7.

VILLAGE OF SHOREWOOD

The Village of Shorewood was emailed information on December 27, 2022.

ZPAC

ZPAC reviewed the proposal at their meeting on January 3, 2023. Discussion occurred regarding the timing of installing the landscaping. All landscaping would be installed by mid-June 2023. ZPAC recommended approval of the proposal by a vote of six (6) in favor and zero (0) in opposition with four (4) members absent. The minutes are included as Attachment 8.

RPC

The Kendall County Regional Planning Commission reviewed this proposal at their meeting on January 25, 2023. Discussion occurred regarding the need for the proposed amendments. Joan Soltwisch read a statement into the record regarding lighting at the property. Discussion occurred regarding lights at nearby agricultural properties. Dr. Joe Chow provided pictures of lighting in the area and explained the need for lighting at the property. Discussion also occurred about amending the County's special use amendment criteria related to major and minor amendments to existing special use permits. The Kendall County Regional Planning Commission recommended approval of the proposal by a vote of nine (9) in favor and zero (0) in opposition with one (1) member absent. The minutes are included as Attachment 10.

FINDINGS OF FACT-SPECIAL USE PERMIT AMENDMENT

§ 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:

*That 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. **The operation of the special use will not be detrimental to the public health, safety, morals, comfort, or general welfare. The immediately adjacent properties are also zoned A-1 or A-1 with a special use permit. In addition, the site plan shows an eight foot (8') tall fence around the outdoor play area. The proposed landscaping and berming should also reduce noise coming from the property. The Petitioners are requesting a variance to allow animals to be outdoors until 10:00 p.m. but only for the purposes of dropping-off and picking-up by owners and for necessary bathroom breaks.***

*That 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 shall make 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 Petitioners installed fencing and security lighting. The Petitioners submitted a photometric plan showing no lighting spilling onto adjoining properties. The Petitioners agreed to have animals indoors by sunset, except for specific purposes as mentioned in the previous finding. The proposed hours of operation will also prevent injury to neighboring land uses.***

*That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. **This is true. Adequate ingress and egress has been provided off of Bell Road. The Petitioners have secured applicable permits and installed adequate facilities related to stormwater, well, and septic systems.***

*That 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. **The Petitioners are requesting a variance to Section 7:01.D.29 of the Kendall County Zoning Ordinance to allow the animals to be outdoors for specific purposes as outlined in the first finding.***

*That 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. **True, the proposed use is consistent with an objective found on Page 9-21 of the Kendall County Land Resource Management Plan which calls for "a strong base of agricultural, commerce and industry that provides a broad range of job***

opportunities, a healthy tax base, and improved quality of services to County residents.” The Land Resource Management Plan calls for the subject property to be commercial.

FINDINGS OF FACT-VARIANCE

§ 13:04.A.3 of the Zoning Ordinance outlines findings that the Zoning Board of Appeals must make in order to grant variations. They are listed below in *italics*. Staff has provided findings in **bold** below based on the recommendation:

That the particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out. **No topographic condition creates a particular hardship for the Petitioner.**

That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. **Other requests for special use permits for kennels could ask for the same variation.**

That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. **The current owner was not involved with the drafting of the existing language in the Zoning Ordinance. The current owner cannot control the times for sunset or sunrise.**

That the granting of the variation will not materially be detrimental to the public welfare or substantially injurious to other property or improvements in the neighborhood in which the property is located. **The requested variance should not negatively impact any of the neighbors and will not be detrimental to the public welfare or injurious to other property if the animals are outside for the purposes of pick-up and drop-off or to use the restroom and for no other purposes.**

That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the neighborhood. **The requested variance will not impair light reaching other properties, cause congestion on any public street, or diminish or impair property values.**

RECOMMENDATION

Staff recommends approval of the requested variance and amendments to the existing special use permit for a kennel and veterinary establishment subject to the following conditions and restrictions:

1. Condition 2.A of Ordinance 2020-01 is hereby repealed in its entirety and is replaced with the following:

“The site shall be developed substantially in accordance with the attached site plan (Attachment 2), landscaping plan (Attachment 3), and photometric plan (Attachment 4).”

2. Condition 2.E of Ordinance 2020-01 is hereby repealed in its entirety and is replaced with the following:

“All vegetation and berms shall be installed by June 15, 2023. The Planning, Building and Zoning Committee may extend this deadline upon request of the property owner. Damaged or dead vegetation shall be replaced on a timeframe approved by the Kendall County Planning, Building and Zoning Department.” **(Added after ZPAC).**

3. Condition 2.G of Ordinance 2020-01 is hereby repealed in its entirety and is replaced with the following:

“All pets shall be indoors between the hours of sunset and sunrise except for the purposes of owners dropping-off and picking-up pets and necessary bathroom breaks until 10:00 p.m. each evening. This provision is a variance to a requirement contained in Section 7:01.D.29 of the Kendall County Zoning Ordinance.”

4. The remaining conditions and restrictions contained in Ordinance 2020-01 shall remain valid and

effective.

5. 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.
6. If one or more of the above conditions or restrictions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
7. These major amendments to an existing special use permit and variance shall be treated as covenants running with the land and are binding on the successors, heirs, and assigns as to the same special uses conducted on the property.

Staff is also of the opinion that the requirement that animals in kennels be indoors between the hours of sunset and sunrise should be revisited through the text amendment process and that specific hours not connected to sunrise or sunset be set.

ATTACHMENTS

1. Application Materials
2. Site Plan
3. Landscaping Plan
4. Photometric Plan
5. Building Elevations
6. Ordinance 2020-01
7. December 29, 2022 Minooka Fire Department Email
8. January 3, 2023 ZPAC Meeting Minutes
9. January 19, 2023 Seward Township Email
10. January 25, 2023 Kendall County Regional Planning Commission Minutes (This Petition Only)
11. January 26, 2023 Email from Michael Cook



DEPARTMENT OF PLANNING, BUILDING & ZONING

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

APPLICATION

PROJECT NAME RUSTY RIDGE ANIMAL CENTER FILE #: _____

NAME OF APPLICANT		
BULLMASTIFF CONSTRUCTION COMPANY, LTD.		
CURRENT LANDOWNER/NAME(s)		
JADE RESTORATIONS, INC.		
SITE INFORMATION		
ACRES	SITE ADDRESS OR LOCATION	ASSESSOR'S ID NUMBER (PIN)
8.492	949 BELL ROAD	09-24-100-012-0000
EXISTING LAND USE	CURRENT ZONING	LAND CLASSIFICATION ON LRMP
COMMERCIAL	A1	COMMERCIAL
REQUESTED ACTION (Check All That Apply):		
☐ SPECIAL USE ☐ MAP AMENDMENT (Rezone to _____) ☒ VARIANCE ☐ ADMINISTRATIVE VARIANCE ☐ A-1 CONDITIONAL USE for: _____ ☐ SITE PLAN REVIEW ☐ TEXT AMENDMENT ☐ RPD (☐ Concept; ☐ Preliminary; ☐ Final) ☐ ADMINISTRATIVE APPEAL ☐ PRELIMINARY PLAT ☐ FINAL PLAT ☐ OTHER PLAT (Vacation, Dedication, etc.) ☒ AMENDMENT TO A SPECIAL USE (☒ Major; ☐ Minor)		
¹PRIMARY CONTACT	PRIMARY CONTACT MAILING ADDRESS	PRIMARY CONTACT EMAIL
MS. DEB HOWARD		
PRIMARY CONTACT PHONE #	PRIMARY CONTACT FAX #	PRIMARY CONTACT OTHER # (Cell, etc.)
²ENGINEER CONTACT	ENGINEER MAILING ADDRESS	ENGINEER EMAIL
MICHAEL COOK		
ENGINEER PHONE #	ENGINEER FAX #	ENGINEER OTHER # (Cell, etc.)
I UNDERSTAND THAT BY SIGNING THIS FORM, THAT THE PROPERTY IN QUESTION MAY BE VISITED BY COUNTY STAFF & BOARD/ COMMISSION MEMBERS THROUGHOUT THE PETITION PROCESS AND THAT THE PRIMARY CONTACT LISTED ABOVE WILL BE SUBJECT TO ALL CORRESPONDANCE ISSUED BY THE COUNTY.		
I CERTIFY THAT THE INFORMATION AND EXHIBITS SUBMITTED ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND THAT I AM TO FILE THIS APPLICATION AND ACT ON BEHALF OF THE ABOVE SIGNATURES. THE APPLICANT ATTESTS THAT THEY ARE FREE OF DEBT OR CURRENT ON ALL DEBTS OWED TO KENDALL COUNTY AS OF THE APPLICATION DATE.		
SIGNATURE OF APPLICANT		DATE
		12.13.2022

FEE PAID: \$ _____
CHECK #: _____

¹Primary Contact will receive all correspondence from County

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

Project Narrative + Operations Plan
for
Veterinary Clinic / Doggy Daycare
NEC Bell Rd & Ridge Rd, Kendall County, IL

December 16, 2019
REVISED December 20, 2022
Ms. Deb Howard
Bullmastiff Construction Company, Ltd.
[REDACTED]
[REDACTED]
[REDACTED]



I, Michael D. Cook, a registered Professional Engineer
in the State of Illinois, hereby certify this Project
Narrative was performed under my personal
direction.



[REDACTED]

Illinois Professional Engineer [REDACTED]
EXPIRES 11-30-2023

Table of Contents

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Proposed Conditions	3
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Introduction

The purpose of this narrative is to summarize the existing and proposed conditions of a property located within Seward Township in Unincorporated Kendall County, Illinois, at the northeast corner (NEC) of Bell Road and Ridge Road. The property PIN is 09-24-100-012-0000. The development area is approximately 304,660 square feet or 6.99 acres in size.

The narrative will identify existing site conditions and elaborate on the proposed veterinary clinic / doggy daycare improvements. Applicable portions of the Kendall County Zoning Ordinance (Ordinance) will be referenced.

Existing Conditions

The existing property is currently used for farming and agricultural use. The property is zoned A-1, Agricultural District in Unincorporated Kendall County and is bounded by Ridge Road (Wikaduke Trail) and commercial business zoned A-1-SU to the west, agricultural property zoned A-1 to the north, agricultural property zoned A-1 to the east, and Bell Road and agricultural property zoned A-1 to the south. Ridge Road (Wikaduke Trail) is under the jurisdiction and access is regulated by the Kendall County Highway Department. Bell Road is under the jurisdiction and access is regulated by Seward Township.

According to the Kendall County Land Resource Management Plan (LRMP) has the future land use plan for this property as neighborhood commercial. The property is part of the Village of Shorewood's Comprehensive Plan, Planning Area Map. The Village of Shorewood has a proposed land use for this parcel as commercial.

No wetlands, floodplain, or riparian areas are located within 100 feet of the proposed development. The existing topography is reflective of drainage patterns generally flowing south to north. Along the south property line, a 50-foot utility easement exists for Illinois Bell Telephone per Document No. 130783. A 40-foot utility easement for a natural gas pipeline overlaps the aforementioned telephone easement along the current south property.

The legal description is as follows:

PARCEL 1 (DEVELOPMENT PARCEL)

THAT PART OF THE SOUTH 1281.17 FEET OF THE WEST 680.00 FEET OF THE NORTHWEST QUARTER OF SECTION 24, TOWNSHIP 35 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE TOWNSHIP OF SEWARD, DESCRIBED AS FOLLOWS;

BEGINNING AT THE SOUTHWEST CORNER OF SAID NORTHWEST QUARTER, THENCE NORTH 01 DEGREES 45 MINUTES 20 SECONDS WEST, ON THE WEST LINE OF SAID NORTHWEST QUARTER, 579.95 FEET TO THE SOUTH LINE OF THE 800 FOOT WIDE NATURAL GAS PIPELINE EASEMENT AS DESCRIBED IN BOOK 103 P AGE 333 IN KENDALL COUNTY RECORDS; THENCE SOUTH 85 DEGREES 47 MINUTES 08 SECONDS EAST, ON SAID SOUTH LINE, 683.71 FEET TO THE EAST LINE OF THE WEST 680.00 FEET SAID NORTHWEST QUARTER; THENCE SOUTH 01 DEGREES 45 MINUTES 20 SECONDS EAST, ON SAID EAST LINE, 507.99 FEET TO THE SOUTH LINE OF SAID NORTHWEST QUARTER; THENCE SOUTH 88 DEGREES 10 MINUTES 23 SECONDS WEST, ON SAID SOUTH LINE, 680.00 FEET TO THE POINT OF BEGINNING, ALL IN KENDALL COUNTY, ILLINOIS.

Proposed Conditions

The proposed development of this parcel includes mass grading of the site and construction of an approximate 18,000 sf veterinary clinic and doggy daycare facility. In addition, two (2) new driveway access concrete aprons for the facility and customer / employee parking lot will be installed off Bell Road on the south side of the future building. The proposed siteplan includes 52 parking stalls, including 3 handicap stalls as required by Illinois Accessibility Code. A screened trash enclosure will be located at the northeast corner of the parking/building, with a refuse service used for trash removal.

Two (2) proposed 4-foot by 8-foot (per face) monument signs are proposed for the business – one along Ridge Road, and one along Bell Road. The signs will be a maximum of eight (8) feet high and will not be illuminated. The building and parking will be screened with 4-5-foot tall berms and landscaping along the west, south and east property lines.

The proposed building will be a metal manufactured structure supplied by Lester Buildings with a maximum height of 23-feet, 1/8 inch at the peak of the roof. The building is placed on the site to meet the existing A-1 Zoning setbacks – 150 feet from the roadway centerline and 100 feet from the future Bell Road ROW line. The proposed parking lot also meets these setback requirements. The building is located a minimum of 250 feet from the existing parcels neighboring to the east and west right of way of Ridge Road.

The proposed building will be serviced via private well and septic, with the two (2) proposed raised filter beds located near the southwest corner of the building and along the Bell Rd frontage. All construction and permitting will be completed in accordance with the Kendall County Health Department, Illinois Private Sewage Disposal Licensing Act and Code and the Illinois Water Well Construction Code.

The parking lot and surrounding area will be collected and conveyed via storm sewer to the proposed stormwater detention area at the north end of the property. Stormwater detention will be provided for the development in accordance with Kendall County requirements (to be permitted separately) within two (2) wet detention ponds. A dual-phase restricted stormwater detention outlet in accordance with Kendall County requirements will discharge at grade near the northwest corner of the site towards the existing ditch on the east side of the Ridge Road ROW. The building will have fire suppression, necessary security and fire alarms installed for the safety and well-being of both staff and animals. All parking lot and building lighting will be off by 10:00p every evening.

The proposed doggy daycare and boarding facility will employ approximately 15-30 people per day. The doggy daycare and veterinary clinic will have hours of operation between 6:00am and 7:00pm, Monday through Friday; the boarding facility will be staffed at all times, so no animal is ever left unattended. The proposed veterinary clinic will employ approximately 15-20 people per day. Grooming services provided onsite will be staffed accordingly, and there will be some overlap of employees between the facilities. Security for the business will be provided in the form of fencing with locking gates, security doors, alarms and sensors. Security lighting will be provided in the form of LED parking lot lighting maximum twenty feet tall poles, as well as building-mounted lights around the proposed structure. The business owner will employ a local dumpster service for refuse and waste removal. Cutoffs or shields have been added to each light fixture at the request of the Seward Township Board to reduce any glare leaving the site.

Doggy daycare and animal boarding facilities will be provided onsite, indoors, for a maximum of approximately forty (40) domestic animals (dogs and cats). All animals will be indoors by sunset each day. Noise control will be addressed with interior noise precautions, soundproof foam, acoustic dampening ceiling tiles and insulation. External noise will be controlled with a 6-foot high board on board cedar fence, land barriers (berms) and perimeter year-round landscaping consisting of coniferous and deciduous trees. A variance is being requested from Kendall County to allow animals outdoors every evening until 10:00p to use the bathroom.

In addition to veterinary and boarding services onsite, grooming services will also be available to animals as required. Prescription medicine, food and general dog supplies planned to be sold onsite as well.

Conclusion

All site development and building permit requirements will be subject to Kendall County for review and approval prior to commencement of any construction activities. Upon receipt of the Special Use Permit, the developer is proposing a tentative construction schedule of 2020 with hopes of breaking ground in late Spring with mass grading, stormwater facility installation and site utilities with building construction targeted for early summer. Developer is targeting an opening date in late 2020 or early 2021. The facility has been open for business since summer 2022.

Exhibit A

RUSTY RIDGE ANIMAL CENTER

LEGAL DESCRIPTION

PARCEL 1 (DEVELOPMENT PARCEL)

THAT PART OF THE SOUTH 1281.17 FEET OF THE WEST 680.00 FEET OF THE NORTHWEST QUARTER OF SECTION 24, TOWNSHIP 35 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE TOWNSHIP OF SEWARD, DESCRIBED AS FOLLOWS;

BEGINNING AT THE SOUTHWEST CORNER OF SAID NORTHWEST QUARTER, THENCE NORTH 01 DEGREES 45 MINUTES 20 SECONDS WEST, ON THE WEST LINE OF SAID NORTHWEST QUARTER, 579.95 FEET TO THE SOUTH LINE OF THE 800 FOOT WIDE NATURAL GAS PIPELINE EASEMENT AS DESCRIBED IN BOOK 103 PAGE 333 IN KENDALE COUNTY RECORDS; THENCE SOUTH 85 DEGREES 47 MINUTES 08 SECONDS EAST, ON SAID SOUTH LINE, 683.71 FEET TO THE EAST LINE OF THE WEST 680.00 FEET OF SAID NORTHWEST QUARTER; THENCE SOUTH 01 DEGREES 45 MINUTES 20 SECONDS EAST, ON SAID EAST LINE, 507.99 FEET TO THE SOUTH LINE OF SAID NORTHWEST QUARTER; THENCE SOUTH 88 DEGREES 10 MINUTES 23 SECONDS WEST, ON SAID SOUTH LINE, 680.00 FEET TO THE POINT OF BEGINNING, ALL IN KENDALL COUNTY, ILLINOIS.



MAIL RECORDED DEED TO.
Attorney Robert J. Huguelet, Jr , Esq.
10749 Winterset Drive
Orland Park, IL 60467

201800001834
DEBBIE GILLETTE
RECORDER - KENDALL COUNTY, IL

MAIL TAX BILL TO:
Jade Restorations, Inc.

RECORDED: 2/7/2018 10:02 AM
WD: 39.00 RHSPS FEE: 10.00
STATE TAX: 500.00
COUNTY TAX: 250.00
PAGES: 3

THIS INSTRUMENT PREPARED BY:
Attorney Thomas Osterberger
Kavanagh Grumley Corbould, LLC
111 N Ottawa Street
Joliet, IL 60432

ABOVE SPACE FOR RECORDER'S USE

WARRANTY DEED

THIS INDENTURE WITNESSETH, that the Grantor, DGA Investments, LLC – Coyne Farm, an Illinois series limited liability company and part of DGA Investments, LLC, an Illinois limited liability company, having its principal office at [REDACTED] for and in consideration of the sum of One Dollar and other good and valuable consideration, the receipt of which is hereby acknowledged, CONVEYS and WARRANTS to

Jade Restorations, Inc., an Illinois Corporation, whose principal address is [REDACTED] the following described real estate, to-wit

The South 1281 17 feet of the West 680 00 feet of the Northwest quarter of Section 24, Township 35 North, Range 8 East of the Third Principal Meridian, in the Township of Seward, all in Kendall County, Illinois.

Permanent Real Estate Index Number(s) New Code to Come – Presently Part of
09-24-100-001

Commonly known as 20 Acres of Vacant Land at the northeast corner of Bell and Ridge Roads, Minooka, Illinois

Situated in Kendall County, Illinois, hereby releasing and waiving all rights under and by virtue of the Homestead Exemption Laws of the State of Illinois.



1 of 1

3

DATED this 30th day of January, 2018

DGA Investments, LLC – Coyne Farm, an Illinois series limited liability company, and part of DGA Investments, LLC, an Illinois limited liability company

[Redacted Signature]

Maria Villanueva, Manager

STATE OF ILLINOIS)
)
COUNTY OF WILL)

SS.

I, the undersigned, a Notary Public, in and for said county, in the State aforesaid, DO HEREBY CERTIFY THAT Maria Villanueva, personally known to me to be Manager of DGA Investments, LLC – Coyne Farm, an Illinois series limited liability company and part of DGA Investments, LLC, an Illinois limited liability company who is the grantor and 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 severally acknowledged that as such Manager she signed and delivered said instrument as such Manager, pursuant to authority given by the Resolution of all of the Members of said Limited Liability Company, as her free and voluntary act, and as the free and voluntary act of said Limited Liability Company, for the purposes therein set forth. [Redacted]

Given under my hand and official seal this 30th day of January, 2018.

BARBARA J. HINZ
NOTARY PUBLIC, STATE OF ILLINOIS
My Commission Expires Jun 5, 2020

[Redacted Signature]
Notary Public

OFFICIAL SEAL
BARBARA J. HINZ
NOTARY PUBLIC, STATE OF ILLINOIS
My Commission Expires Jun 5, 2020

STATE TAX
STATE OF ILLINOIS
FEB.-7.18
REAL ESTATE TRANSFER TAX
DEPARTMENT OF REVENUE

0000014288
REAL ESTATE TRANSFER TAX
00500.00
FP 326656

COUNTY OF KENDALL
REAL ESTATE TRANSFER TAX
250.00

ALTA OWNER'S POLICY OF TITLE INSURANCE

CHICAGO TITLE INSURANCE COMPANY

Policy Number:



Any notice of claim and any other notice or statement in writing required to be given to the Company under this Policy must be given to the Company at the address shown in Section 18 of the Conditions.

COVERED RISKS

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE EXCEPTIONS FROM COVERAGE CONTAINED IN SCHEDULE B, AND THE CONDITIONS, CHICAGO TITLE INSURANCE COMPANY, a Florida corporation (the "Company") insures, as of Date of Policy and, to the extent stated in Covered Risks 9 and 10, after Date of Policy, against loss or damage, not exceeding the Amount of Insurance, sustained or incurred by the Insured by reason of:

1. Title being vested other than as stated in Schedule A.
2. Any defect in or lien or encumbrance on the Title. This Covered Risk includes but is not limited to insurance against loss from
 - (a) A defect in the Title caused by
 - (i) forgery, fraud, undue influence, duress, incompetency, incapacity, or impersonation;
 - (ii) failure of any person or Entity to have authorized a transfer or conveyance;
 - (iii) a document affecting Title not properly created, executed, witnessed, sealed, acknowledged, notarized, or delivered;
 - (iv) failure to perform those acts necessary to create a document by electronic means authorized by law;
 - (v) a document executed under a falsified, expired, or otherwise invalid power of attorney;
 - (vi) a document not properly filed, recorded, or indexed in the Public Records including failure to perform those acts by electronic means authorized by law; or
 - (vii) a defective judicial or administrative proceeding.
 - (b) The lien of real estate taxes or assessments imposed on the Title by a governmental authority due or payable, but unpaid.
 - (c) Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land. The term "encroachment" includes encroachments of existing improvements located on the Land onto adjoining land, and encroachments onto the Land of existing improvements located on adjoining land.
3. Unmarketable Title.
4. No right of access to and from the Land.
5. The violation or enforcement of any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
 - (a) the occupancy, use, or enjoyment of the Land;
 - (b) the character, dimensions, or location of any improvement erected on the Land;
 - (c) the subdivision of land; or
 - (d) environmental protection

if a notice, describing any part of the Land, is recorded in the Public Records setting forth the violation or intention to enforce, but only to the extent of the violation or enforcement referred to in that notice.
6. An enforcement action based on the exercise of a governmental police power not covered by Covered Risk 5 if a notice of the enforcement action, describing any part of the Land, is recorded in the Public Records, but only to the extent of the enforcement referred to in that notice.

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ALTA Owner's Policy (06/17/2006)



7. The exercise of the rights of eminent domain if a notice of the exercise, describing any part of the Land, is recorded in the Public Records.
8. Any taking by a governmental body that has occurred and is binding on the rights of a purchaser for value without Knowledge.
9. Title being vested other than as stated in Schedule A or being defective
 - (a) as a result of the avoidance in whole or in part, or from a court order providing an alternative remedy, of a transfer of all or any part of the title to or any interest in the Land occurring prior to the transaction vesting Title as shown in Schedule A because that prior transfer constituted a fraudulent or preferential transfer under federal bankruptcy, state insolvency, or similar creditors' rights laws; or
 - (b) because the instrument of transfer vesting Title as shown in Schedule A constitutes a preferential transfer under federal bankruptcy, state insolvency, or similar creditors' rights laws by reason of the failure of its recording in the Public Records
 - (i) to be timely, or
 - (ii) to impart notice of its existence to a purchaser for value or to a judgment or lien creditor.
10. Any defect in or lien or encumbrance on the Title or other matter included in Covered Risks 1 through 9 that has been created or attached or has been filed or recorded in the Public Records subsequent to Date of Policy and prior to the recording of the deed or other instrument of transfer in the Public Records that vests Title as shown in Schedule A.

The Company will also pay the costs, attorneys' fees, and expenses incurred in defense of any matter insured against by this Policy, but only to the extent provided in the Conditions.

IN WITNESS WHEREOF, CHICAGO TITLE INSURANCE COMPANY has caused this policy to be signed and sealed by its duly authorized officers.

Chicago Title Insurance Company

By:

[REDACTED]

President

Attest:

[REDACTED]

Secretary



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EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
 - (i) the occupancy, use, or enjoyment of the Land;
 - (ii) the character, dimensions, or location of any improvement erected on the Land;
 - (iii) the subdivision of land; or
 - (iv) environmental protection;
 or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.

(b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
 - (a) created, suffered, assumed, or agreed to by the Insured Claimant;
 - (b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
 - (c) resulting in no loss or damage to the Insured Claimant;
 - (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 9 and 10); or
 - (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Title.
4. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction vesting the Title as shown in Schedule A, is
 - (a) a fraudulent conveyance or fraudulent transfer; or
 - (b) a preferential transfer for any reason not stated in Covered Risk 9 of this policy.
5. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the deed or other instrument of transfer in the Public Records that vests Title as shown in Schedule A.

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



SCHEDULE B EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage, and the Company will not pay costs, attorneys' fees or expenses that arise by reason of:

1. **General Exceptions**
2. **Rights or claims of parties in possession not shown by Public Records.**
3. **Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the title that would be disclosed by an accurate and complete land survey of the Land.**
4. **Easements, or claims of easements, not shown by the Public Records.**
5. **Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the Public Records.**
6. **Taxes or special assessments which are not shown as existing liens by the Public Records.**
7. Taxes for the years 2017 and 2018.

Taxes for the years 2017 and 2018 are not yet due or payable.

Permanent Tax No.: [09-24-100-001](#) (affects the land and other property)

Note: Taxes for the year 2016 amounting to \$6,669.16 are paid of record.

8. Rights of the public, the State of Illinois County of Kendall and the municipality in and to that part of the Land taken or used for road purposes, including Ridge Road, as originally constituted and as widened to 35.00 feet East of the centerline by the dedication to the People of County of Kendall recorded August 27, 1947 in 103 deed 273.
9. Rights of way for drainage tiles, ditches, feeders and laterals, if any.
10. Rights of the public, the state of Illinois and the municipality in and to that part of the Land, if any, taken or used for road purposes.
11. Right of way option granted by Charles E. Davis and Alma V. Davis, his wife, to Continental Construction Corporation, dated March 17, 1931 and recorded April 15, 1931 in Book 84 of Deeds page 42, for "Pipeline or Pipelines, the transmission of gas "or any of its products..... over and through..... ohe Northwest 1/4 of Section 24, Township 35 North, Range 8, East of the Third Principal Meridian, in the Township of Seward, Kendall County, Illinois" acknowledgement of Exercise of Option dated April 11, 1931 and recorded April 22, 1931 in Book 84 of Deeds, page 55.

Note: These instruments do not definitely set forth the location of this grant.

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SCHEDULE B
EXCEPTIONS FROM COVERAGE
 (continued)

12. Agreement concerning Location of Pipeline dated May 24, 1946 and recorded September 3, 1946 in Book 102 of Deeds page 164 by Alma V. Davis with National Gas Pipeline Company of America (formerly Continental Construction Corporation) Wherein It is Mentioned that Book 84 of Deeds, page 42 aforesaid provided for an additional Pipeline and that It is therefore agreed a Second Pipeline is located as follows:
- The Grantor Being Owner of "40-foot right of way along South line of Northwest 1/4 of Section 24, Township 35 North, Range 8 and West 1/2 of Northeast 1/4 of Section 24, Township 35 North, Range 8, East of the Third Principal Meridian, in the Township of Seward, Kendall County, Illinois", upon which the grantee operates a Pipeline said Second Pipeline is located "Entering the above described real estate at a point approximately 650.00 feet North of present pipeline on the West line; thence Southeast to a point on the East boundary of said real estate approximately 300.00 feet North of the pipeline presently constructed..... "
13. Right of Way Agreement Dated July 19, 1962 and recorded July 26, 1962 as document 138639 by Charles R. And Etta Davis, His Wife, with Natural Gas Pipeline Company of America for a Pipeline Transportation of Natural Gas, Conveying of a 75-foot strip the centerline as follows:
- Beginning at a point of Entrance of the East Property Line, said point being 952.5 feet North of the Southeast Corner property; Thence in a Southwesterly Direction at an Entrance Angle of 88 Degrees, 30 Minutes, 00 Second, a Distance of 1323.00 feet to a point of Exit on the West property line which is also the centerline of a Blacktop Road, said point being 922.5 feet North of the Southwest property corner as shown on drawing attached thereto.
14. Grant from Charles R. Davis to Illinois Bell Telephone Company dated June 24, 1960 and recorded August 17, 1960 as document 130783 for telephone and telegraph purposes "upon, along, and under the Public Roads..... in the South 50.00 feet of aforesaid West 1/2 of Southwest 1/4 of Section 24, Township 35 North, Range 8, East of the Third Principal Meridian, in the Township of Seward, Kendall County, Illinois. "
15. Rights of adjoining owners to the uninterrupted flow of any stream which may cross the premises.
16. 80 foot pipeline easement per Book 133 Page 333 recorded September 11, 1962 as shown on survey by Morrison Surveying Co., Inc. dated January 10, 2018 Order No. 39308.

