



KENDALL COUNTY
PLANNING, BUILDING & ZONING COMMITTEE MEETING
111 West Fox Street • Rooms 209 and 210 • Yorkville, IL • 60560
(630) 553-4141 Fax (630) 553-4179

AGENDA

Thursday, February 9, 2023 – 6:30 p.m.

CALL TO ORDER:

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

APPROVAL OF AGENDA:

APPROVAL OF MINUTES (Voice Vote): Approval of Minutes from January 9, 2023, Meeting (Pages 3-27)
Approval of Minutes from February 4, 2023, Special Meeting

PUBLIC COMMENT:

EXPENDITURE REPORT (Discussion): Review of Expenditures from Prior Month (Pages 28-30)

PETITION:

1. **Petition 22 – 27 – Deb Howard on Behalf of Jade Restorations, Inc. (Current Owner) and Bullmastiff Construction Company LTD. (Contractor) (Pages 31-163) (Roll Call Vote)**
- 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:

1. Approval to Initiate Text Amendments to the Kendall County Subdivision Control Ordinance and Kendall Zoning Ordinance Related to the Following Items (Pages 164-172) (Roll Call Vote on Each):
- a. Delete Phone Numbers Listed in Appendix 7 of the Subdivision Control Ordinance
 - b. Delete Direct References to Individuals and Individual Engineering Companies in Appendix 7 of the Subdivision Control Ordinance
 - c. Delete Dead Website Links in Appendix 9 A and 9 B of the Subdivision Control Ordinance and Add Alternative Language for Website Links Where Appropriate
 - d. Amend the Definitions of Brew Pub and Micro Brewery to Match State Law in Section 3:02 of the Zoning Ordinance
 - e. Amend the Definition of Tent to Apply to Structures Beyond Outdoor Camping Uses in Section 3:02 of the Zoning Ordinance
 - f. Deleting the Reference to the Illinois Mobile Home Safety Act and Replacing the Reference to a General Reference to State Law in Section 11:05.D.2 of the Zoning Ordinance

- g. Repealing Ordinance 1998-10 Pertaining to the Procedure for Closing Inactive Petitions and Amending Section 13:01.A of the Zoning Ordinance by Adding a Procedure for Closing a Petition Due to Inactivity
2. Approval to Initiate Text Amendments to the Kendall County Zoning Ordinance Pertaining to Commercial Solar Energy Facilities, Commercial Wind Energy Facilities, Test Solar Energy Facilities, and Test Wind Towers (Pages 173-200) (Roll Call Vote)
3. Approval to Initiate Text Amendments to the Kendall County Zoning Ordinance Pertaining to Allowing Animals to Be Outdoors after Sunset at Kennel Establishments (Page 201) (Roll Call Vote)
4. Approval of a Resolution Approving an Intergovernmental Agreement for Reciprocal Building Inspection Services between Kendall County, Illinois and the United City of Yorkville, Illinois (Pages 202-214) (Roll Call Vote)
5. Approval of Publishing the Annual Noxious Weed Notice in the Kendall County Record at a Cost Not to Exceed \$125.00; Related Invoice(s) to Be Paid from the PBZ Legal Publications Line Item 11001902-62090 (Page 215-216) (Roll Call Vote)
6. Approval of Proposal from WBK Engineering for Work Related to the Submittal of the Annual Report for the 2022 NPDES – MS 4 Requirements in an Amount Not to Exceed \$2,500 Plus Reimbursable Costs (Costs + 10%) (Pages 217-223) (Roll Call Vote)
7. Follow-Up on Kendall County Regional Planning Commission Annual Meeting (Pages 224-230) (Discussion)
8. 2022 County-Wide Building Permit Memo (Page 231) (Discussion)

OLD BUSINESS:

1. Update on Revoking the Special Use Permit for a Specialty Gift Store at 7275 Route 34, Oswego (PIN: 02-14-452-005) in Bristol Township (Discussion)
2. Kendall County Historic Preservation Commission Annual Meeting-February 15, 2023, at 6:00 p.m., at the Oswego Brewing Company at 61 Main Street, Oswego (Page 232) (Discussion)
3. Update on 1038 Harvey Road (Discussion)
4. Update on 8150 Schlapp Road (Discussion)

REVIEW VIOLATION REPORT (Page 233) (Discussion):

REVIEW PRE-VIOLATION REPORT (Pages 234-240) (Discussion):

UPDATE FROM HISTORIC PRESERVATION COMMISSION:

REVIEW PERMIT REPORT (Pages 241-243) (Discussion):

REVIEW REVENUE REPORT (Page 244) (Discussion):

CORRESPONDENCE:

COMMENTS FROM THE PRESS:

EXECUTIVE SESSION:

ADJOURNMENT (Voice Vote):

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.

KENDALL COUNTY PLANNING, BUILDING & ZONING COMMITTEE

Kendall County Office Building

Rooms 209 and 210

111 W. Fox Street, Yorkville, Illinois

6:30 p.m.

Meeting Minutes of January 9, 2023 – Unofficial until Approved

CALL TO ORDER

The meeting was called to order by Chairman Wormley at 6:30 p.m.

ROLL CALL

Committee Members Present: Elizabeth Flowers, Dan Koukol, Ruben Rodriguez, Brooke Shanley, and Seth Wormley

Committee Members Absent: None

Also Present: Matt Asselmeier (Senior Planner), Boyd Ingemunson, Miguel Angel Fernandez, Jose Martinez, and Glenn Diller, Jr.

APPROVAL OF AGENDA

Member Rodriguez made a motion, seconded by Member Flowers, to approve the agenda as presented. With a voice vote of five (5) ayes, the motion carried.

APPROVAL OF MINUTES

Member Flowers made a motion, seconded by Member Rodriguez, to approve the minutes of the November 7, 2022, meeting. With a voice vote of five (5) ayes, the motion carried.

PUBLIC COMMENT

None

EXPENDITURE REPORT

The Committee reviewed the expenditure report from November 2022 and the end of fiscal year expenditure report.

Member Flowers asked about trends in building. The Committee reviewed the permit reports at this time.

REVIEW PERMIT REPORT

Review November 2022 Permit Report

The Committee reviewed the report.

Review December 2022 Permit Report

The Committee reviewed the report.

Review of End of Year Permit Report

The Committee reviewed the report.

Mr. Asselmeier noted that the number of new homes and total number of permits were relatively the same. The number of solar permits had increased. The number of manufacturing and

commercial permits decreased due partly to the annexation of the Cat property into Montgomery.

The number of new home permits in December tend to be lower than other months.

EXPENDITURE REPORT

The Committee reviewed the end of fiscal year escrow report and the expenditure report from December 2022.

Member Rodriguez asked about the balance in the escrow account for 1038 Harvey Road. Mr. Asselmeier responded that the property owner applied for a stormwater permit and the number on the report is the dollar amount that was in the escrow report as of November 30, 2022. A stormwater permit was never issued for this property.

Member Rodriguez asked what happens to the money. Mr. Asselmeier responded that the funds are used to cover WBK Engineering's cost to review the project. Once a permit is closed or the project is no longer under review. The remaining funds in the escrow account is returned to the applicant. An open stormwater permit is valid until December 31st of the third year following the issuance of a permit.

Member Koukol asked if the trash at the driveway at 1539 Collins could be removed. Mr. Asselmeier will check if the trash could be removed.

PETITIONS

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

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.

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 the 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.

The Kendall County Zoning Board of Appeals held a public hearing on this proposal on December 19, 2022. Other than the Petitioner's Attorney, no one else testified at the public hearing. Discussion occurred regarding the proof of verification that the tenant was a watchman for the property. It was noted that the owner would generate less revenue from a residential tenant than from a commercial tenant. A new certificate of occupancy would be required when the unit was converted to residential use and a new certificate of occupancy would be required if the unit was converted back to commercial use. The Kendall County Zoning Board of Appeals recommended approval of the proposal with the conditions proposed by Staff by a vote of four

(4) in favor and zero (0) in opposition with three (3) members absent. The minutes of the hearing 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.

The draft ordinance was provided.

Member Koukol provided a history of the property. He noted that the property has been improved greatly in recent years.

Member Koukol asked if the apartment was already in place. Mr. Asselmeier said that he was unsure an occupancy permit had been issued for the apartment.

Member Rodriguez stated his approval of the project.

Member Shanley said that she attended the Regional Planning Commission and expressed here support for the proposal.

Member Koukol asked if the Petitioner was agreeable to the conditions. Boyd Ingemunson, Attorney for Petitioner, responded yes.

Member Koukol made motion, seconded by Member Shanley, to recommend approval of the special use permits.

The votes were as follows:

Yeas (5): Flowers, Koukol, Rodriguez, Shanley, and Wormley

Nays (0): None

Abstain (0): None

Absent (0): None

The motion carried.

The proposal goes to the County Board on January 17, 2023, on the consent agenda.

Petitions 22-26 Theodore Vargas

Mr. Asselmeier summarized the request.

On February 21, 2006, the Kendall County Board granted a special use permit for a home occupation of a manufacturer of plaster or cement mantels and similar architectural components with more than two (2) non-resident employees at the subject property. Ordinance 2006-09 was provided.

Condition 10 of the special use permit stated that if the manufacture of plaster or cement mantels and similar architectural components ceased, the special use permit would expire.

On December 13, 2022, the Petitioner submitted a request for voluntary revocation of the special use permit. This was provided.

The Petitioner plans to operate a custom steel fabrication and welding home occupation at the property. The home occupation would employ a maximum of two (2) non-resident employees, which is allowed under the Kendall County Zoning Ordinance without a special use permit. The Petitioner submitted the required home occupation affidavit for the new home occupation.

The draft revocation ordinance was provided.

The subject property is zoned A-1. If the special use permit is revoked, the property will retain its A-1 zoning classification.

Staff recommended approval of the proposed special use permit revocation.

Member Koukol asked if the house had been divided off of the business portion of the property. Mr. Asselmeier responded yes. Member Koukol asked why the division occurred. Mr. Asselmeier speculated that the reason the division occurred was to obtain an address for the business building. The Petitioner owns both the house and business building.

Member Shanley made motion, seconded by Member Rodriguez, to recommend approval of the requested revocation.

The votes were as follows:

Yeas (5): Flowers, Koukol, Rodriguez, Shanley, and Wormley

Nays (0): None

Abstain (0): None

Absent (0): None

The motion carried.

The proposal goes to the County Board on January 17, 2023, on the consent agenda.

NEW BUSINESS

Request for Guidance Regarding a Stormwater Management Ordinance Violation at 8150 Schlapp Road (PIN; 06-15-100-007)

Mr. Asselmeier summarized the issue.

In December 2022, the Department received a complaint of piles of material at least three feet (3') in height deposited without a permit at 8150 Schlapp Road. Complaint information was provided.

Upon review, a portion of the fill may be in the floodplain.

The property owner was given until January 7, 2023, to apply for a stormwater management permit or remove the fill.

On December 28, 2022, the property owner contacted the Department and requested additional time to remove the material. Due to the time of the year, the property owner likely will require several months to remove the materials.

Staff requests guidance as to how to proceed.

Glenn Diller, Jr., Property Owner, asked why the permit was required. Mr. Asselmeier explained the permit requirements in the Stormwater Management Ordinance.

Member Koukol asked if the piles were going to be temporary. Mr. Diller responded that the piles would be permanent and would be used for a private gun range.

Member Flowers asked about the timeline for removal. Mr. Asselmeier explained the current policy; Mr. Diller could not remove the piles within thirty (30) days even if he wanted to because of the time of the year. Mr. Diller did not want to remove the piles.

Mr. Diller asked about permit costs. Mr. Asselmeier responded that the permit application was One Thousand Two Hundred Fifty Dollars (\$1,250) plus the costs to prepare application submittal documents.

Member Rodriguez requested clarification on the location of the berm in relation to Schlapp Road. The berm is located on the south side of the property; Schlapp Road was to the west.

Mr. Diller said that he talked to the Kendall County Sheriff's Department regarding having a gun range. Private gun ranges are allowed, but gun ranges used as businesses required a special use permit.

Member Flowers asked about the timeline for applying for a stormwater permit. Mr. Asselmeier said that Mr. Diller could apply quickly, but Mr. Diller might not find a surveying company that can complete the plans within thirty (30) days.

Chairman Wormley suggested extending the deadline for dirt removal to March 31st with the expectation that the stormwater management permit be submitted within the next thirty (30) days. If Mr. Diller was making progress on the permit, an extension could be granted.

Member Koukol made motion, seconded by Member Flowers, to allow Mr. Diller to apply for the stormwater permit within thirty (30) days with the intent that the permit be issued by March 31, 2023, and to have a follow-up on the project at the April Planning, Building and Zoning Committee meeting. With a voice vote of five (5) ayes, the motion carried.

Approval of Annual Renewal of Mobile Home Permit at 13443 Fennel Road

Mr. Asselmeier said this mobile home was for taking care of a family member needing medical care. No complaints have been filed with either the Planning, Building and Zoning Department or Health Department regarding this property.

Member Koukol made a motion, seconded by Member Rodriguez, to approve the renewal.

The votes were as follows:

Yeas (5): Flowers, Koukol, Rodriguez, Shanley, and Wormley

Nays (0): None

Abstain (0): None

Absent (0): None

The motion carried.

Selection of Committee Vice-Chair

Chairman Wormley stated that Ruben Rodriguez would be the Vice-Chair of the Committee.

Approval to Reschedule the February 2023 Planning, Building and Zoning Committee Meeting

The February meeting conflicts with Lincoln's Birthday.

Member Rodriguez made a motion, seconded by Member Flowers, to reschedule the meeting to February 9, 2023, at 6:30 p.m. With a voice vote of five (5) ayes, the motion carried.

Review of 2023 Application Calendar

The Committee reviewed the application calendar.

Kendall County Regional Planning Commission Annual Meeting-February 4, 2023, at 9:00 a.m.

Mr. Asselmeier reported the Kendall County Regional Planning Commission Annual Meeting would be February 4th in the County Boardroom.

Kendall County Historic Preservation Commission Annual Meeting-February 15, 2023, at 6:00 p.m., at the Oswego Brewing Company at 61 Main Street, Oswego

Member Flowers reported the Kendall County Historic Preservation Commission Annual Meeting would be February 15th at the Oswego Brewing Company in Oswego. She discussed the Commission's wish to meet at various historic locations throughout the County. Mr. Asselmeier noted that a portion of downtown Oswego was added to the National Register of Historic Places and the meeting location was located inside the new historic district.

Review of Departmental Policies

Voluntary Compliance/Code Enforcement Policy

Debt-Free Applicant Policy

Stormwater Investigation Cost Policy

The Committee reviewed the policies and decided no changes were required.

OLD BUSINESS

Special Use Enforcement Update

Request for Guidance Regarding a Special Use Permit for a Specialty Gift Store Granted by Ordinance 2009-25 at 7275 Route 34 (PIN: 02-14-452-005) in Bristol Township; Committee Could Initiate Revocation of the Special Use Permit

Mr. Asselmeier provided the update.

1. Ordinance 2009-25-Special Use Permit for a Specialty Gift Store at 7275 Route 34
Issue: Condition 1 requires an annual inspection. During site visits in 2021 and 2022 the business appeared to have ceased. Efforts to contact the property owner to see if they would like to retain the special use permit have been unsuccessful.
How Department Became Aware of Potential Violation: Annual Inspection
Current Status: No response after several months of attempts. Staff requests guidance as to how to proceed.

Mr. Asselmeier suggested posting the hearing sign to obtain a response.

Mr. Asselmeier explained the procedure of involuntary revocation of special use permits.

The property was sold in November 2021.

Member Shanley made a motion, seconded by Member Flowers, to initiate revocation of the special use permit.

The votes were as follows:

Yeas (5): Flowers, Koukol, Rodriguez, Shanley, and Wormley
Nays (0): None
Abstain (0): None
Absent (0): None

The motion carried.

2. Ordinance 2006-09-Special Use Permit for Additional Non-Family Employees in a Home Occupation at 14816 Galena Road (Business Address) and 14870 Galena Road (Home Address)
Issue: Condition 10 requires the business to be a manufacturer of plaster or cement mantels and similar architectural components.
How Department Became Aware of Potential Violation: Annual Site Visit
Current Status: Resolved
3. Ordinance 1987-25-Special Use Permit for a Church Camp at 1626 Route 31 (Camp Quarryledge)
Issue: Various conditions require the use to be connected to a church camp use, including the name "Camp Quarryledge".
How Department Became Aware of Potential Violation: Contacts from Potential Buyers of the Property
Current Status: Property is pending annexation to the Village of Oswego as a health camp/education center; annexation likely will be complete in February or March 2023.
4. Ordinance 2022-09-Special Use Permit for a Kennel at 3601 Plainfield Road
Issue: Installation of Berm and Landscaping by October 31, 2022.
How Department Became Aware of Potential Violation: Previous Deadline Extension Requests
Current Status: Berms and landscaping installed. They need to schedule a final occupancy inspection and resolve outstanding issues with the Oswego Fire Protection District.
5. Ordinance 2005-37-Special Use Permit for a Landscaping Business at 5681 Whitewillow Rd
Issue: Condition 6 requires a right-of-way dedication
How Department Became Aware of Violation: Property owner submitted a special use permit for a craft fair.
Current Status: As of January 3, 2023, the County Highway Engineer is working with an engineer and property owner to complete the necessary documents for the dedication.

Discussion occurred regarding the ownership and operation at the property. The business appears closed for the season.

6. Ordinance 2012-26-Special Use Permit for YPAC
Issue: Condition 6 requires paved parking lot by 2014 with 28 parking spaces
How Department Became Aware of Violation: YPAC approached County for financial assistance in 2018.
Current Status: In compliance and case closed as of December 7, 2022.
7. Ordinance 2014-21-Special Use Permit for Peaceful Pathways Montessori School at 8250 Route 71
Issue: Condition 2 requires the gravel driveway to be paved with asphalt no later than May 15, 2017
How Department Became Aware of Violation: The Parcel ID number for the property was updated in 2021 and Staff discovered the condition.
Current Status: The property owner has until April 30, 2023, to pave the driveway. The property owner is also paving a portion of the parking area. The final inspection will occur after the paving of the parking area is complete.
8. Ordinance 2020-01-Special Use Permit for a Kennel and Veterinary at the Northeast Corner of Ridge and Bell Roads
Issue: Condition 2.A requires adherence to the site plan and lighting plan. The property owner has installed one (1) additional light on the northwest corner of the property and the fence for the play area seems further south than shown on the site plan.
How Department Became Aware of Violation: Complaint filed by a driver on Ridge Road.
Current Status: Property owner submitted an application for major amendment and variance to the special use permit. This request will be reviewed by the advisory boards in January 2023.