END OF SCHEDULE B

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CONDITIONS**1. DEFINITION OF TERMS**

The following terms when used in this policy mean:

- (a) "Amount of Insurance": The amount stated in Schedule A, as may be increased or decreased by endorsement to this policy, increased by Section 8(b), or decreased by Sections 10 and 11 of these Conditions.
- (b) "Date of Policy": The date designated as "Date of Policy" in Schedule A.
- (c) "Entity": A corporation, partnership, trust, limited liability company, or other similar legal entity.
- (d) "Insured": The Insured named in Schedule A.
 - (i) The term "Insured" also includes
 - (A) successors to the Title of the Insured by operation of law as distinguished from purchase, including heirs, devisees, survivors, personal representatives, or next of kin;
 - (B) successors to an Insured by dissolution, merger, consolidation, distribution, or reorganization;
 - (C) successors to an Insured by its conversion to another kind of Entity;
 - (D) a grantee of an Insured under a deed delivered without payment of actual valuable consideration conveying the Title
 - (1) if the stock, shares, memberships, or other equity interests of the grantee are wholly-owned by the named Insured,
 - (2) if the grantee wholly owns the named Insured,
 - (3) if the grantee is wholly-owned by an affiliated Entity of the named Insured, provided the affiliated Entity and the named Insured are both wholly-owned by the same person or Entity, or
 - (4) if the grantee is a trustee or beneficiary of a trust created by a written instrument established by the Insured named in Schedule A for estate planning purposes.
 - (ii) With regard to (A), (B), (C), and (D) reserving, however, all rights and defenses as to any successor that the Company would have had against any predecessor Insured.
- (e) "Insured Claimant": An Insured claiming loss or damage.
- (f) "Knowledge" or "Known": Actual knowledge, not constructive knowledge or notice that may be imputed to an Insured by reason of the Public Records or any other records that impart constructive notice of matters affecting the Title.
- (g) "Land": The land described in Schedule A, and affixed improvements that by law constitute real property. The term "Land" does not include any property beyond the lines of the area described in Schedule A, nor any right, title, interest, estate, or easement in abutting streets, roads, avenues, alleys, lanes, ways, or waterways, but this does not modify or limit the extent that a right of access to and from the Land is insured by this policy.
- (h) "Mortgage": Mortgage, deed of trust, trust deed, or other security instrument, including one evidenced by electronic means authorized by law.
- (i) "Public Records": Records established under state statutes at Date of Policy for the purpose of imparting constructive notice of matters relating to real property to purchasers for value and without Knowledge. With respect to Covered Risk 5(d), "Public Records" shall also include environmental protection liens filed in the records of the clerk of the United States District Court for the district where the Land is located.
- (j) "Title": The estate or interest described in Schedule A.
- (k) "Unmarketable Title": Title affected by an alleged or apparent matter that would permit a prospective purchaser or lessee of the Title or lender on the Title to be released from the obligation to purchase, lease, or lend if there is a contractual condition requiring the delivery of marketable title.

2. CONTINUATION OF INSURANCE

The coverage of this policy shall continue in force as of Date of Policy in favor of an Insured, but only so long as the Insured retains an estate or interest in the Land, or holds an obligation secured by a purchase money Mortgage given by a purchaser from the Insured, or only so long as the Insured shall have liability by reason of warranties in any transfer or conveyance of the Title. This policy shall not continue in force in favor of any purchaser from the Insured of either (i) an estate or interest in the Land, or (ii) an obligation secured by a purchase money Mortgage given to the Insured.

3. NOTICE OF CLAIM TO BE GIVEN BY INSURED CLAIMANT

The Insured shall notify the Company promptly in writing (i) in case of any litigation as set forth in Section 5(a) of these Conditions, (ii) in case Knowledge shall come to an Insured hereunder of any claim of title or interest that is adverse to the Title, as insured, and that might cause loss or damage for which the Company may be liable by virtue of this policy, or (iii) if the Title, as insured, is rejected as Unmarketable Title. If the Company is prejudiced by the failure of the Insured Claimant to provide prompt notice, the Company's liability to the Insured Claimant under the policy shall be reduced to the extent of the prejudice.

4. PROOF OF LOSS

In the event the Company is unable to determine the amount of loss or damage, the Company may, at its option, require as a condition of payment that the Insured Claimant furnish a signed proof of loss. The proof of loss must describe the defect, lien, encumbrance, or other matter insured against by this policy that constitutes the basis of loss or damage and shall state, to the extent possible, the basis of calculating the amount of the loss or damage.

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(continued)

5. DEFENSE AND PROSECUTION OF ACTIONS

- (a) Upon written request by the Insured, and subject to the options contained in Section 7 of these Conditions, the Company, at its own cost and without unreasonable delay, shall provide for the defense of an Insured in litigation in which any third party asserts a claim covered by this policy adverse to the Insured. This obligation is limited to only those stated causes of action alleging matters insured against by this policy. The Company shall have the right to select counsel of its choice (subject to the right of the Insured to object for reasonable cause) to represent the Insured as to those stated causes of action. It shall not be liable for and will not pay the fees of any other counsel. The Company will not pay any fees, costs, or expenses incurred by the Insured in the defense of those causes of action that allege matters not insured against by this policy.
- (b) The Company shall have the right, in addition to the options contained in Section 7 of these Conditions, at its own cost, to institute and prosecute any action or proceeding or to do any other act that in its opinion may be necessary or desirable to establish the Title, as insured, or to prevent or reduce loss or damage to the Insured. The Company may take any appropriate action under the terms of this policy, whether or not it shall be liable to the Insured. The exercise of these rights shall not be an admission of liability or waiver of any provision of this policy. If the Company exercises its rights under this subsection, it must do so diligently.
- (c) Whenever the Company brings an action or asserts a defense as required or permitted by this policy, the Company may pursue the litigation to a final determination by a court of competent jurisdiction, and it expressly reserves the right, in its sole discretion, to appeal from any adverse judgment or order.

6. DUTY OF INSURED CLAIMANT TO COOPERATE

- (a) In all cases where this policy permits or requires the Company to prosecute or provide for the defense of any action or proceeding and any appeals, the Insured shall secure to the Company the right to so prosecute or provide defense in the action or proceeding, including the right to use, at its option, the name of the Insured for this purpose. Whenever requested by the Company, the Insured, at the Company's expense, shall give the Company all reasonable aid (i) in securing evidence, obtaining witnesses, prosecuting or defending the action or proceeding, or effecting settlement, and (ii) in any other lawful act that in the opinion of the Company may be necessary or desirable to establish the Title or any other matter as insured. If the Company is prejudiced by the failure of the Insured to furnish the required cooperation, the Company's obligations to the Insured under the policy shall terminate, including any liability or obligation to defend, prosecute, or continue any litigation, with regard to the matter or matters requiring such cooperation.
- (b) The Company may reasonably require the Insured Claimant to submit to examination under oath by any authorized representative of the Company and to produce for examination, inspection, and copying, at such reasonable times and places as may be designated by the authorized representative of the Company, all records, in whatever medium maintained, including books, ledgers, checks, memoranda, correspondence, reports, e-mails, disks, tapes, and videos whether bearing a date before or after Date of Policy, that reasonably pertain to the loss or damage. Further, if requested by any authorized representative of the Company, the Insured Claimant shall grant its permission, in writing, for any authorized representative of the Company to examine, inspect, and copy all of these records in the custody or control of a third party that reasonably pertain to the loss or damage. All information designated as confidential by the Insured Claimant provided to the Company pursuant to this Section shall not be disclosed to others unless, in the reasonable judgment of the Company, it is necessary in the administration of the claim. Failure of the Insured Claimant to submit for examination under oath, produce any reasonably requested information, or grant permission to secure reasonably necessary information from third parties as required in this subsection, unless prohibited by law or governmental regulation, shall terminate any liability of the Company under this policy as to that claim.

7. OPTIONS TO PAY OR OTHERWISE SETTLE CLAIMS; TERMINATION OF LIABILITY

In case of a claim under this policy, the Company shall have the following additional options:

- (a) To Pay or Tender Payment of the Amount of Insurance.
To pay or tender payment of the Amount of Insurance under this policy together with any costs, attorneys' fees, and expenses incurred by the Insured Claimant that were authorized by the Company up to the time of payment or tender of payment and that the Company is obligated to pay.
Upon the exercise by the Company of this option, all liability and obligations of the Company to the Insured under this policy, other than to make the payment required in this subsection, shall terminate, including any liability or obligation to defend, prosecute, or continue any litigation.
- (b) To Pay or Otherwise Settle With Parties Other Than the Insured or With the Insured Claimant.
 - (i) To pay or otherwise settle with other parties for or in the name of an Insured Claimant any claim insured against under this policy. In addition, the Company will pay any costs, attorneys' fees, and expenses incurred by the Insured Claimant that were authorized by the Company up to the time of payment and that the Company is obligated to pay; or
 - (ii) to pay or otherwise settle with the Insured Claimant the loss or damage provided for under this policy, together with any costs, attorneys' fees, and expenses incurred by the Insured Claimant that were authorized by the Company up to the time of payment and that the Company is obligated to pay.

Upon the exercise by the Company of either of the options provided for in subsections (b)(i) or (ii), the Company's obligations to the Insured under this policy for the claimed loss or damage, other than the payments required to be made, shall terminate, including any liability or obligation to defend, prosecute, or continue any litigation.

8. DETERMINATION AND EXTENT OF LIABILITY

This policy is a contract of indemnity against actual monetary loss or damage sustained or incurred by the Insured Claimant who has suffered loss or damage by reason of matters insured against by this policy.

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(continued)

- (a) The extent of liability of the Company for loss or damage under this policy shall not exceed the lesser of
 - (i) the Amount of Insurance; or
 - (ii) the difference between the value of the Title as insured and the value of the Title subject to the risk insured against by this policy.
- (b) If the Company pursues its rights under Section 5 of these Conditions and is unsuccessful in establishing the Title, as insured,
 - (i) the Amount of Insurance shall be increased by Ten percent (10%), and
 - (ii) the Insured Claimant shall have the right to have the loss or damage determined either as of the date the claim was made by the Insured Claimant or as of the date it is settled and paid.
- (c) In addition to the extent of liability under (a) and (b), the Company will also pay those costs, attorneys' fees, and expenses incurred in accordance with Sections 5 and 7 of these Conditions.

9. LIMITATION OF LIABILITY

- (a) If the Company establishes the Title, or removes the alleged defect, lien, or encumbrance, or cures the lack of a right of access to or from the Land, or cures the claim of Unmarketable Title, all as insured, in a reasonably diligent manner by any method, including litigation and the completion of any appeals, it shall have fully performed its obligations with respect to that matter and shall not be liable for any loss or damage caused to the Insured.
- (b) In the event of any litigation, including litigation by the Company or with the Company's consent, the Company shall have no liability for loss or damage until there has been a final determination by a court of competent jurisdiction, and disposition of all appeals, adverse to the Title, as insured.
- (c) The Company shall not be liable for loss or damage to the Insured for liability voluntarily assumed by the Insured in settling any claim or suit without the prior written consent of the Company.

10. REDUCTION OF INSURANCE; REDUCTION OR TERMINATION OF LIABILITY

All payments under this policy, except payments made for costs, attorneys' fees, and expenses, shall reduce the Amount of Insurance by the amount of the payment.

11. LIABILITY NONCUMULATIVE

The Amount of Insurance shall be reduced by any amount the Company pays under any policy insuring a Mortgage to which exception is taken in Schedule B or to which the Insured has agreed, assumed, or taken subject, or which is executed by an Insured after Date of Policy and which is a charge or lien on the Title, and the amount so paid shall be deemed a payment to the Insured under this policy.

12. PAYMENT OF LOSS

When liability and the extent of loss or damage have been definitely fixed in accordance with these Conditions, the payment shall be made within thirty (30) days.

13. RIGHTS OF RECOVERY UPON PAYMENT OR SETTLEMENT

- (a) Whenever the Company shall have settled and paid a claim under this policy, it shall be subrogated and entitled to the rights of the Insured Claimant in the Title and all other rights and remedies in respect to the claim that the Insured Claimant has against any person or property, to the extent of the amount of any loss, costs, attorneys' fees, and expenses paid by the Company. If requested by the Company, the Insured Claimant shall execute documents to evidence the transfer to the Company of these rights and remedies. The Insured Claimant shall permit the Company to sue, compromise, or settle in the name of the Insured Claimant and to use the name of the Insured Claimant in any transaction or litigation involving these rights and remedies.

If a payment on account of a claim does not fully cover the loss of the Insured Claimant, the Company shall defer the exercise of its right to recover until after the Insured Claimant shall have recovered its loss.

- (b) The Company's right of subrogation includes the rights of the Insured to indemnities, guaranties, other policies of insurance, or bonds, notwithstanding any terms or conditions contained in those instruments that address subrogation rights.

14. ARBITRATION

Either the Company or the Insured may demand that the claim or controversy shall be submitted to arbitration pursuant to the Title Insurance Arbitration Rules of the American Land Title Association ("Rules"). Except as provided in the Rules, there shall be no joinder or consolidation with claims or controversies of other persons. Arbitrable matters may include, but are not limited to, any controversy or claim between the Company and the Insured arising out of or relating to this policy, any service in connection with its issuance or the breach of a policy provision, or to any other controversy or claim arising out of the transaction giving rise to this policy. All arbitrable matters when the Amount of Insurance is Two Million and No/100 Dollars (\$2,000,000) or less shall be arbitrated at the option of either the Company or the Insured. All arbitrable matters when the Amount of Insurance is in excess of Two Million and No/100 Dollars (\$2,000,000) shall be arbitrated only when agreed to by both the Company and the Insured. Arbitration pursuant to this policy and under the Rules shall be binding upon the parties. Judgment upon the award rendered by the Arbitrator(s) may be entered in any court of competent jurisdiction.

15. LIABILITY LIMITED TO THIS POLICY; POLICY ENTIRE CONTRACT

- (a) This policy together with all endorsements, if any, attached to it by the Company is the entire policy and contract between the Insured and the Company. In interpreting any provision of this policy, this policy shall be construed as a whole.
- (b) Any claim of loss or damage that arises out of the status of the Title or by any action asserting such claim shall be restricted to this policy.
- (c) Any amendment of or endorsement to this policy must be in writing and authenticated by an authorized person, or expressly incorporated by Schedule A of this policy.

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(continued)

- (d) Each endorsement to this policy issued at any time is made a part of this policy and is subject to all of its terms and provisions. Except as the endorsement expressly states, it does not (i) modify any of the terms and provisions of the policy, (ii) modify any prior endorsement, (iii) extend the Date of Policy, or (iv) increase the Amount of Insurance.

16. SEVERABILITY

In the event any provision of this policy, in whole or in part, is held invalid or unenforceable under applicable law, the policy shall be deemed not to include that provision or such part held to be invalid, but all other provisions shall remain in full force and effect.

17. CHOICE OF LAW; FORUM

- (a) Choice of Law: The Insured acknowledges the Company has underwritten the risks covered by this policy and determined the premium charged therefor in reliance upon the law affecting interests in real property and applicable to the interpretation, rights, remedies, or enforcement of policies of title insurance of the jurisdiction where the Land is located.

Therefore, the court or an arbitrator shall apply the law of the jurisdiction where the Land is located to determine the validity of claims against the Title that are adverse to the Insured and to interpret and enforce the terms of this policy. In neither case shall the court or arbitrator apply its conflicts of law principles to determine the applicable law.

- (b) Choice of Forum: Any litigation or other proceeding brought by the Insured against the Company must be filed only in a state or federal court within the United States of America or its territories having appropriate jurisdiction.

18. NOTICES, WHERE SENT

Any notice of claim and any other notice or statement in writing required to be given to the Company under this policy must be given to the Company at:

Chicago Title Insurance Company
P.O. Box 45023
Jacksonville, FL 32232-5023
Attn: Claims Department

END OF CONDITIONS

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ENDORSEMENT - SE 287**POLICY MODIFICATION**

Issued By:



CHICAGO TITLE INSURANCE COMPANY

Attached to Policy Number:



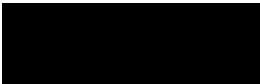
General Exception number(s) 1,2,3,4 and 5 of Schedule B of this policy are hereby deleted.

This endorsement is issued as part of the policy. Except as it expressly states, it does not (i) modify any of the terms and provisions of the policy, (ii) modify any prior endorsements, (iii) extend the Date of Policy, or (iv) increase the Amount of Insurance. To the extent a provision of the policy or a previous endorsement is inconsistent with an express provision of this endorsement, this endorsement controls. Otherwise, this endorsement is subject to all of the terms and provisions of the policy and of any prior endorsements.

Chicago Title Insurance Company

Dated: February 7, 2018

Countersigned By:

_____
Authorized Officer or Agent

KENDALL COUNTY DISCLOSURE OF BENEFICIARIES FORM

1. Applicant BULLMASTIFF CONSTRUCTION COMPANY, LTD.
 Address [REDACTED]
 City [REDACTED] State [REDACTED] Zip [REDACTED]
2. Nature of Benefit Sought MAJOR AMENDMENT TO SPECIAL USE
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:

DEVELOPER, BUILDER, GENERAL CONTRACTOR
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
DEB HOWARD	[REDACTED]	100%
6. Name, address, and capacity of person making this disclosure on behalf of the applicant:
SELF

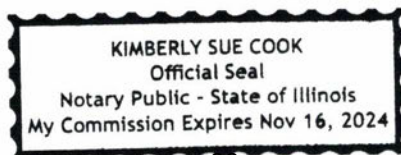
VERIFICATION

I, DEB HOWARD, 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 13th day of DECEMBER, A.D. 2022

(seal)

Notary Public





**Kendall County Soil & Water
Conservation District**

December 5, 2022

Bullmastiff Construction Company, Ltd
[REDACTED]

Subject: Rusty Ridge Animal Center Major Amendment to Existing Special Use Permit – Natural Resource Information (NRI) Review Letter

Dear Petitioner,

The Kendall County Soil & Water Conservation District (SWCD) received a request to review site information for a major amendment to an existing special use permit for the Rusty Ridge Animal Center. The Rusty Ridge Animal Center is located in the southwest ¼ and northwest ¼ of Section 24, Township 35N (Seward Township), and Range 8E in unincorporated Kendall County, IL (Parcel Index Number 09-24-100-012). The Kendall County SWCD prepared a Natural Resource Information (NRI) Report for this project in January 2020 (NRI Report 1913). A copy of this report is included with this letter. It was determined that the original report is still applicable, and an updated report is not necessary at this time based on the following considerations:

- NRI Reports prepared by the Kendall County SWCD are current for a period of 3 years. NRI Report 1913 was prepared in January 2020 and is still considered valid.
- The net development area (6.99 acres) does not exceed the area that was reviewed in the original NRI report (8.5 acres) based on site area statistics provided by Cook Engineering Group.
- The modifications that were made to the site (expansion of northwest outdoor fenced area, removal of northeast outdoor fenced area, septic field & septic tank relocation, sign relocation, sidewalk & gravel driveway addition, additional parking, removal of water tank, removal of east side covered entrance/walkway, addition of south side walkway, addition of west side wall packs, relocation of well head, holding tank removal, etc.) do not impact the information that was presented in the original report.

If you have any questions, please contact our office at (630) 553-5821 extension 3.

Sincerely,

[REDACTED]

Alyse Olson
Resource Conservationist

Enclosure

CC Emily Hoffmann, Cook Engineering Group

[REDACTED]

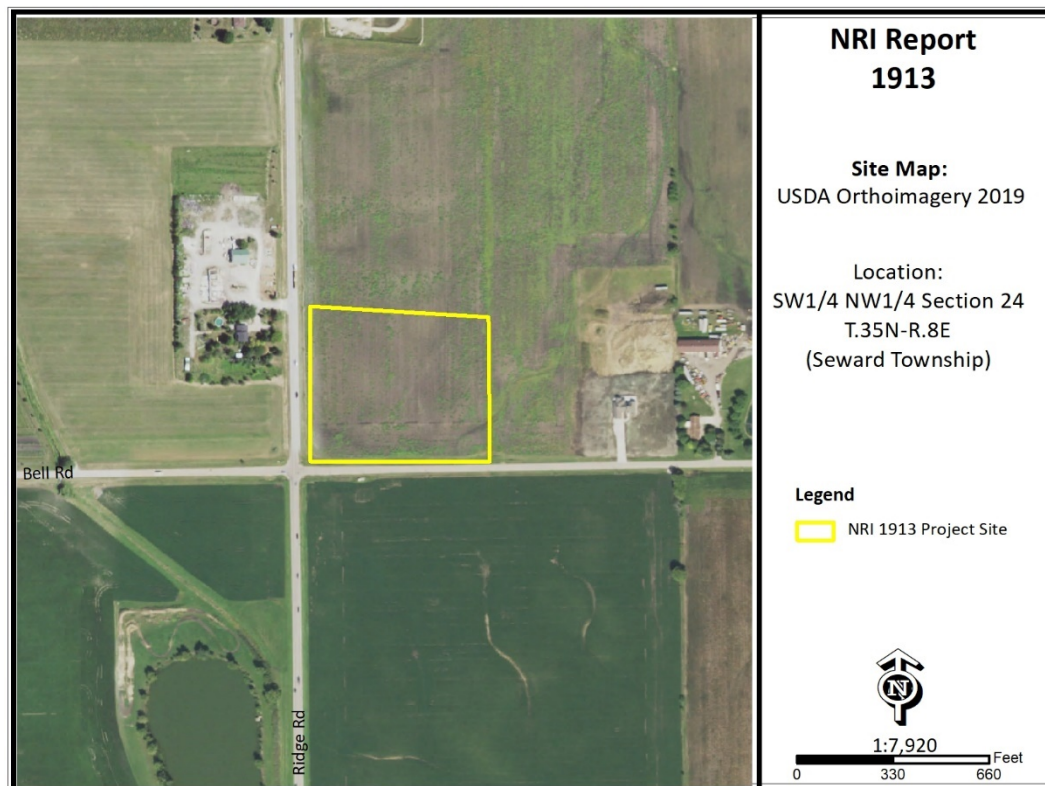
Tim O'Brien, Seward Township

[REDACTED]

Matt Asselmeier, Kendall County Planning, Building, & Zoning
111 West Fox St.
Yorkville, IL 60560
masselmeier@kendallcountyiil.gov



NATURAL RESOURCE INFORMATION (NRI) REPORT: 1913



January
2020

Petitioner: Bullmastiff Construction Co, Ltd
Contact: Michael Cook

Prepared by:



**Kendall County Soil & Water
Conservation District**

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

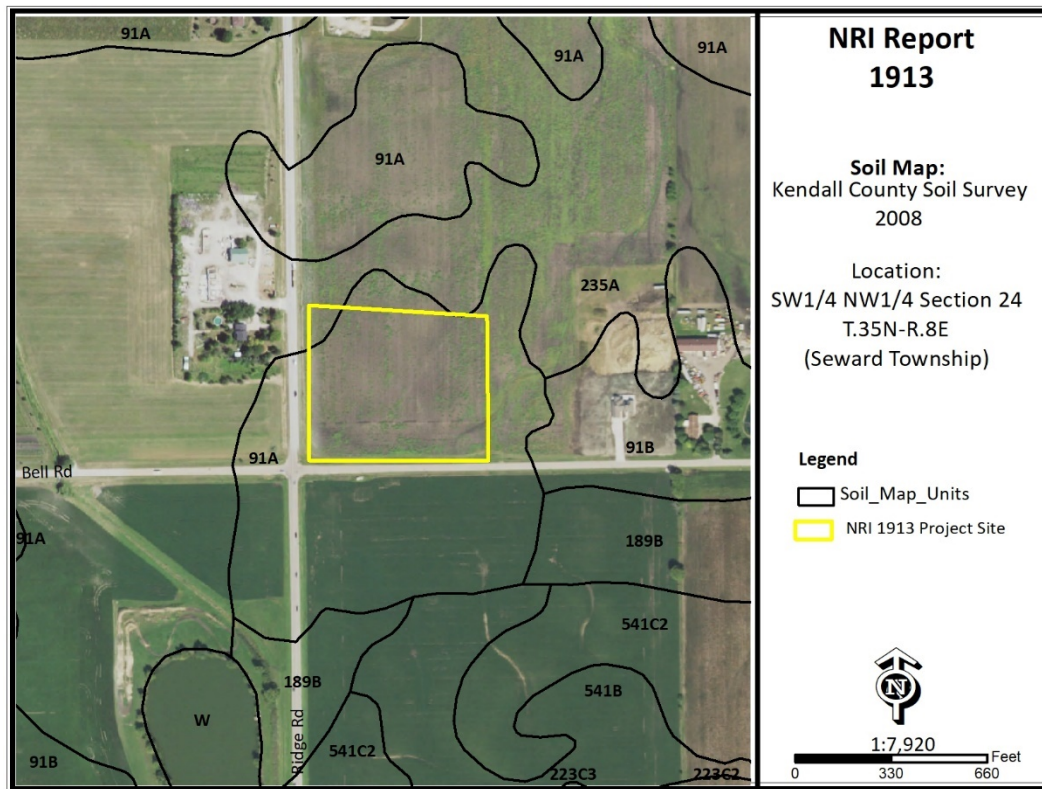
1913

Executive Summary

January 2020

Petitioner: Bullmastiff Construction Co, Ltd**Contact Person:** Michael Cook**County or Municipality the petition is filled with:** Kendall County**Location of Parcel:** SW¼ NW¼ Section 24, T.35N.-R.8E. (Seward Township) of the 3rd Principal Meridian**Project or Subdivision Name:** Doggy Daycare**Existing Zoning & Land Use:** A-1; Cropland**Proposed Zoning & Land Use:** A-1 Special Use Permit; Doggy Daycare/Veterinary Clinic**Proposed Water Source:** Well**Proposed Type of Sewage Disposal System:** Septic**Proposed Type of Storm Water Management:** Wet Detention; Restricted Release**Size of Site:** 8.5 acres**Land Evaluation Site Assessment Score:** 207 (Land Evaluation:80; Site Assessment:127)

Natural Resource Findings

Soil Map:**SOIL INFORMATION:**

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

Table 1:

Map Unit	Soil Name	Drainage Class	Hydrologic Group	Hydric Designation	Farmland Designation
91A	Swygert silty clay loam, 0-2% slopes	Somewhat Poorly Drained	C/D	Non-hydric Hydric Inclusions Likely	Prime Farmland
235A	Bryce silty clay, 0-2% slopes	Poorly Drained	C/D	Hydric	Prime Farmland (if drained)

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

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

Hydric Soils: A hydric soil is one that formed under conditions of saturation, flooding, or ponding long enough during the growing season to develop anaerobic conditions in the upper part of the soil profile that supports the growth or regeneration of hydrophytic vegetation. Soils with hydric inclusions have map units dominantly made up of non-hydric soils that may have inclusions of hydric soils in the lower positions on the landscape. Of the soils found onsite, one is classified as being a hydric soil, 235A Bryce silty clay. The remaining soil type, 91A Swygert silty clay loam is designated as likely to have hydric inclusions.

Prime Farmland: Prime farmland is land that has the best combination of physical and chemical characteristics for agricultural production. Prime farmland soils are an important resource to Kendall County and some of the most productive soils in the United States occur locally. Of the soils found onsite, all are designated as prime farmland.

Soil Limitations: Limitations for dwellings without basements, dwellings with basements, small commercial building, shallow excavations, lawns/landscaping and conventional septic systems.

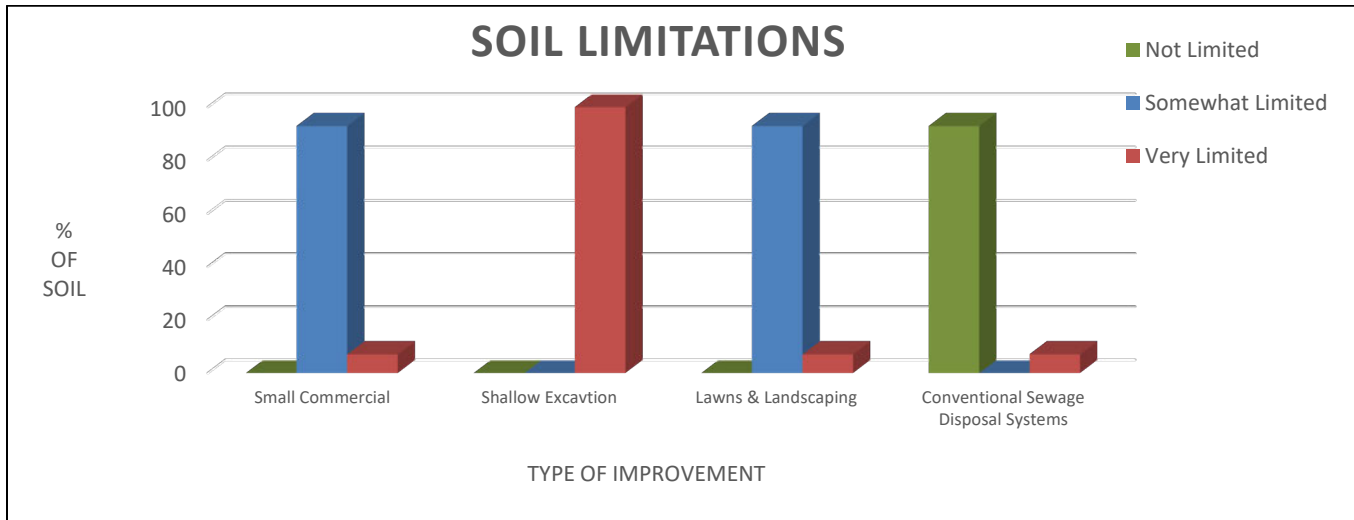
Table 2a:

Soil Type	Dwellings Without Basements	Dwellings With Basements	Small Commercial Building
91A	Somewhat Limited	Very Limited	Somewhat Limited
235A	Very Limited	Very Limited	Very Limited

Table 2b:

Soil Type	Shallow Excavations	Lawns/Landscaping	Conventional Septic Systems
91A	Very Limited	Somewhat Limited	Suitable
235A	Very Limited	Very Limited	Unsuitable: wet

Septic Systems: The factors considered for determining suitability are the characteristics and qualities of the soil that affect the limitations for absorbing waste from domestic sewage disposal systems. The major features considered are soil permeability, percolation rate, groundwater level, depth to bedrock, flooding hazards, and slope. Soils are deemed unsuitable per the Kendall County Subdivision Control Ordinance. Installation of an on-site sewage disposal system in soils designated as unsuitable may necessitate the installation of a non-conventional onsite sewage disposal system. For more information please contact the Kendall County Health Department (811 W. John Street, Yorkville, IL; (630)553-9100 ext. 8026).



Kendall County Land Evaluation and Site Assessment (LESA):

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

- **LAND EVALUATION (LE)** – The soils of a given area are rated and placed in groups ranging from the best to worst suited for a stated agriculture use, cropland or forestland. The best group is assigned a value of 100 and all other groups are assigned lower values. The Land Evaluation is based on data from the Kendall County Soil Survey. The Kendall County Soil and Water Conservation District is responsible for this portion of the LESA system.
 - ✓ The Land Evaluation score for this site is 80, indicating that this site is **currently well suited** for agricultural uses.
- **SITE ASSESSMENT (SA)** – The site is numerically evaluated according to important factors that contribute to the quality of the site. Each factor selected is assigned values in accordance with the local needs and objectives. The Kendall County LESA Committee is responsible for this portion of the LESA system.
 - ✓ The Site Assessment score for this site is 127.

The **LESA Score for this site is 207 which indicates a medium level of protection** for the proposed project site. Note: Selecting the project site with the lowest total points will generally protect the best farmland located in the most viable areas and maintain and promote the agricultural industry in Kendall County. If the project is agricultural in nature, however, a higher score may provide an indication of the suitability of the project as it relates to the compatibility with existing agricultural land use.

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

Floodplain: The parcel is not located within the floodplain.

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

LAND USE FINDINGS:

The Kendall County Soil and Water Conservation District (SWCD) Board has reviewed the proposed development plans for Petitioner Bullmastiff Construction Co, Ltd for the proposed Doggy Daycare/Veterinary Clinic project (A-1 Special Use Permit request) within Kendall County located in Section 24 of Seward Township (T.35N-R.8E) of the 3rd Principal Meridian) in Kendall County. Based on the information provided by the petitioner and a review of natural resource related data available to the Kendall County SWCD, the SWCD Board presents the following information.

The Kendall County SWCD has always had the opinion that Prime Farmland should be preserved whenever feasible. A land evaluation, which is a part of the Land Evaluation and Site Assessment (LESA) was conducted on this parcel. The soils on this parcel scored an 80 out of a possible 100 points indicating the soils are well suited for agricultural uses. The total LESA Score for this site is 207 which indicates a medium level of protection for the proposed project site. Selecting the project site with the lowest total points will generally protect the best farmland located in the most viable areas and maintain and promote the agricultural industry in Kendall County. Additionally, of the soils found onsite, 100% are classified as prime farmland.

Soils found on the project site are rated for specific uses and can have potential limitations for development. Soil types with severe limitations do not preclude the ability to develop the site for the proposed use but it is important to note the limitation that may require soil reclamation, special design/engineering, or maintenance to obtain suitable soil conditions to support development with significant limitations. This report indicates that for soils located on the parcel, 100% are very limited for shallow excavations, dwellings with basements and local roads/streets, 7.1% are very limited for small commercial building, dwellings without basements and lawns/landscaping. Additionally, 7.1% are unsuitable for conventional septic systems. This information is based on the soil in an undisturbed state. If the scope of the project may include the use of onsite septic systems, please consult with the Kendall County Health Department.

This site is located within both the Illinois River Watershed and Aux Sable Creek subwatershed.

This development should include a soil erosion and sediment control plan to be implemented during construction. Sediment may become a primary non-point source of pollution; eroded soils during the construction phase can create unsafe conditions on roadways, degrade water quality and destroy aquatic ecosystems lower in the watershed.

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

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

Chair

Date

KENDALL CO SOIL AND WATER CONSERVATION DISTRICT NATURAL RESOURCE INFORMATION REPORT (NRI)
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NRI Report Number	1913
Date District Board Reviews Application	January 2020
Applicant's Name	Bullmastiff Construction Co, Ltd
Size of Parcel	8.5 acres
Current Zoning & Use	A-1; Cropland
Proposed Zoning & Use	A-1 Special Use Permit; Doggy Daycare/Veterinary Clinic
Parcel Index Number(s)	09-24-100-012
Contact Person	Michael Cook

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

Report Prepared By: *Megan Andrews* Position: *Resource Conservationist*

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PURPOSE AND INTENT

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

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

Due to the limitations of scale encountered with the various resource maps, the property boundaries depicted in the various exhibits in this

report provide a generalized representation of the property location and may not precisely reflect the legal description of the PIQ (Parcel in Question).

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

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

**Kendall County Soil and Water Conservation
District**

7775A Route 47, Yorkville, IL 60560

Phone: (630) 553-5821 ext. 3

FAX: (630) 553-7442

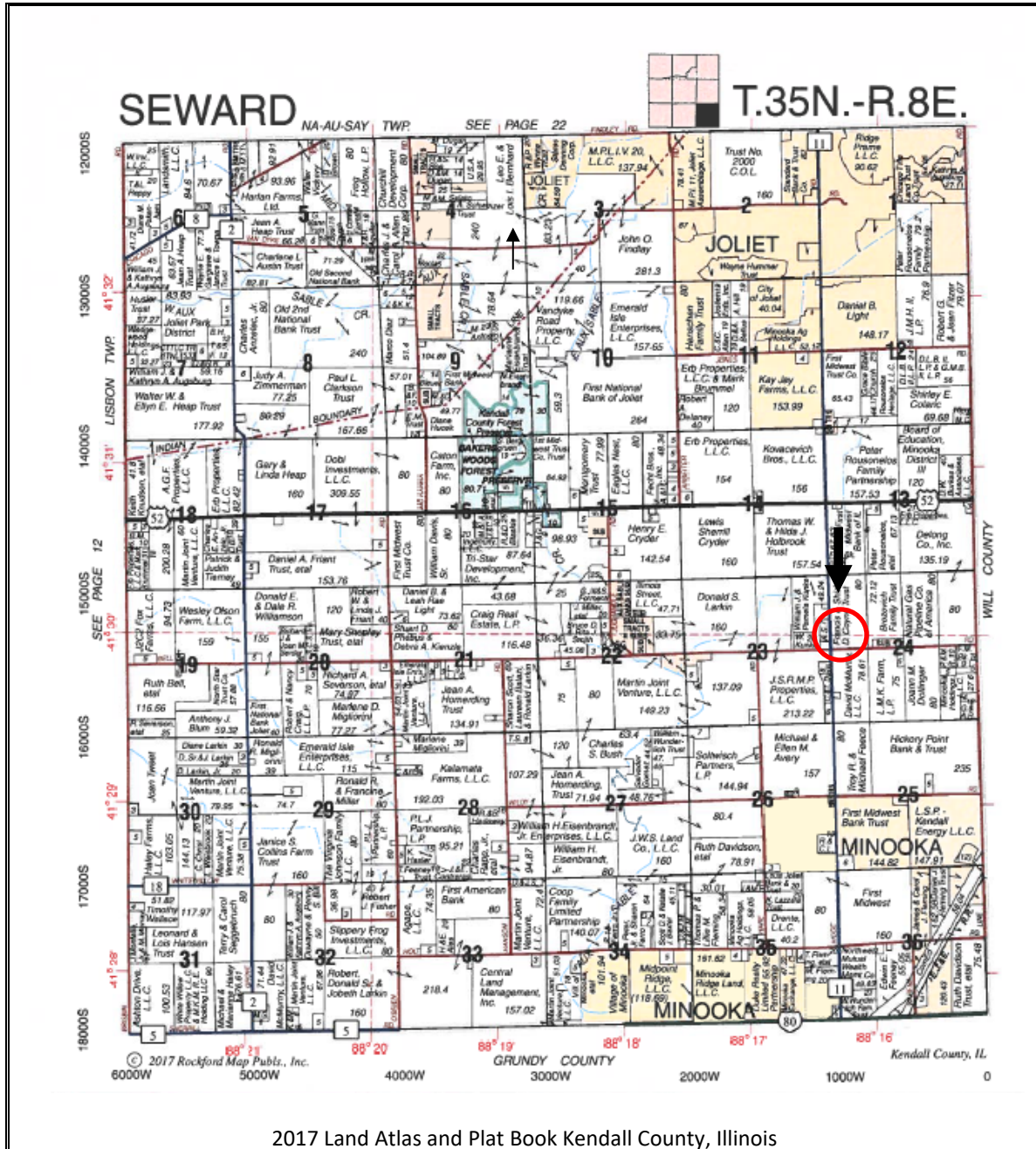
E-mail: Megan.Andrews@il.nacdnet.net

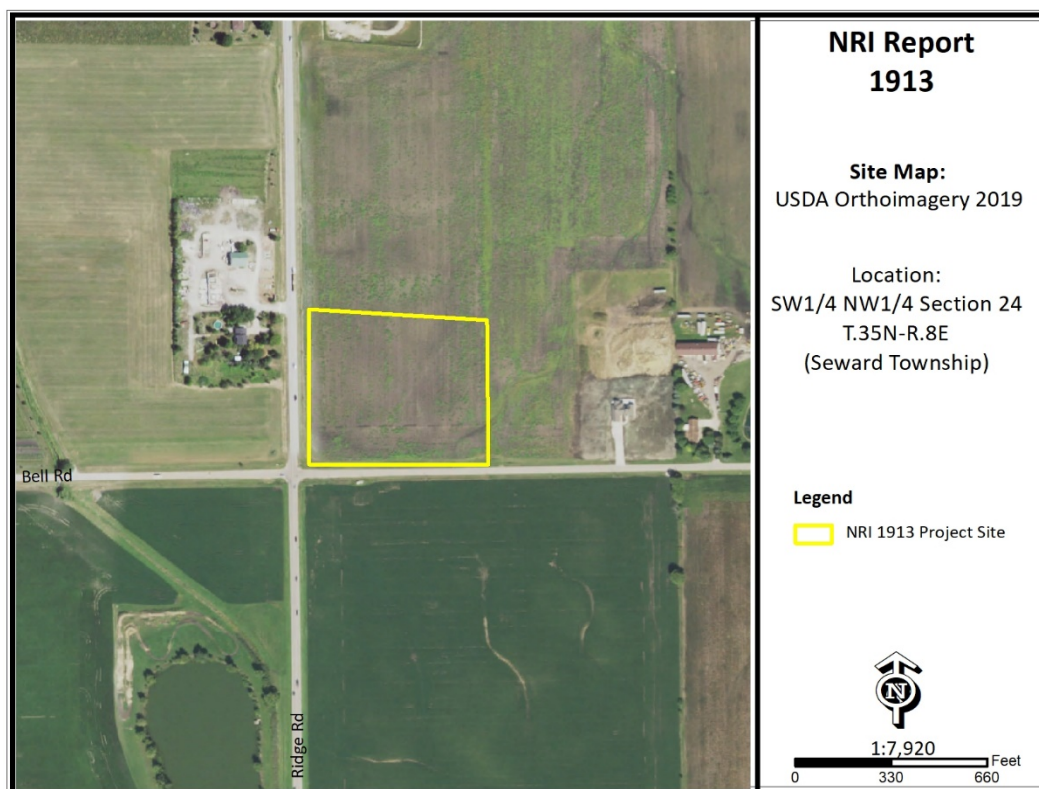
PARCEL LOCATION

Location Map for Natural Resources Information Report # 1913

SW¼ NW¼ Section 24 of Township 35 North, Range 8 East (Seward Township) on 8.5 acres. This parcel is located on the east side of Ridge Road and northeast of the intersection of Ridge Road and Bell Road. The parcel is located in unincorporated Kendall County.

Figure 1: 2017 Plat Map and 2017 Aerial Map with NRI Site Boundary





ARCHAEOLOGIC/CUTURAL RESOURCES

Simply stated, cultural resources are all the past activities and accomplishments of people. They include the following: buildings; objects made or used by people; locations; and less tangible resources, such as stories, dance forms, and holiday traditions. The Soil and Water Conservation District most often encounters cultural resources as historical properties. These may be prehistoric or historical sites, buildings, structures, features, or objects. The most common type of historical property that the Soil and Water Conservation District may encounter is non-structural archaeological sites. These sites often extend below the soil surface, and must be protected against disruption by development or other earth moving activity if possible. Cultural resources are *non-renewable* because there is no way to “grow” a site to replace a disrupted site.

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

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

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

ECOLOGICALLY SENSITIVE AREAS

What is Biological Diversity and Why Should it be Conserved?¹

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

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

The reasons for protecting biological diversity are complex, but they fall into four major categories.

First, loss of diversity generally weakens entire natural systems. Healthy ecosystems tend to have many natural checks and balances. Every species plays a role in maintaining this system. When simplified by the loss of diversity, the system becomes more susceptible to natural and artificial perturbations. The chances of a system-wide collapse increase. In parts of the midwestern United States, for example, it was

only the remnant areas of natural prairies that kept soil intact during the dust bowl years of the 1930s. (Roush 1982)

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

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

Further, every species is a potential source of human medicine. In 1980, a published report identified the market value of prescription drugs from higher plants at over \$3 billion. Organic alkaloids, a class of chemical compounds used in medicines, are found in an estimated 20% of plant species. Yet only 2% of plant species have been screened for these compounds. (Hoose 1981)

The third reason for protecting diversity is that humans benefit from natural areas and depend on healthy ecosystems. The natural world supplies our air, our water, our food and supports human economic activity. Further, humans are creatures that evolved in a diverse natural environment between forest and

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

grasslands. People need to be reassured that such places remain. When people speak of “going to the country,” they generally mean more than getting out of town. For reasons of their own sanity and well being, they need a holistic, organic experience. Prolonged exposure to urban monotony produces neuroses, for which cultural and natural diversity cure.

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

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

Biological Resources Concerning the Subject Parcel

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

Office maps indicate that ecologically sensitive area(s) are not located near the parcel in question (PIQ).

SOILS INFORMATION

Importance of Soils Information

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

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

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

The limitation categories (slight, moderate or severe) indicate the potential for difficulty in using that soil unit for the proposed activity and, thus, the degree of need for thorough soil borings and engineering studies. A limitation

does not necessarily mean that the proposed activity cannot be done on that soil type. It does mean that the reasons for the limitation need to be thoroughly understood and dealt with in order to complete the proposed activity successfully. A severe limitation indicates that the proposed activity will be more difficult and costly to do on that soil type than on a soil type with a moderate or slight rating.

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

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

Figure 2: Soil Map

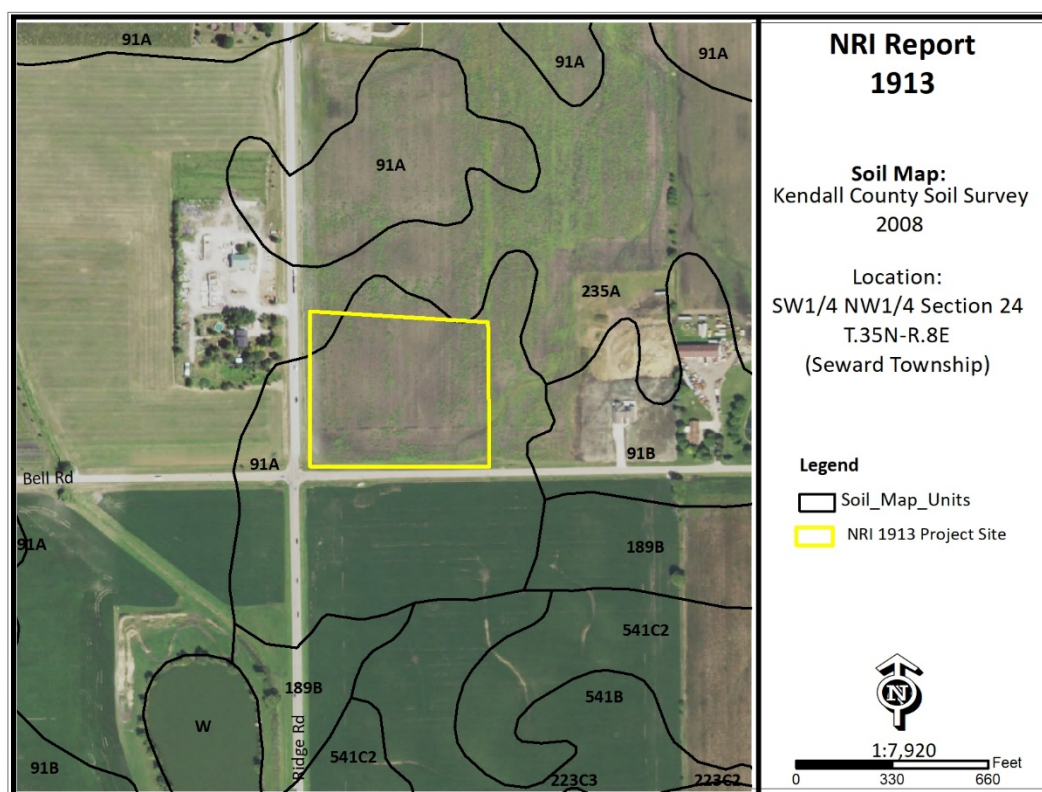


Table 1: Soil Map Unit Descriptions

Symbol	Descriptions	Acres	Percent
91A	Swygert silt loam, 0-2% slopes	10.3	21.7%
235A	Bryce silty clay, 0-2% slopes	36.6	77.2%

*SOURCE: National Cooperative Soil Survey – USDA-NRCS

SOIL INTERPRETATIONS EXPLANATION

Nonagricultural

General

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

Other features may need treatment to overcome soil limitations for a specific purpose.

Ratings come from the soil's "natural" state, that is, no unusual modification occurs other than that which is considered normal practice for the rated use. Even though soils may have limitations, an engineer may alter soil features or adjust building plans for a structure to compensate for most degrees of limitations. Most of these practices, however, are costly. The final decision in selecting a site for a particular use generally involves weighing the costs for site preparation and maintenance. Soil properties influence development of building sites, including the selection of the site, the design of the structure, construction,

performance after construction, and maintenance. Soil limitation ratings of slight, moderate, and severe are given for the types of proposed improvements that are listed or inferred by the petitioner as entered on the report application and/or zoning petition. The most common types of building limitation that this report gives limitations ratings for is: septic systems. It is understood that engineering practices can overcome most limitations for buildings with and without basements, and small commercial buildings. Limitation ratings for these types of buildings are not commonly provided. Organic soils, when present on the parcel, are referenced in the hydric soils section of the report. This type of soil is considered to be unsuitable for all types of construction.

Limitations Ratings

1. **Not Limited** - This soil has favorable properties for the use. The degree of

limitation is minor. The people involved can expect good performance and low maintenance.

2. **Somewhat Limited** - This soil has moderately favorable properties for the use. Special planning, design, or maintenance can overcome this degree of limitation. During some part of the year, the expected performance is less desirable than for soils rated slight.
3. **Very Limited** - This soil has one or more properties that are unfavorable for the rated use. These may include the following: steep slopes, bedrock near the surface, flooding, high shrink-swell potential, a seasonal high water table, or low strength. This degree of limitation generally requires major soil reclamation, special design, or intensive maintenance, which in most situations is difficult and costly.

BUILDING LIMITATIONS

Building on Poorly Suited or Unsuitable Soils:

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

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

Dwellings with Basements - Ratings are for undisturbed soil for a building structure of less

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

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

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

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

Local Roads and Streets - They have an all-weather surface and carry automobile and light truck traffic all year. They have a subgrade of cut or fill soil material, a base of gravel, crushed rock or soil material stabilized by lime or cement; and a surface of flexible material (asphalt), rigid material (concrete) or gravel with a binder. The ratings are based on the soil properties that affect the ease of excavation and grading and the traffic-supporting capacity.

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

Table 2a: Building Limitations

Soil Type	Dwellings Without Basements	Dwellings With Basements	Small Commercial Building	Acres	%
91A	Somewhat Limited: Depth to saturated zone; Shrink-swell	Very Limited: Depth to saturated zone; Shrink-swell	Somewhat Limited: Depth to saturated zone; Shrink-swell	7.9	92.9%
235A	Very Limited: Ponding; Depth to saturated zone; Shrink-swell	Very Limited: Ponding; Depth to saturated zone; Shrink-swell	Very Limited: Ponding; Depth to saturated zone; Shrink-swell	0.6	7.1%
% Very Limited	7.1%	100%	7.1%		

Table 2b: Building Limitations

Soil Type	Shallow Excavations	Lawns & Landscaping	Onsite Conventional Sewage Systems	Acres	%
91A	Very Limited: Depth to saturated zone; Too clayey; Dusty; Unstable Excavation Walls	Somewhat Limited: Depth to saturated zone; Dusty	Suitable	7.9	92.9%
235A	Very Limited: Ponding; Depth to saturated zone; Too clayey; Unstable excavation walls; Dusty	Very Limited: Ponding; Depth to saturated zone; Too clayey; Dusty	Unsuitable: wet	0.6	7.1%
% Very Limited	100%	7.1%	7.1%		

Figure 3a: Map of Building Limitations – Small Commercial Building

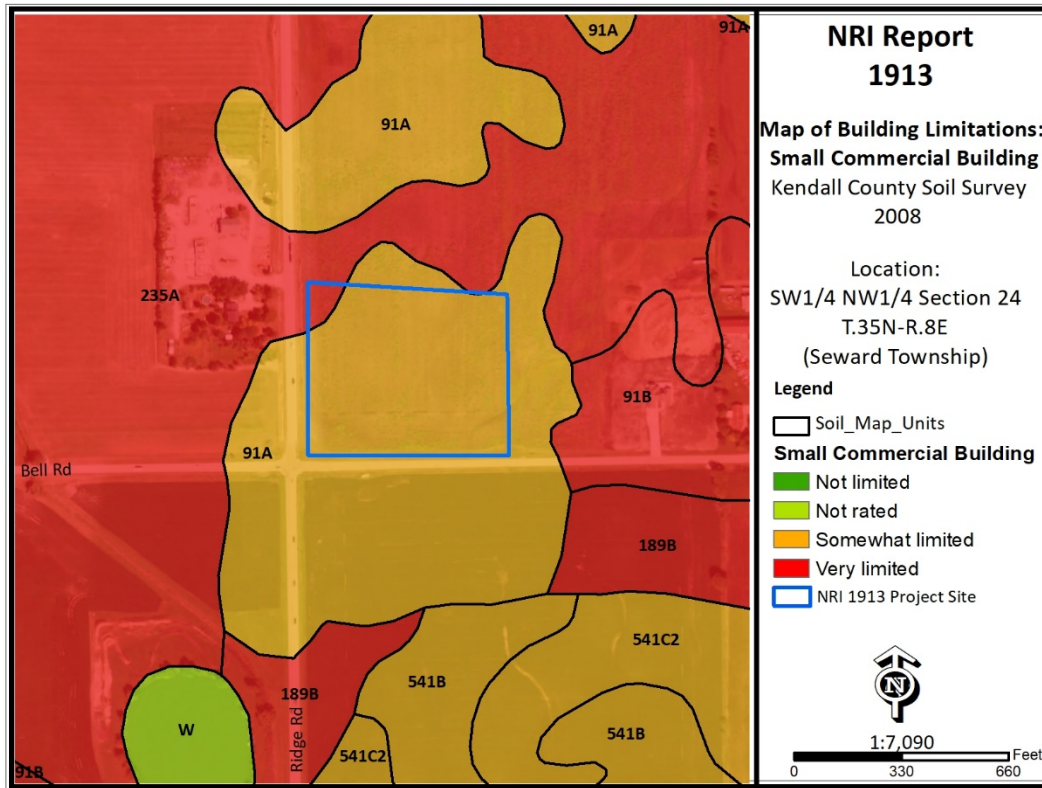


Figure 3b: Map of Building Limitations – Shallow Excavations

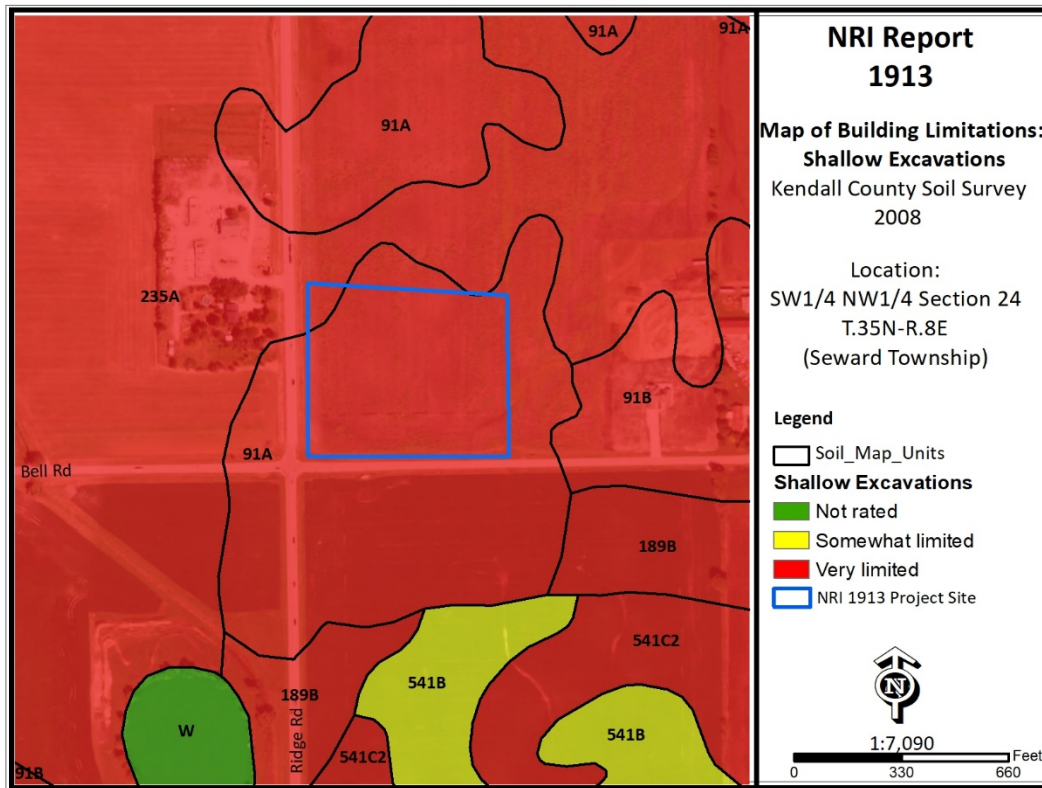


Figure 3c: Map of Building Limitations – Lawns & Landscaping

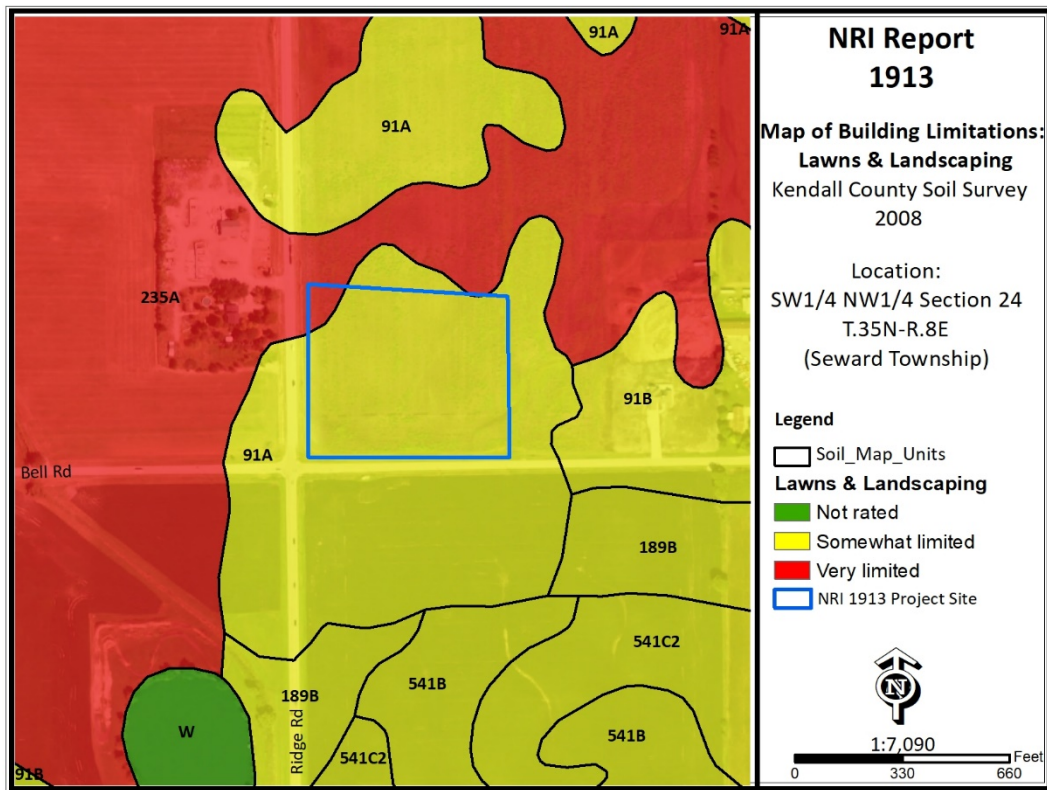
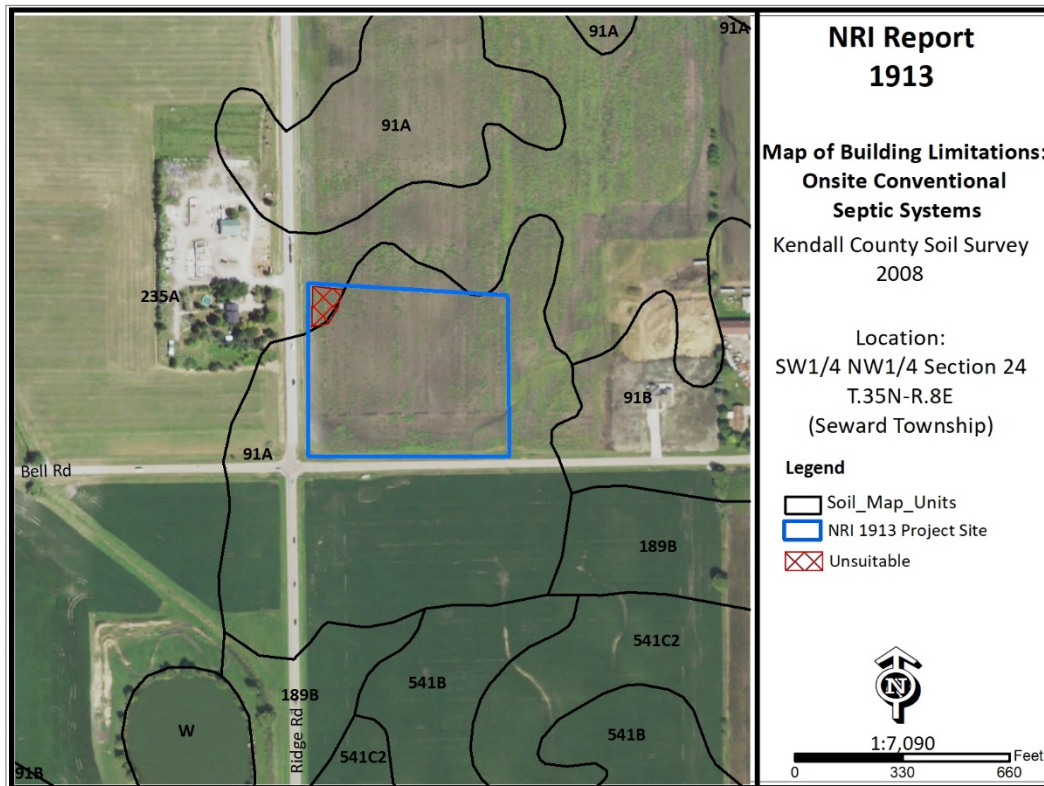


Figure 3d: Map of Building Limitations – Onsite Conventional Sewage System



SOIL WATER FEATURES

This table gives estimates of various soil water features that should be taken into consideration when reviewing engineering for a land use project.