1038 Harvey Road Items

Approval to Issue New, Additional Citations at the Property

Approval to Request that the State's Attorney's Office Pursue the Collection of the Lien for Planning, Building and Zoning Related Penalties Issued Against the Property

Mr. Asselmeier provided a history of the property, pictures of the property, and the lien against the property.

Member Koukol asked if the business was closed. Mr. Asselmeier noted that 1038 Harvey Road was listed on the business' website and on the Illinois Secretary of State's website.

Member Koukol asked if the property had discussed annexing to the Village of Oswego. Miguel Angel Fernandez, Attorney for the Property Owner, said the owner had ceased operations. The property was the owner's personal residence and he had not taken any action on annexing to the Village of Oswego. Jose Martinez, Property Owner, said that he parks his work trucks at the property to power the vehicles.

Chairman Wormley expressed his concerns about the lack of following the Zoning Ordinance at the property. He asked where the new site was located. He asked why the salt pile was located on the property under the tarp.

Member Rodriguez urged Mr. Martinez to have another address for his business. He felt that the Mr. Martinez had no respect for the process. Mr. Martinez said that he was looking for a location for his trucks.

Member Shanley asked when and where the business moved. Mr. Martinez said the business was moved in November 2022 and that the business moved to Aurora. Member Shanley asked if steps existed to correcting the address. Chairman Wormley said a timeline could be discussed, but he discussed the existing lien and violations on the property. He noted the lack of follow-through on previous requests.

Chairman Wormley asked what the property owner would like the County to do at this time.

Member Rodriguez felt Mr. Martinez has not been truthful with the Committee.

Discussion occurred regarding the result of future investigations and the placement of future fines or liens on the property.

Mr. Fernandez stated that his client did not have the funds to annex to the Village of Oswego.

Member Rodriguez made motion, seconded by Member Flowers, to issue new citations and ask the State's Attorney's Office to pursue the collection of the existing lien.

The votes were as follows:

Yeas (5): Flowers, Koukol, Rodriguez, Shanley, and Wormley

Nays (0): None

Abstain (0): None

Absent (0): None

The motion carried.

REVIEW VIOLATION REPORT

Review of Violation Report for December 2022

The Committee reviewed the violation report.

Review of FY 21-22 Inspection Report

The Committee reviewed the report.

Mr. Asselmeier provided a history of how citations were issued.

REVIEW PRE-VIOLATION REPORT

Review of Non-Violation Report for December 2022

The Committee reviewed the report.

The Committee discussed cases of chickens and the potential for a text amendment to allow chickens on parcels less than one (1) acre in size. All chicken investigations have been postponed until after the February Kendall County Regional Planning Commission Annual Meeting.

UPDATE FOR HISTORIC PRESERVATION COMMISSION

None

REVIEW REVENUE REPORT

Review of November 2022 Revenue Report

The Committee reviewed the report.

Review of 2011-2022 Revenue Report

The Committee reviewed the report.

Review of December 2022 Revenue Report

The Committee reviewed the report.

Mr. Asselmeier provided a history of updating the Land Cash Ordinance.

CORRESPONDENCE

None

COMMENTS FROM THE PRESS

None

EXECUTIVE SESSION

None

ADJOURNMENT

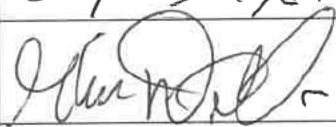
Member Flowers made a motion, seconded by Member Shanley, to adjourn. With a voice vote of five (5) ayes, the motion carried.

Chairman Wormley adjourned the meeting at 8:22 p.m.

Minutes prepared by Matthew H. Asselmeier, AICP, CFM Senior Planner

**KENDALL COUNTY
PLANNING, BUILDING, & ZONING COMMITTEE
JANUARY 9, 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)
Miguel Angel Fernandez		
Boyd Ingemunsen		
		

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Natural world landscaping

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Intro

Natural world landscaping & concrete, specialists in brick pavers and natural stone, quality 100% sa

- Page** · Landscape Company
- 1038 Harvey Rd , Oswego, IL, United States, Illinois
- (630) 731-7067
- Naturalworldlandscaping@gmail.com
- naturalworldlandscaping.net
- Open now
- Price Range · \$
- Rating · 4.1 (17 Reviews)

Photos

[See all photos](#)

Natural world landscaping

April 7, 2021 · 🌐

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215

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1038 Harvey Rd

Thursday • Jan 5, 2023 • 8:08 AM

[Adjust](#)



1038 Harvey Rd

Thursday • Jan 5, 2023 • 8:08 AM

[Adjust](#)



1038 Harvey Rd

Thursday • Jan 5, 2023 • 8:08 AM

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1038 Harvey Rd

Thursday • Jan 5, 2023 • 8:10 AM

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1038 Harvey Rd

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1038 Harvey Rd

Thursday • Jan 5, 2023 • 8:12 AM

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1038 Harvey Rd

Thursday • Jan 5, 2023 • 8:12 AM

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1038 Harvey Rd

Thursday • Jan 5, 2023 • 8:13 AM

[Adjust](#)

FY 2022

Detailed Inspection Report

Site Visit	210
Footing	91
Backfill	24
Wall	30
Slab	52
Electric Service	19
Frame/Wire	101
Insulation	32
Final	210
Redtag	0
Hearing Signs	29
Meetings in Field	121
Violation Investigations	368
Yorkville Backup for County	65
Zoning Issues	33
NPDES	0

Total Field Visits and Inspections	1390	
-------------------------------------------	-------------	--

Total Permits Reviewed and Issued	367	15 Voided
------------------------------------------	------------	------------------

Contracted Plumbing Inspections	92	
----------------------------------------	-----------	--

Inspections - County Back up for Yorkville per IGA	10	
-----------------------------------------------------------	-----------	--

Kendall County



PBZ 01232023

CLERK: pherber BATCH: 3187

NEW INVOICES

VENDOR REMIT NAME INVOICE PO CHECK RUN NET AMOUNT EXCEEDS PO BY PO BALANCE CHK/WIRE

PENDING UNPAID INVOICES

107	00000	AUTOMOTIVE SPECI	25644	013123	1,678.99	.00	.00	
CASH 000008	2023/02	INV 01/23/2023	SEP-CHK: Y	DISC: .00				
ACCT 1V210	DEPT 19	DUE 01/23/2023	DESC:2017 PBZ TRUCK REPAIR			11001902	62170	1,678.99 1099:
CONDITIONS THAT PREVENT POSTING INVOICE			107/37059					
* Invoice must be approved or voided to post.								
1928	00000	WBK ENGINEERING, 23774		013123	441.00	.00	.00	
CASH 000008	2023/02	INV 01/23/2023	SEP-CHK: Y	DISC: .00		180119	63150	441.00 1099:
ACCT 1V210	DEPT 19	DUE 01/23/2023	DESC:CORNEILS ROAD INTERCEPTOR			22-07	-CONTSVC	-002 WBK -
CONDITIONS THAT PREVENT POSTING INVOICE			1928/37061					
* Invoice must be approved or voided to post.								
1928	00000	WBK ENGINEERING, 23775		013123	110.00	.00	.00	
CASH 000008	2023/02	INV 01/23/2023	SEP-CHK: Y	DISC: .00		180119	63150	110.00 1099:
ACCT 1V210	DEPT 19	DUE 01/23/2023	DESC:19-47 VET&KENNEL AT RIDGE & BELL			19-47	-CONTSVC	-002 WBK -
CONDITIONS THAT PREVENT POSTING INVOICE			1928/37064					
* Invoice must be approved or voided to post.								
1928	00000	WBK ENGINEERING, 23756		013123	200.00	.00	.00	
CASH 000008	2023/02	INV 01/23/2023	SEP-CHK: Y	DISC: .00		11001902	63630	200.00 1099:
ACCT 1V210	DEPT 19	DUE 01/23/2023	DESC:REVIEW SERVICES 11.27.22 - 13.31.22					
CONDITIONS THAT PREVENT POSTING INVOICE			1928/37067					
* Invoice must be approved or voided to post.								
1928	00000	WBK ENGINEERING, 23773		013123	445.00	.00	.00	
CASH 000008	2023/02	INV 01/23/2023	SEP-CHK: Y	DISC: .00		180119	63150	445.00 1099:
ACCT 1V210	DEPT 19	DUE 01/23/2023	DESC:PLASTICS BUILDING ADDITION			21-50	-CONTSVC	-002 WBK -
CONDITIONS THAT PREVENT POSTING INVOICE			1928/37069					
* Invoice must be approved or voided to post.								

Kendall County



PBZ 01232023

CLERK: pherber BATCH: 3187

NEW INVOICES

VENDOR	REMIT NAME	INVOICE	PO	CHECK RUN	NET AMOUNT	EXCEEDS PO BY	PO BALANCE	CHK/WIRE
2063	00000 RUNCO OFFICE SUP	892266		013123	89.00	.00	.00	
CASH 000008	2023/02	INV 01/23/2023	SEP-CHK: Y	DISC: .00		11001902 62000	89.00	1099:
ACCT 1Y210	DEPT 19	DUE 01/23/2023	DESC:OFFICE SUPPLIES					
CONDITIONS THAT PREVENT POSTING INVOICE 2063/37060								
* Invoice must be approved or voided to post.								
4160	00000 WISS, JANNEY, EI	0536786		013123	2,125.00	.00	.00	
CASH 000008	2023/02	INV 01/23/2023	SEP-CHK: Y	DISC: .00		172019 63630	2,125.00	1099:
ACCT 1Y210	DEPT 19	DUE 01/23/2023	DESC:KC HISTORIC SURVEY					
CONDITIONS THAT PREVENT POSTING INVOICE 4160/37053								
* Invoice must be approved or voided to post.								
7	PENDING UNPAID INVOICES		TOTAL		5,088.99			

0 INVOICE(S)

REPORT POST TOTAL

.00

REPORT TOTALS

.00

Kendall County



PBZ 01062023

CLERK: pherber BATCH: 3147

NEW INVOICES

VENDOR	REMIT NAME	INVOICE	PO	CHECK RUN	NET AMOUNT	EXCEEDS PO BY	PO BALANCE	CHK/WIRE
PENDING UNPAID INVOICES								
107	00000	AUTOMOTIVE SPECT 25639			111523	222.16	.00	.00
CASH 000008	2023/02	INV 01/06/2023	SEP-CHK: Y	DISC: .00				
ACCT 1Y210	DEPT 19	DUE 01/06/2023	DESC:PBZ 2017 CHEVY TRUCK		11001902 62170		222.16	1099:
CONDITIONS THAT PREVENT POSTING INVOICE 107/36423								
* Invoice must be approved or voided to post.								
1153	00000	KENDALL CO HIGHW DECEMBER 2022			111523	196.73	.00	.00
CASH 000008	2023/02	INV 01/06/2023	SEP-CHK: Y	DISC: .00				
ACCT 1Y210	DEPT 19	DUE 01/06/2023	DESC:PBZ TRUCK FUEL		11001902 62170		196.73	1099:
CONDITIONS THAT PREVENT POSTING INVOICE 1153/36424								
* Invoice must be approved or voided to post.								
1849	00001	VERIZON 630-849-4246			111523	24.92	.00	.00
CASH 000008	2023/02	INV 01/06/2023	SEP-CHK: Y	DISC: .00				
ACCT 1Y210	DEPT 19	DUE 01/06/2023	DESC:ZONING CELL PHONE		11001902 62070		24.92	1099:
CONDITIONS THAT PREVENT POSTING INVOICE 1849/36425								
* Invoice must be approved or voided to post.								
1849	00001	VERIZON 9923440243			111523	84.28	.00	.00
CASH 000008	2023/02	INV 01/06/2023	SEP-CHK: Y	DISC: .00				
ACCT 1Y210	DEPT 19	DUE 01/06/2023	DESC:PBZ CELLPHONES		11001902 62070		84.28	1099:
CONDITIONS THAT PREVENT POSTING INVOICE 1849/36426								
* Invoice must be approved or voided to post.								
3883	00000	MAYER PLUMBING L DECEMBER 2022			111523	1,260.00	.00	.00
CASH 000008	2023/02	INV 01/06/2023	SEP-CHK: Y	DISC: .00				
ACCT 1Y210	DEPT 19	DUE 01/06/2023	DESC:DEC 2022 PLUMBING INSPECTIONS		11001902 63610		1,260.00	1099:
CONDITIONS THAT PREVENT POSTING INVOICE 3883/36427								
* Invoice must be approved or voided to post.								
5 PENDING UNPAID INVOICES					TOTAL	1,788.09		



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.

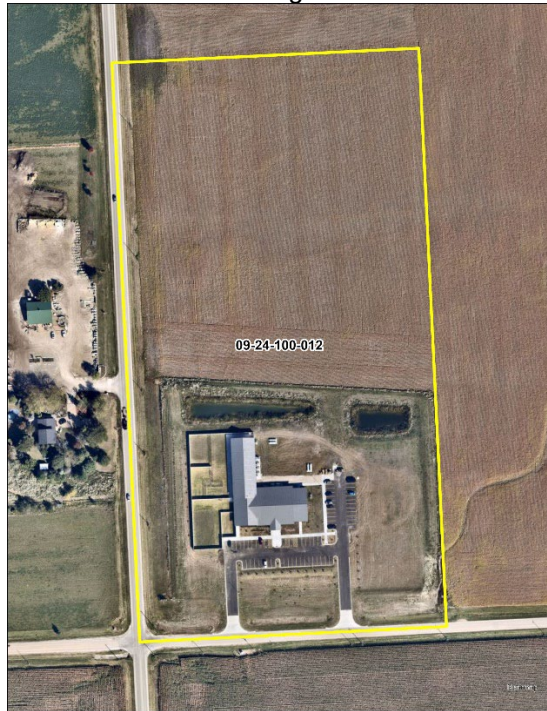
The proposed amendments would impact conditions 1 and 7. The vegetation referenced in condition 5 has not been installed completely. The remaining conditions shall remain valid and in effect.

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.

ZBA

The Kendall County Zoning Board of Appeals held a public hearing on this proposal on January 30, 2023. Other than the Petitioner and Petitioner's Engineer, no other members of the public testified at the public hearing. It was noted that many of the proposed changes had already been installed. Planting of the landscaping would occur as outlined in the proposal. Discussion focused on lighting issues. Members reviewed pictures of the lighting in the area and the shields that had been installed on the wall pack lights. The Petitioner's Engineer explained the need for the amendments and variance. The Kendall County Zoning Board of Appeals recommended approval of the proposal with the conditions proposed by Staff by a vote of seven (7) in favor and zero in opposition. The minutes of the hearing were included as Attachment 12.

FINDINGS OF FACT-SPECIAL USE PERMIT AMENDMENT

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

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.

The draft ordinance is included as Attachment 13.

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
12. January 30, 2023 Kendall County Zoning Board of Appeal Minutes
13. Draft Ordinance



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

MS. DEB HOWARD

PRIMARY CONTACT MAILING ADDRESS
PRIMARY CONTACT EMAIL
PRIMARY CONTACT PHONE #
PRIMARY CONTACT FAX #
PRIMARY CONTACT OTHER # (Cell, etc.)
²ENGINEER CONTACT

MICHAEL COOK

ENGINEER MAILING ADDRESS
ENGINEER EMAIL
ENGINEER PHONE #
ENGINEER FAX #
ENGINEER OTHER # (Cell, etc.)

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

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

SIGNATURE OF APPLICANT

DATE

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.



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

Table of Contents

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Proposed Conditions	3
Conclusion	4

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 Gorbould, 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



Debbie Gillette
Kendall County Clerk & Recorder

STATE OF ILLINOIS

COUNTY OF KENDALL

Maria Villanueva

, being duly sworn on oath, states that affiant resides at
 And further states that (please check the appropriate box)

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

- ① The division or subdivision of land into parcels or tracts of 5 0 acres or more in size which does not involve any new streets or easements of access,
- 2 The division of lots or blocks of less than one (1) acre in any recorded subdivision which does not involve any new streets or easements of access,
- 3 The sale or exchange of parcels of land between owners of adjoining and contiguous land,
- 4 The conveyance of parcels of land or interests therein for use as right of way for railroads or other public utility facilities and other pipe lines which involve easements of access,
- 5 The conveyance of land owned by a railroad or other public utility which does not involve any new streets or easements of access,
- 6 The conveyance of land for highway or other public purposes or grants or conveyances relating to the dedication of land for public use or instruments relating to the vacation of land impressed with a public use,
- 7 Conveyances made to correct descriptions in prior conveyances,
- 8 The sale or exchange of parcels or tracts of land following the division into not more than two (2) parts of a particular parcel or tract of land existing on July 17, 1959, and not involving any new streets or easements of access,
- 9 The sale of a single lot of less than 5 0 acres from a larger tract when a survey is made by an Illinois Registered Land Surveyor, provided, that this exemption shall not apply to the sale of any subsequent lots from the same larger tract of land, as determined by the dimensions and configuration of the larger tract on October 1, 1973, and provided also that this exemption does not invalidate any local requirements applicable to the subdivision of land,
- 10 The conveyance is of land described in the same manner as title was taken by grantor(s)

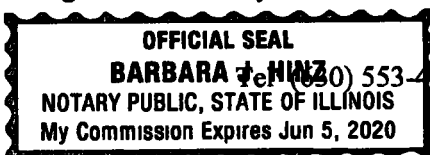
AFFIANT further states that s he makes this affidavit for the purpose of inducing the Recorder of Deeds of Kendall County, Illinois, to accept the attached deed for recording.