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

Group A: Soils having a high infiltration rate (low runoff potential) when thoroughly wet. These consist mainly of deep, well drained to excessively drained sands or gravelly sands. These soils have a high rate of water transmission.

Group B: Soils having a moderate infiltration rate when thoroughly wet. These consist chiefly of moderately deep or deep, moderately well drained or well drained soils that have moderately fine texture to moderately coarse texture. These soils have a moderate rate of water transmission.

Group C: Soils having a slow infiltration rate when thoroughly wet. These consist chiefly of soils having a layer that impedes the downward movement of water or soils of moderately fine texture or fine texture. These soils have a slow rate of water transmission.

Group D: Soils having a very slow infiltration rate (high runoff potential) when thoroughly wet. These consist chiefly of clays that have a high shrink-swell potential, soils that have a high water table, soils that have a claypan or clay layer at or near the surface, and soils that are shallow over nearly impervious material. These soils have a very slow rate of water transmission.

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

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

Months: Indicates the portion of the year in which a water table, ponding, and/or flooding is most likely to be a concern.

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: Refers to standing water in a closed depression and the data indicates surface water depth, duration and frequency of ponding.

Duration: Expressed as *very brief* if less than 2 days, *brief* is 2 to 7 days, *long* if 7 to 30 days and *very long* if more than 30 days.

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

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

Duration: Expressed as: *extremely brief* if 0.1 hour to 4 hours; *very brief* if 4 hours to 2 days; *brief* if 2 to 7 days; *long* if 7 to 30 days; and *very long* if more than 30 days.

Frequency: Expressed as: *none* means flooding is not probable; *very rare* means that it is very unlikely but possible under extremely unusual weather conditions (chance of flooding is less than 1% in any year); *rare* means that it is unlikely but possible under unusual weather conditions (chance of flooding is 1 to 5% in any year); *occasional* means that it occurs infrequently under normal weather conditions (chance of

flooding is 5 to 50% in any year but is less than 50% in all months in any year); and *very frequent* means that it is likely to occur very often under normal weather conditions (chance of flooding is more than 50% in all months of any year).

Note: The information is based on evidence in the soil profile. In addition, consideration is

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

Table 3: Water Features

Map Unit	Hydrologic Group	Surface Runoff	Water Table	Ponding	Flooding
91A	C/D	Medium	January – May Upper Limit: 1.0'-2.0' Lower Limit: 2.9'-4.8'	January - May Surface Water Depth & Duration: -- Frequency: None	January - May Duration: -- Frequency: None
235A	C/D	Negligible	January – May Upper Limit: 0.0'-1.0' Lower Limit: >6.0'	January - May Surface Water Depth: 0.0'-0.5' Duration: Brief (2 to 7 days) Frequency: Frequent	January - May Duration: -- Frequency: None

SOIL EROSION & SEDIMENT CONTROL

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

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

Soil erosion during and after this proposed construction can be a primary non-point source of water pollution. Eroded soil during the construction phase can create unsafe conditions on roadways, decrease the storage capacity of lakes, clog streams and drainage channels, cause deterioration of aquatic habitats, and increase

water treatment costs. Soil erosion also increases the risk of flooding by choking culverts, ditches and storm sewers, and by reducing the capacity of natural and man-made detention facilities.

The general principles of erosion and sedimentation control measures include:

- reducing or diverting flow from exposed areas, storing flows or limiting runoff from exposed areas,
- staging construction in order to keep disturbed areas to a minimum,
- establishing or maintaining or temporary or permanent groundcover,
- retaining sediment on site and
- properly installing, inspecting and maintaining control measures.

Erosion control practices are useful controls only if they are properly located, installed, inspected and maintained.

The SWCD recommends an erosion and sediment control plan for all building sites, especially if there is a wetland or stream nearby.

Table 4: Soil Erosion Potential

Soil Type	Slope	Rating	Acreage	Percent of Parcel
91A	0-2%	Slight	7.9	92.9%
235A	0-2%	Slight	0.6	7.1%

PRIME FARMLAND SOILS

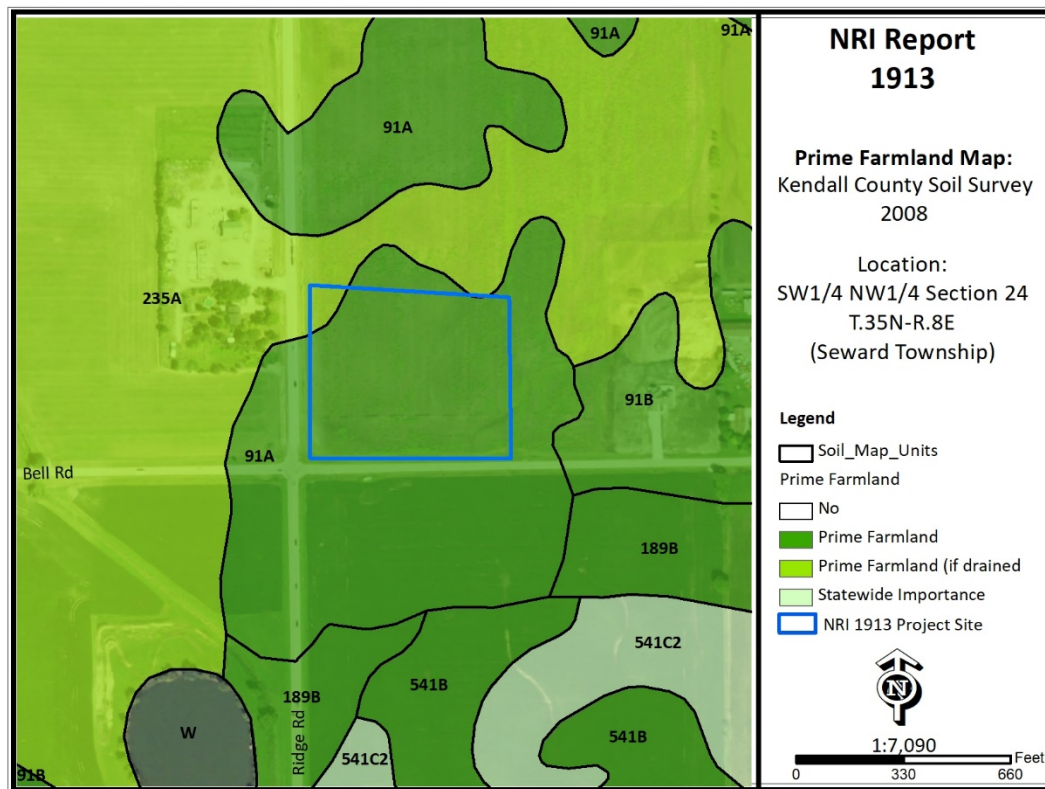
Prime farmland soils are an important resource to Kendall County. Some of the most productive soils in the United States occur locally. Each soil map unit in the United States is assigned a prime or non-prime rating. Prime agricultural land does not need to be in the production of food & fiber.

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

Table 5: Prime Farmland Soils

Soil Types	Prime Designation	Acreage	Percent
91A	Prime Farmland	7.9	92.9%
235A	Prime Farmland (if drained)	0.6	7.1%
% Prime Farmland	100%		

Figure 4: Map of Prime Farmland Soils



LAND EVALUATION & SITE ASSESSMENT (LESA)

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

factors. The LESA system is a two-step procedure that includes:

LAND EVALUATION (LE) – The soils of a given area are rated and placed in groups ranging from the best to worst suited for a stated agriculture use, cropland or forestland. The best group is assigned a value of 100 and all other groups are assigned lower values. The Land Evaluation is based on data from the Kendall County Soil Survey. The Kendall County Soil and

Water Conservation District is responsible for this portion of the LESA system.

SITE ASSESSMENT (SA) – The site is numerically evaluated according to important factors that contribute to the quality of the site. Each factor selected is assigned values in accordance with the local needs and objectives. The Kendall County LESA Committee is responsible for this portion of the LESA system.

The value group is a predetermined value based upon prime farmland designation. The LE score is calculated by multiplying the relative value of

each soil type by the number of acres of that soil. The sum of the products is then divided by the total number of acres; the answer is the Land Evaluation score on this site.

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

Table 6a: Land Evaluation Computation

Soil Type	Value Group	Relative Value	Acres	Product (Relative Value x Acres)
91A	4	79	7.9	624.1
235A	3	97	0.6	58.2
Totals			8.5	682.3
LE Score		LE= 682.3/8.5		LE=80

The Land Evaluation score for this site is 80, indicating that this site is currently designated as prime farmland that is well suited for agricultural uses.

Table 6b: Site Assessment Computation

A.	Agricultural Land Uses	Points
	1. Percentage of area in agricultural uses within 1.5 miles of site. (20-10-5-0)	20
	2. Current land use adjacent to site. (30-20-15-10-0)	30
	3. Percentage of site in agricultural production in any of the last 5 years. (20-15-10-5-0)	20
	4. Size of site. (30-15-10-0)	0
B.	Compatibility / Impact on Uses	
	1. Distance from city or village limits. (20-10-0)	10
	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)	10
	Site Assessment Score:	127

Land Evaluation Value: 80 + Site Assessment Value: 127 = LESA Score: 207

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

The **LESA Score for this site is 207 which indicates a medium 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.

LAND USE PLANS

Many counties, municipalities, villages and townships have developed land-use plans. These plans are intended to reflect the existing and future land-use needs of a given

community. Please contact the Kendall County Planning, Building & Zoning for information regarding the County's comprehensive land use plan and map.

DRAINAGE, RUNOFF AND FLOOD INFORMATION

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

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

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

What is a watershed?

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

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

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

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

For this reason, the Kendall County SWCD recommends that the developer for intense uses such as a subdivision calculate the preconstruction Q value for the exit point(s). A stormwater management system should be designed, installed, and maintained to limit the postconstruction Q value to be at or below the preconstruction value.

Importance of Flood Information

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

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

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

The Hydrologic Atlas (H.A.) Series of the Flood of Record Map is also used for the topographic

information. This map is different from the FIRM map mainly because it will show isolated, or pocketed flooded areas. Kendall County uses both these maps in conjunction with each other for flooded area determinations. The Flood of Record maps, show the areas of flood for various years. Both of these maps stress that the recurrence of flooding is merely statistical. That is to say a 100-year flood may occur twice in one year, or twice in one week, for that matter.

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

Floodplains play a vital role in reducing the flood damage potential associated with an urbanizing area and, when left in an undisturbed state, also provide valuable wildlife habitat benefits. If it is the petitioner's intent to conduct floodplain filling or modification activities, the petitioner

and the Unit of Government responsible need to consider the potentially adverse effects this type of action could have on adjacent properties. The change or loss of natural floodplain storage often increases the frequency and severity of flooding on adjacent property.

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

Another indication of flooding potential can be found in the soils information. Hydric soils indicate the presence of drainageways, areas subject to ponding, or a naturally occurring high water table. These need to be considered along with the floodplain information when developing the site plan and the stormwater management plan. If the site does include these hydric soils and development occurs, thus raising the concerns of the loss of water storage in these soils and the potential for increased flooding in the area.

This parcel is located on topography (**slopes 0 to 2%**) involving high and low areas (**elevation is approximately between 590' and 600' above sea level**). The parcel lies within both the **Illinois River Watershed and Aux Sable Creek subwatershed**.

Figure 5: FEMA Floodplain Map

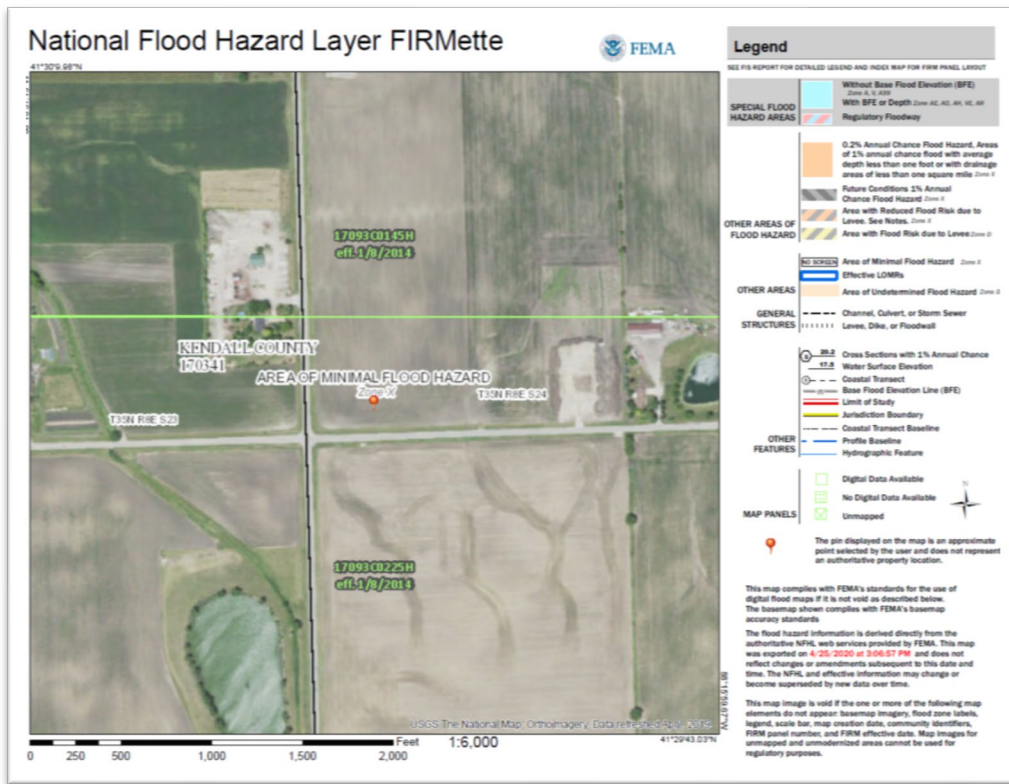
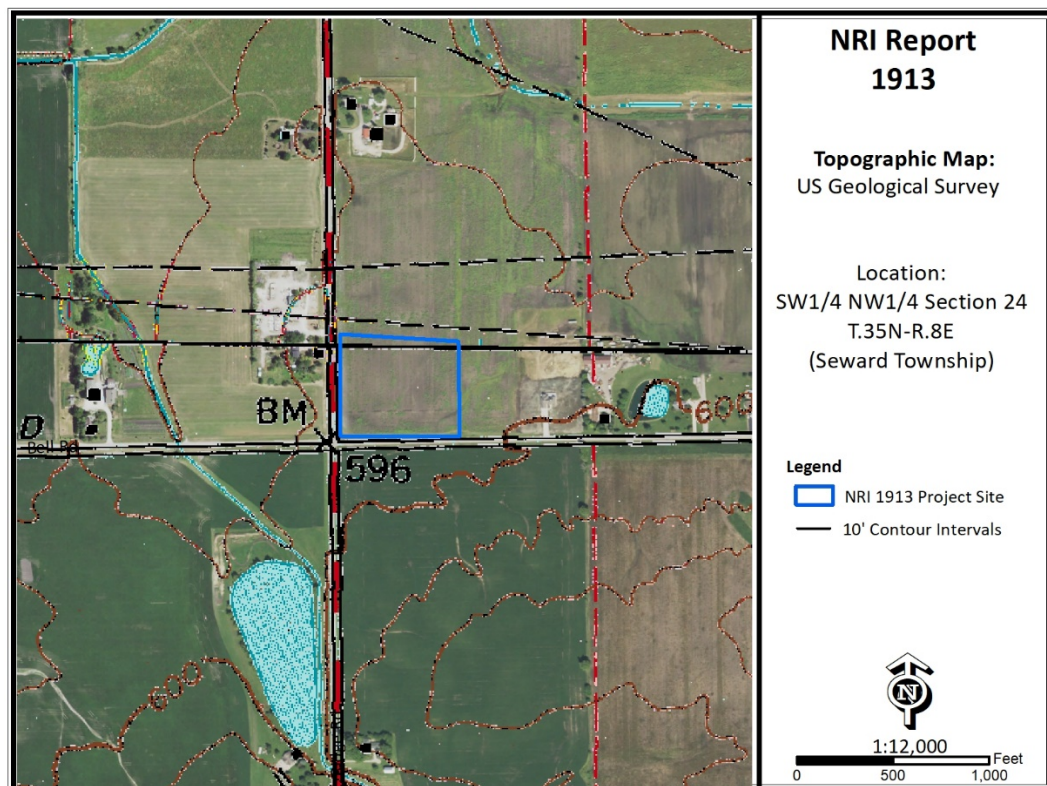


Figure 6: USGS Topographic Map



WATERSHED PLANS

Watershed and Subwatershed Information

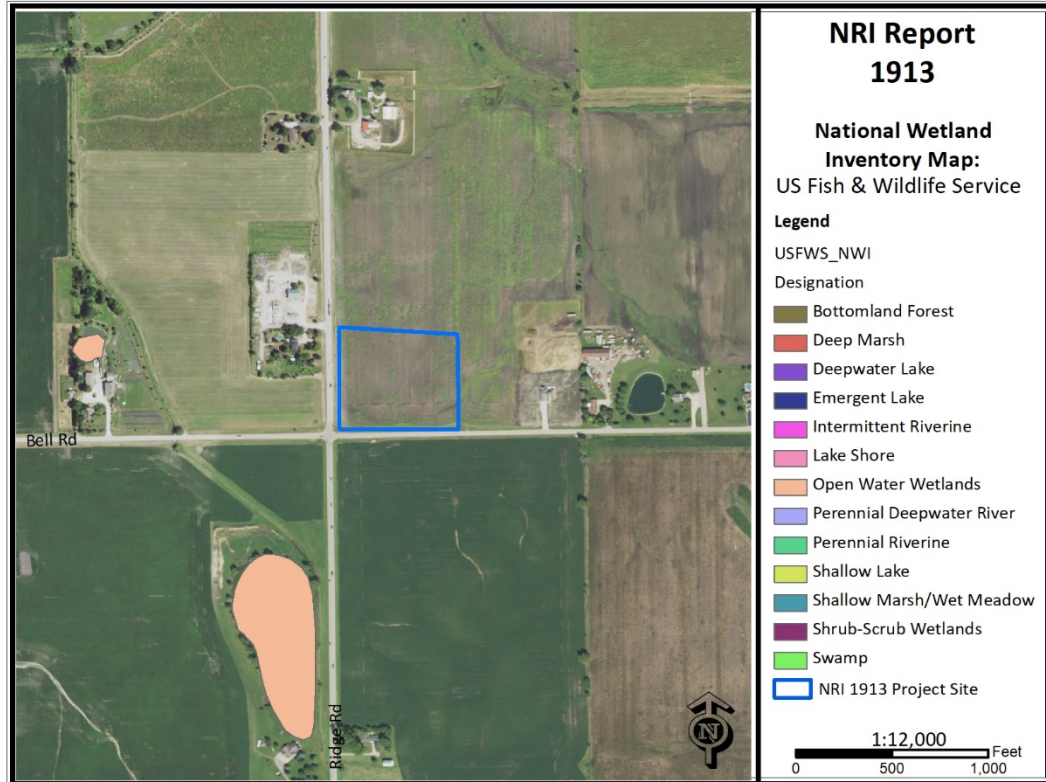
A watershed is the area of land that drains into a specific point including a stream, lake or other body of water. High points on the Earth's surface, such as hills and ridges define watersheds. When rain falls in the watershed, it flows across the ground towards a stream or lake. Rainwater carries any pollutants it comes in contact with such as oils, pesticides, and soil. Everyone lives in a watershed. Their actions can impact natural resources and people living downstream. Residents can minimize this impact by being aware of their environment and implications of their activities, implementing practices recommended in watershed plans and educating others about their watershed. This parcel is located within the **Illinois River Watershed and Aux Creek Subwatershed**.

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

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

WETLAND INFORMATION

Figure 7: Wetland Map – USFWS National Wetland Inventory



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

Importance of Wetland Information

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

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

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

water a year. These are reasons why our wetlands are high quality and important.

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

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

Hydric Soils

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

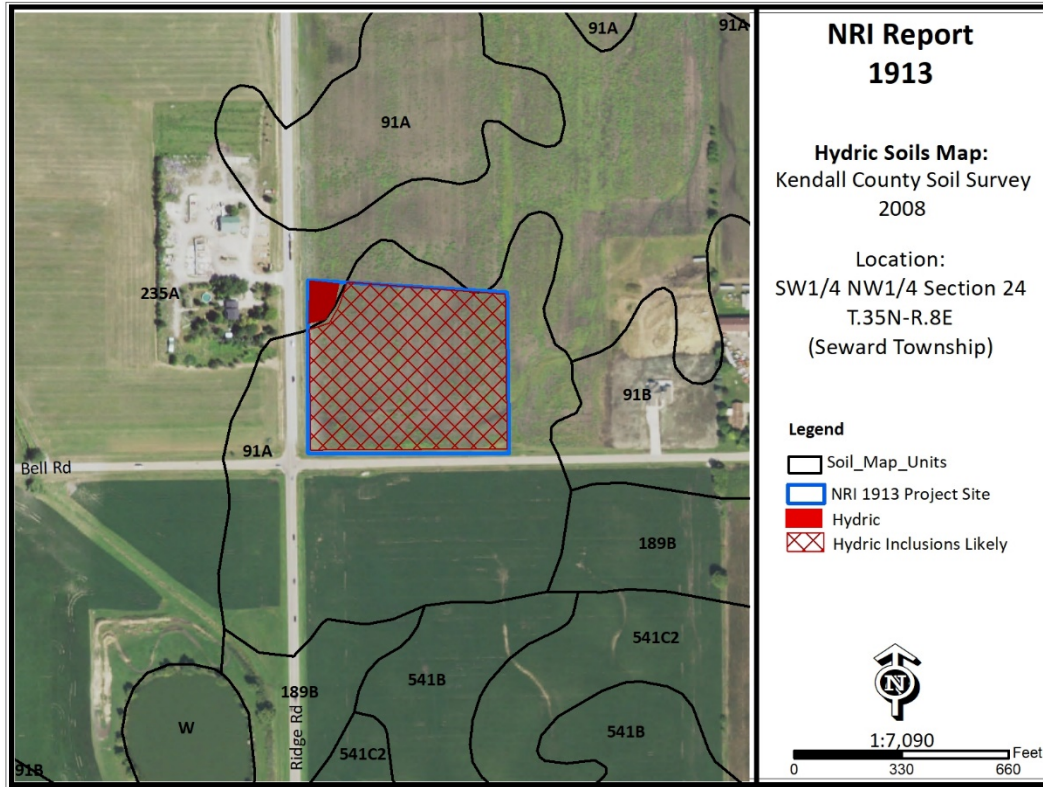
It is also important to add the possibility of hydric inclusions in a soil type. An inclusion is a soil polygon that is too small to appear on these maps. While relatively insignificant for agricultural use, hydric soil inclusions become more important to more intense uses such as a residential subdivision.

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

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

Table 7: Hydric Soils

Soil Types	Drainage Class	Hydric Designation	Hydric Inclusions Likely	Acreage	Percent
91A	Somewhat Poorly Drained	Hydric	No	7.9	92.9%
235A	Poorly Drained	Non-hydric	Yes	0.6	7.1%

Figure 8: Hydric Soils Map

WETLAND AND FLOODPLAIN REGULATIONS

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

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

WHO MUST APPLY

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

REGULATORY AGENCIES:

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

COORDINATION

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

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

GLOSSARY

AGRICULTURAL PROTECTION AREAS (AG AREAS) -

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

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

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

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

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

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

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

Water Table, Apparent - A thick zone of free water in the soil. An apparent water table is indicated by the level at which water stands in an uncased borehole after adequate time is allowed for adjustment in the surrounding soil.

Water Table, Artesian - A water table under hydrostatic head, generally beneath an impermeable layer. When this layer is penetrated, the water level rises in an uncased borehole.

Water Table, Perched - A water table standing above an unsaturated zone. In places an upper, or perched, water table is separated from a lower one by a dry zone.

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

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

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

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

LAND EVALUATION AND SITE ASSESSMENT

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

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

PALUSTRINE - Name given to inland fresh water wetlands.

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

permeability and infiltration tests, and observation of water movement through soils or other geologic materials.

PIQ - Parcel in question

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

PRIME FARMLAND - Prime farmland soils are lands that are best suited to food, feed, forage, fiber and oilseed crops. It may be cropland, pasture, woodland, or other land, but it is not urban and built up land or water areas. It either is used for food or fiber or is available for those uses. The soil qualities, growing season, and moisture supply are those needed for a well managed soil economically to produce a sustained high yield of crops. Prime farmland produces in highest yields with minimum inputs of energy and economic resources, and farming the land results in the least damage to the environment.

Prime farmland has an adequate and dependable supply of moisture from precipitation or irrigation. The temperature and growing season are favorable. The level of acidity or alkalinity is acceptable. Prime farmland has few or no rocks and is permeable to water and air. It is not excessively erodible or saturated with water for long periods and is not frequently flooded during the growing season. The slope ranges mainly from 0 to 5 percent. (Source USDA Natural Resources Conservation Service)

PRODUCTIVITY INDEXES - Productivity indexes for grain crops express the estimated yields of the major grain crops grown in Illinois as a single percentage of the average yields obtained under basic management from several of the more productive soils in the state. This group of soils is composed of the Muscatine, Ipava, Sable, Lisbon, Drummer, Flanagan, Littleton, Elburn and Joy soils. Each of the 425 soils found in Illinois are found in Circular 1156 from the Illinois Cooperative Extension Service.

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

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

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

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

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

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

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

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

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

REFERENCES

- Hydric Soils of the United States. USDA Natural Resources Conservation Service, 2007.
- FIRM – Flood Insurance Rate Maps for Kendall County. Prepared by FEMA – Federal Emergency Management Agency.
- Hydrologic Unit Map for Kendall County. Natural Resources Conservation Service, United States Department of Agriculture.
- Land Evaluation and Site Assessment System. The Kendall County Department of Planning Building and Zoning, and The Kendall County Soil and Water Conservation District. In cooperation with: USDA, Natural Resources Conservation Service.
- Soil Survey of Kendall County. United States Department of Agriculture 2008, Natural Resources Conservation Service.
- Illinois Urban Manuel. Association of Illinois Soil & Water Conservation Districts, 2016
- Kendall County Land Atlas and Plat Book. 19th Edition, 2014.
- Potential For Contamination of Shallow Aquifers from Land Burial of Municipal Wastes. Illinois State Geological Survey.
- Natural Resources Conservation Service Wetland Inventory Map. United States Department of Agriculture.
- Geologic Road Map of Illinois. Department of Natural Resources, Illinois State Geological Survey, Natural Resources Building, 615 East Peabody, Champaign IL 61820-6964.
- Wetlands - The Corps of Engineers' Administration of the Section 404 Program (GAO/RCED-88-110)
- Soil Erosion by Water - United States Department of Agriculture Natural Resources Conservation Service. Agriculture Information Bulletin 513.
- The Conservation of Biological Diversity in the Great Lakes Ecosystem: Issues and Opportunities, prepared by the Nature Conservancy Great Lakes Program 79W. Monroe Street, Suite 1309, Chicago, IL 60603, January 1994.



Applicant: Cook Engineering Group
 Contact: Michael Cook
 Address: [REDACTED]

IDNR Project Number: 2307615
 Date: 12/13/2022
 Alternate Number: 2018-107, 2004691

Project: RUSTY RIDGE ANIMAL CENTER
 Address: 949 BELL ROAD, MINOOKA

Description: DOGGY DAYCARE & ANIMAL HOSPITAL

Natural Resource Review Results

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

The Illinois Natural Heritage Database contains no record of State-listed threatened or endangered species, Illinois Natural Area Inventory sites, dedicated Illinois Nature Preserves, or registered Land and Water Reserves in the vicinity of the project location.

Consultation is terminated. This consultation is valid for two years unless new information becomes available that was not previously considered; the proposed action is modified; or additional species, essential habitat, or Natural Areas are identified in the vicinity. If the project has not been implemented within two years of the date of this letter, or any of the above listed conditions develop, a new consultation is necessary. Termination does not imply IDNR's authorization or endorsement.

Location

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

County: Kendall

Township, Range, Section:
 35N, 8E, 24



IL Department of Natural Resources

Contact

Kyle Burkwald
 217-785-5500
 Division of Ecosystems & Environment

Government Jurisdiction

KENDALL COUNTY
 MATT ASSELMEIER
 111 WEST 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.

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1. The IDNR EcoCAT website was developed so that units of local government, state agencies and the public could request information or begin natural resource consultations on-line for the Illinois Endangered Species Protection Act, Illinois Natural Areas Preservation Act, and Illinois Interagency Wetland Policy Act. EcoCAT uses databases, Geographic Information System mapping, and a set of programmed decision rules to determine if proposed actions are in the vicinity of protected natural resources. By indicating your agreement to the Terms of Use for this application, you warrant that you will not use this web site for any other purpose.

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Privacy

EcoCAT generates a public record subject to disclosure under the Freedom of Information Act. Otherwise, IDNR uses the information submitted to EcoCAT solely for internal tracking purposes.

IDNR Project Number: 2307615

**EcoCAT Receipt****Project Code** 2307615**APPLICANT****DATE**Cook Engineering Group
Michael Cook
[REDACTED]

12/13/2022

DESCRIPTION**FEE****CONVENIENCE FEE****TOTAL PAID**

EcoCAT Consultation

\$ 125.00

\$ 2.81

\$ 127.81

TOTAL PAID**\$ 127.81**

Illinois Department of Natural Resources
 One Natural Resources Way
 Springfield, IL 62702
 217-785-5500
dnr.ecocat@illinois.gov

13:04 VARIATIONS (Amended 03/21/00; 01/18/11)

**VARIATION TO SECTION 7.01.D.29 OF THE KENDALL COUNTY ORDINANCE
REVISING THE LANGUAGE OF THE A-1 SPECIAL USE FOR KENNELS.**

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

- a. *That the particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out.*

THE LANGUAGE WRITTEN IN THE CURRENT ZONING ORDINANCE STATES ANIMALS MUST BE INDOORS BY SUNSET IS UNATTAINABLE FOR KENNELS HAVING OVERNIGHT STAYS. IT IS DARK BY 4:30P DURING THE WINTER MONTHS AND ANIMALS NEED TO USE BATHROOM BEYOND SUNSET. WE FEEL A TIME UNTIL 10:00P IS AN ADEQUATE COMPRISE.

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

THIS REQUEST IS SPECIFICALLY ALIGNED WITH KENNELS DEFINED AS A SPECIAL USE IN THE A-1 AGRICULTURAL ZONING DISTRICT. THIS WOULD NOT BE APPLICABLE TO OTHER SPECIAL USES THAT ARE GRANTED IN THE A-1 AGRICULTURAL ZONING DISTRICT.

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

THE SPECIFIC LANGUAGE IN THE ZONING ORDINANCE FOR THIS SPECIAL USE WITHIN A-1 AGRICULTURAL ZONING DISTRICT SHOULD BE MORE SPECIFIC AS IT RELATES TO ANIMALS WITHIN KENNEL FACILITIES HAVING OVERNIGHT STAYS. THE 10:00P IS ALSO CONSISTENT WITH THE OUTDOOR LIGHTING WITHIN PARKING LOT AND ON BUILDING.

- d. *That the granting of the variation will not materially be detrimental to the public welfare or substantially injurious to other property or improvements in the neighborhood in which the property is located.*

NO EVIDECNE HAS BEEN PRESENTED THE VARIANCE REQUEST WILL HARM PUBLIC WELFARE OF OTHER PROPERTIES AND ALLOWING ANIMALS OUTDOORS UNTIL 10:00P WILL NOT BE DETRIMENTAL TO THE PUBLIC OR NEIGHBORS.

- e. *That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or increase the danger of fire or endanger the public safety or substantially diminish or impair property values within the neighborhood.*

THE REQUESTED VARIANCE WILL NOT IMPAIR LIGHT REACHING OTHER PROPERTIES, CAUSE INCREASED CONGESTION ON ANY PUBLIC STREET, OR DIMINISH OR IMPAIR PROPERTY VALUES TO THE PUBLC OR NEIGHBORS.

13:08J SPECIAL USES & PLANNED DEVELOPMENTS (Amended 03/21/18)

Please fill out the following findings of fact to the best of your capabilities. §13:08.J of the Zoning Ordinance outlines findings that the Zoning Board of Appeals shall consider in rendering a decision but is not required to make an affirmative finding on all items in order to grant a special use. They are as follows:

1. *That the establishment, maintenance, and operation of the special use will not be detrimental to, or endanger, the public health, safety, morals, comfort, or general welfare.*

THE PETITIONER HAS SUBMITTED DETAILED PLANS INDICATING MEASURES WILL BE TAKEN TO ENSURE THAT THE RUSTY RIDGE ANIMAL CENTER OPERATIONS DO NOT HAVE A NEGATIVE IMPACT ON PUBLIC HEALTH, SAFETY, MORALS, COMFORT, OR GENERAL WELFARE.

2. *That the special use will not be substantially injurious to the use and enjoyment of other properties in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. 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 shall make 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 LOCATION OF THE BUILDING, PARKING AND OUTDOOR PLAY AREA FOR THE RUSTY RIDGE ANIMAL CENTER MAINTAIN THE REQUIRED DISTANCE FROM NEARBY RESIDENTIAL DISTRICTS AND STRUCTURES. AN 8-FOOT HIGH SOLID VINYL FENCE HAS BEEN INSTALLED TO ENLOSE ANIMALS IN THE PLAY AREA AND A SUBSTANTIAL AMOUNT OF LANDSCAPING AND BERMS WILL PROVIDE SCREENING FROM ADJACENT ROADWAYS AND PROPERTIES. NO LIGHTING ASSOCIATED WITH THE OPERATION WILL SPILL ONTO ADJACENT PROPERTIES. OWNER HAS INSTALLED CUTOFFS OR SHIELDS ON BOTH THE PARKING LOT LIGHTING AND BUILDING LIGHTING.

3. *That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided.*

THE RUSTY RIDGE ANIMAL CENTER HAS BEEN PROVIDED ADEQUATE UTILITIES IN THE WAY OF PRIVATE WELL, A PRIVATE SEWAGE DISPOSAL AND A REQUIRED FIRE SUPPRESSION SYSTEM MEETING THE MINOOKA FIRE PREVENTION DISTRICT REQUIREMENTS. ADEQUATE INGRESS/EGRESS HAS BEEN PROVIDED VIA BELL RD THRU TWO (2) FULL ACCESS DRIVEWAYS AND WAS PERMITTED THROUGH KENDALL COUNTY HIGHWAY DEPARTMENT AND SEWARD TOWNSHIP AS REQUIRED. STORMWATER MANAGEMENT HAS BEEN PROVIDED AS REQUIRED AND PERMITTED THROUGH KENDALL COUNTY.

4. *That 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*

THE PROPOSED DEVELOPMENT CONFORMS TO THE APPLICABLE REGULATIONS OF THE A-1 DISTRICT WITH THE EXCEPTION OF SECTION 7.01.D.29 OF THE KENDALL COUNTY ZONING ORDINANCE FOR A-1 AGRICULTURAL SPECIAL USES WHICH STATES THE FOLLOWING,

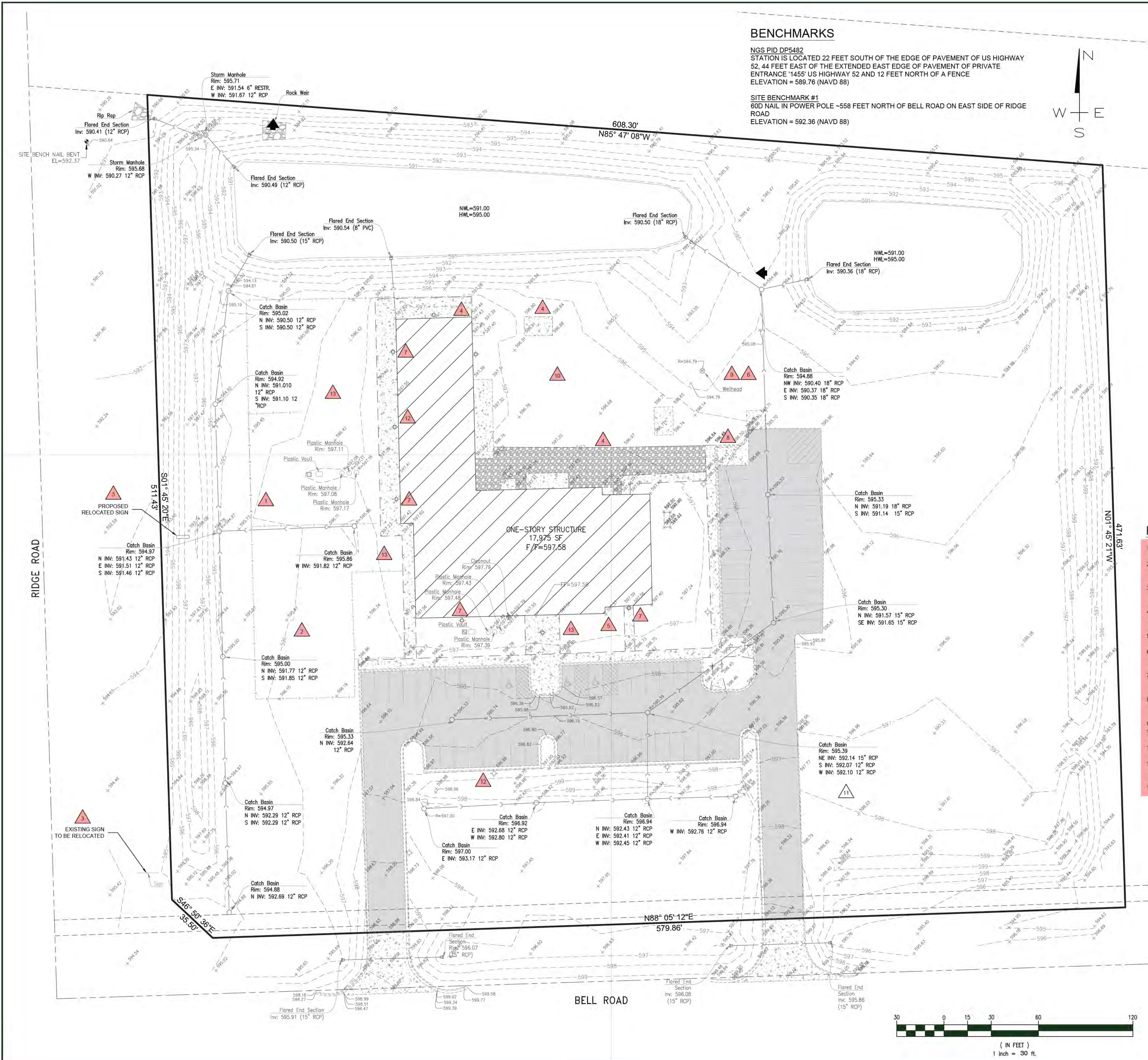
“KENNELS PROVIDED THAT THE KENNELS MUST BE LOCATED INSIDE AND MUST BE LOCATED A MINIMUM OF 250’ FROM THE LOT LINE OF LOTS ZONED RESIDENTIAL OR SHOWN AS RESIDENTIAL ON THE LRMP MAP AND 150’ FROM LOTS ZONED OTHER THAN RESIDENTIAL OR SHOWN ON THE LRMP MAP AS NON-RESIDENTIAL. THE ANIMALS MUST BE INDOORS BY SUNSET (AMENDED 9/15/20).”

OWNER IS REQUESTING A VARIANCE REGARDING “CONDITION G” OF ORDINANCE 2020-01 RECORDED AS DOCUMENT #202000002523 ON 2/19/2020 TO STATE THE FOLLOWING,

“ALL PETS SHALL BE INDOORS BETWEEN THE HOURS OF SUNSET AND SUNRISE EXCEPT FOR THE PURPOSES OF OWNERS DROPPING-OFF AND PICKING-UP PETS AND NECESSARY BATHROOM BREAKS UNTIL 10:00P EACH EVENING.”

5. *That 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.*

THIS SPECIAL USE IS CONSISTENT WITH THE LAND RESOURCE MANAGEMENT PLAN (LRMP) WHICH INDICATES THE PROPERTY SHALL BE USED AS COMMERCIAL.



BENCHMARKS

NGS PID DP5482
STATION IS LOCATED 22 FEET SOUTH OF THE EDGE OF PAVEMENT OF US HIGHWAY 52, 44 FEET EAST OF THE EXTENDED EAST EDGE OF PAVEMENT OF PRIVATE ENTRANCE '1455' US HIGHWAY 52 AND 12 FEET NORTH OF A FENCE
ELEVATION = 589.76 (NAVD 88)

SITE BENCHMARK #1
600 NAIL IN POWER POLE ~558 FEET NORTH OF BELL ROAD ON EAST SIDE OF RIDGE ROAD
ELEVATION = 592.36 (NAVD 88)

- LEGEND**
- CONCRETE PAVEMENT
 - GRAVEL AREA
 - HMA PAVEMENT



SITE LOCATION

EXISTING

- FLARED END SECTION
- STORM MANHOLE
- STORM INLET
- CATCH BASIN
- FIRE HYDRANT
- VALVE AND VAULT
- VALVE BOX
- B BOX
- SANITARY MANHOLE
- STORM SEWER
- WATERMAIN
- SANITARY SEWER
- CONTOUR
- SILT FENCE
- OVERLAND FLOW PATH

PROPOSED

- FLARED END SECTION
- STORM MANHOLE
- STORM INLET
- CATCH BASIN
- FIRE HYDRANT
- VALVE AND VAULT
- VALVE BOX
- B BOX
- SANITARY MANHOLE
- STORM SEWER
- WATERMAIN
- SANITARY SEWER
- CONTOUR
- SILT FENCE
- OVERLAND FLOW PATH

ABBREVIATIONS

- TF - TOP OF FOUNDATION
- FF - FINISHED FLOOR ELEVATION
- L/O - LOOKOUT ELEVATION
- W/O - WALKOUT ELEVATION
- G/E - GARAGE ENTRY ELEVATION

LEGAL DESCRIPTION

PARCEL 1 (DEVELOPMENT PARCEL)
THAT PART OF THE SOUTH 1281.17 FEET OF THE WEST 680.00 FEET OF THE NORTHWEST QUARTER OF SECTION 24, TOWNSHIP 35 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE TOWNSHIP OF SEWARD, DESCRIBED AS FOLLOWS:
BEGINNING AT THE SOUTHWEST CORNER OF SAID NORTHWEST QUARTER, THENCE NORTH 01 DEGREES 45 MINUTES 20 SECONDS WEST, ON THE WEST LINE OF SAID NORTHWEST QUARTER, 579.95 FEET TO THE SOUTH LINE OF THE 800 FOOT WIDE NATURAL GAS PIPELINE EASEMENT AS DESCRIBED IN BOOK 103 PAGE 333 IN KENDALL COUNTY RECORDS; THENCE SOUTH 85 DEGREES 47 MINUTES 08 SECONDS EAST, ON SAID SOUTH LINE, 683.71 FEET TO THE EAST LINE OF THE WEST 680.00 FEET SAID NORTHWEST QUARTER; THENCE SOUTH 01 DEGREES 45 MINUTES 20 SECONDS EAST, ON SAID EAST LINE, 507.99 FEET TO THE SOUTH LINE OF SAID NORTHWEST QUARTER; THENCE SOUTH 88 DEGREES 10 MINUTES 23 SECONDS WEST, ON SAID SOUTH LINE, 680.00 FEET TO THE POINT OF BEGINNING, ALL IN KENDALL COUNTY, ILLINOIS.

LIST OF MODIFICATIONS

- FENCE LIMITS ON WEST SIDE OF BUILDING ARE DIFFERENT WITH A LARGER OUTDOOR AREA ENCLOSED AND EXTENDED FURTHER SOUTH. THE INSTALLED FENCE HEIGHT IS 8 FEET, NOT 6 FEET AS DESCRIBED IN ASSOCIATED EXHIBITS.
- WESTERLY SEPTIC FIELD IS ENCLOSED WITHIN THE EXPANDED FENCED OUTDOOR PLAY AREA. WESTERLY SEPTIC TANK IS INSTALLED FURTHER NORTH THAN PREVIOUSLY PROPOSED. THE SOUTHERLY SEPTIC TANK / PIPING FOR WAS DESIGNED TO BE ON THE EAST SIDE OF MAIN ENTRY BUT WAS INSTALLED ON THE WEST SIDE OF ENTRY.
- THE RUSTY RIDGE SIGN AT THE SOUTHWEST CORNER OF SITE IS LOCATED WITHIN THE KENDALL COUNTY ROW. THIS WILL BE RELOCATED AS PART OF MAJOR AMENDMENT TO THE ORIGINALLY PROPOSED LOCATION AT A 10 FOOT SETBACK FROM ROW ALONG THE MIDDLE OF THE PROPERTY WEST OF THE PROPOSED BUILDING.
- SIDEWALK HAS BEEN ADDED AROUND THE BUILDING THAT WAS NOT PART OF THE ORIGINAL PLANS. THERE IS A GRAVEL DRIVEWAY / PCC WALK ALONG THE NORTH SIDE OF BUILDING FOR EQUESTRIAN TRAILER ACCESS. ADDITIONAL PARKING WAS ADDED IN THE NORTHEAST CORNER OF THE BUILDING.
- THE EAST SIDE WALKWAY / COVERED ENTRANCE / BUILDING WAS ELIMINATED AND WALK IS SHOWN COMING OUT OF THE SOUTH SIDE OF BUILDING.
- A 5,000 GALLON EXTERNAL TANK WAS PREVIOUSLY PROPOSED NEXT TO THE WELL FOR FIRE PROTECTION. THIS WAS NOT CONSTRUCTED. TANK WAS INSTALLED IN BASEMENT OF BUILDING PER DISCUSSIONS WITH THE MINOOKA FIRE DEPARTMENT.
- AN ADDITIONAL WALL PACK WAS ADDED ALONG THE WEST WALL OF THE BUILDING AS PLAY AREA WAS ENLARGED / MOVED FROM NORTHEAST CORNER OF BUILDING. AS-BUILT PHOTOMETRIC PLAN WAS UNCHANGED AND LIGHT INTENSITIES AT WEST PROPERTY LINE ARE STILL 0.0 FT-CANDLES.
- THE CONCRETE PAD FOR TRASH ENCLOSURE IS INSTALLED BUT NO WALLS HAVE BEEN CONSTRUCTED. CONCRETE PAD RELOCATED FURTHER NORTH TO ALLOW EQUESTRIAN TRAILER ACCESS ALONG THE NORTH SIDE OF THE BUILDING FROM THE PARKING LOT.
- WELL HEAD INSTALLED FURTHER NORTH OF DESIGN LOCATION.
- OUTDOOR PLAY AREA WAS ELIMINATED ON THE NORTHEAST CORNER OF BUILDING DUE TO INSTALLATION OF AIR HANDLING UNITS.
- A 3,100 GALLON HOLDING TANK WAS ELIMINATED THAT WAS PREVIOUSLY PROPOSED FOR THE THERAPY POOL / DOG WASH. THERAPY POOL WAS ELIMINATED FROM BUILDING.
- PER SEWARD TOWNSHIP BOARD MEETING 12/13/2022, OWNER AND TOWNSHIP AGREED THAT BUILDING AND PARKING LOT LIGHTING WILL BE TURNED OFF AT 1000P EVERY NIGHT AND ALL PARKING LOT LIGHTING AND BUILDING WALL PACKS WILL BE INSTALLED WITH CUTOFFS OR SHIELDS.
- OWNER IS REQUESTING A VARIATION TO KENDALL COUNTY ZONING ORDINANCE 7.01.D.29 FOR A-1 AGRICULTURAL SPECIAL USES AND MODIFY "CONDITION G" OF 2020-01 SPECIAL USE ORDINANCE TO STATE THE FOLLOWING, "ALL PETS SHALL BE INDORS BETWEEN THE HOURS OF SUNSET AND SUNRISE EXCEPT FOR THE PURPOSES OF OWNERS DROPPING-OFF AND PICKING-UP PETS AND NECESSARY BATHROOM BREAKS UNTIL 1000P EACH EVENING."

SITE AREA STATISTICS

	(SF)	(AC)
GROSS AREA	369,900	8.49
PREVIOUS EXISTING R.O.W. (RIDGE RD)	20,234	0.46
DEDICATED PARCEL 1 R.O.W. (RIDGE AND BELL RD)	45,006	1.03
NET DEVELOPMENT AREA	304,660	6.99

DEVELOPMENT AREA DRAINAGE STATISTICS

	APPROVED AREA (SF)	APPROVED AREA (AC)	AS-BUILT AREA (SF)	AS-BUILT AREA (AC)	AS-BUILT AREA (%)
PERVIOUS (GRASSED) AREA	212,761	4.88	213,113	4.89	70.0%
GREEN ROOF	0	0.00	0	0.00	0.0%
TOTAL PERVIOUS	212,761	4.88	213,113	4.89	70.0%
BUILDING AREA	17,975	0.41	17,245	0.40	5.7%
PAVEMENT AREA (PCC AND ASPHALT)	30,619	0.70	40,040	0.92	13.1%
WET POND AREA (NWL)	21,525	0.49	23,548	0.54	7.7%
TOTAL IMPERVIOUS	70,119	1.61	80,833	1.86	26.5%
FUTURE IMPERVIOUS AREA	21,780	0.50	10,714	0.25	3.5%
TOTAL AREA	304,660	6.99	304,660	6.99	100.0%

AS-BUILT PARKING PROVIDED: 65 STALLS, INCLUDING 3 HANDICAPPED STALLS

Civil Engineering & Land Development Consulting
26316 Mapleview Drive
Plainfield, IL 60585
815.577.1707 T 815.577.2895 F
www.cookengrpgroup.com

COOK ENGINEERING GROUP

REVISION DESCRIPTION	DATE	#
		1
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MAJOR AMENDMENT EXHIBIT

RUSTY RIDGE ANIMAL CENTER
949 BELL ROAD
MINOOKA, IL 60447

PREPARED FOR
BULLMASTIFF CONSTRUCTION

MS. DEB HOWARD

CEG JOB NUMBER
2018-107

SCALE: 1" = 30'

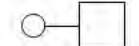
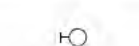
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CHECKED BY: MDC

DATE: 12/20/2022

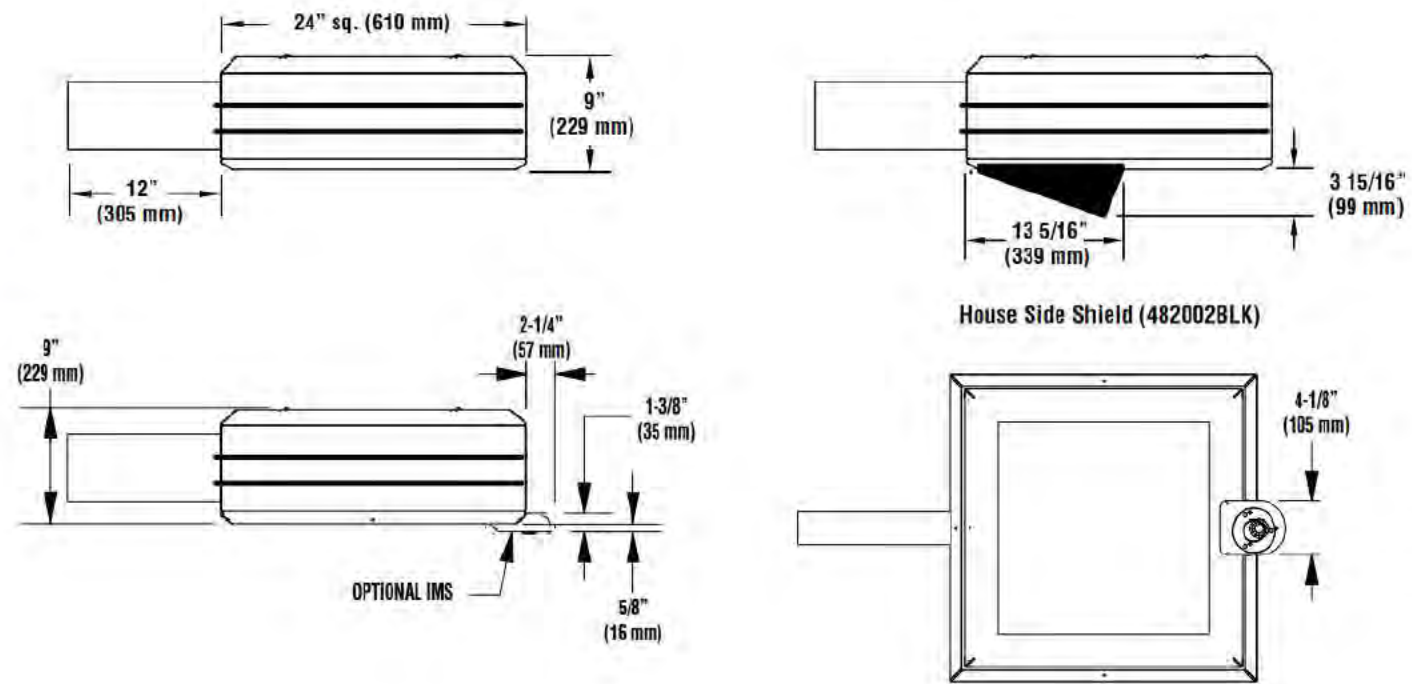
SHEET: 1 of 1

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LUMINAIRE SCHEDULE						
CALLOUT	SYMBOL	QUANTITY	DEFAULT ELEVATION	LUMENS / LAMP	MOUNTING	DESCRIPTION
P		6	20'	30000	POLE	Pole Mounted 300W Outdoor Area Light
W10		3	10'	16000	WALL	Traditional 120W Non-Cutoff LED Wall Pack
W12		3	12'	16000	WALL	Traditional 120W Non-Cutoff LED Wall Pack
W14		2	14'	16000	WALL	Traditional 120W Non-Cutoff LED Wall Pack