SUBSCRIBED AND SWORN TO BEFORE ME

This 30th day of January, 2018

Signature of Notary Public

Signature of Affiant



11 West Fox Street, Yorkville IL 60560-1498
 • Tel: (630) 553-4104 • Fax: (630) 553-4119 • Email: Dgillette@co.kendall.il.us

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)



CHICAGO TITLE INSURANCE COMPANY**OWNER'S POLICY NO.** [REDACTED]

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



Printed: 06.20.18 @ 02:21 PM

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]



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:



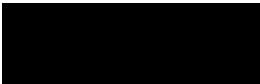
General Exception number(s) 1,2,3,4 and 5 of Schedule B of this policy are hereby deleted.

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

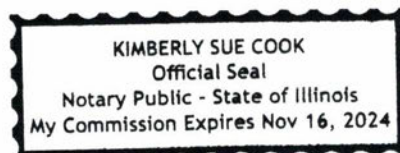
VERIFICATION

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

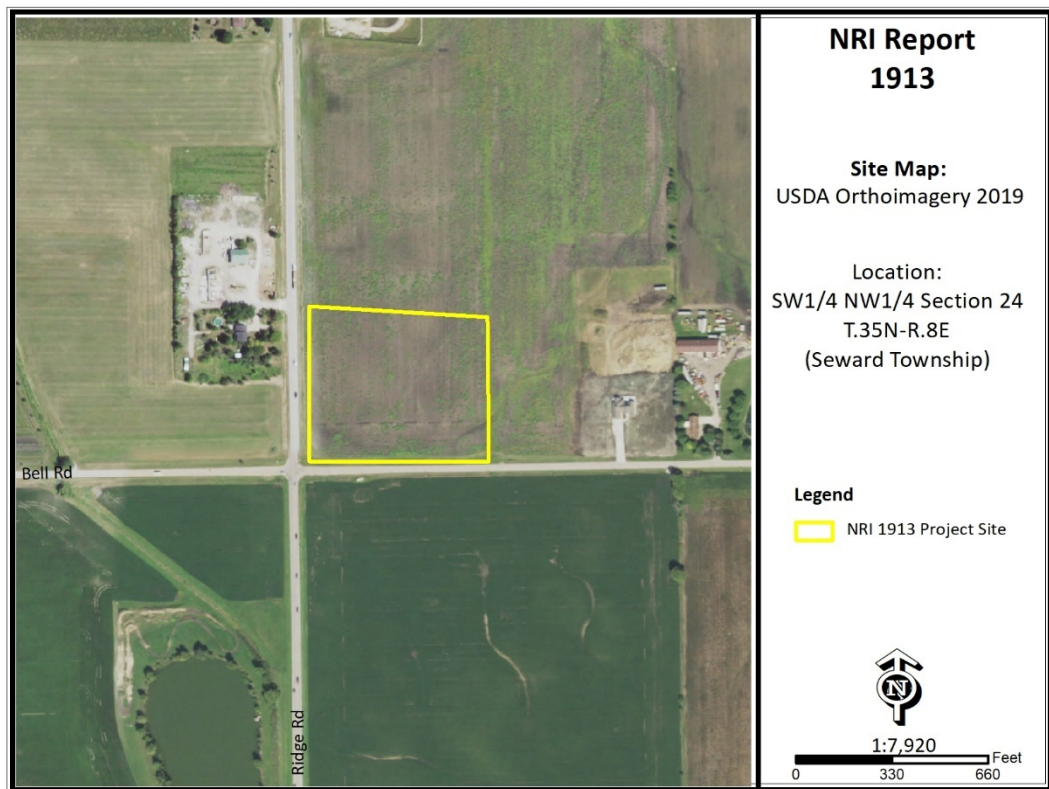
[REDACTED]

Tim O'Brien, Seward Township

[REDACTED]

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

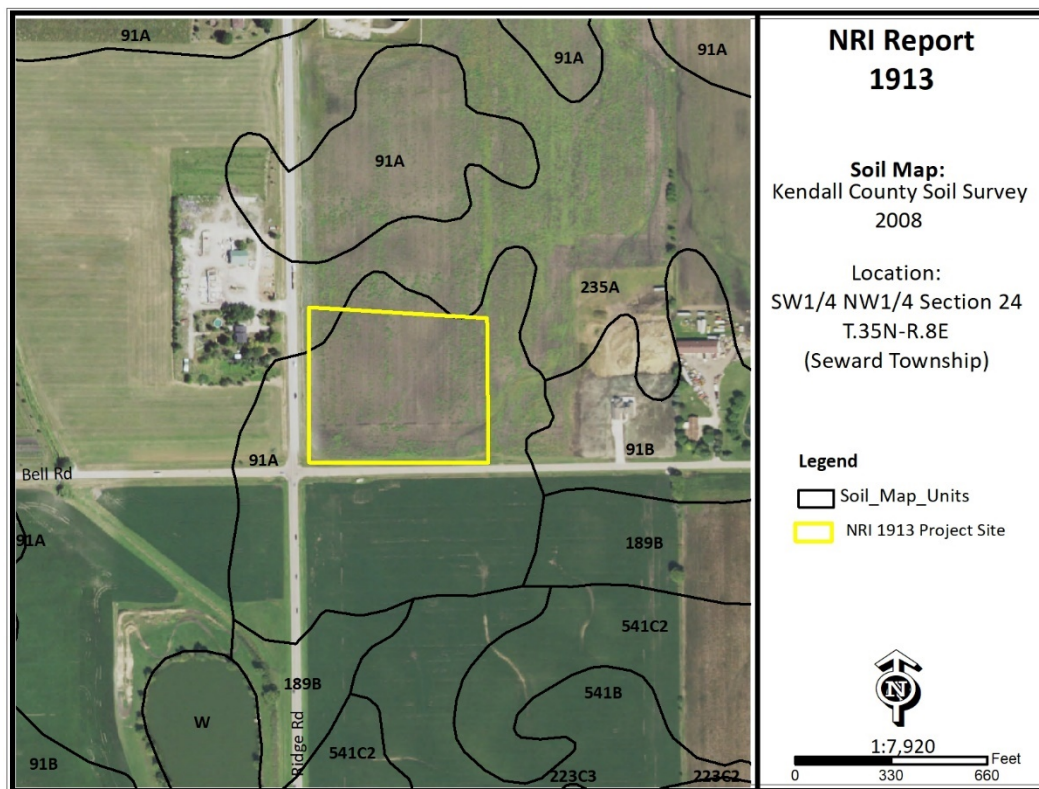
1913

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.

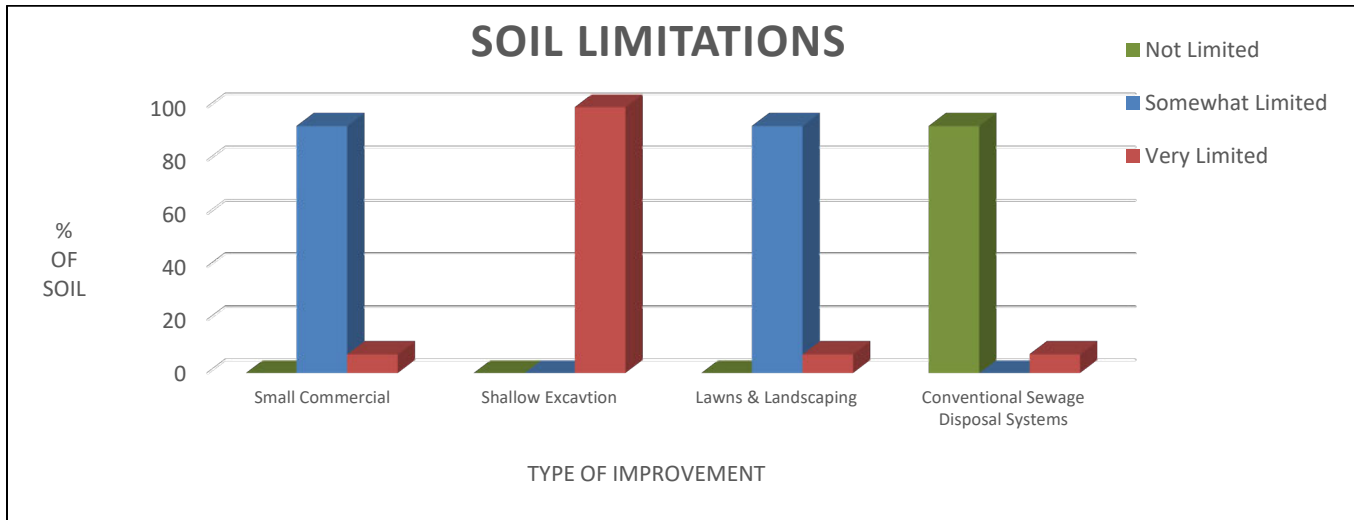
Table 2a:

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)

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

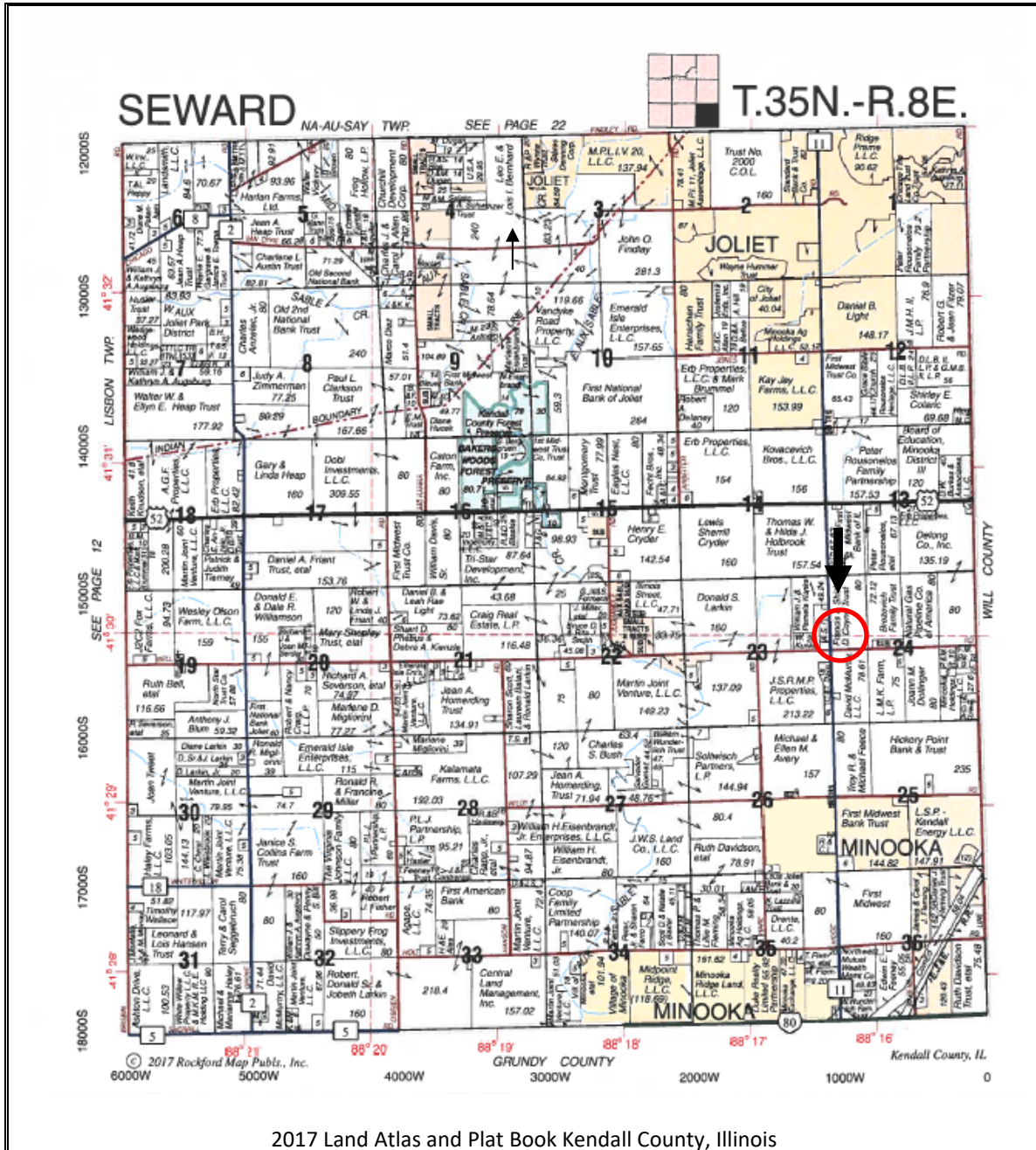
E-mail: Megan.Andrews@il.nacdnet.net

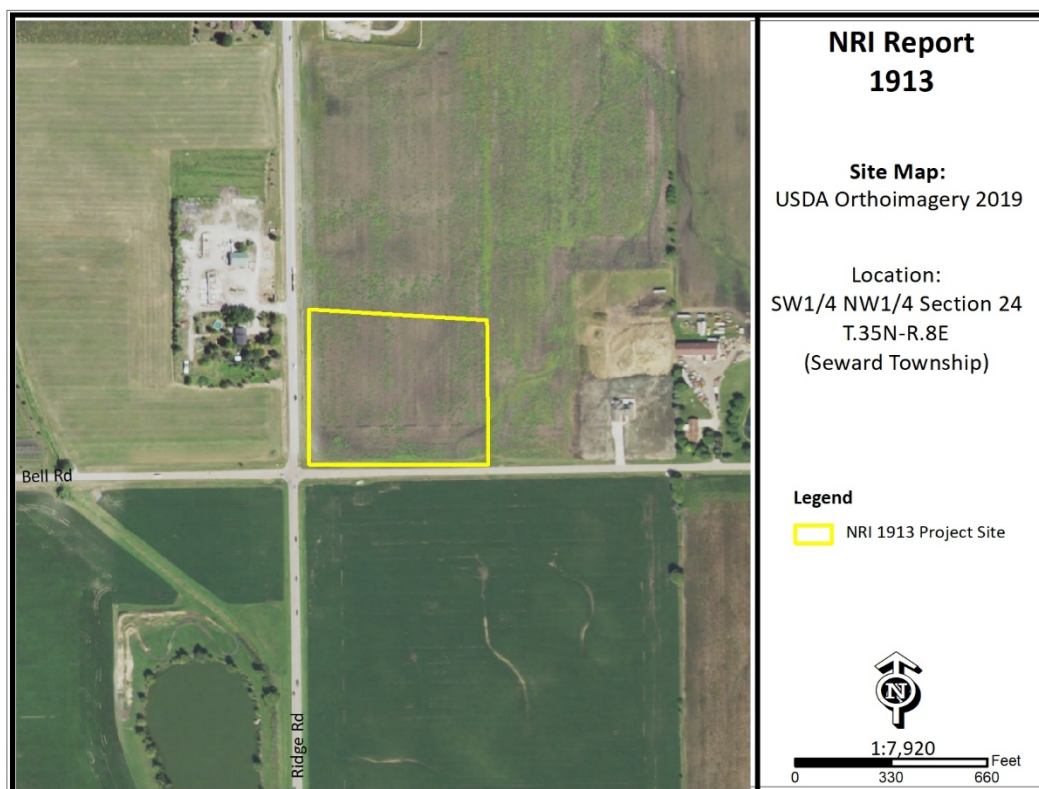
PARCEL LOCATION

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

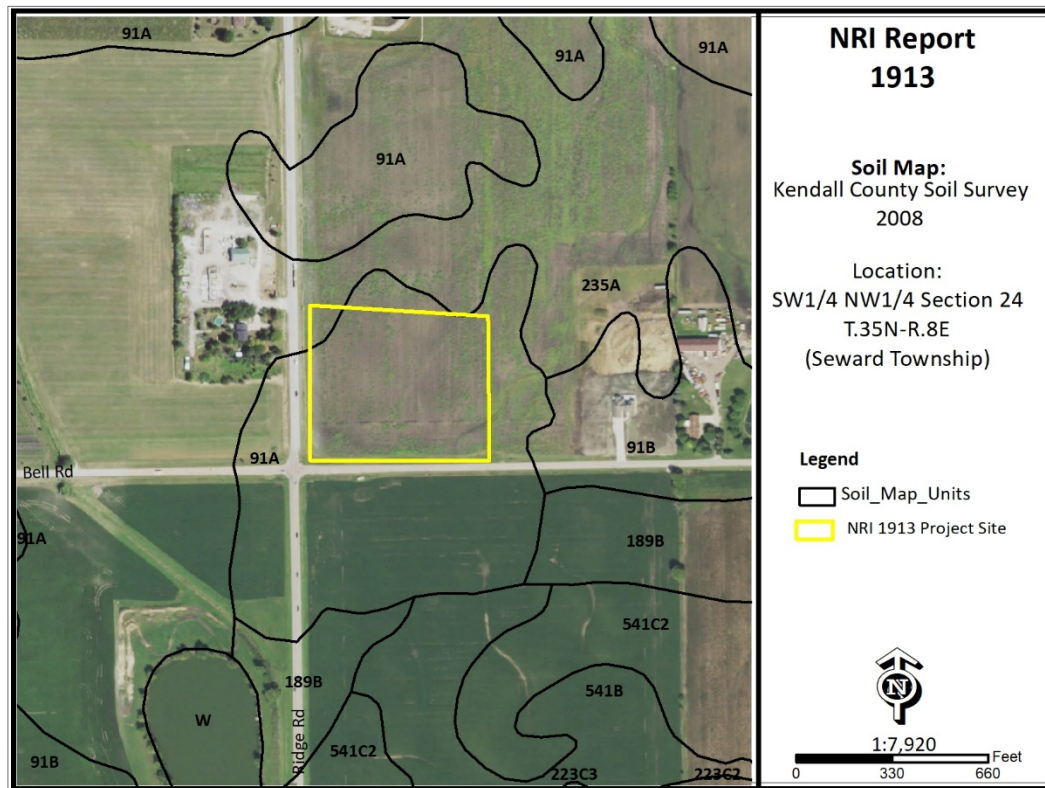


Table 1: Soil Map Unit Descriptions

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

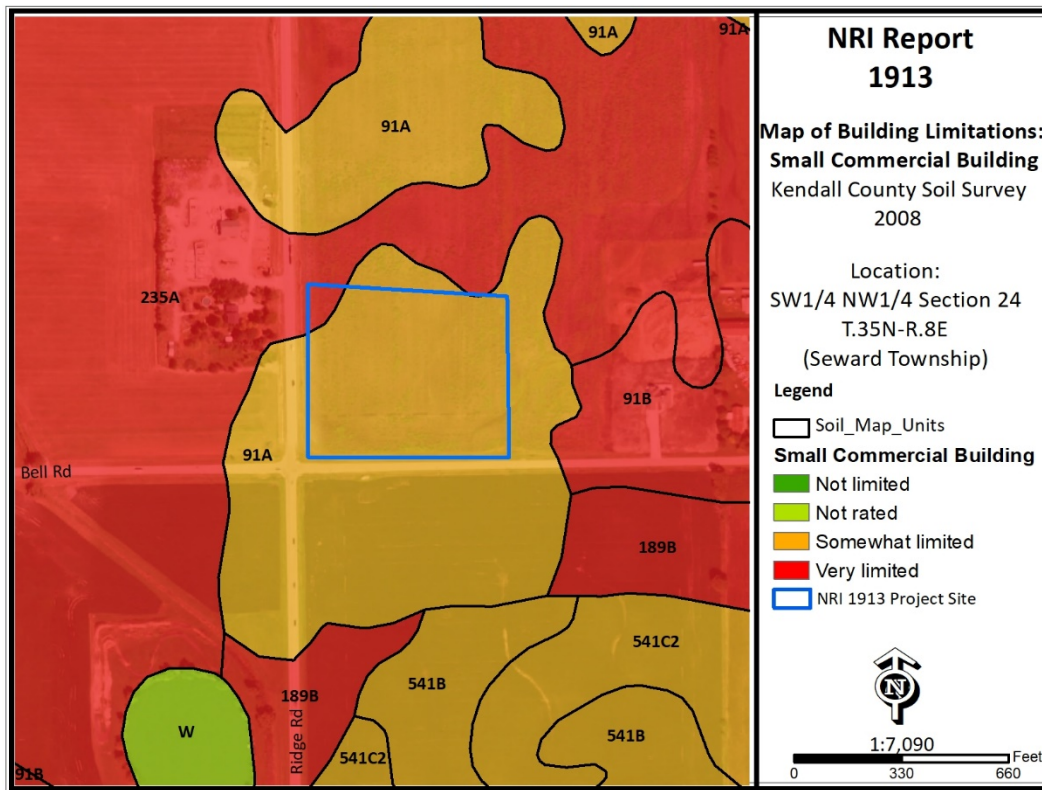


Figure 3b: Map of Building Limitations – Shallow Excavations

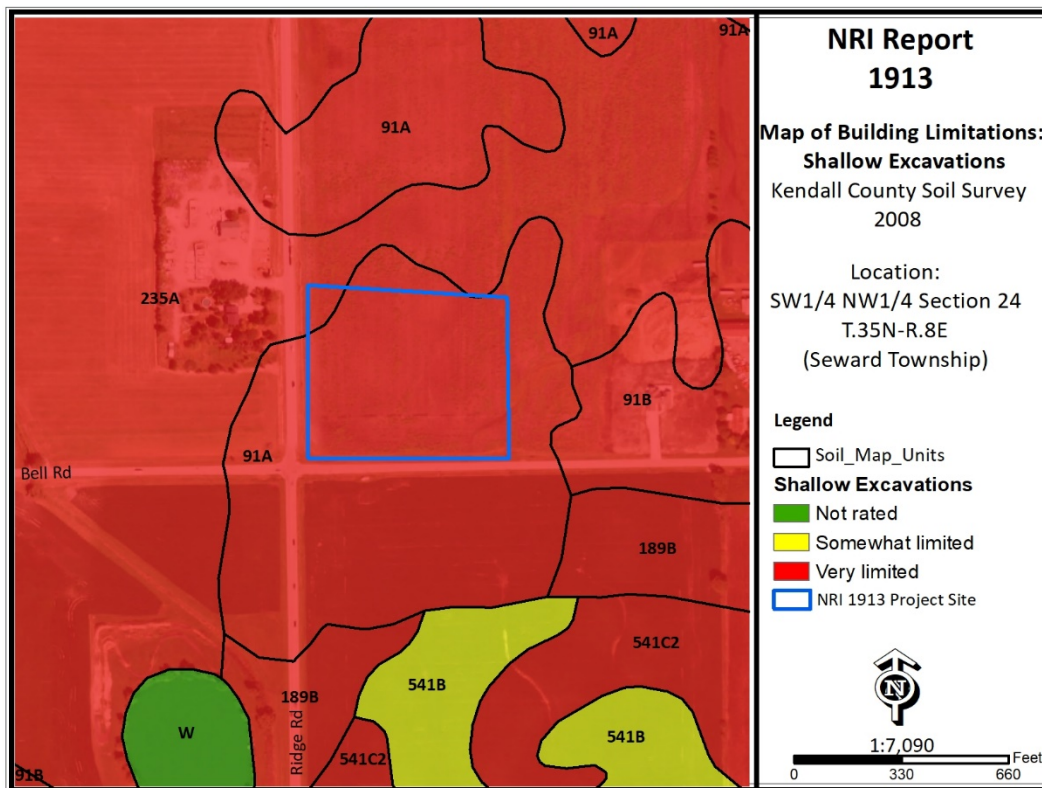


Figure 3c: Map of Building Limitations – Lawns & Landscaping

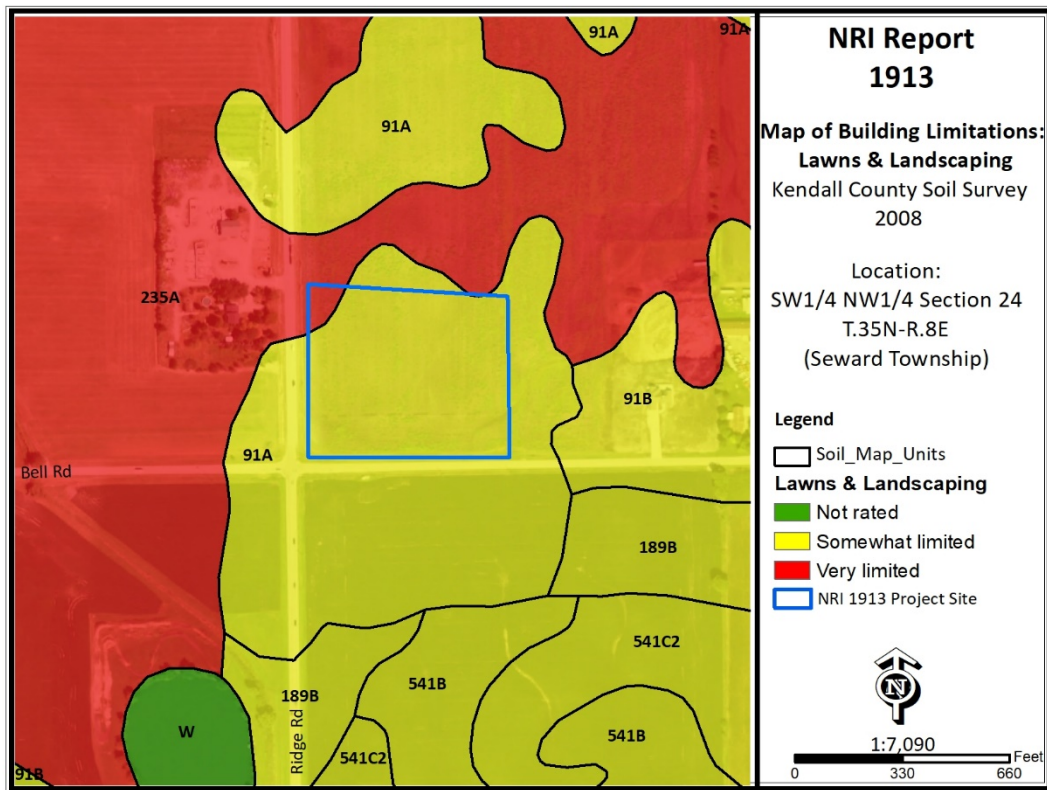
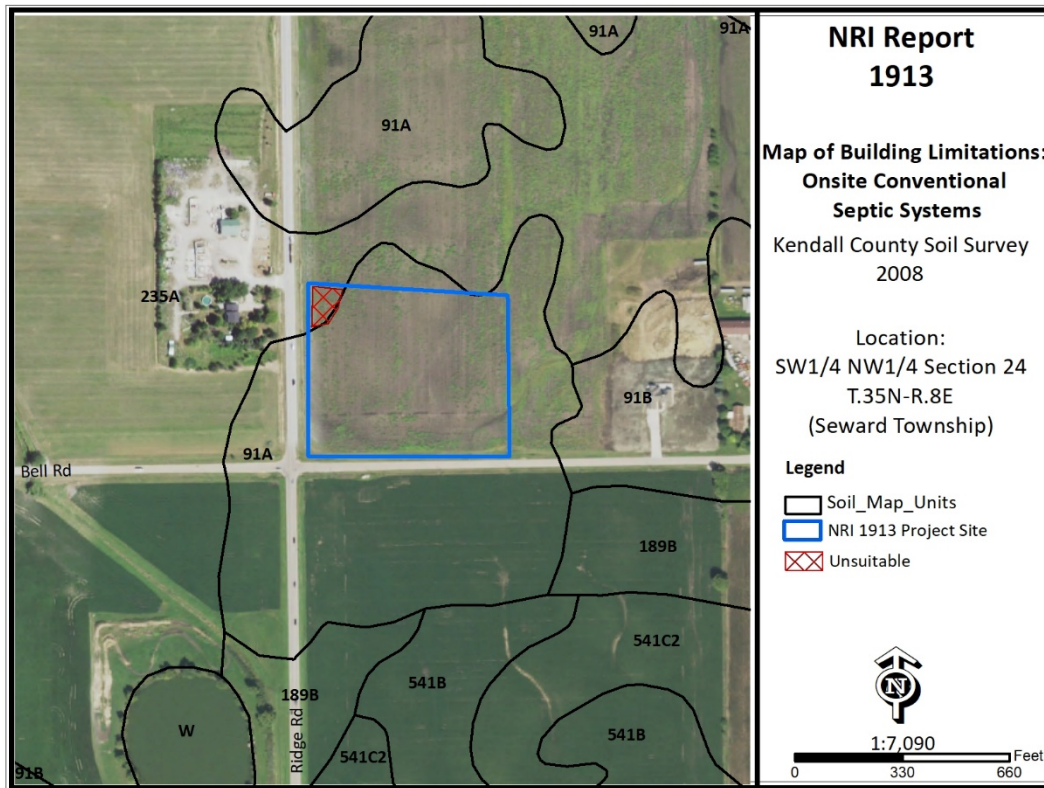


Figure 3d: Map of Building Limitations – Onsite Conventional Sewage System



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

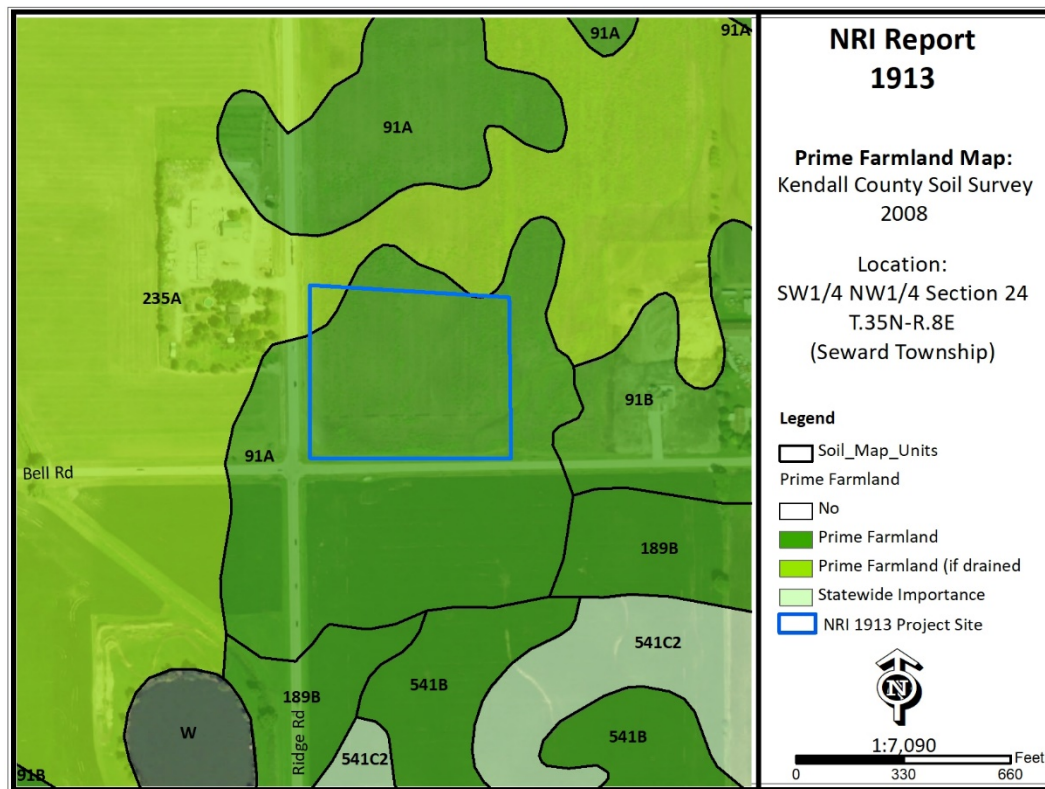
Prime farmland soils are an important resource to Kendall County. Some of the most productive soils in the United States occur locally. Each soil map unit in the United States is assigned a prime or non-prime rating. Prime agricultural land does not need to be in the production of food & fiber.

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

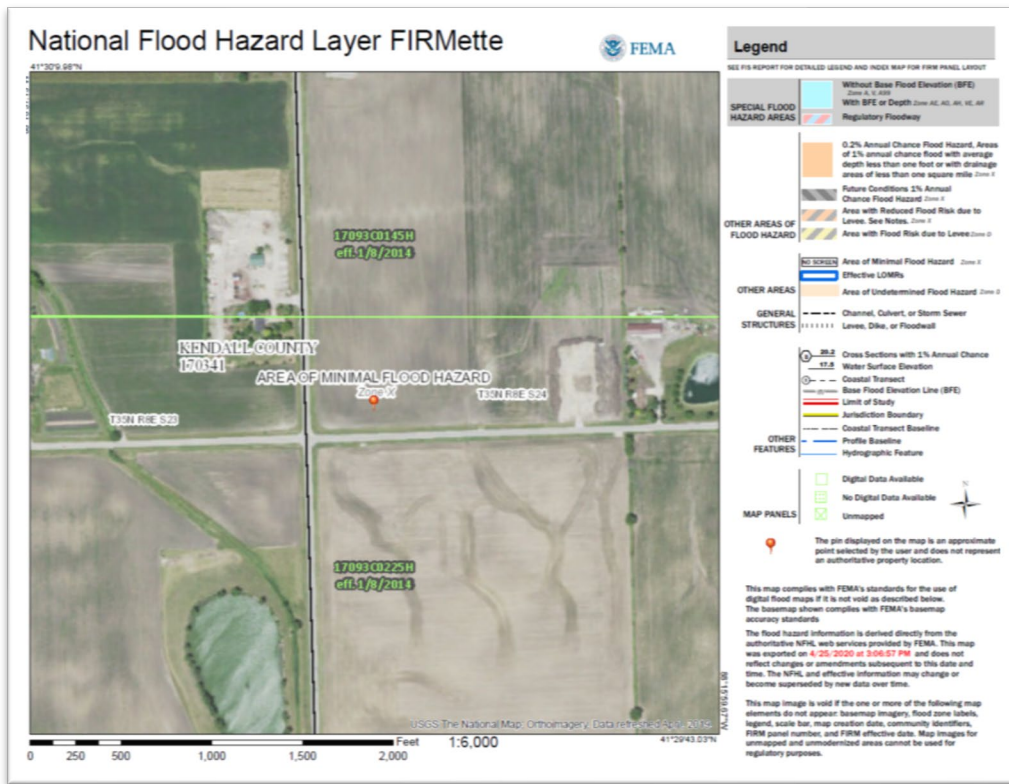
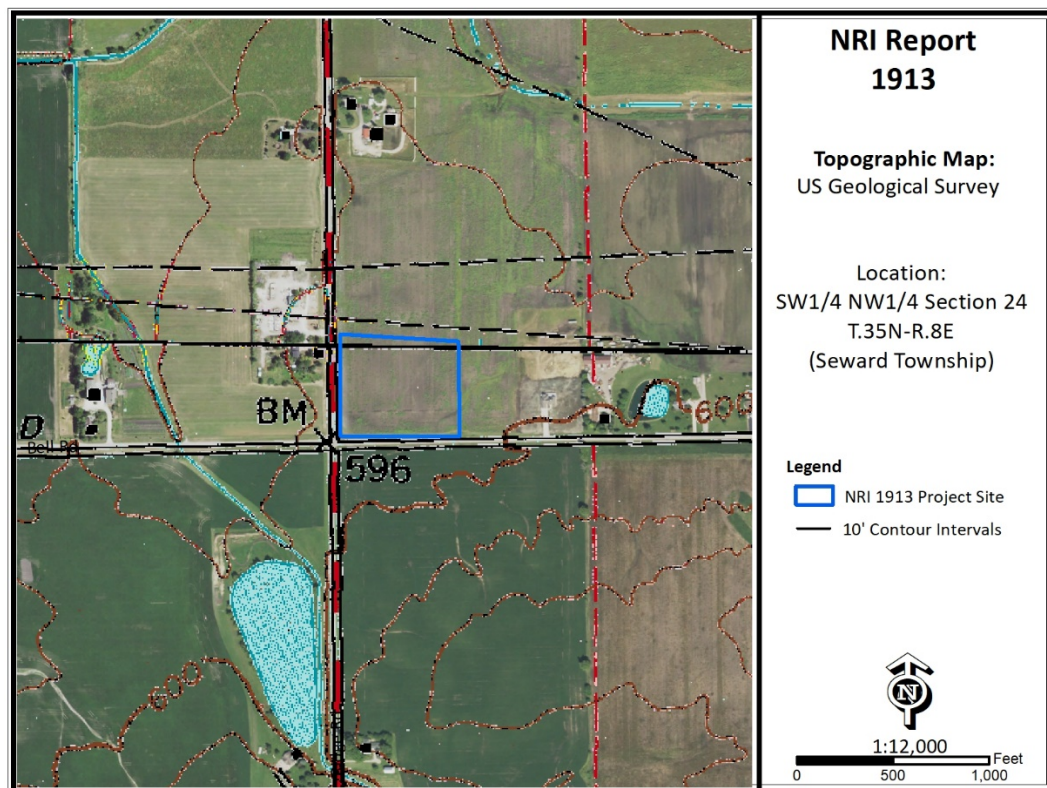