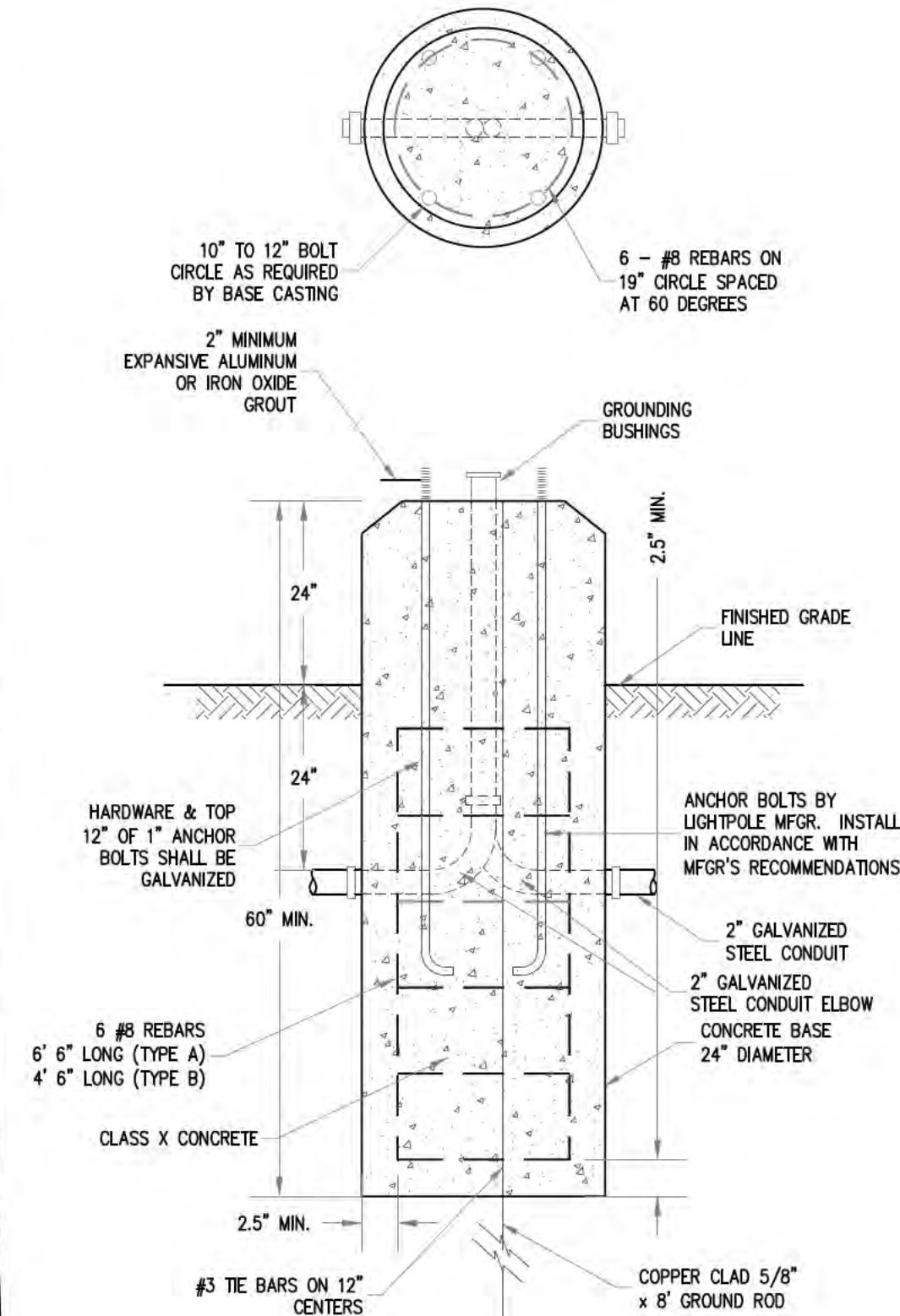
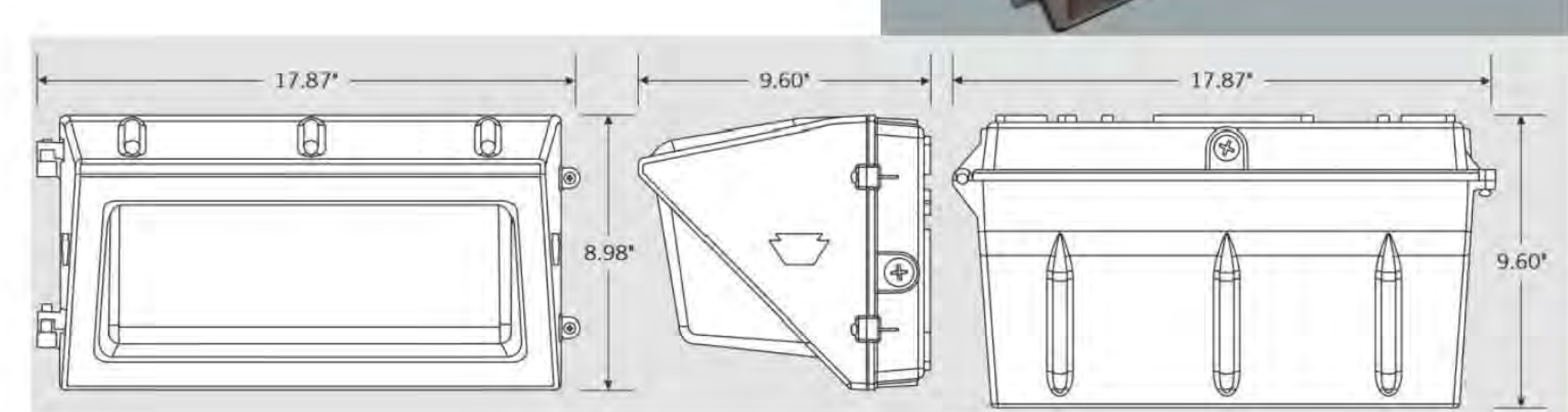
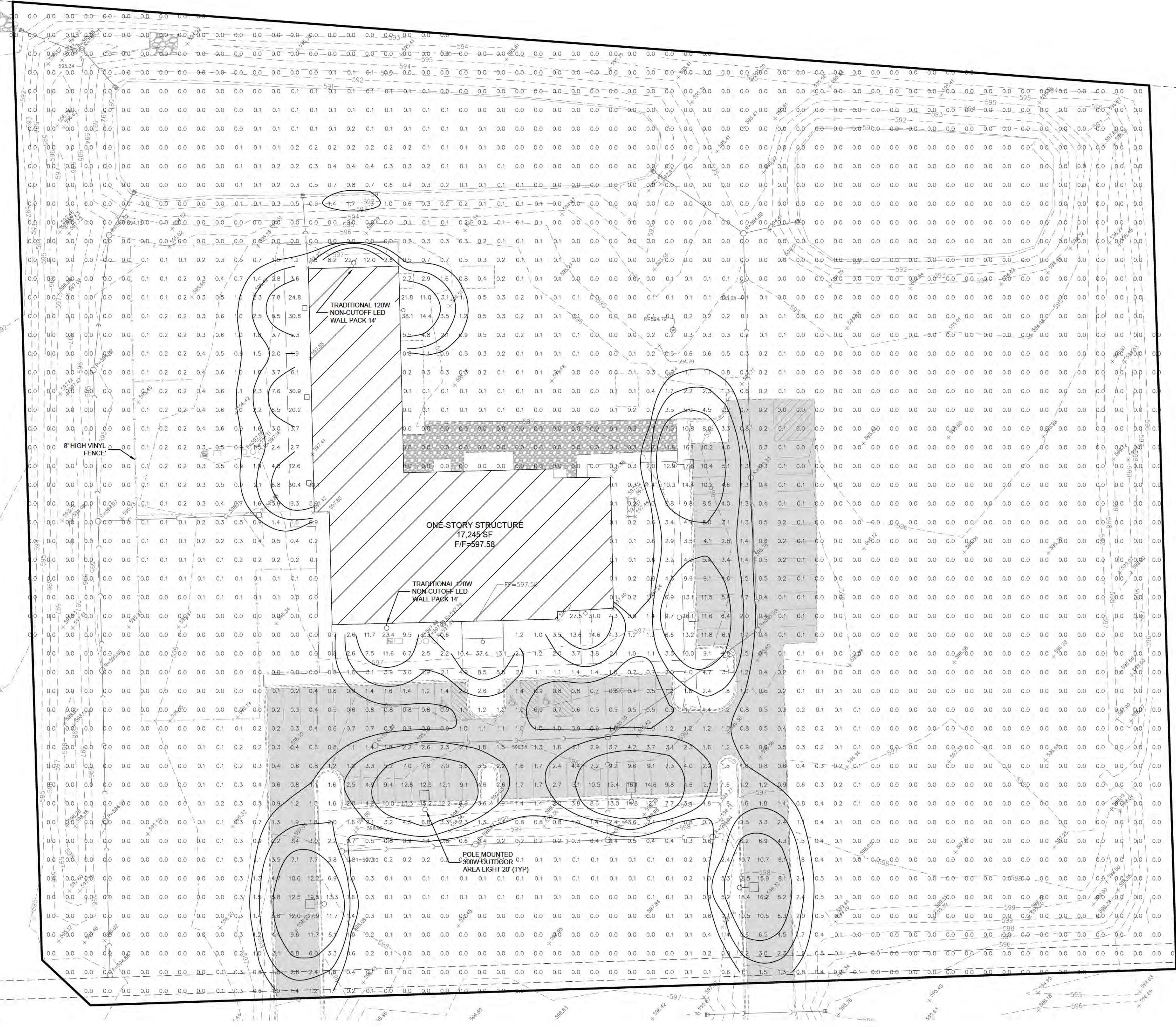
LSI INDUSTRIES, INC. XGBM-3-LED-HO-CW	KEYSTONE TECHNOLOGIES LLC. KT-WPLED120-L1-850-VDIM	KEYSTONE TECHNOLOGIES LLC. KT-WPLED120-L1-850-VDIM	KEYSTONE TECHNOLOGIES LLC. KT-WPLED120-L1-850-VDIM
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GENERAL PHOTOMETRIC SCHEDULE	
MAXIMUM FOOT-CANDLES	38.1
AVERAGE FOOT-CANDLES	0.87
MINIMUM FOOT-CANDLES	0.0
MAXIMUM TO MINIMUM FC RATIO	38.10 / 0.00
AVERAGE TO MINIMUM FC RATIO	0.87 / 0.00

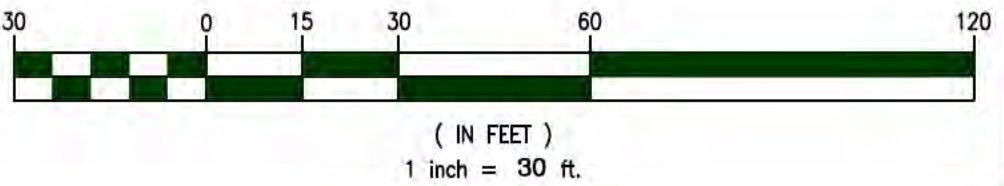


LUMINAIRE EPA CHART - XGBM			
	8" Bracket	12" Bracket	
Single	2.3	2.4	
D180°	4.7	4.8	
D90°	4.7	4.7	
T90°	7.2	7.2	
TN120°	Required	Required	
C00°	8.8	8.8	

Note: House Side Shield adds to fixture EPA Consult Factory.



LIGHT STANDARD FOUNDATION PLAN



REVISION											
#	DATE	1	2	3	4	5	6	7	8	9	10
AS-BUILT PHOTOMETRIC PLAN RUSTY RIDGE ANIMAL CENTER 949 BELL ROAD MINOOKA, IL 60447											
PREPARED FOR BULLMASTIFF CONSTRUCTION											
MS. DEB HOWARD											
CEG JOB NUMBER 2018-107											
SCALE: 1" = 30'											
DRAWN BY: GRC											
CHECKED BY: MDC											
DATE: 12/20/2022											
SHEET: 1 of 1											
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SOUTH ELEVATION



EAST ELEVATION



Civil Engineering &
Land Development Consulting

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REVISION DESCRIPTION	
#	DATE
1	
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AS-BUILT BUILDING
ELEVATIONS
RUSTY RIDGE ANIMAL CENTER
949 BELL ROAD
MINOOKA, IL 60447

PREPARED FOR
BULWASTIFF CONSTRUCTION

MS. DEB HOWARD

CEG JOB NUMBER
2018-107

SCALE: NTS

DRAWN BY: CMW

CHECKED BY: MDC

DATE: 12/20/2022

SHEET: 1 of 2



NORTH ELEVATION



WEST ELEVATION

Civil Engineering &
Land Development Consulting
26316 Mapleview Drive
Plainfield, IL 60585
815.577.1707 T 815.577.2595 F
www.cookengr.com

COOK

ENGINEERING

GROUP

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AS-BUILT BUILDING
ELEVATIONS

RUSTY RIDGE ANIMAL CENTER
949 BELL ROAD
MINOOKA, IL 60447

PREPARED FOR
BULLMASTIFF CONSTRUCTION



MS. DEB HOWARD

CEG JOB NUMBER
2018-107

SCALE: NTS

DRAWN BY: CNW

CHECKED BY: MDC

DATE: 12/20/2022

SHEET:
2 of 2

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State of Illinois
County of Kendall

Zoning Petition
#19-47

ORDINANCE NUMBER 2020-01

GRANTING A SPECIAL USE PERMIT ON PROPERTY ZONED A-1 AGRICULTURAL FOR A KENNEL AND A VETERINARY ESTABLISHMENT FOR A 8.5 +/- ACRE PARCEL LOCATED AT THE NORTHEAST CORNER OF RIDGE ROAD AND BELL ROAD AND IDENTIFIED BY PARCEL IDENTIFICATION NUMBER 09-24-100-012 IN SEWARD TOWNSHIP

WHEREAS, Section 13.08 of the Kendall County Zoning Ordinance permits the Kendall County Board to issue special use permits and place conditions on special use permits and provides the procedure through which special use permits are granted; and

WHEREAS, Section 7.01.D.27 of the Kendall County Zoning Ordinance permits the operation of kennels as a special use with certain restrictions in the A-1 Agricultural Zoning District; and

WHEREAS, Section 7.01.D.52 of the Kendall County Zoning Ordinance permits the operation of veterinary establishments as a special use with certain restriction in the A-1 Agricultural Zoning District; and

WHEREAS, the property which is the subject of this Ordinance has been, at all relevant times, and remains currently located within the A-1 Agricultural Zoning District and the portion of the property subject to the special use permit consists of approximately 8.5 acres located at the northeast corner of Ridge Road and Bell Road (PIN: 09-24-100-012) in Seward Township. The legal description for the subject property is set forth in Exhibit A attached hereto and incorporated by reference, and this property shall hereinafter be referred to as "the subject property."; and

WHEREAS, the subject property is currently owned by Jade Restorations, Inc. and is represented by Deb Chow; and

WHEREAS, Jade Restorations, Inc. has contracted with Bullmastiff Construction Company, LTD as represented by D. Howard and collectively these parties shall hereinafter be referred to as "Petitioner"; and

WHEREAS, on or about December 18, 2019, Petitioner's representative filed a petition for special use permits allowing the operation of a kennel and a veterinary establishment at the subject property; and

WHEREAS, following due and proper notice by publication in the Kendall County Record on January 9, 2020, the Kendall County Zoning Board of Appeals conducted a public hearing on January 27, 2020, at 7:00 p.m., in the County Office Building at 111 W. Fox Street in Yorkville, at which the Petitioner's representatives presented evidence, testimony, and exhibits in support of the requested special use permits and zero members of the public testified in favor or in opposition; and

WHEREAS, based on the evidence, testimony, and exhibits, the Kendall County Zoning Board of Appeals has made their Findings of Fact and recommended approval of the special use permits with conditions as set forth in the Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals, dated January 27, 2020, a true and correct copy of which is attached hereto as Exhibit B; and

WHEREAS, the Kendall County Planning, Building and Zoning Committee of the Kendall County Board has reviewed the testimony presented at the aforementioned public hearing and has considered the Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals, and has forwarded to the Kendall County Board a recommendation of approval of the requested special use permits with conditions; and

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WHEREAS, the Kendall County Board has considered the recommendation of the Planning, Building and Zoning Committee and the Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals, and has determined that said petition is in conformance with the provisions and intent of the Kendall County Zoning Ordinance; and

WHEREAS, this special use permits 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; and

NOW, THEREFORE, BE IT ORDAINED, BY THE COUNTY BOARD OF KENDALL COUNTY, ILLINOIS, as follows:

1. The Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals attached hereto as Exhibit B are hereby accepted and the Findings of Fact set forth therein are hereby adopted as the Findings of Fact and Conclusions of this Kendall County Board.
2. The Kendall County Board hereby grants approval of Petitioner's petition for a special use permit allowing the operation of a kennel and veterinary establishment on the subject property subject to the following conditions:
 - A. The site shall be developed substantially in accordance with the attached site plan attached hereto as Exhibit C, landscaping plan attached hereto as Exhibit D, and photometric plan attached hereto as Exhibit E.
 - B. Within sixty days (60) days of approval of this special use permit ordinance, the property owners shall convey land to Kendall County and Seward Township for Ridge Road and Bell Road right-of-way in the locations and depths shown on the Right-of-Way Plat of Dedication attached hereto as Exhibit F.
 - C. The use allowed by this special use permit shall be located a minimum of two hundred fifty feet (250') from the lot line of lots zoned residential or shown as Residential on the Land Resource Management Plan (LRMP) map and One Hundred Fifty Feet (150') from Lots Zoned Other Than Residential or Shown on the LRMP Map as non-residential.
 - D. Two (2) non-illuminated signs may be installed on the subject property in substantially the locations shown on the site plan (Exhibit C).
 - E. All vegetation and berms shall be installed within six (6) months of the opening of either the kennel or veterinary establishment at the subject property. The businesses shall be considered open on the date when the Kendall County Planning, Building and Zoning Department issues a certificate of occupancy for the building. Damaged or dead vegetation shall be replaced on a timeframe approved by the Kendall County Planning, Building and Zoning Department.
 - F. A maximum of eighty (80) dogs and twenty-five (25) cats may be kenneled on the subject property at any time.
 - G. All pets shall be indoors between the hours of sunset and sunrise except for the purposes of owners dropping-off and picking-up pets.
 - H. In the event that the kennel operations cease at the property, the veterinary business allowed by this special use permit may not board animals overnight except for medical treatment and observations.

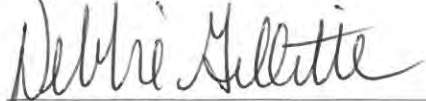
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- I. The normal hours of operation for the businesses allowed by this special use permit shall be Monday through Friday from 6:00 a.m. until 7:00 p.m. and Saturday and Sunday from 7:00 a.m. until 7:00 p.m. The operator(s) of the business allowed by this special use permit may reduce these hours of operation. Pets experiencing medical emergencies at the kennel may be tended to outside the hours of operation. The veterinary establishment may be open beyond the hours of operation listed to handle medical emergencies.
 - J. The maximum combined number of employees for the businesses allowed by this special use permit shall be seventy (70), including the business owners.
 - K. Refuse shall be removed from the subject property at least one (1) time per week or as necessary to prevent litter or odors from emanating from the subject property.
 - L. Any construction on the property related to the businesses allowed by this special use permit shall not be considered as agricultural purposes and shall secure applicable permits.
 - M. The operator(s) of the businesses allowed by this special use permit may sell ancillary items related to their operations.
 - N. The operator(s) of the businesses allowed by this special use permit acknowledge and agree to follow Kendall County's Right to Farm Clause.
 - O. The operator(s) of the businesses allowed by this special use permit shall follow all applicable Federal, State, and Local laws related to the operation of these types of businesses.
 - P. 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.
 - Q. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
3. The Zoning Administrator and other appropriate County Officials are hereby authorized and directed to amend the Official Zoning Map of Kendall County to reflect these special use permits.

IN WITNESS OF, this ordinance has been enacted by a majority vote of the Kendall County Board and is effective this 18th day of February, 2020.

Attest:


Kendall County Clerk
Debbie Gillette


Kendall County Board Chairman
Scott R. Gryder



DOGGY DAYCARE
LEGAL DESCRIPTION

PARCEL 1 (DEVELOPMENT PARCEL)

THAT PART OF THE SOUTH 1281.17 FEET OF THE WEST 680.00 FEET OF THE NORTHWEST QUARTER OF SECTION 24, TOWNSHIP 35 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE TOWNSHIP OF SEWARD, DESCRIBED AS FOLLOWS;

BEGINNING AT THE SOUTHWEST CORNER OF SAID NORTHWEST QUARTER, THENCE NORTH 01 DEGREES 45 MINUTES 20 SECONDS WEST, ON THE WEST LINE OF SAID NORTHWEST QUARTER, 579.95 FEET TO THE SOUTH LINE OF THE 800 FOOT WIDE NATURAL GAS PIPELINE EASEMENT AS DESCRIBED IN BOOK 103 P AGE 333 IN KENDALL COUNTY RECORDS; THENCE SOUTH 85 DEGREES 47 MINUTES 08 SECONDS EAST, ON SAID SOUTH LINE, 683.71 FEET TO THE EAST LINE OF THE WEST 680.00 FEET SAID NORTHWEST QUARTER; THENCE SOUTH 01 DEGREES 45 MINUTES 20 SECONDS EAST, ON SAID EAST LINE, 507.99 FEET TO THE SOUTH LINE OF SAID NORTHWEST QUARTER; THENCE SOUTH 88 DEGREES 10 MINUTES 23 SECONDS WEST, ON SAID SOUTH LINE, 680.00 FEET TO THE POINT OF BEGINNING, ALL IN KENDALL COUNTY, ILLINOIS.

Exhibit B

The Kendall County Zoning Board of Appeals approved the following Findings of Fact and Recommendation at their meeting on January 27, 2020, by a vote of six (6) in favor and zero (0) in opposition. Member Thompson was absent.

FINDINGS OF FACT-SPECIAL USE

§ 13.08.J of the Zoning Ordinance outlines findings that the Zoning Board of Appeals must make in order recommend in favor of the applicant on special use permit applications.

*That 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. **The operation of the special use will not be detrimental to the public health, safety, morals, comfort, or general welfare. The immediately adjacent properties are also zoned A-1 or A-1 with a special use permit. In addition, the site plan shows a six foot (6') tall fence around the outdoor play area. The proposed building will be soundproofed. The proposed landscaping and berming should also reduce noise coming from the property. The Petitioners intend to follow the Kendall County Zoning Ordinance as it relates to having all pets inside by dusk.***

*That 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 shall make 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 Petitioners plan to install fencing and security lighting. The Petitioners agreed to have animals indoors by sunset. The proposed hours of operation will also prevent injury to neighboring land uses.***

*That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. **This is true. Adequate ingress and egress will be provided off of Bell Road. The Petitioners will have to secure applicable permits related to stormwater, well, and septic systems.***

*That 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. **True, the Petitioners are not requesting any variances.***

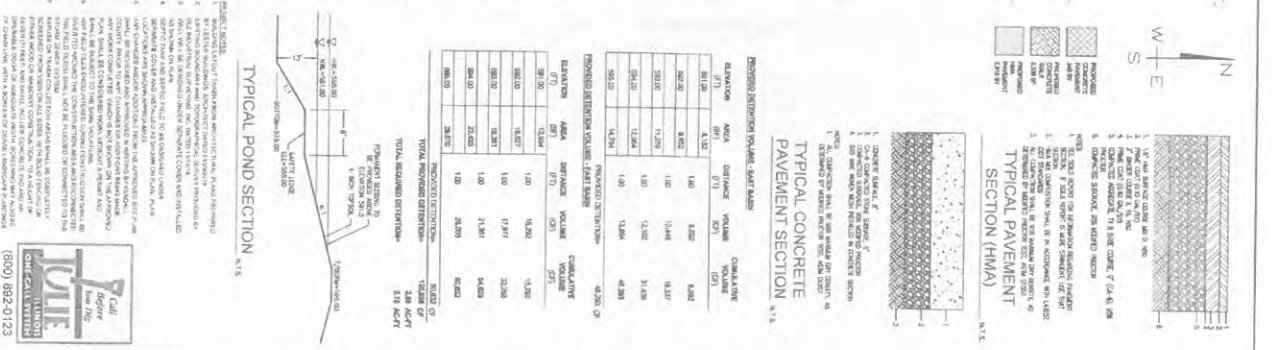
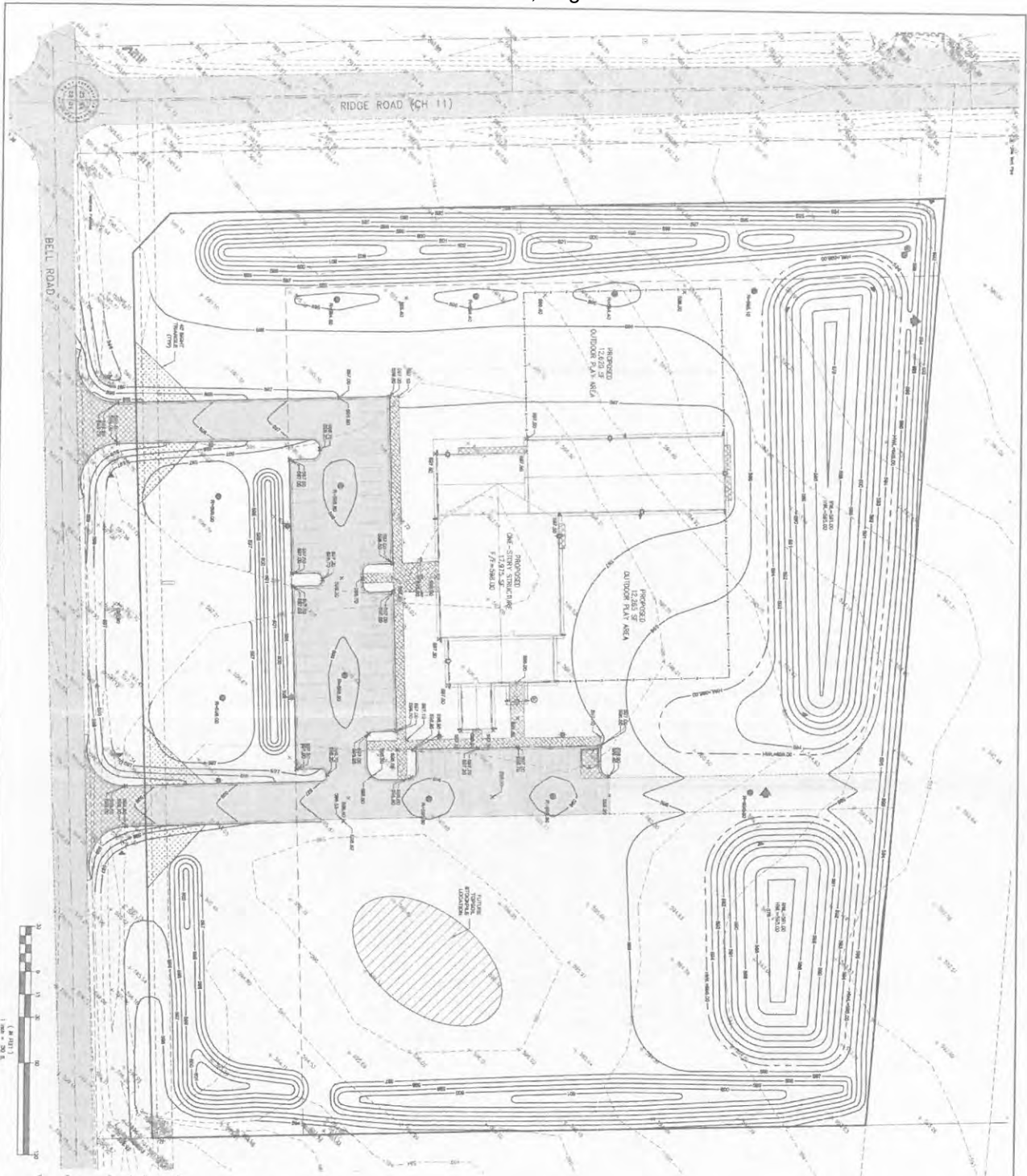
*That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. **True, the proposed use is consistent with an objective found on Page 6-34 of the Kendall County Land Resource Management Plan which calls for "a strong base of agricultural, commercial and industrial uses that provide a broad range of job opportunities, a healthy tax base, and improved quality of services to County residents" through the encouragement "... of locally owned businesses."***

RECOMMENDATION

Approval with the following conditions and restrictions:

1. The site shall be developed substantially in accordance with the submitted site plan, landscaping plan, and photometric plan.
2. Within sixty days (60) days of approval of this special use permit ordinance, the property owners shall convey land to Kendall County and Seward Township for Ridge Road and Bell Road right-of-way in the locations and depths shown on the Right-of-Way Plat of Dedication.

3. The use allowed by this special use permit shall be located a minimum of two hundred fifty feet (250') from the lot line of lots zoned residential or shown as Residential on the Land Resource Management Plan (LRMP) map and One Hundred Fifty Feet (150') from Lots Zoned Other Than Residential or Shown on the LRMP Map as non-residential.
4. Two (2) non-illuminated signs may be installed on the subject property in substantially the locations shown on the site plan.
5. All vegetation and berms shall be installed within six (6) months of the opening of either the kennel or veterinary establishment at the subject property. The businesses shall be considered open on the date when the Kendall County Planning, Building and Zoning Department issues a certificate of occupancy for the building. Damaged or dead vegetation shall be replaced on a timeframe approved by the Kendall County Planning, Building and Zoning Department.
6. A maximum of eighty (80) dogs and twenty-five (25) cats may be kenneled on the subject property at any time.
7. All pets shall be indoors between the hours of sunset and sunrise except for the purposes of owners dropping-off and picking-up pets.
8. In the event that the kennel operations cease at the property, the veterinary business allowed by this special use permit may not board animals overnight except for medical treatment and observations.
9. The normal hours of operation for the businesses allowed by this special use permit shall be Monday through Friday from 6:00 a.m. until 7:00 p.m. and Saturday and Sunday from 7:00 a.m. until 7:00 p.m. The operator(s) of the business allowed by this special use permit may reduce these hours of operation. Pets experiencing medical emergencies at the kennel may be tended to outside the hours of operation. The veterinary establishment may be open beyond the hours of operation listed to handle medical emergencies.
10. The maximum combined number of employees for the businesses allowed by this special use permit shall be seventy (70), including the business owners.
11. Refuse shall be removed from the subject property at least one (1) time per week or as necessary to prevent litter or odors from emanating from the subject property.
12. Any construction on the property related to the businesses allowed by this special use permit shall not be considered as agricultural purposes and shall secure applicable permits.
13. The operator(s) of the businesses allowed by this special use permit may sell ancillary items related to their operations.
14. The operator(s) of the businesses allowed by this special use permit acknowledge and agree to follow Kendall County's Right to Farm Clause.
15. The operator(s) of the businesses allowed by this special use permit shall follow all applicable Federal, State, and Local laws related to the operation of these types of businesses.
16. 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.
17. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.



PRELIMINARY GRADING PLAN

DOGGY DAYCARE

NEC BELL ROAD & RIDGE ROAD

KENDALL COUNTY, IL

COOK ENGINEERING GROUP

25316 Macdonald Drive
Plainfield, IL 60565
815.577.1707 T 815.577.2565 F
www.cookengr.com

PREPARED FOR:
THOMAS J. CONSTRUCTION
11111 S. RIVER ST.
PLAINFIELD, IL 60565

DATE:
2/15/19

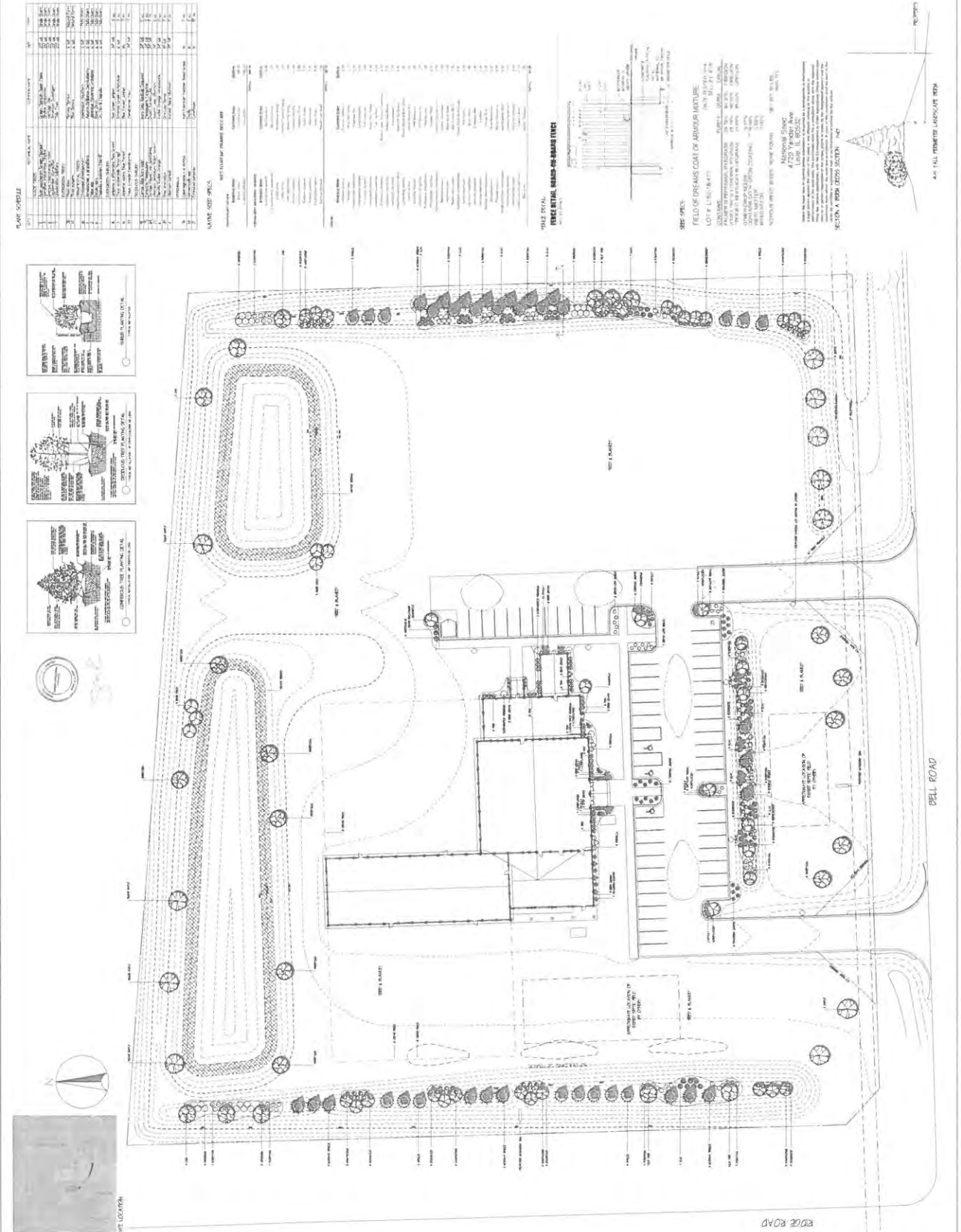
SCALE:
1" = 30'

DESIGNED BY:
JAC

CHECKED BY:
JAC

DATE:
11/22/18

SHEET:
2 of 2



PREPARED FOR:

Bulmestiff Construction Co.
1947 S. Harlem Ave., Suite 200
Palos Heights, IL 60463
Mr. Deb Howard

PROJECT INFORMATION:

Doggy Day Care
NEC Bell Road & Ridge Road
Kendall County, IL

DATE: 10/20/10

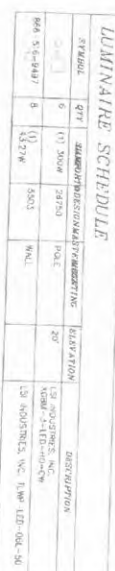
BY: [Signature]

SCALE: 1" = 10'

PROJECT NO.: 1000000000

DATE: 10/20/10

1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100. 101. 102. 103. 104. 105. 106. 107. 108. 109. 110. 111. 112. 113. 114. 115. 116. 117. 118. 119. 120. 121. 122. 123. 124. 125. 126. 127. 128. 129. 130. 131. 132. 133. 134. 135. 136. 137. 138. 139. 140. 141. 142. 143. 144. 145. 146. 147. 148. 149. 150. 151. 152. 153. 154. 155. 156. 157. 158. 159. 160. 161. 162. 163. 164. 165. 166. 167. 168. 169. 170. 171. 172. 173. 174. 175. 176. 177. 178. 179. 180. 181. 182. 183. 184. 185. 186. 187. 188. 189. 190. 191. 192. 193. 194. 195. 196. 197. 198. 199. 200. 201. 202. 203. 204. 205. 206. 207. 208. 209. 210. 211. 212. 213. 214. 215. 216. 217. 218. 219. 220. 221. 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COOK
ENGINEERING
GROUP

Matt Asselmeier

From: Mary Ludemann <ludemannm@MinookaFire.com>
Sent: Thursday, December 29, 2022 9:21 AM
To: Matt Asselmeier
Cc: mcook [REDACTED]
Subject: [External]RE: Kendall County Zoning Petition 22-27

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

Hi Matthew,

The Minooka Fire Protection District has no stipulations regarding Kendall County Zoning Petition 22-27.