Figure 6: USGS Topographic Map



WATERSHED PLANS

Watershed and Subwatershed Information

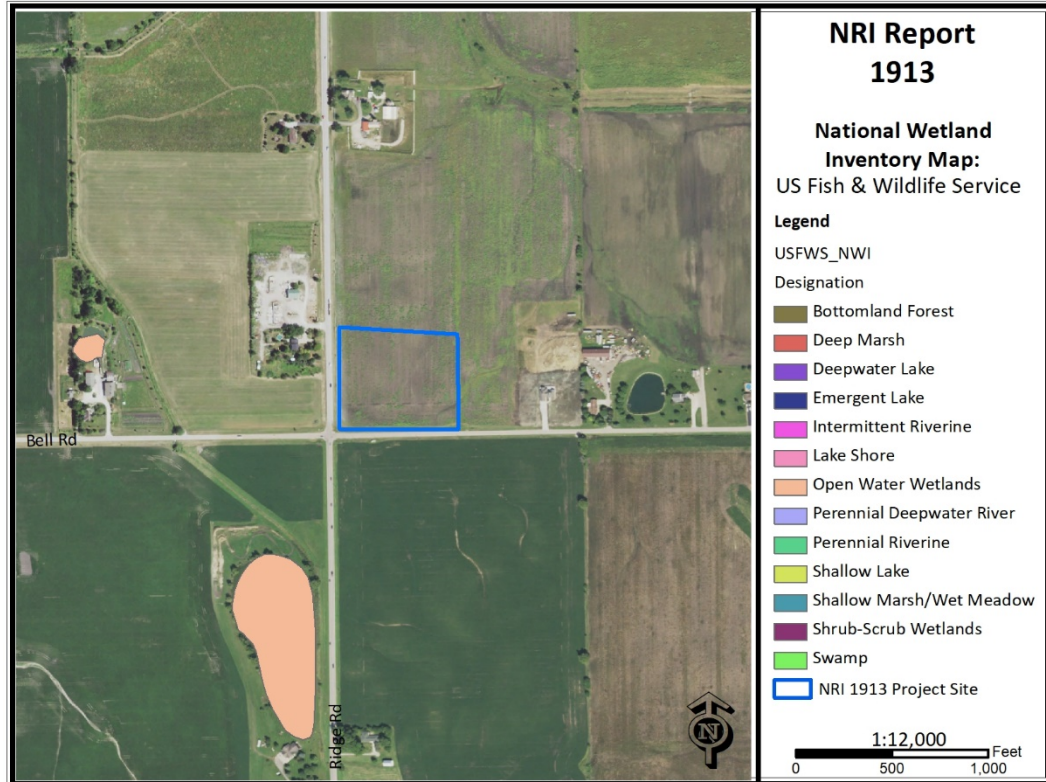
A watershed is the area of land that drains into a specific point including a stream, lake or other body of water. High points on the Earth's surface, such as hills and ridges define watersheds. When rain falls in the watershed, it flows across the ground towards a stream or lake. Rainwater carries any 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.

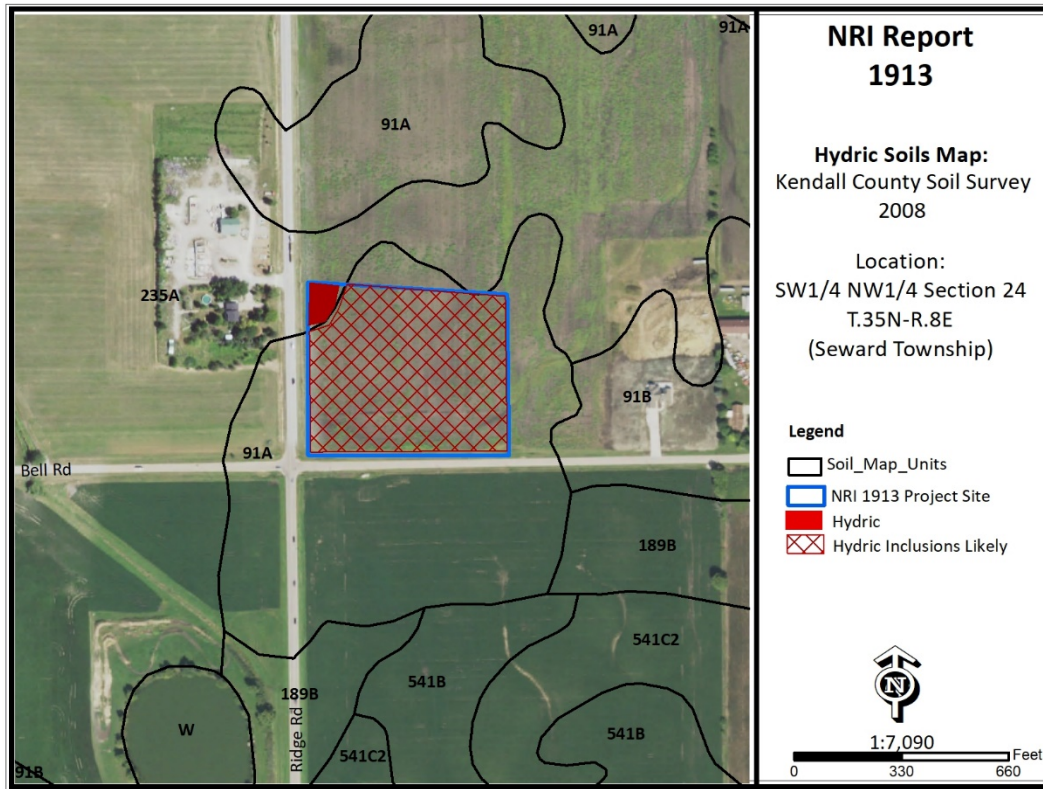
It is also important to add the possibility of hydric inclusions in a soil type. An inclusion is a soil polygon that is too small to appear on these maps. While relatively insignificant for agricultural use, hydric soil inclusions become more important to more intense uses such as a residential subdivision.

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.

Terms of Use

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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 PUBLIC 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,

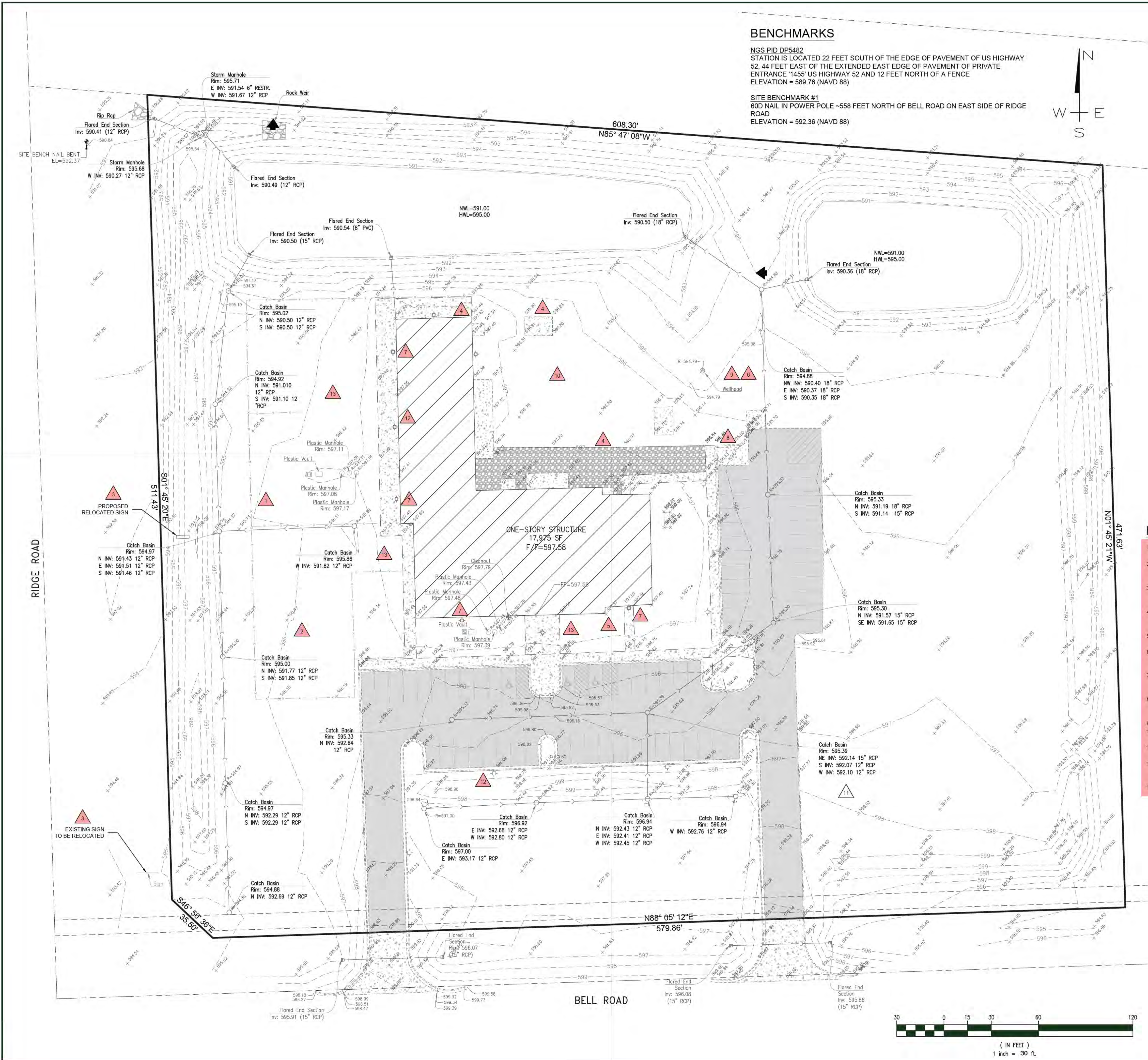
“KENNELS PROVIDED THAT THE KENNELS MUST BE LOCATED INSIDE AND MUST BE LOCATED A MINIMUM OF 250’ FROM THE LOT LINE OF LOTS ZONED RESIDENTIAL OR SHOWN AS RESIDENTIAL ON THE LRMP MAP AND 150’ FROM LOTS ZONED OTHER THAN RESIDENTIAL OR SHOWN ON THE LRMP MAP AS NON-RESIDENTIAL. THE ANIMALS MUST BE INDOORS 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

- LEGEND**
- 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
 - LO - LOOKOUT ELEVATION
 - WO - WALKOUT ELEVATION
 - GE - 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
		2
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		10

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'

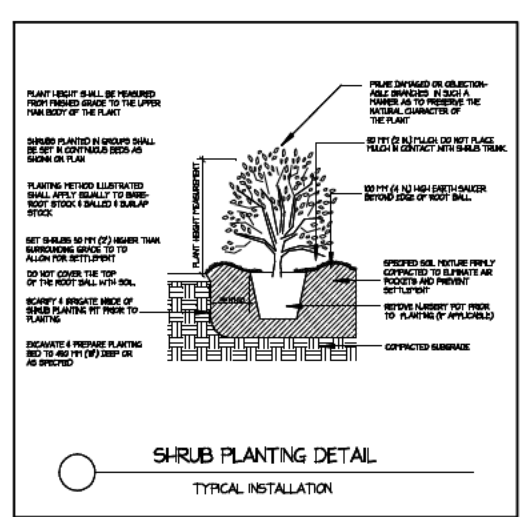
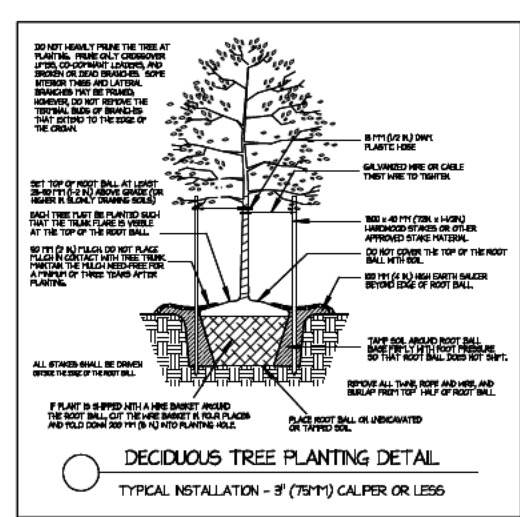
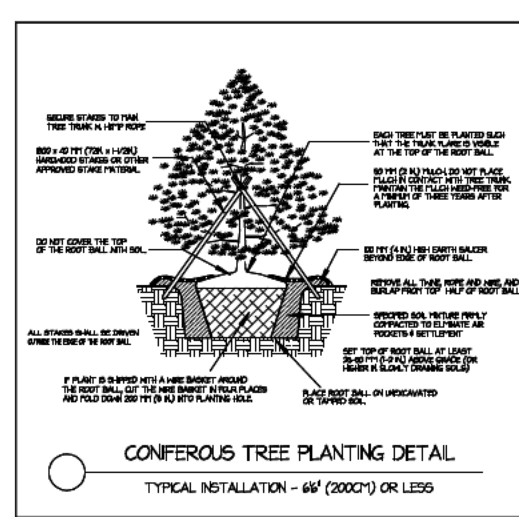
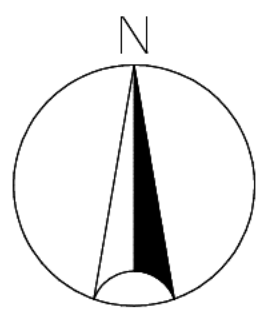
DRAWN BY: CNW

CHECKED BY: MDC

DATE: 12/20/2022

SHEET: 1 of 1

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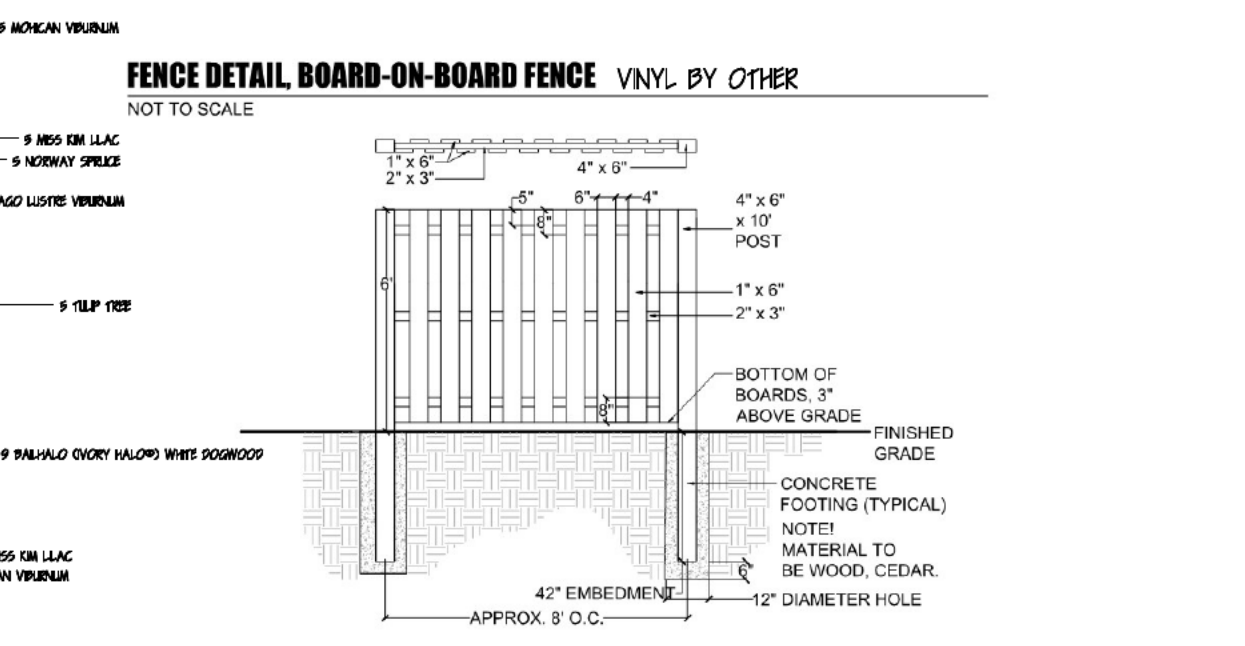


Qty	Botanical Name	Common Name	Size/Condition	Remarks
Ornamental Trees				
14	<i>Amelanchier alnifolia</i>	Autumn Brilliance Apple Serviceberry	8'	MULTI-STEM
3	<i>Prunella nigra</i>	RIVER BIRCH	8'	MULTI-STEM
3	<i>Crataegus phaeopyrum</i>	WASHINGTON HAWTHORN	8'	MULTI-STEM
2	<i>Malus x Spring Snow</i>	SPRING SNOW FLOWERING CRABAPPLE	8'	MULTI-STEM
2	<i>Maesoba x Boston Marini</i>	MESELE LORNER MAESOBAMA	8'	MULTI-STEM
Evergreen Trees				
4	<i>Acacia salicifolia</i>	COMMUNICANTION SUGAR MAPLE	25'	SINGLE-STEM
3	<i>Gleditsia triacanthos</i>	SKYLINE THORNLESS HONEY LOCUST	25'	SINGLE-STEM
1	<i>Liquidambar styraciflua</i>	FLAME TREE	25'	SINGLE-STEM
2	<i>Quercus laevis</i>	SWAMP WHITE OAK	25'	SINGLE-STEM
1	<i>Quercus rubra</i>	RED OAK	25'	SINGLE-STEM
3	<i>Quercus virginiana</i>	PERYAZO SOUTHERN LIVE OAK	25'	SINGLE-STEM
6	<i>Quercus x wana Loni</i>	REGAL PINCE OAK	25'	SINGLE-STEM
Deciduous Trees				
17	<i>Platanus alba</i>	NORWAY SPRUCE	8'	NATURAL FORM
13	<i>Platanus alba</i>	BLACK HILLS SPRUCE	8'	NATURAL FORM
13	<i>Platanus alba</i>	COLORADO SPRUCE	8'	NATURAL FORM

Qty	Botanical Name	Common Name	Size/Condition	Remarks
Shrubs				
36	<i>Cornus alba</i>	RAINFALL QUORY VALLEY WHITE DOGWOOD	45/24"	9' OC
36	<i>Cornus alba</i>	RAINFALL QUORY VALLEY WHITE DOGWOOD	45/24"	9' OC
27	<i>Sorbus aucuparia</i>	RED ROSE DOGWOOD	45/24"	9' OC
27	<i>Sorbus aucuparia</i>	RED ROSE DOGWOOD	45/24"	9' OC
1	<i>Hamamelis virginica</i>	WAXY WING	45/24"	9' OC
1	<i>Hamamelis virginica</i>	WAXY WING	45/24"	9' OC
1	<i>Hamamelis virginica</i>	WAXY WING	45/24"	9' OC
1	<i>Hamamelis virginica</i>	WAXY WING	45/24"	9' OC
1	<i>Hamamelis virginica</i>	WAXY WING	45/24"	9' OC
1	<i>Hamamelis virginica</i>	WAXY WING	45/24"	9' OC

Botanical Name	Common Name	Qty/Acre
<i>Avena sativa</i>	Common Oat	300.00
<i>Lolium multiflorum</i>	Annual Ryegrass	300.00
TOTAL		600.00
PERMANENT GRASSES / SEEDS		
<i>Andropogon scoparius</i>	Big Bluestem	15.00
<i>Calamagrostis canadensis</i>	Bluejoint Grass	1.00
<i>Carex acutata</i>	Bottlebrush Sedge	3.00
<i>Carex stricta</i>	Common Tussock Sedge	1.00
<i>Carex vulpinoidea</i>	Brown Fox Sedge	1.00
<i>Elymus virginicus</i>	Virginia Wild Rye	24.00
<i>Hordeum jubatum</i>	Canada Reed	0.50
<i>Panicum virgatum</i>	Switchgrass	2.00
<i>Phragmites australis</i>	Wool Grass	0.50
<i>Sorghastrum nutans</i>	Indian Grass	8.00
<i>Stipa pennata</i>	Prairie Cuckoo Grass	3.00
TOTAL		60.00
FORBES		
<i>Asclepias syriaca</i>	Common Milkweed	2.00
<i>Asclepias tuberosa</i>	White Milkweed	1.00
<i>Chamaecrista fasciculata</i>	Partridge Pea	10.00
<i>Cirsium discolor</i>	Sand Cirsium	4.00
<i>Cirsium sp.</i>	Tall Cirsium	2.00
<i>Desmodium illinoense</i>	Black Tail Thistle	0.50
<i>Douglas glabra</i>	Flat-Top Aster	0.50
<i>Echinacea purpurea</i>	Broad-leaved Purple Coneflower	4.00
<i>Eryngium yuccifolium</i>	Rattlesnake Master	2.00
<i>Helianthus scaberrimus</i>	Snow-on-the-Mountain	2.00
<i>Helianthus scaberrimus</i>	Sawtooth Sunflower	0.50
<i>Lupinus albus</i>	Round-headed Bush Clover	1.00
<i>Lupinus albus</i>	Round-headed Bush Clover	1.00
<i>Monarda fistulosa</i>	Wild Bergamot	1.00
<i>Oligoneuron sp.</i>	SP Goldenrod	1.00
<i>Physalis virginiana</i>	Witch Grass	1.00
<i>Physalis virginiana</i>	Chickweed Plant	0.25
<i>Physalis virginiana</i>	Common Mountain Mint	0.50
<i>Rudbeckia hirta</i>	Yellow Coneflower	4.00
<i>Rudbeckia hirta</i>	Black-eyed Susan	4.00
<i>Rudbeckia hirta</i>	Wild Golden Glow	1.00
<i>Rudbeckia hirta</i>	Sweet Black-eyed Susan	0.50
<i>Senna hebecarpa</i>	Wild Senna	2.25
<i>Silphium integrifolium</i>	Rosin Weed	1.00
<i>Silphium integrifolium</i>	Compass Plant	2.00
<i>Silphium integrifolium</i>	Cup Plant	2.00
<i>Silphium integrifolium</i>	Prairie Dock	3.00
<i>Silphium integrifolium</i>	Early Goldenrod	0.25
<i>Silphium integrifolium</i>	Rough Goldenrod	0.25
<i>Silphium integrifolium</i>	New England Aster	0.50
<i>Silphium integrifolium</i>	Common Spiderwort	1.25
<i>Silphium integrifolium</i>	Common Spiderwort	3.00
<i>Silphium integrifolium</i>	Culver's Root	0.25
<i>Silphium integrifolium</i>	Golden Alexander	1.00
TOTAL		61.00

Botanical Name	Common Name	Qty/Acre
<i>Asclepias syriaca</i>	Common Milkweed	2.00
<i>Asclepias tuberosa</i>	White Milkweed	1.00
<i>Chamaecrista fasciculata</i>	Partridge Pea	10.00
<i>Cirsium discolor</i>	Sand Cirsium	4.00
<i>Cirsium sp.</i>	Tall Cirsium	2.00
<i>Desmodium illinoense</i>	Black Tail Thistle	0.50
<i>Douglas glabra</i>	Flat-Top Aster	0.50
<i>Echinacea purpurea</i>	Broad-leaved Purple Coneflower	4.00
<i>Eryngium yuccifolium</i>	Rattlesnake Master	2.00
<i>Helianthus scaberrimus</i>	Snow-on-the-Mountain	2.00
<i>Helianthus scaberrimus</i>	Sawtooth Sunflower	0.50
<i>Lupinus albus</i>	Round-headed Bush Clover	1.00
<i>Lupinus albus</i>	Round-headed Bush Clover	1.00
<i>Monarda fistulosa</i>	Wild Bergamot	1.00
<i>Oligoneuron sp.</i>	SP Goldenrod	1.00
<i>Physalis virginiana</i>	Witch Grass	1.00
<i>Physalis virginiana</i>	Chickweed Plant	0.25
<i>Physalis virginiana</i>	Common Mountain Mint	0.50
<i>Rudbeckia hirta</i>	Yellow Coneflower	4.00
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<i>Silphium integrifolium</i>	Common Spiderwort	1.25
<i>Silphium integrifolium</i>	Common Spiderwort	3.00
<i>Silphium integrifolium</i>	Culver's Root	0.25
<i>Silphium integrifolium</i>	Golden Alexander	1.00
TOTAL		61.00



Lot #	Field of Dreams Coat of Armour Mixture	Date Tested	3/18
L152-18-477		Sell By	6/19
CONTAINS			
PALMER III PERENNIAL RYEGRASS	29.78%	90.00%	OREGON
DOUBLE TIME GLS PERENNIAL RYEGRASS	29.19%	90.00%	OREGON
"ROCK-IT" KENTUCKY BLUEGRASS	19.89%	85.00%	OREGON
OTHER CROP SEEDS:			
CONTAINS GO 'N GROW COATING:	0.47%		
INERT MATTER:	0.68%		
WEED SEEDS:	0.00%		
NOXIOUS WEED SEEDS: NONE FOUND			
NET WT. 50 LBS.		AMS-722	

Under the seed laws of several states arbitration is required as a prerequisite to maintaining a legal action against the seller of the seed in any dispute relating to the quality or quantity of the seed sold. The purchaser shall file a complaint with the required filing fee, (where applicable), with the Commissioner or Chief Agricultural Officer within such time as to permit inspection of the crops, plants or trees by the designated agency and the seedman from whom the seed was purchased. A copy of the complaint shall be sent to the

National Seed
4720 Yender Ave
Lisle, IL 60532

4-9 TALL PERIMETER LANDSCAPE BERM

GENERAL NOTES:

Plant material shall be nursery grown and be either balled and burlapped or container grown. Sizes and spreads on plant list represent minimum requirements.

Size & grading standards of plant materials shall conform to the latest edition of ANSI Z601 AMERICAN STANDARD OF NURSERY STOCK, by the American Nursery & Landscape Association.

Any materials with damaged or crooked/damaged leaders, bark abrasion, sunscald, insect damage, etc. are not acceptable and will be rejected. Trees with multiple leaders will be rejected unless called for in the plant list as multi-stem or clump (cl).

Grading shall provide slopes which are smooth and continuous. Positive drainage shall be provided in all areas.

Quantity lists are supplied as a convenience. However, the contractor should verify all quantities. The drawings shall take precedence over the lists.

All plant species specified are subject to availability. Material shortages in the landscape industry may require substitutions. All substitutions must be approved by the Landscape Architect and/or Owner.

Contractor shall verify location of all underground utilities prior to digging. For location outside the City of Chicago call "JULIE" (Joint Utility Location for Excavation) 1-800-842-0158.

Contractor shall report any discrepancies in the field to the Landscape Architect and/or Owner.

Plant symbols illustrated on this plan are a graphic representation of proposed plant material types and are intended to provide for visual clarity. However, the symbols do not necessarily represent actual plant spread at the time of installation.

All perennial, ornamental grass, groundcover and annual beds shall be topdressed with a minimum of three inches (3") of mushroom compost. The topdressing shall be worked into the soil to a minimum depth of nine inches (9") by the use of a cultivating mechanism. Upon completion perennials & ornamental grasses shall be mulched with an additional two inch (2") layer of shredded wood mulch. Annuals & groundcovers shall be covered with an additional two inch (2") layer of mushroom compost.

All other planting beds and tree saucers shall be mulched with a minimum of three inches (3") of shredded wood mulch, with the exception of evergreen trees which shall receive one inch (1") of shredded hardwood mulch over two inches (2") of southern pine bark.

All bed lines and tree saucers shall require a hand spaded edge between lawn and mulched areas.

Planting beds adjacent to building shall be mulched in their entirety to the building foundation. Plant materials shall not be installed under building overhangs and other such areas which do not receive natural rainfall.

Sod shall be mineral base only.

Grass seed shall be applied mechanically so that the seed is incorporated into the top one-half inch (1/2") of the seed bed. The seed shall then be covered with the specified straw blanket or Hydro-mulch.

All plant material shall be guaranteed for one (1) year from the date of acceptance.

No.	Date	Description
1	12-16-19	INITIAL REVIEW COMMENTS
2	3-9-20	REVISED SITE GRADING
3	8-22-22	REVISED SITE LANDSCAPING
4	12-8-22	REVISED SITE LANDSCAPING PER CLIENT

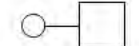
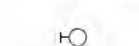


PREPARED FOR:
Bullmastiff Construction Co.

Ms. Deb Howard



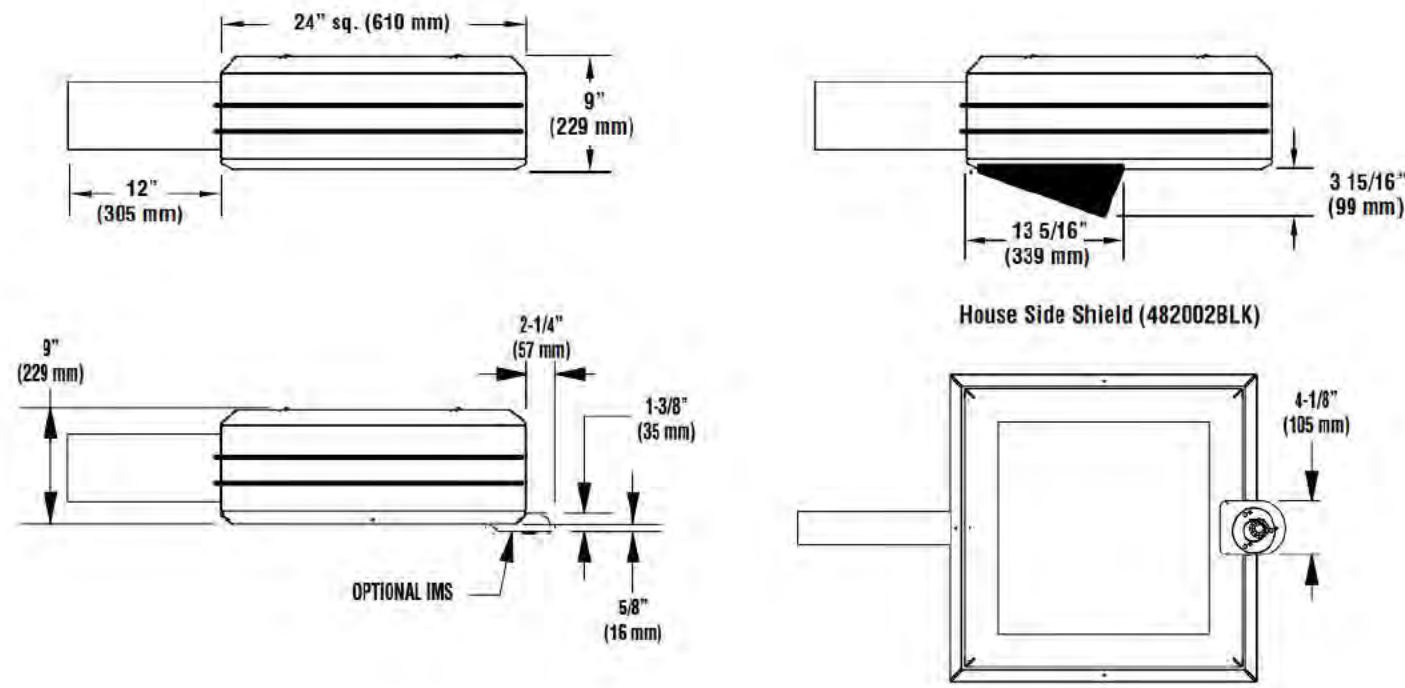
Project Information:
Doqgy Day Care
NEC Bell Road & Ridge Road
Kendall County, IL

SCALE: 1"=30'	PROJECT NO.
DRAWN BY: EA	SHEET NO.
CHECKED BY: MMCLURE	
DATE: 9-9-22	
DATE OF PRINT:	