Take care,

Mary Kay Ludemann, Fire Inspector
Minooka Fire Protection District
7901 E. Minooka Road
P.O. Box 736
Minooka, IL 60447
(815) 467-5637 ext. 113
www.minookafire.com

**ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)
January 3, 2023 – Unapproved Meeting Minutes**

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

Present:

Matt Asselmeier – PBZ Department
Meagan Briganti – GIS Department
Fran Klaas – Highway Department
Alyse Olson – Soil and Water Conservation District
Aaron Rybski – Health Department
Seth Wormley – PBZ Committee Chair

Absent:

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

Audience:

Michael Cook

AGENDA

Mr. Klaas made a motion, seconded by Mr. Rybski, to approve the agenda as presented.

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

MINUTES

Mr. Rybski made a motion, seconded by Ms. Briganti, to approve the December 6, 2022, meeting minutes.

With a voice vote of five (5) ayes, the motion carried. Ms. Olson abstained.

PETITION

Petition 22-27 Deb Howard on Behalf of Jade Restorations, Inc. (Current Owner) and Bullmastiff Construction Company LTD (Contractor)

Mr. Asselmeier summarized the request.

On February 18, 2020, the County Board approved Ordinance 2020-01, granting a special use permit for a kennel and veterinary at the northeast corner of Ridge Road and Bell Road, now addressed as 949 Bell Road, Minooka.

During the summer of 2022, the Planning, Building and Zoning Department received complaints regarding lights at the subject property. Upon investigation, Staff discovered that the site had not been developed in accordance with the site plan, landscaping plan, and photometric plan attached to the special use permit ordinance. The property owner agreed to amend the special use permit to have the site plan, landscaping plan, and photometric plan to match the current conditions. The specific amendments are as follows (items in red are Staff comments):

1. Fence limits on the west side of the building are different with a larger outdoor area enclosed and extended further south. The installed fence height is eight feet (8'), not six feet (6') as described in the associated exhibits attached to Ordinance 2020-01. **The fence was a cedar fence in the approved plans; the installed fence was vinyl.**
2. Westerly septic field is enclosed within the expanded fenced outdoor plan area. Westerly septic tank is installed further north than previously proposed. The southerly septic tank/piping was designed to be on the east side of the main entry, but was installed on the west side of the entry.
3. The Rusty Ridge sign at the southwest corner of the site is located within the Kendall County right-of-way. This will be relocated as part of the major amendment to the originally proposed location at a ten foot (10') setback from the right-of-way along the middle of the property west of the proposed location. **No information was provided regarding the other sign. The approved plans had one (1) monument sign along Bell Road and one (1)**

monument sign along Ridge Road. Both signs were to be four feet by eight feet (4'X8') and a maximum of eight feet (8') in height. Neither sign will be illuminated.

4. Sidewalk has been added around the building that was not part of the original plans. There is a gravel driveway/PCC walk along the north side of the building for equestrian trailer access. Additional parking was added in the northeast corner of the building. **Number of parking stalls increased from fifty-two (52) to sixty-five (65). The number of handicapped accessible parking spaces remains at three (3).**
5. The east side walkway/covered entrance/building was eliminated and the walk is shown coming out of the south side of the building.
6. A five thousand (5,000) gallon external tank was previously proposed next to the well for fire protection. This was not constructed. Tank was installed in basement of building per discussions with the Minooka Fire Department.
7. An additional wall pack was added along the west wall of the building as the play area was enlarged/moved from the northeast corner of building. As built-photometric plan was unchanged and light intensities at west property line are still zero point zero (0.0) foot candles. **Change in location of lights. Number of pole lights to remain the same. Height of pole lights to remain the same.**
8. The concrete pad for trash enclosure is installed but no walls have been constructed. Concrete pad relocated further north to allow equestrian trailer access along the north side of the building from the parking lot. **Petitioner still plans to install the seven foot (7') tall masonry or wood fencing around the refuse area per the approved plans.**
9. Well head installed further north of design location.
10. Outdoor play area was eliminated on the northeast corner of building due to the installation of air handling units. **Original plans called for two (2) approximately twelve thousand (12,000) square foot outdoor play areas are planned on both sides of the kennel wing of the building.**
11. A three thousand, one hundred (3,100) gallon holding tank was eliminated that was previously proposed for therapy pool/dog wash. Therapy pool was eliminated from building.
12. Per Seward Township Board meeting of December 13, 2022, Owner and Township Agreed that building and parking lot lighting will be turned off at 10:00 p.m. every night and all parking lot lighting and building lighting and building wall packs will be installed with cutoffs or shields. **Security lighting has motion sensors.**
13. Owner is requesting a variation to Kendall County Zoning Ordinance 7:01.D.29 for A-1 special use and modify "Condition G" of 2020-01 special use ordinance to State the following: "All pets shall be indoors between the hours of sunset and sunrise except for the purposes of owners dropping-off and picking-up pets and necessary bathroom breaks until 10:00 p.m. each evening."
14. **Change in vegetation count from thirty-eight (38) shade trees of various types, seventy-eight (78) evergreen trees of various types, sixty-eight (68) evergreen shrubs of various types, two hundred eighty-two (282) deciduous shrubs of various types, and one hundred fifteen (115) perennials of various types to thirty (30) ornamental trees of various types, twenty-six (26) trees of various types, forty-nine (49) evergreen trees of various types, and one hundred sixty-nine (169) shrubs of various types.**

The application material, proposed site plan, proposed landscaping plan, proposed photometric plan, building elevations, and Ordinance 2020-01 were provided.

The conditions in Ordinance 2020-01 are as follows:

- A. The site shall be developed substantially in accordance with the attached site plan attached hereto as Exhibit C, landscaping plan attached hereto as Exhibit D, and photometric plan attached hereto as Exhibit E.
- B. Within sixty days (60) days of approval of this special use permit ordinance, the property owners shall convey land to Kendall County and Seward Township for Ridge Road and Bell Road right-of-way in the locations and depths shown on the Right-of-Way Plat of Dedication attached hereto as Exhibit F.

- C. The use allowed by this special use permit shall be located a minimum of two hundred fifty feet (250') from the lot line of lots zoned residential or shown as Residential on the Land Resource Management Plan (LRMP) map and One Hundred Fifty Feet (150') from Lots Zoned Other Than Residential or Shown on the LRMP Map as non-residential.
- D. Two (2) non-illuminated signs may be installed on the subject property in substantially the locations shown on the site plan (Exhibit C).
- E. All vegetation and berms shall be installed within six (6) months of the opening of either the kennel or veterinary establishment at the subject property. The businesses shall be considered open on the date when the Kendall County Planning, Building and Zoning Department issues a certificate of occupancy for the building. Damaged or dead vegetation shall be replaced on a timeframe approved by the Kendall County Planning, Building and Zoning Department.
- F. A maximum of eighty (80) dogs and twenty-five (25) cats may be kenneled on the subject property at any time.
- G. All pets shall be indoors between the hours of sunset and sunrise except for the purposes of owners dropping-off and picking-up pets.
- H. In the event that the kennel operations cease at the property, the veterinary business allowed by this special use permit may not board animals overnight except for medical treatment and observations.
- I. The normal hours of operation for the businesses allowed by this special use permit shall be Monday through Friday from 6:00 a.m. until 7:00 p.m. and Saturday and Sunday from 7:00 a.m. until 7:00 p.m. The operator(s) of the business allowed by this special use permit may reduce these hours of operation. Pets experiencing medical emergencies at the kennel may be tended to outside the hours of operation. The veterinary establishment may be open beyond the hours of operation listed to handle medical emergencies.
- J. The maximum combined number of employees for the businesses allowed by this special use permit shall be seventy (70), including the business owners.
- K. Refuse shall be removed from the subject property at least one (1) time per week or as necessary to prevent litter or odors from emanating from the subject property.
- L. Any construction on the property related to the businesses allowed by this special use permit shall not be considered as agricultural purposes and shall secure applicable permits.
- M. The operator(s) of the businesses allowed by this special use permit may sell ancillary items related to their operations.
- N. The operator(s) of the businesses allowed by this special use permit acknowledge and agree to follow Kendall County's Right to Farm Clause.
- O. The operator(s) of the businesses allowed by this special use permit shall follow all applicable Federal, State, and Local laws related to the operation of these types of businesses.
- P. 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.
- Q. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

The right-of-way dedication required called for in condition 2 occurred.

The proposed amendments would impact conditions 1 and 7. Mr. Asselmeier also said not all vegetation was installed per condition 5. The remaining conditions shall remain valid and in effect.

The property is approximately twenty (20) acres and the special use area is approximately eight point five (8.5) acres.

The current land use is agricultural, veterinary, and kennel.

The future land use map calls for the property to be commercial.

Ridge Road is a County Road classified as an Arterial Road. Bell Road is a Township Road classified as a Minor Collector.

Minooka has a trail planned along Ridge Road. Shorewood has a trail planned along Bell Road.

The adjacent land uses are agricultural, farmstead, and landscaping business.

The adjacent properties are zoned A-1 and A-1 special use.

The Land Resource Management Plan calls for the area to be Suburban Residential, Commercial, and Mixed Use Business.

The properties within one half (1/2) of a mile are zoned A-1, A-1 special use, and R-1.

There are twelve (12) homes located within one half (1/2) mile of the subject property.

The special uses to the north and south are landing strips. The special use to the east is for natural gas compression. The special use to the west is for a landscaping business.

EcoCat submitted on December 5, 2019, and consultation was terminated.

The NRI that was prepared for the original special use permit remains valid. The LESA Score was 207 indicating a medium level of protection. NRI information was provided

Seward Township was emailed information on December 27, 2022. As noted previously, Seward Township reviewed the proposal prior to application submittal.

The Minooka Fire Protection District was emailed information on December 27, 2022. They responded on December 29, 2022, saying they had no stipulations regarding the proposal. The email was provided.

The Village of Shorewood was emailed information on December 27, 2022.

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

That 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. The operation of the special use will not be detrimental to the public health, safety, morals, comfort, or general welfare. The immediately adjacent properties are also zoned A-1 or A-1 with a special use permit. In addition, the site plan shows an eight foot (8') tall fence around the outdoor play area. The proposed landscaping and berming should also reduce noise coming from the property. The Petitioners are requesting a variance to allow animals to be outdoors until 10:00 p.m. but only for the purposes of dropping-off and picking-up by owners and for necessary bathroom breaks.

That 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 shall make 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 Petitioners installed fencing and security lighting. The Petitioners submitted a photometric plan showing no lighting spilling onto adjoining properties. The Petitioners agreed to have animals indoors by sunset, except for specific purposes as mentioned in the previous finding. The proposed hours of operation will also prevent injury to neighboring land uses.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. This is true. Adequate ingress and egress has been provided off of Bell Road. The Petitioners have secured applicable permits and installed adequate facilities related to stormwater, well, and septic systems.

That 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. The Petitioners are requesting a variance to Section 7:01.D.29 of the Kendall County Zoning Ordinance to allow the animals to be outdoors for specific purposes as outlined in the first finding.

That 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. True, the proposed use is consistent with an objective found on Page 9-21 of the Kendall County Land Resource Management Plan which calls for “a strong base of agricultural, commerce and industry that provides a broad range of job opportunities, a healthy tax base, and improved quality of services to County residents.” The Land Resource Management Plan calls for the subject property to be commercial.

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

That the particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out. No topographic condition creates a particular hardship for the Petitioner.

That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. Other requests for special use permits for kennels could ask for the same variation.

That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. The current owner was not involved with the drafting of the existing language in the Zoning Ordinance. The current owner cannot control the times for sunset or sunrise.

That the granting of the variation will not materially be detrimental to the public welfare or substantially injurious to other property or improvements in the neighborhood in which the property is located. The requested variance should not negatively impact any of the neighbors and will not be detrimental to the public welfare or injurious to other property if the animals are outside for the purposes of pick-up and drop-off or to use the restroom and for no other purposes.

That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the neighborhood. The requested variance will not impair light reaching other properties, cause congestion on any public street, or diminish or impair property values.

Staff recommended approval of the requested variance and amendments to the existing special use permit for a kennel and veterinary establishment subject to the following conditions and restrictions:

1. Condition 2.A of Ordinance 2020-01 is hereby repealed in its entirety and is replaced with the following:

“The site shall be developed substantially in accordance with the site plan, landscaping plan, and photometric plan.”

2. Condition 2.G of Ordinance 2020-01 is hereby repealed in its entirety and is replaced with the following:

“All pets shall be indoors between the hours of sunset and sunrise except for the purposes of owners dropping-off and picking-up pets and necessary bathroom breaks until 10:00 p.m. each evening. This provision is a variance to a requirement contained in Section 7:01.D.29 of the Kendall County Zoning Ordinance.”

3. The remaining conditions and restrictions contained in Ordinance 2020-01 shall remain valid and effective.
4. 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.
5. If one or more of the above conditions or restrictions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
6. These major amendments to an existing special use permit and variance shall be treated as covenants running with the land and are binding on the successors, heirs, and assigns as to the same special uses conducted on the property.

Staff is also of the opinion that the requirement that animals in kennels be indoors between the hours of sunset and sunrise should be revisited through the text amendment process and that specific hours not connected to sunrise or sunset be set.

Mr. Asselmeier asked about the timeline to install vegetation. Mike Cook, Engineer for the Petitioner, said that vegetation will be installed in by June 1, 2023.

Mr. Cook provided a history of the development of the site. He discussed the relocation of the sign. He verified the impervious surface information. He discussed the changes to outdoor play area and fence height. He also discussed the need for the variance regarding having the pets outdoors after sunset. He explained the cutoffs, timers, and motion sensors associated with the lights.

Mr. Rybski made a motion, seconded by Mr. Klaas, to recommend approval of the proposal.

The votes were follows

Ayes (6): Asselmeier, Briganti, Klaas, Olson, Rybski, and Wormley
Nays (0): None
Abstain (0): None
Absent (4): Chismark, Guritz, Holdiman, and Langston

The motion passed.

The proposal goes to the Kendall County Regional Planning Commission on January 25, 2023.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

None

OLD BUSINESS/NEW BUSINESS

February 4, 2023 Kendall County Regional Planning Commission Annual Meeting

Mr. Asselmeier reported that the Kendall County Regional Planning Commission Annual Meeting will be February 4, 2023, at 9:00 a.m., in the County Boardroom.

CORRESPONDENCE

None

PUBLIC COMMENT

None

ADJOURNMENT

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

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

The ZPAC, at 9:20 a.m., adjourned.

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

Enc.

Matt Asselmeier

From: Mary Ludemann <ludemannm@MinookaFire.com>
Sent: Thursday, December 29, 2022 9:21 AM
To: Matt Asselmeier
Cc: mcook [REDACTED]
Subject: [External]RE: Kendall County Zoning Petition 22-27

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

Hi Matthew,

The Minooka Fire Protection District has no stipulations regarding Kendall County Zoning Petition 22-27.

Take care,

Mary Kay Ludemann, Fire Inspector
Minooka Fire Protection District
7901 E. Minooka Road
P.O. Box 736
Minooka, IL 60447
(815) 467-5637 ext. 113
www.minookafire.com

Matt Asselmeier

From: sharleen smith <[REDACTED]>
Sent: Thursday, January 19, 2023 3:50 PM
To: Matt Asselmeier
Subject: [External]

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

Matt here is a recap of Planning Commission notes. I don't have "official" but these are close. Note the section in red. Thanks so much!

Sharleen
[REDACTED]

Below are some bullet points from last night's meeting. I know Joan will send out the official minutes as well but I wanted to make sure we all had some dates on the calendar for future meetings. The January meeting was moved due to vacation conflicts being close to New Years. The Feb & March meetings were moved due to my schedule conflict with baseball coaching which is on Tuesday nights.

Future Meeting Dates:

Monday January 9th - 6:30pm

Monday February 6th - 6:30pm

Monday March 6th - 6:30pm

On other topics, we discussed the game plan with the County on our proposed Future Land Use Map. We will discuss that at our January meeting. We also had a very thorough presentation from Rusty Ridge Vet Clinic. They are proposing 11 deviations from their original plan but after hearing them we all agreed the only item that we wanted to clarify was the lighting situation. They were very workable and open to ideas/suggestions on lighting. They agreed to make sure their parking lot lights were timed to go off at 8pm and their remaining lights at 10pm however their motion lights will still be operational. **Lastly, they agreed to put shades on all the remaining lights in the parking lot and on the building. We approved their plan with the proposed lighting changes.** The owner and her consultant will be attending the Township Board Meeting next week seeking approval to move their plan forward with our suggested changes.

Feel free to contact me with any questions.

Thank you,
Pete

Attachment 10, 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 January 25, 2023 - 7:00 p.m.

Chairman Bill Ashton called the meeting to order at 7:02 p.m.

ROLL CALL

Members Present: Bill Ashton, Eric Bernacki (Left at 8:04 p.m.), Tom Casey, Dave Hamman, Larry Nelson, Ruben Rodriguez, Bob Stewart, Claire Wilson (Arrived at 7:03 p.m.), and Seth Wormley

Members Absent: Karin McCarthy-Lange

Staff Present: Matthew H. Asselmeier, Senior Planner

Others Present: Michael Cook, Joan Soltwisch, Joe Chow, and Marissa Friestad

PETITION

Petition 22-27 Deb Howard on Behalf of Jade Restorations, Inc. (Current Owner) and Bullmastiff Construction Company LTD. (Contractor)

Mr. Asselmeier summarized the request.

On February 18, 2020, the County Board approved Ordinance 2020-01, granting a special use permit for a kennel and veterinary at the northeast corner of Ridge Road and Bell Road, now addressed as 949 Bell Road, Minooka.

During the summer of 2022, the Planning, Building and Zoning Department received complaints regarding lights at the subject property. Upon investigation, Staff discovered that the site had not been developed in accordance with the site plan, landscaping plan, and photometric plan attached to the special use permit ordinance. The property owner agreed to amend the special use permit to have the site plan, landscaping plan, and photometric plan to match the current conditions.

Member Wilson arrived at this time (7:03 p.m.).

The specific amendments are as follows (items in red are Staff comments):

1. Fence limits on the west side of the building are different with a larger outdoor area enclosed and extended further south. The installed fence height is eight feet (8'), not six feet (6') as described in the associated exhibits attached to Ordinance 2020-01. **The fence was a cedar fence in the approved plans; the installed fence was vinyl.**
2. Westerly septic field is enclosed within the expanded fenced outdoor plan area. Westerly septic tank is installed further north than previously proposed. The southerly septic tank/piping was designed to be on the east side of the main entry, but was installed on the west side of the entry.
3. The Rusty Ridge sign at the southwest corner of the site is located within the Kendall County right-of-way. This will be relocated as part of the major amendment to the originally proposed location at a ten foot (10') setback from the right-of-way along the middle of the property west of the proposed location. **No information was provided regarding the other sign. The approved plans had one (1)**

monument sign along Bell Road and one (1) monument sign along Ridge Road. Both signs were to be four feet by eight feet (4'X8') and a maximum of eight feet (8') in height. Neither sign will be illuminated.

4. Sidewalk has been added around the building that was not part of the original plans. There is a gravel driveway/PCC walk along the north side of the building for equestrian trailer access. Additional parking was added in the northeast corner of the building. **Number of parking stalls increased from fifty-two (52) to sixty-five (65). The number of handicapped accessible parking spaces remains at three (3).**
5. The east side walkway/covered entrance/building was eliminated and the walk is shown coming out of the south side of the building.
6. A five thousand (5,000) gallon external tank was previously proposed next to the well for fire protection. This was not constructed. Tank was installed in basement of building per discussions with the Minooka Fire Department.
7. An additional wall pack was added along the west wall of the building as the play area was enlarged/moved from the northeast corner of building. As built-photometric plan was unchanged and light intensities at west property line are still zero point zero (0.0) foot candles. **Change in location of lights. Number of pole lights to remain the same. Height of pole lights to remain the same.**
8. The concrete pad for trash enclosure is installed but no walls have been constructed. Concrete pad relocated further north to allow equestrian trailer access along the north side of the building from the parking lot. **Petitioner still plans to install the seven foot (7') tall masonry or wood fencing around the refuse area.**
9. Well head installed further north of design location.
10. Outdoor play area was eliminated on the northeast corner of building due to the installation of air handling units. **Original plans called for two (2) approximately twelve thousand (12,000) square foot outdoor play areas that were planned on both sides of the kennel wing of the building.**
11. A three thousand, one hundred (3,100) gallon holding tank was eliminated that was previously proposed for therapy pool/dog wash. Therapy pool was eliminated from building.
12. Per Seward Township Board meeting of December 13, 2022, Owner and Township Agreed that building and parking lot lighting will be turned off at 10:00 p.m. every night and all parking lot lighting and building lighting and building wall packs will be installed with cutoffs or shields. **Security lighting has motion sensors.**
13. Owner is requesting a variation to Kendall County Zoning Ordinance 7:01.D.29 for A-1 special use and modify "Condition G" of 2020-01 special use ordinance to State the following: "All pets shall be indoors between the hours of sunset and sunrise except for the purposes of owners dropping-off and picking-up pets and necessary bathroom breaks until 10:00 p.m. each evening."
14. **Change in vegetation count from thirty-eight (38) shade trees of various types, seventy-eight (78) evergreen trees of various types, sixty-eight (68) evergreen shrubs of various types, two hundred eighty-two (282) deciduous shrubs of various types, and one hundred fifteen (115) perennials of various types to thirty (30) ornamental trees of various types, twenty-six (26) trees of various types, forty-nine (49) evergreen trees of various types, and one hundred sixty-nine (169) shrubs of various types. Some vegetation has not been installed.**

The conditions in Ordinance 2020-01 are as follows:

- A. The site shall be developed substantially in accordance with the attached site plan attached hereto as Exhibit C, landscaping plan attached hereto as Exhibit D, and photometric plan attached hereto as Exhibit E.
- B. Within sixty days (60) days of approval of this special use permit ordinance, the property owners shall convey land to Kendall County and Seward Township for Ridge Road and Bell Road right-of-way in the locations and depths shown on the Right-of-Way Plat of Dedication attached hereto as Exhibit F.
- C. The use allowed by this special use permit shall be located a minimum of two hundred fifty feet (250') from the lot line of lots zoned residential or shown as Residential on the Land Resource Management Plan (LRMP) map and One Hundred Fifty Feet (150') from Lots Zoned Other Than Residential or Shown on the LRMP Map as non-residential.
- D. Two (2) non-illuminated signs may be installed on the subject property in substantially the locations shown on the site plan (Exhibit C).
- E. All vegetation and berms shall be installed within six (6) months of the opening of either the kennel or veterinary establishment at the subject property. The businesses shall be considered open on the date when the Kendall County Planning, Building and Zoning Department issues a certificate of occupancy for the building. Damaged or dead vegetation shall be replaced on a timeframe approved by the Kendall County Planning, Building and Zoning Department.
- F. A maximum of eighty (80) dogs and twenty-five (25) cats may be kenneled on the subject property at any time.
- G. All pets shall be indoors between the hours of sunset and sunrise except for the purposes of owners dropping-off and picking-up pets.
- H. In the event that the kennel operations cease at the property, the veterinary business allowed by this special use permit may not board animals overnight except for medical treatment and observations.
- I. The normal hours of operation for the businesses allowed by this special use permit shall be Monday through Friday from 6:00 a.m. until 7:00 p.m. and Saturday and Sunday from 7:00 a.m. until 7:00 p.m. The operator(s) of the business allowed by this special use permit may reduce these hours of operation. Pets experiencing medical emergencies at the kennel may be tended to outside the hours of operation. The veterinary establishment may be open beyond the hours of operation listed to handle medical emergencies.
- J. The maximum combined number of employees for the businesses allowed by this special use permit shall be seventy (70), including the business owners.
- K. Refuse shall be removed from the subject property at least one (1) time per week or as necessary to prevent litter or odors from emanating from the subject property.
- L. Any construction on the property related to the businesses allowed by this special use permit shall not be considered as agricultural purposes and shall secure applicable permits.
- M. The operator(s) of the businesses allowed by this special use permit may sell ancillary items related to their operations.
- N. The operator(s) of the businesses allowed by this special use permit acknowledge and agree to

follow Kendall County's Right to Farm Clause.

- O. The operator(s) of the businesses allowed by this special use permit shall follow all applicable Federal, State, and Local laws related to the operation of these types of businesses.
- P. 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.
- Q. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

The right-of-way dedication required called for in condition 2 occurred.

The proposed amendments would impact conditions 1 and 7. The vegetation referenced in condition 5 has not been installed completely. The remaining conditions shall remain valid and in effect.

The property is approximately twenty (20) acres and the special use area is approximately eight point five (8.5) acres.

The current land use is agricultural, veterinary, and kennel.

The future land use map calls for the property to be commercial.

Ridge Road is a County Road classified as an Arterial Road. Bell Road is a Township Road classified as a Minor Collector.

Shorewood has a trail planned along Ridge Road and Bell Road.

The adjacent land uses are agricultural, farmstead, and landscaping business.

The adjacent properties are zoned A-1 and A-1 special use.

The Land Resource Management Plan calls for the area to be Suburban Residential, Commercial, and Mixed Use Business.

The properties within one half (1/2) of a mile are zoned A-1, A-1 special use, and R-1.

There are twelve (12) homes located within one half (1/2) mile of the subject property.

The special uses to the north and south are landing strips. The special use to the east is for natural gas compression. The special use to the west is for a landscaping business.

EcoCat submitted on December 5, 2019, and consultation was terminated.

The NRI that was prepared for the original special use permit remains valid. The LESA Score was 207 indicating a medium level of protection. NRI information was provided

Seward Township was emailed information on December 27, 2022. As noted previously, Seward Township reviewed the proposal prior to application submittal.

The Minooka Fire Protection District was emailed information on December 27, 2022. They responded on December 29, 2022, saying they had no stipulations regarding this proposal. The email was provided.

The Village of Shorewood was emailed information on December 27, 2022.

ZPAC reviewed the proposal at their meeting on January 3, 2023. Discussion occurred regarding the timing of installing the landscaping. All landscaping would be installed by mid-June 2023. ZPAC recommended approval of the proposal by a vote of six (6) in favor and zero (0) in opposition with four (4) members absent. The minutes were provided.

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

That 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. The operation of the special use will not be detrimental to the public health, safety, morals, comfort, or general welfare. The immediately adjacent properties are also zoned A-1 or A-1 with a special use permit. In addition, the site plan shows an eight foot (8') tall fence around the outdoor play area. The proposed landscaping and berming should also reduce noise coming from the property. The Petitioners are requesting a variance to allow animals to be outdoors until 10:00 p.m. but only for the purposes of dropping-off and picking-up by owners and for necessary bathroom breaks.

That 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 shall make 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 Petitioners installed fencing and security lighting. The Petitioners submitted a photometric plan showing no lighting spilling onto adjoining properties. The Petitioners agreed to have animals indoors by sunset, except for specific purposes as mentioned in the previous finding. The proposed hours of operation will also prevent injury to neighboring land uses.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. This is true. Adequate ingress and egress has been provided off of Bell Road. The Petitioners have secured applicable permits and installed adequate facilities related to stormwater, well, and septic systems.

That 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. The Petitioners are requesting a variance to Section 7:01.D.29 of the Kendall County Zoning Ordinance to allow the animals to be outdoors for specific purposes as outlined in the first finding.

That 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. True, the proposed use is consistent with an objective found on Page 9-21 of the Kendall County Land Resource Management Plan which calls for "a strong base of agricultural, commerce and industry that provides a broad range of job opportunities, a healthy tax base, and

improved quality of services to County residents.” The Land Resource Management Plan calls for the subject property to be commercial.

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

That the particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out. No topographic condition creates a particular hardship for the Petitioner.

That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. Other requests for special use permits for kennels could ask for the same variation.

That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. The current owner was not involved with the drafting of the existing language in the Zoning Ordinance. The current owner cannot control the times for sunset or sunrise.

That the granting of the variation will not materially be detrimental to the public welfare or substantially injurious to other property or improvements in the neighborhood in which the property is located. The requested variance should not negatively impact any of the neighbors and will not be detrimental to the public welfare or injurious to other property if the animals are outside for the purposes of pick-up and drop-off or to use the restroom and for no other purposes.

That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the neighborhood. The requested variance will not impair light reaching other properties, cause congestion on any public street, or diminish or impair property values.

Staff recommended approval of the requested variance and amendments to the existing special use permit for a kennel and veterinary establishment subject to the following conditions and restrictions:

1. Condition 2.A of Ordinance 2020-01 is hereby repealed in its entirety and is replaced with the following:

“The site shall be developed substantially in accordance with the submitted site plan, landscaping plan, and photometric plan.”

2. Condition 2.E of Ordinance 2020-01 is hereby repealed in its entirety and is replaced with the following:

“All vegetation and berms shall be installed by June 15, 2023. The Planning, Building and Zoning Committee may extend this deadline upon request of the property owner. Damaged or dead vegetation shall be replaced on a timeframe approved by the Kendall County Planning, Building and Zoning Department.” **(Added after ZPAC).**

3. Condition 2.G of Ordinance 2020-01 is hereby repealed in its entirety and is replaced with the following:

“All pets shall be indoors between the hours of sunset and sunrise except for the purposes of owners dropping-off and picking-up pets and necessary bathroom breaks until 10:00 p.m. each evening. This provision is a variance to a requirement contained in Section 7:01.D.29 of the Kendall County Zoning Ordinance.”

4. The remaining conditions and restrictions contained in Ordinance 2020-01 shall remain valid and effective.
5. 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.
6. If one or more of the above conditions or restrictions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
7. These major amendments to an existing special use permit and variance shall be treated as covenants running with the land and are binding on the successors, heirs, and assigns as to the same special uses conducted on the property.

Staff is also of the opinion that the requirement that animals in kennels be indoors between the hours of sunset and sunrise should be revisited through the text amendment process and that specific hours not connected to sunrise or sunset be set.

Michael Cook, Engineer for the Petitioner, explained the history of the development of the property. He explained that the play area was moved to comply with Health Department requirements. The height of the fence was increased because the German Shepherds at the property jumped the fence. The fence was changed to vinyl to match the building. The site was altered to allow equestrian trailer access to the rear of the facility. He explained that the request was initiated because of lighting complaints; he explained the changes to the lighting at the property. He noted that both the Seward Township Planning Commission and Seward Township Board approved the lighting changes. The lights are on timers; some of the lights are on motion sensors to ensure that the safety of staff at the property. He explained the need for the variance to allow animals outdoors after sunset; sunset is earlier in the wintertime.

Member Wilson felt that the development was fantastic and felt that the proposed changes were substantially in compliance and necessary in accordance with the original special use permit. She suggested examining the phrase “substantially compliant” in the future. Discussion occurred regarding changing the criteria for major and minor amendments to existing special use permits. Member Nelson concurred with Member Wilson.

Member Rodriguez asked about the brightness of the lights. Mr. Cook said the lights were in compliance with the photometric plan in terms of preventing lighting from spilling onto neighboring properties.

Joan Soltwisch read a statement into the record. She explained the meetings between the Petitioner and the various Seward Township boards. She discussed the lighting issue and said that the lights were not shielded or hooded as agreed to at the Township’s meetings. She explained the interactions that occurred at the property which led to a notice of trespass warning against her.

Member Wormley asked Ms. Soltwisch how the matter could be resolved regarding the lights. She would like the lights shielded to reduce the brightness of lights. The existing lighting regulations in the Zoning Ordinance were reviewed.

Member Nelson asked if the lights were more intrusive than lights at nearby farms; he noted that farmers could install brighter lights without any rules.

Member Wilson asked if any neighbors filed complaints. Mr. Asselmeier responded that the County had not received any direct complaints from neighbors about the lights. However, residents have complained to Seward Township about the lights and the County has received the complaints indirectly through correspondence with Seward Township officials.

Dr. Joe Chow, Veterinary, provided pictures of lights in the area. He explained how he attempted to resolve the lighting issue. He expressed the need for lighting to protect his employees and the medications stored at the property. He noted that many motorists turn around in the parking lot.

Member Rodriguez and Member Nelson noted the safety needs at the property.

It was noted that a nearby barn had brighter lights than the veterinary.

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

Member Bernacki asked why the sign would be placed on top of the berm. Mr. Asselmeier responded that the sign had to be moved because it was in the right-of-way. Dr. Chow stated that the sign was placed on top of the berm to increase the visibility of the sign due the placement of trees.

The votes on were as follows:

Ayes (9): Ashton, Bernacki, Casey, Hamman, Nelson, Rodriguez, Stewart, Wilson, and Wormley

Nays (0): None

Absent (1): McCarthy-Lange

Abstain (0): None

The motion carried. The proposal will go to the Kendall County Zoning Board of Appeals on January 30, 2023.

CITIZENS TO BE HEARD/PUBLIC COMMENT

None

ADJOURNMENT

Member Wilson made a motion, seconded by Member Hamman, to adjourn. With a voice vote of eight (8) ayes, the motion carried.

The Kendall County Regional Planning Commission meeting adjourned at 8:24 p.m.

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

Enc.



**KENDALL COUNTY
REGIONAL PLANNING COMMISSION
JANUARY 25, 2023**

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)
Jean Soltwisch		
Joe Chow		
Marissa Friesad		

Matt Asselmeier

From: sharleen smith <[REDACTED]>
Sent: Thursday, January 19, 2023 3:50 PM
To: Matt Asselmeier
Subject: [External]

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

Matt here is a recap of Planning Commission notes. I don't have "official" but these are close. Note the section in red. Thanks so much!

Sharleen
[REDACTED]

Below are some bullet points from last night's meeting. I know Joan will send out the official minutes as well but I wanted to make sure we all had some dates on the calendar for future meetings. The January meeting was moved due to vacation conflicts being close to New Years. The Feb & March meetings were moved due to my schedule conflict with baseball coaching which is on Tuesday nights.

Future Meeting Dates:

Monday January 9th - 6:30pm

Monday February 6th - 6:30pm

Monday March 6th - 6:30pm

On other topics, we discussed the game plan with the County on our proposed Future Land Use Map. We will discuss that at our January meeting. We also had a very thorough presentation from Rusty Ridge Vet Clinic. They are proposing 11 deviations from their original plan but after hearing them we all agreed the only item that we wanted to clarify was the lighting situation. They were very workable and open to ideas/suggestions on lighting. They agreed to make sure their parking lot lights were timed to go off at 8pm and their remaining lights at 10pm however their motion lights will still be operational. Lastly, they agreed to put shades on all the remaining lights in the parking lot and on the building. We approved their plan with the proposed lighting changes. The owner and her consultant will be attending the Township Board Meeting next week seeking approval to move their plan forward with our suggested changes.

Feel free to contact me with any questions.

Thank you,
Pete

Comments to the Kendall County Regional Planning Commission, during public meeting 1/25/2023, regarding petition # 22-27.

Joan Soltwisch [REDACTED]

I am a member of the Seward Township Land Resource Planning Committee, advisory only to the Seward Township Board, Kendall County.

It was advised by Matt Asselmeyer, senior planner of this committee, that the Rusty Ridge NEC of Bell and Ridge Road Major Amendment Request be discussed first by the Seward Township Land Resource Planning Committee, showing its changes. Our committee met December 6th 2022. Special guests of that meeting, on December 6th 2020 included Tim O'Brien Supervisor and Sharleen Smith, trustee, of the Seward Township Board, along with Michael Cook, engineer and Debrae Chow, owner of Rusty Ridge Animal Center. Howard

After reading the Major Amendment, as well as the addition to the Major Amendment. Requesting Variance regarding "Condition G" of Ordinance 2020-01 recorded as Document #2020000002523 on 2/19/2020, all members of our committee agreed that the lighting was the only issue. It was recommended that the entry parking go off at 8:00 P.M., and the outdoor building lights go off at 10:00 P.M., and that all lights, on the exterior of the building, be hooded. The owner Debrae Chow was present, as well as the civil engineer, Michael Cook, both agreed to these changes. A motion was made to approve with these changes and the motion carried. It was also mentioned at the end of the meeting that members thanked the Seward Board members, in attendance for their work, as well as Ms. Chow and Mr. Cook for their help with discussion their building project.

On December 13, 2023 the Seward Township Board met and their minutes reflect that Mike Cook, from Cook Engineering was again present to discuss that the building lights would be on until 10:00 P.M. and that the parking lot lights will be on until 9:00 P.M. and that our Seward Township Land Resource Planning Committee expressed their concerns about the lights being too bright.

On January 9th 2023 the Seward Township Land Resource Planning Committee met again and there was a mention that the lights at the Rusty Ridge Animal Center were on all through the night and the lights were not hooded as suggested changed by the owner and the engineer. It was suggested that Ms. Chow be contacted and that Ron Miller and Joan Soltwisch would talk with the owner.

Several days later at 5:30 P.M. Ron Miller and Joan Soltwisch stopped in, during business hours, to talk to Ms. Chow owner. A woman at the front desk said that Ms. Chow was not there and we briefly stated why we were there asking if she would give my contact card to Ms. Chow and the minutes of the December meeting agreeing on

lighting being hooded, and off when agreed upon. The front desk woman said they were all hooded and that they had been at one of our meetings, but Mr. Miller pointed out that they had shields on them, which directed the light outward and not down on the parking lot as a hood would. They were not hooded and not off when agreed, but on all night. We left the building after agreeing that Ms. Chow or I would be calling each other.

I was pulling out of the parking lot when my cell phone rang and when I answered it Dr. Joe Chow, on the phone saying that I should not enter, come back on the property again, not talk about the lights again, we were just an advisory board and they would only talk to the Kendall County Board, or he would have me arrested for trespassing. I tried to calm him down asking him to discuss the matter, but he kept talking over me asking me to listen to him. Then the phone went dead. I called Mr. Miller and told him what had just happened and asked if we had come on too strong when talking to the front desk woman. He did not feel that we had done anything out of the ordinary in coming and talking one to one about a lighting issue. We also talked about the fact that it was bad business practice to talk to potential customers this way.

Last Saturday 1/21/2023 I received my formal letter, Notice Of Trespass Warning, that after 1/11/2023 the person of notice Joan Kathryn Soltwisch, I am forbidden to enter or remain upon the property of Rusty Ridge Animal Center, 949 Bell Road, Minooka, Il 60447. No, I will not be back as a customer either.

I would never talk to a customer or potential customer as a business owner and after 35 years of having a business and owner of Dave Soltwisch Plumbing Inc. 422 W. Chestnut Hinsdale, Il.

When is it that you cannot talk to your neighbors and community without entering into courageous conversation with them to work out issues? In my attempts to remind Rusty Ridge Animal Center of their promised lighting parameter, I get a letter of trespass, on the Kendall County Sherri's letterhead? How can we work though this issue?

Thank you for this consideration,

Sincerely,

Joan Kathryn Soltwisch





Kendall County

Office of the Sheriff

Dwight A. Baird, Sheriff
 1102 Cornell Lane, Yorkville Illinois 60560
 Phone: 630-553-7500 Fax: 630-553-1972
 www.co.kendall.il.us/sheriff



Notice of Trespass Warning

Date: 1/11/23

Report number: _____

Person receiving notice: Joan Kathryn Soltwisch

This notice is to inform you that as of the date listed on this document you are forbidden to enter or remain upon the property of:

Rusty Ridge Animal Center (Name)
449 Bell Rd (Address)
Minooka, IL 60447 (City, State, Zip Code)

If you enter upon or are found on this property after you have received this notice, you will be subject to arrest by police for Trespassing in violation of Illinois statute 720 ILCS 5/21-3:

(720 ILCS 5/21-3)

Sec. 21-3. Criminal trespass to real property.

(a) A person commits criminal trespass to real property when he or she:

(1) knowingly and without lawful authority enters or remains within or on a building;

(2) enters upon the land of another, after receiving, prior to the entry, notice from the owner or occupant that the entry is forbidden;

(3) remains upon the land of another, after receiving notice from the owner or occupant to depart;

This order will be in effect for one (1) year from the date it is signed, at which time a new order may be completed by the owner/occupant.

Owner/Occupant signature: _____

Date: 1/11/2023

Offender signature: _____

Date: _____

Deputy Signature: _____

Date: 1/11/23

Ready to Protect, Proud to Serve

Attention Joan Soltwisch



Dear Joan,

Please sign and email back to officer Lynch at PLynch@kendallcountyIL.gov

Thank you.

Distance: 1736.5 m | 1.74 km | 1.08 mi | 5697 ft | 1899.0 yd | 0.94 nm

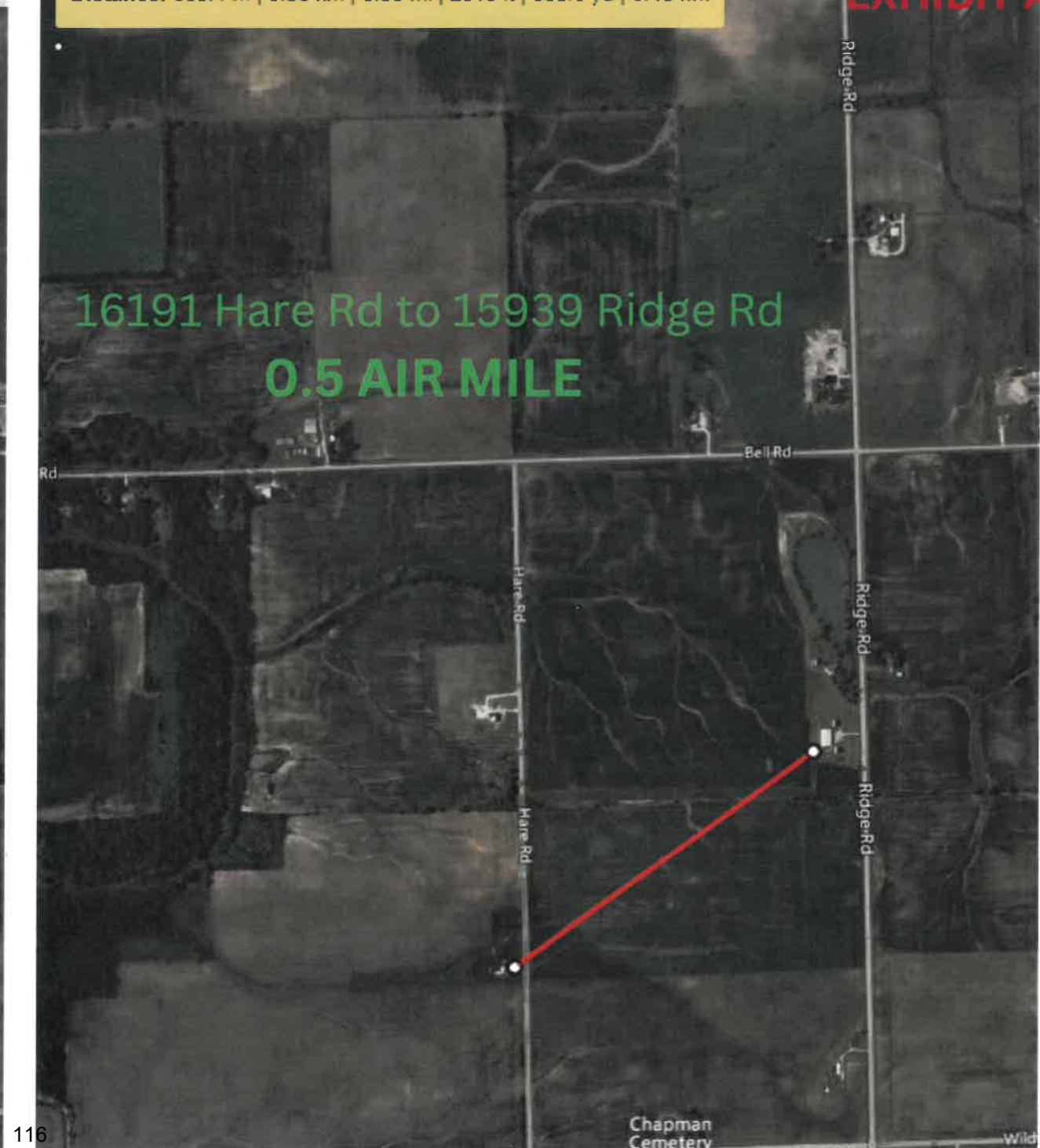
16191 Hare Rd to 949 Bell Rd
1.1 AIR MILES



Distance: 859.1 m | 0.86 km | 0.53 mi | 2819 ft | 939.5 yd | 0.46 nm

EXHIBIT A

16191 Hare Rd to 15939 Ridge Rd
0.5 AIR MILE



View from 16191 HARE RD, MINOOKA IL (Daytime view)

15939 RIDGE RD

RUSTY RIDGE ANIMAL CENTER
949 BELL ROAD



View from 16191 HARE RD, MINOOKA IL (Nighttime view (9:00PM))

15939 RIDGE RD

RUSTY RIDGE ANIMAL CENTER
949 BELL ROAD



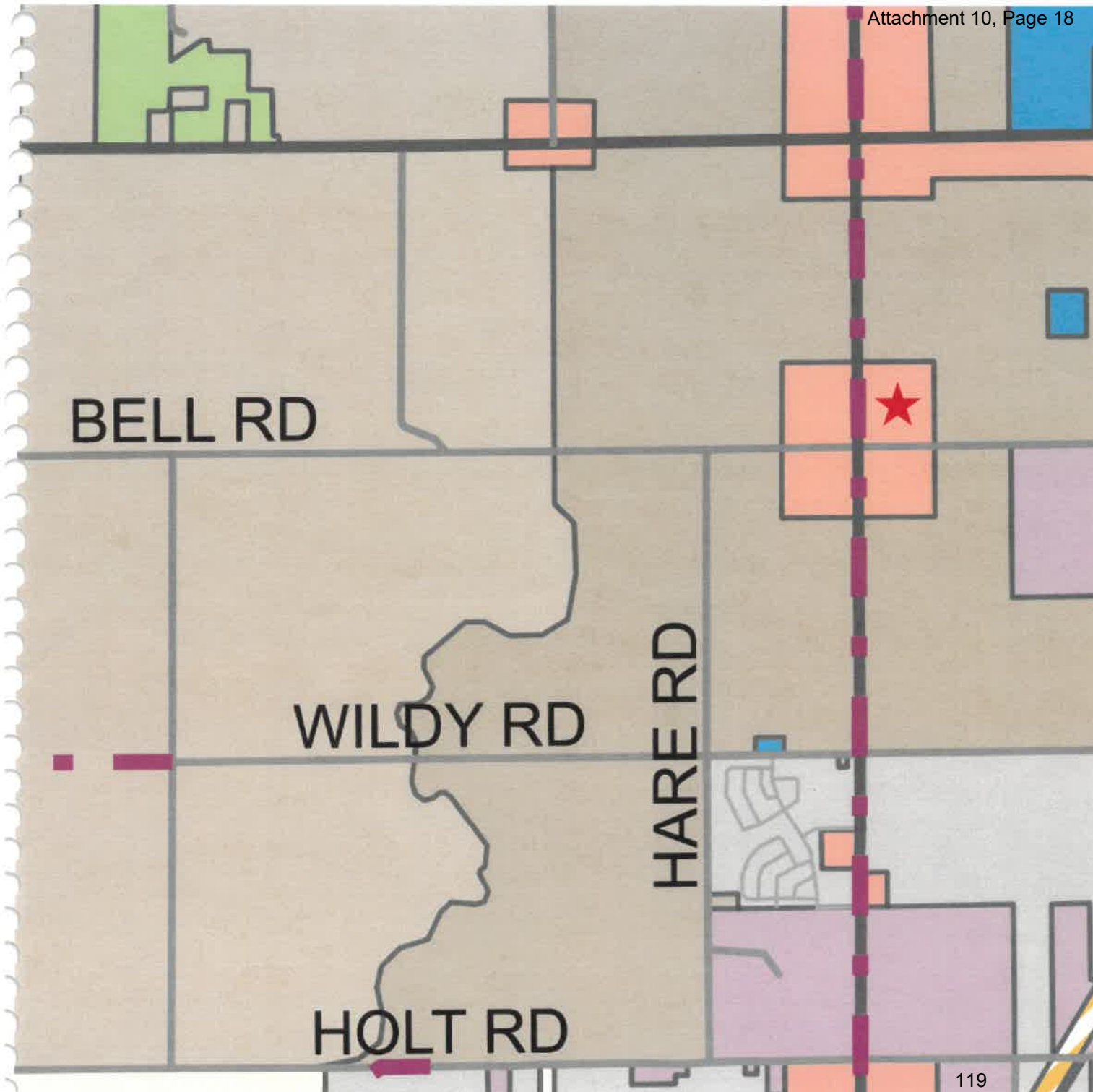
FUTURE LAND USE KENDALL COUNTY 2022

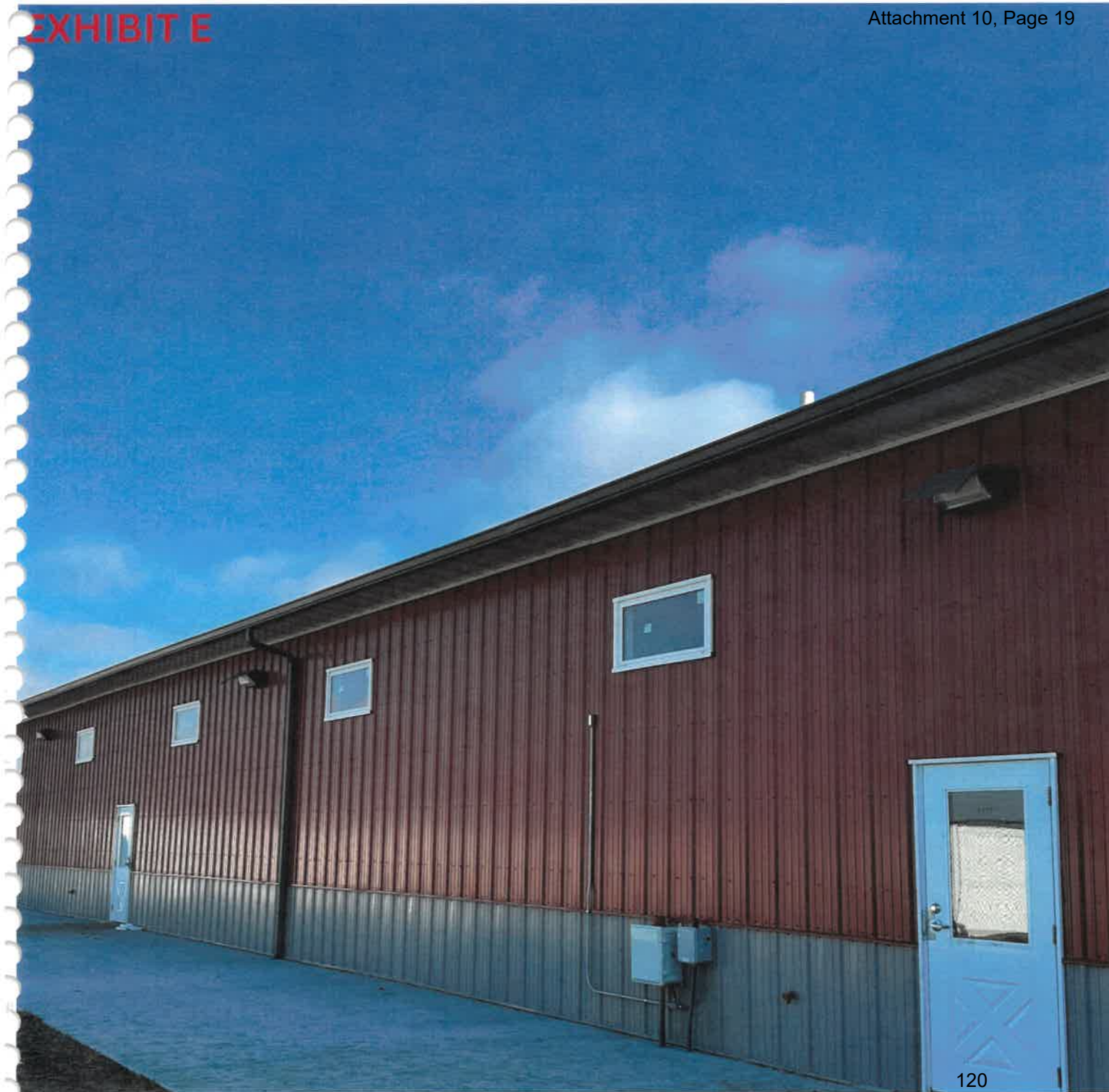
Legend

Land Resource Management Plan Management Areas

	Proposed Roadway Improvements		Rural Residential		Open Space
			Rural Estate Residential		Agriculture
			Countryside Residential		Mining
			Commercial		Potential Mining District
			Mixed Use Business		Transportation Corridors
			Public / Institutional		Utility Right of Way
	Urbanized Communities				
	Suburban Residential				

LRMP Management Areas





RUSTY RIDGE ANIMAL CENTER INFORMATION & DEMOGRAPHICS



Business Hours Of Operation

Monday-Friday 7:30 AM -
6:00 PM

Saturday 7:30 AM - 12:00
PM

Sundays Closed to Public

Employees are present
every single day



Average Arrival & Departure Time Of Employees

Employees arrive daily
around 5:45 AM

Employees leave around
11:00-11:30 PM on average,
sometimes later 7 days a
week



Employee Demographics

34 Employees

33 Female

1 Male

Mean Age: 21 years



Safety Risks

If lighting is turned off prior to employees leaving
for the night, this poses a serious safety risk

We are a fully functional veterinary hospital and
surgical center. We house controlled substances
which are federally regulated - without lighting,
this poses a serious safety risk

Multiple people use our driveway to turn around
or get lost from Route 52 or I- 80 - without
lighting, what if someone falls and takes legal
action? Will Kendall County assume responsibility

Matt Asselmeier

From: Michael Cook [REDACTED]
Sent: Thursday, January 26, 2023 1:57 PM
To: Matt Asselmeier
Cc: Deb Chow [REDACTED]
Subject: [External]Rusty Ridge - Kendall County, IL
Attachments: 15939 Ridge Rd.pdf

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Matt –

At last night's meeting, attached is a copy of the PDF given to the Plan Commission members regarding the light issue with the only neighbor that has been complaining about the project to Seward Township and who was present last night.

We would like to include the attached PDF (Exhibits A – F) as an addendum to our Kendall County submittal.

The owner / operator is requesting 24-hour lighting on the building (due to employee safety and security) and perimeter parking lot lighting turned off by midnight Monday - Sunday (which is approximately one hour after the close of business) which is allowed per the Zoning Ordinance

Section 11.02-F.12.f)

All non-residential lighting is required to be turned off no later than sixty (60) minutes after business hours, only leaving lighting necessary for site security, unless otherwise approved by the Planning, Building, and Zoning Committee of the County Board.

We would like to identify as a condition to our Major Amendment to the Special Use Permit.

This request is from the current Rusty Ridge business operations, site security and safety concerns Joe Chow (Veterinary Doctor) has with his employees as presented to the Plan Commission last night.

Can we incorporate this into ordinance and discuss at our PBZ meeting on Monday night?

Let me know. Thank you - Mike



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**KENDALL COUNTY
PLANNING, BUILDING & ZONING COMMITTEE
REGIONAL PLANNING COMMISSION
ANNUAL MEETING**

111 West Fox Street • Rooms 209 and 210 • Yorkville, IL • 60560

AGENDA

February 4, 2023 – 9:00 a.m.

I. Call to Order

II. KCRPC Roll Call

Bill Ashton (Chairman), Eric Bernacki, Tom Casey, Dave Hamman, Karin McCarthy-Lange, Larry Nelson (Secretary), Ruben Rodriguez (Vice-Chairman), Bob Stewart, Claire Wilson, and Seth Wormley

Planning, Building and Zoning Committee Roll Call

Elizabeth Flowers, Dan Koukol, Ruben Rodriguez (Vice-Chair), Brooke Shanley, and Seth Wormley (Chairman)

III. Welcoming Remarks

Bill Ashton, Kendall County Regional Plan Commission Chairman

IV. Approval of Agenda

V. Review of Minutes from 2022 Annual Meeting

VI. Requests for Plan Amendments

Residents of Kendall County & Staff

- a. Updating the Land Resource Management Plan in Its Entirety (Including Amendments to the Text of the Land Resource Management Plan to Update Population Numbers and Population Projections to Reflect 2020 Census Information)
- b. Updating the Future Land Use Map to Reflect Agricultural Conservation Areas
- c. Zoning Ordinance Amendments Pertaining to Commercial Solar and Wind Energy Systems
- d. Zoning Ordinance Amendments Pertaining to Chickens in Residential Zoning District
- e. Zoning Ordinance Amendments Pertaining to Major and Minor Special Use Amendment Criteria

VII. 2022 Projects Summary & 2023 Future Projects/Goals

Matthew H. Asselmeier, Senior Planner & Others in Attendance

- a. Kendall County
- b. Other Communities and Organizations in Attendance

VIII. Old Business

IX. New Business

X. Other Business

XI. Public Comment

XII. Adjournment for Planning, Building and Zoning Committee

XIII. Adjournment for KCRPC

If special accommodations or arrangements are needed to attend this County meeting, please contact the Administration Office at 630-553-4171, a minimum of 24-hours prior to the meeting time.