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

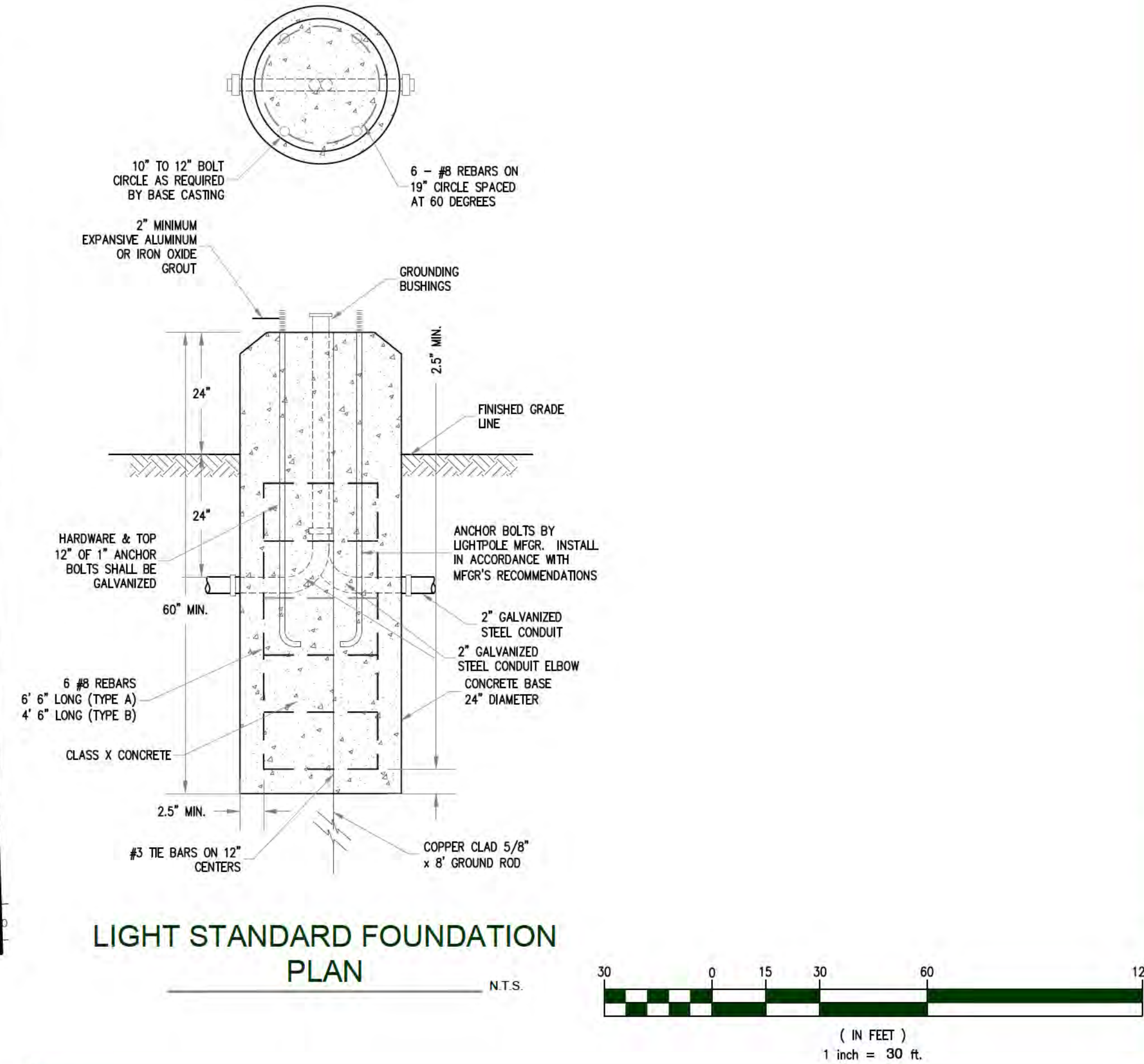
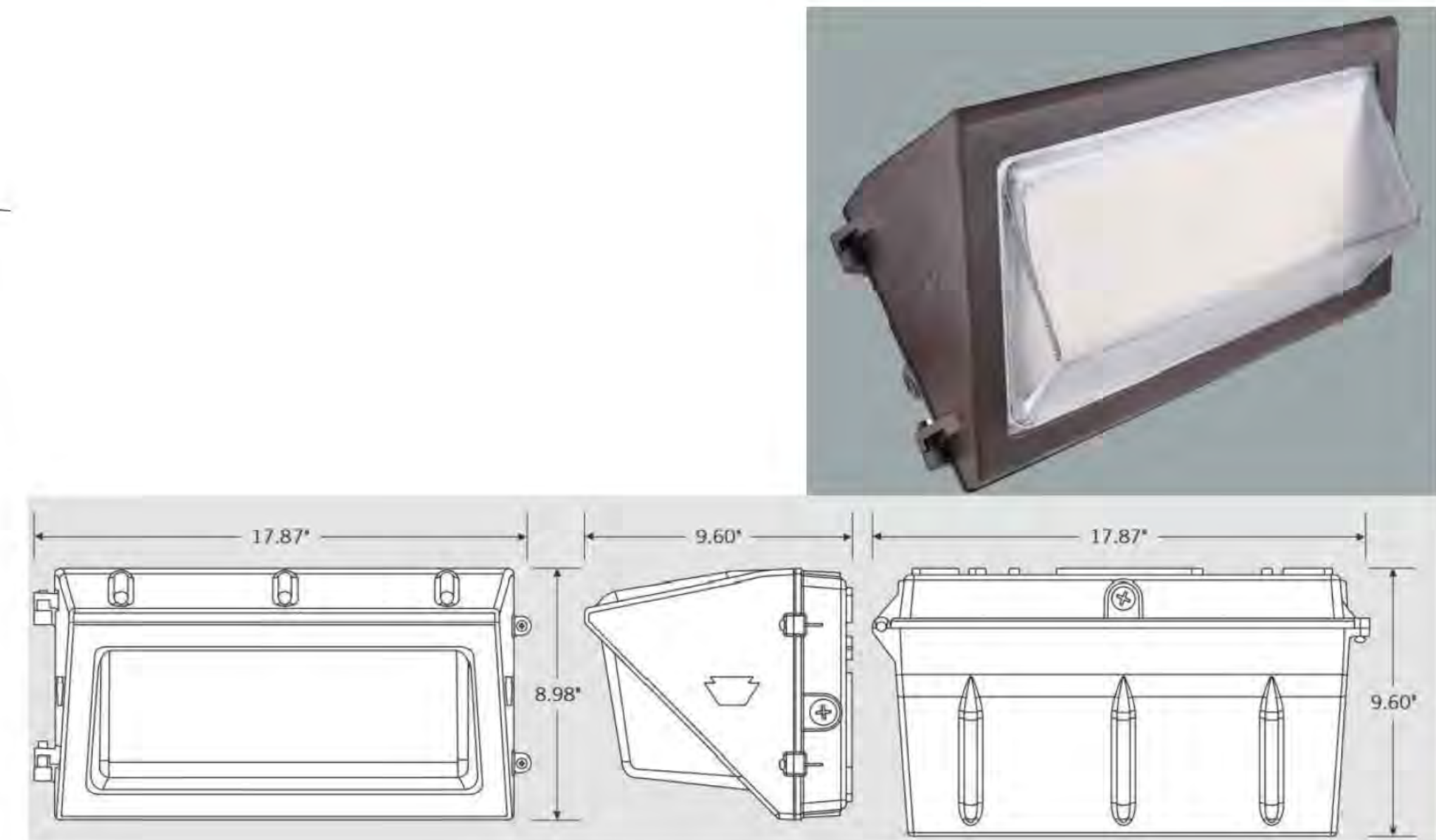
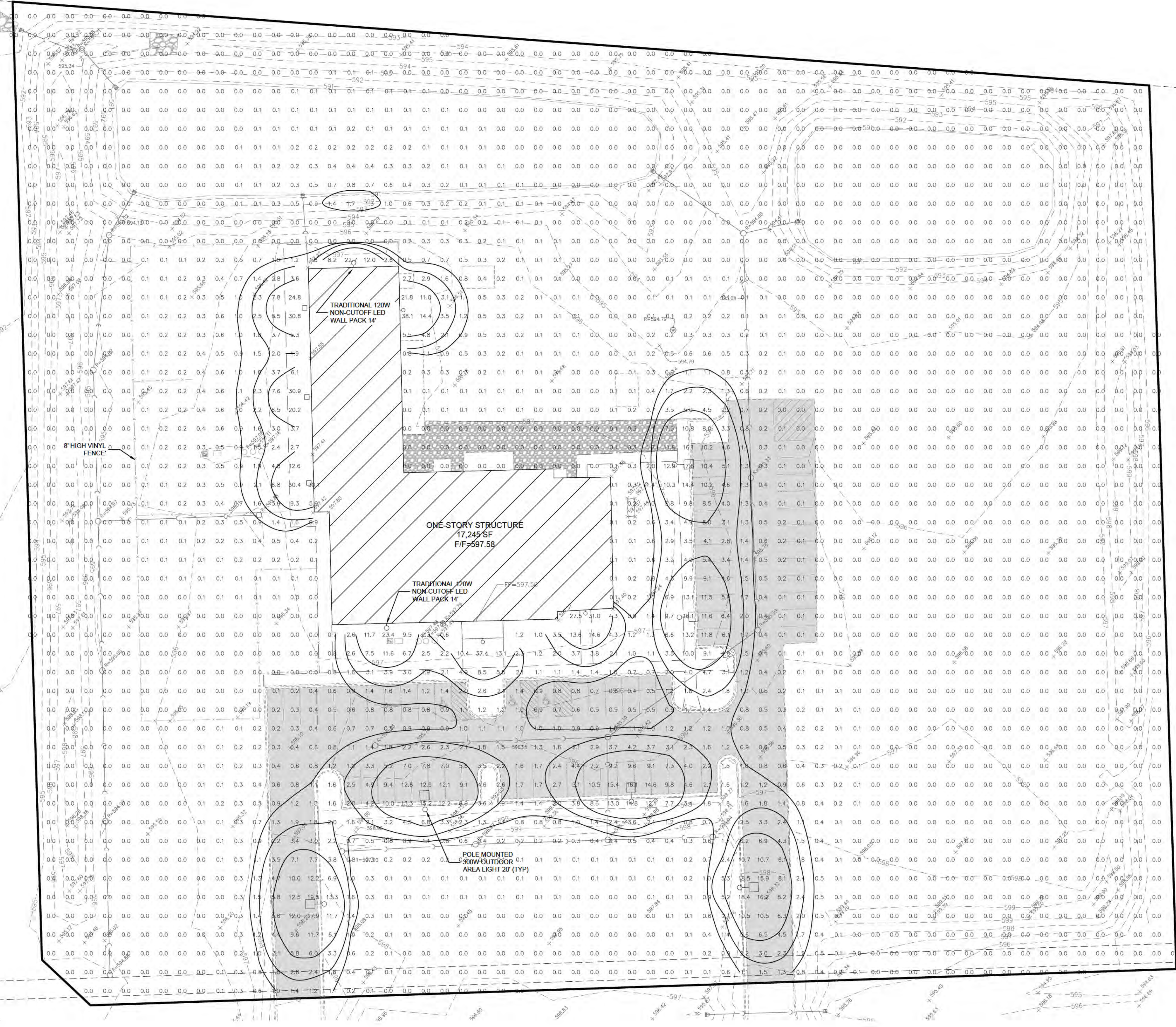
LSI INDUSTRIES, INC. XGBM-3-LED-HO-CW	
Keystone Technologies LLC, KT-WPLED120-L1-850-VDIM	
Keystone Technologies LLC, KT-WPLED120-L1-850-VDIM	
Keystone Technologies LLC, KT-WPLED120-L1-850-VDIM	

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.



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											
© Copyright, 2022											



SOUTH ELEVATION



EAST ELEVATION



Civil Engineering &
Land Development Consulting

26316 Mapleview Drive
Plainfield, IL 60585
815.577.1707 T 815.577.2595 F
www.cookenggroup.com

#		DATE	REVISION DESCRIPTION
1			
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10			

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

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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



REVISION DESCRIPTION		DATE	
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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

State of Illinois
County of Kendall

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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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County of Kendall

Zoning Petition
#19-47

- 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.***

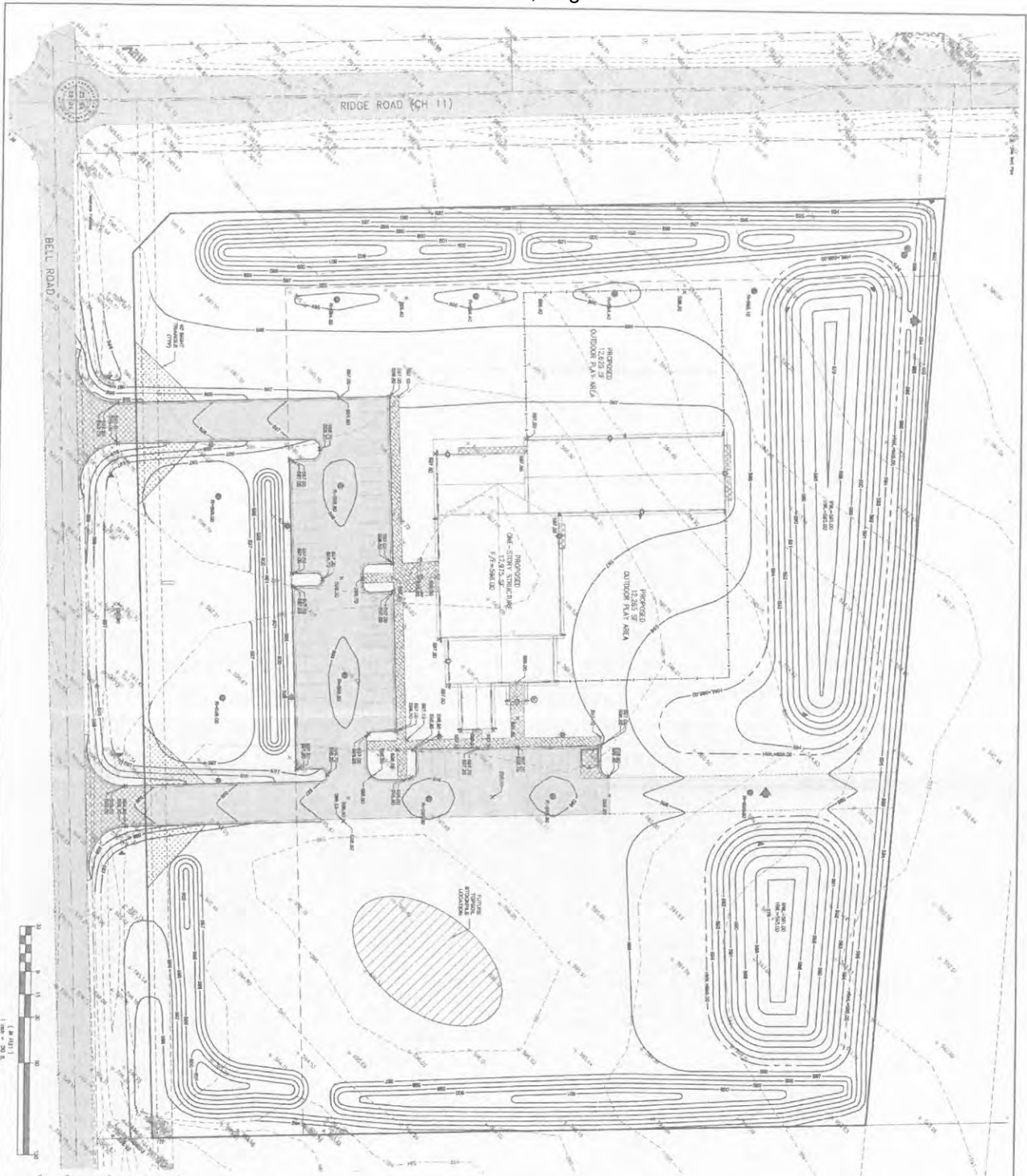
*That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. **True, the proposed use is consistent with an objective found on Page 6-34 of the Kendall County Land Resource Management Plan which calls 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.



TYPICAL POND SECTION
N.T.S.

1. POND DEPTH SHALL BE 4'-0" MINIMUM.
2. POND SHALL BE CONSTRUCTED WITH 18" MINIMUM WALL THICKNESS.
3. POND SHALL BE CONSTRUCTED WITH 18" MINIMUM WALL THICKNESS.
4. POND SHALL BE CONSTRUCTED WITH 18" MINIMUM WALL THICKNESS.
5. POND SHALL BE CONSTRUCTED WITH 18" MINIMUM WALL THICKNESS.

NOTES:
1. ALL GRADING SHALL BE TO FINISH GRADE.
2. ALL GRADING SHALL BE TO FINISH GRADE.
3. ALL GRADING SHALL BE TO FINISH GRADE.
4. ALL GRADING SHALL BE TO FINISH GRADE.
5. ALL GRADING SHALL BE TO FINISH GRADE.

7-11-16
Cook Engineering & Land Development Consulting
(800) 982-0123

PROPOSED EXISTING VOLUME

RELATION	AREA	DEPTH	VOLUME	CUMULATIVE
(FT)	(SQ FT)	(FT)	(CU YD)	(CU YD)
10.00	1,000	1.00	1,000	1,000
10.00	1,000	1.00	2,000	2,000
10.00	1,000	1.00	3,000	3,000
10.00	1,000	1.00	4,000	4,000
10.00	1,000	1.00	5,000	5,000
10.00	1,000	1.00	6,000	6,000
10.00	1,000	1.00	7,000	7,000
10.00	1,000	1.00	8,000	8,000
10.00	1,000	1.00	9,000	9,000
10.00	1,000	1.00	10,000	10,000

PROPOSED EXISTING VOLUME

TOTAL PROPOSED EXISTING VOLUME

TOTAL PROPOSED EXISTING VOLUME

TOTAL PROPOSED EXISTING VOLUME

PROPOSED EXISTING VOLUME

RELATION	AREA	DEPTH	VOLUME	CUMULATIVE
(FT)	(SQ FT)	(FT)	(CU YD)	(CU YD)
10.00	1,000	1.00	1,000	1,000
10.00	1,000	1.00	2,000	2,000
10.00	1,000	1.00	3,000	3,000
10.00	1,000	1.00	4,000	4,000
10.00	1,000	1.00	5,000	5,000
10.00	1,000	1.00	6,000	6,000
10.00	1,000	1.00	7,000	7,000
10.00	1,000	1.00	8,000	8,000
10.00	1,000	1.00	9,000	9,000
10.00	1,000	1.00	10,000	10,000

PROPOSED EXISTING VOLUME

TOTAL PROPOSED EXISTING VOLUME

TOTAL PROPOSED EXISTING VOLUME

TOTAL PROPOSED EXISTING VOLUME

TYPICAL CONCRETE PAVEMENT SECTION
N.T.S.

1. CONCRETE SHALL BE 4" THICK.
2. CONCRETE SHALL BE 4" THICK.
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NOTES:
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TYPICAL ASPHALT PAVEMENT SECTION (HMA)
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NOTES:
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PREPARED FOR:
THE HUNT CONTRACTORS
11111 HUNT DRIVE
P.O. BOX 1000
KENDALL COUNTY, IL 60145-0001

DATE:
2/16/17

SCALE:
1" = 40'

DRAWN BY:
EBC

CHECKED BY:
EBC

DATE:
11/28/16

SHEET:
2 of 2

PRELIMINARY GRADING PLAN
DOGGY DAYCARE
NEC BELL ROAD & RIDGE ROAD
KENDALL COUNTY, IL

110

COOK ENGINEERING GROUP

25316 Macintosh Drive
Plainfield, IL 60565
815.577.1707 T 815.577.2505 F
www.cookengr.com

COOK ENGINEERING & Land Development Consulting

25316 Macintosh Drive
Plainfield, IL 60565
815.577.1707 T 815.577.2505 F
www.cookengr.com

PREPARED FOR:
Bulmestiff Construction Co.
1947 S. Harlem Ave., Suite 200
Palos Heights, IL 60463
Ms. Deb Howard

PROJECT INFORMATION:
Dorsey Day Care
NEC Bell Road & Ridge Road
Kendall County, IL

DATE: 10/20/07
BY: E.A.
PROJECT NO.: 07-09-02
SCALE: 1" = 20' - 0"

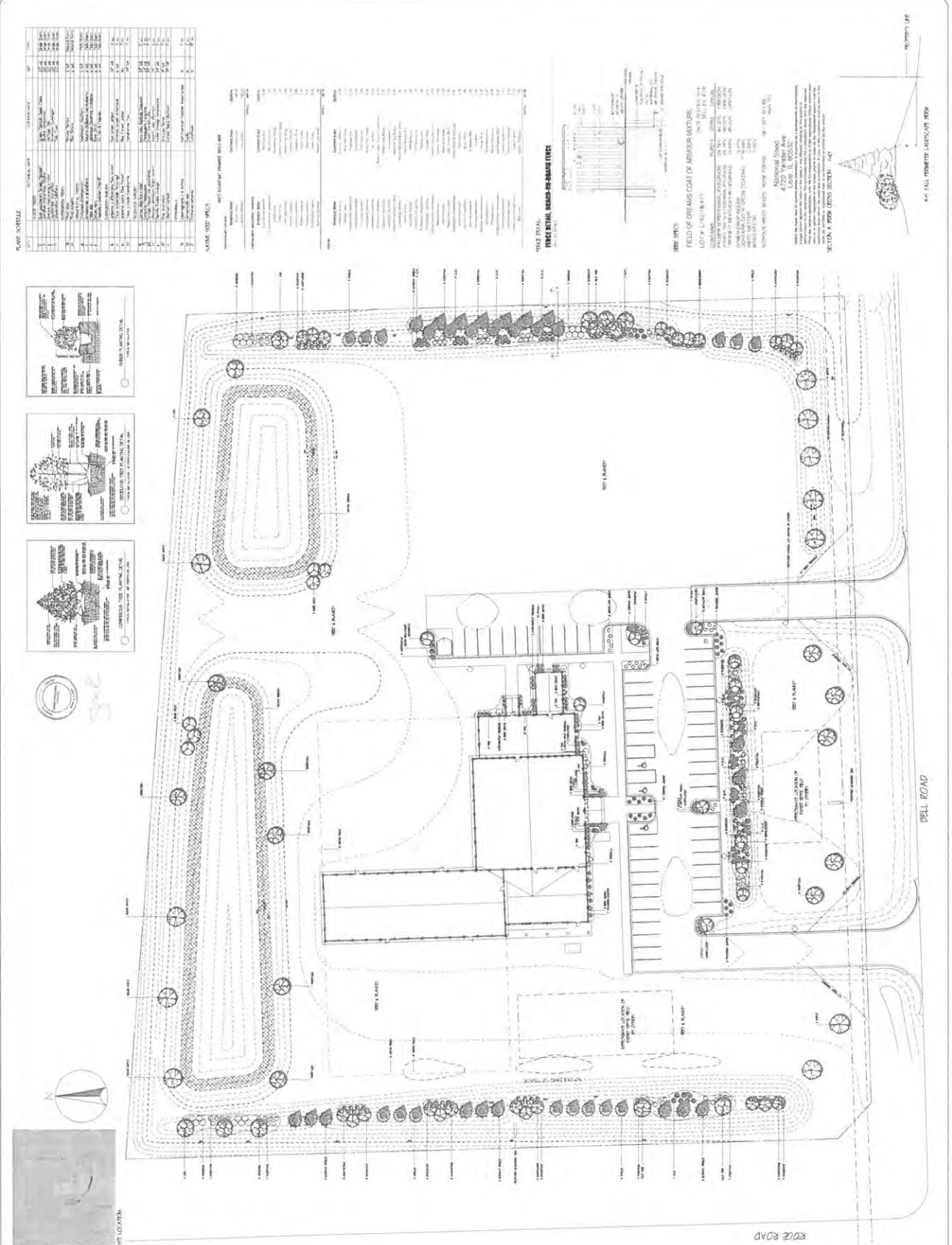
REVISIONS:

NO.	DATE	DESCRIPTION
1	10/20/07	ISSUED FOR PERMIT

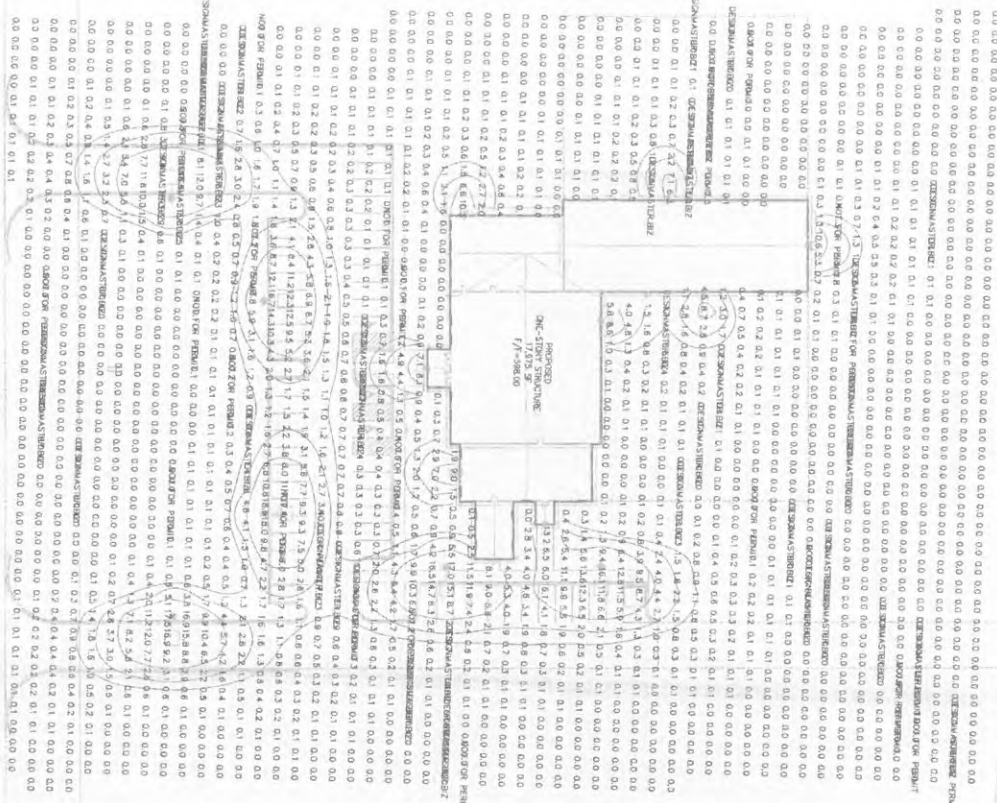
NOTES:

1. SEE PLAN FOR EXISTING CONDITIONS.

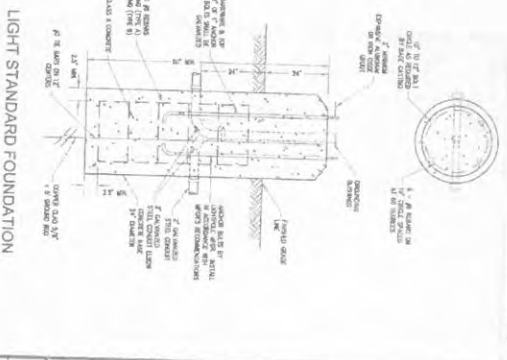
DESIGNED BY:
Bulmestiff Construction Co.
1947 S. Harlem Ave., Suite 200
Palos Heights, IL 60463
Ms. Deb Howard



BELL ROAD



LUMINAIRE SCHEDULE			
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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]

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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.

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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**



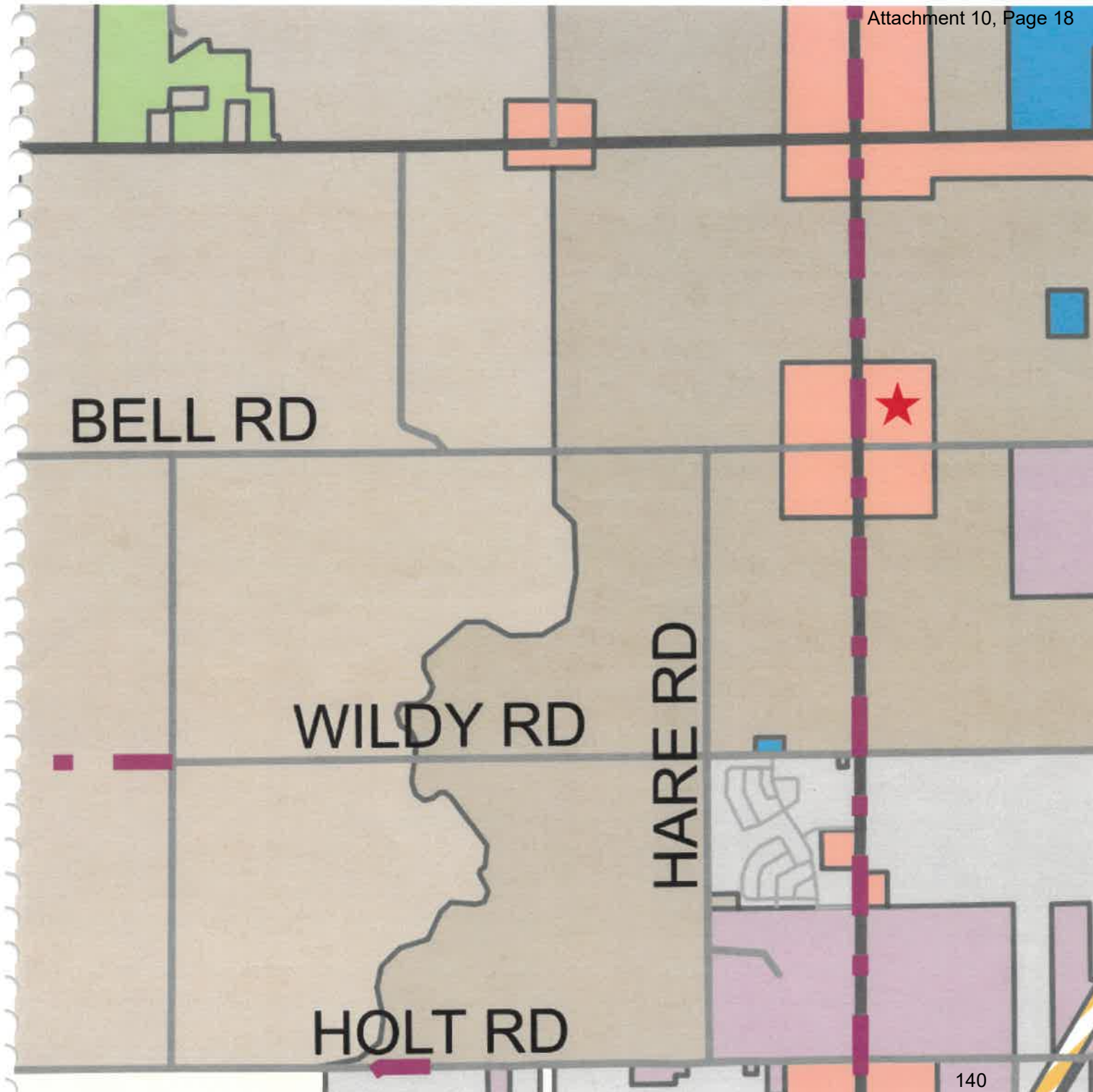
FUTURE LAND USE KENDALL COUNTY 2022

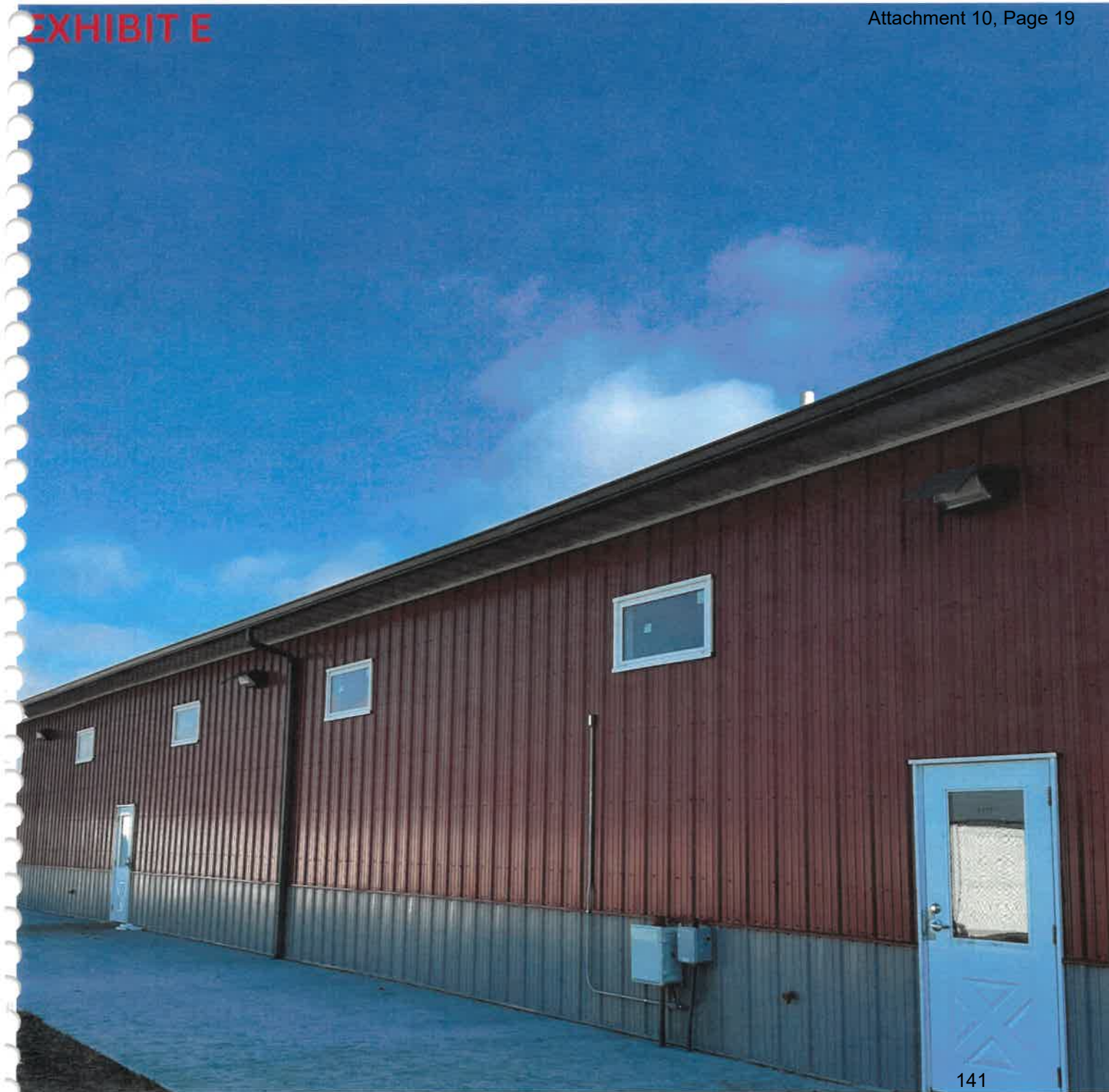
Legend

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

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 –

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



Michael D. Cook, P.E.
President

Cook Engineering Group
Civil Engineering & Land
Development Consulting
815.577.1707 T | 815.715.6217 C
www.cookenggroup.com

This message, including any attachment(s) hereto, is confidential and proprietary. If you are not the named recipient, you are kindly requested to notify the sender immediately and to delete this message, including any attachment(s), from your system. You are not allowed to copy, use, or maintain this message, and the contents hereof must not be disclosed to any other person.

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
January 30, 2023 – 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: Scott Cherry, Cliff Fox, Tom LeCuyer, Randy Mohr, Jillian Prodehl, Dick Thompson, and Dick Whitfield

Members Absent: None

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

Others Present: Michael Cook and Deb Howard

MINUTES:

Member Whitfield made a motion, seconded by Member Fox, to approve the minutes of the December 19, 2022, hearing/meeting.

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

PETITIONS

The Zoning Board of Appeals started their review of Petition 22-27 at 7:03 p.m.

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

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

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.

Chairman Mohr asked if the improvements have already been made. Mr. Asselmeier responded that, in some cases, yes.

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 was provided. **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 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 was provided.

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 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 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.

Chairman Mohr requested an explanation of the lighting issue. Mr. Asselmeier said some lights were relocated from the north side of the building to the west side of the building because the play area for the dogs was relocated. The relocation of the lights caused changes to the photometric plan, but did not increase or cause lighting to spill over the property lines. Mr. Asselmeier said the County received complaints from motorists on Ridge Road regarding the brightness of the lights. Mr. Asselmeier said that he met with the Petitioner and her Engineer requested the amendments in order to have the special use permit match the layout and activity of the site. Mr. Asselmeier reviewed the materials

attached to the minutes of the January 25, 2023, Kendall County Regional Planning Commission meeting.

Chairman Mohr asked about the significance of 15939 Ridge Road property. Michael Cook, Engineer for the Petitioner, explained that the Ridge Road property was an example of lighting already existing in the vicinity. It was noted that the Ridge Road property was owned by a farmer. Attendees were unsure if the lights on the Ridge Road property were on continually or seasonally. Agricultural lighting cannot be regulated.

Member Prodehl asked what changed in the photometric plan relating to the tall lights. Mr. Asselmeier responded the pole lights were not moved; some of the wall pack lights on the building were relocated. Mr. Cook explained the lights were moved because the play area was moved. The play area was moved because of a requirement by the Health Department. Mr. Cook explained that the lights had shields; attendees reviewed pictures of the shielded lights.

Mr. Cook explained that some of the police dogs jumped the fence during trainings.

Mr. Cook explained the difference between a major amendment to a special use permit and a minor amendment to a special use permit.

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

Chairman Mohr swore in Michael Cook and Deb Howard.

Chairman Mohr asked when the shields were added to the lights. Deb Howard responded the lights were added in June 2022. The picture of the area at night were taken with the shields. The pole lights do not have shields, but are recessed into the fixture.

Member Prodehl asked if anything changed regarding the types or illumination of the lights. Mr. Cook responded no other changes occurred. Member Prodehl noted that the lights from the property were bright because the property was in the country and nothing blocks the light. Mr. Cook explained the footcandle measurements.

Mr. Cook explained the need for the variance allowing animals to be outdoors after sunset because of the early sunsets in the winter.

Chairman Mohr asked if the Petitioner was already letting the animals out after sunset. Ms. Howard responded yes. Chairman Mohr asked if the County had received any complaints about having the animals outdoors after sunset. Mr. Asselmeier responded no.

Mr. Cook explained their meetings with Seward Township to let the Township know in advance what the Petitioner proposed.

Member Prodehl asked what the stipulations were regarding turning off the lights. Mr. Cook explained the need for security lights to protect staff at the facility. Ms. Howard also explained the need for lights for security because medications were on the premises. Mr. Asselmeier read the section from the Zoning Ordinance pertaining to security lights and turning other lights off one (1) hour after sunset. The veterinary had staff on property until approximately 11:00 p.m. The pole lights were not as essential for security.

Chairman Mohr asked if the lights were obtrusive. Member Prodehl said they were not obtrusive from her property.

Chairman Mohr asked, outside of lights, if there were any additional concerns. Mr. Asselmeier responded no.

Discussion occurred about the proposed plantings and the impacts of those plants on lighting.

The sign on Bell Road has not been installed. This sign was shown on the proposed landscaping plan.

Chairman Mohr closed the public hearing at 7:34 p.m.

Member LeCuyer made a motion, seconded by Member Fox, to approve the Findings of Fact for the amendments to the existing special use permit and variance.

The votes were as follows:

Ayes (7):	Cherry, Fox, LeCuyer, Mohr, Prodehl, Thompson, and Whitfield
Nays (0):	None
Abstain (0):	None
Absent (0):	None

The motion passed.

Member Whitfield made a motion, seconded by Member Prodehl, to recommend approval of the major amendments to an existing special use permit and variance with the conditions proposed by Staff.

The votes were as follows:

Ayes (7):	Cherry, Fox, LeCuyer, Mohr, Prodehl, Thompson, and Whitfield
Nays (0):	None
Abstain (0):	None
Absent (0):	None

The motion passed.

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

The Zoning Board of Appeals completed their review of Petition 22-27 at 7:36 p.m.

NEW BUSINESS/OLD BUSINESS

Kendall County Regional Planning Commission Annual Meeting-February 4, 2023, at 9:00 A.M.

Members reviewed the agenda. It was noted that several residents in Boulder Hill requested text

amendments to allow chickens, specifically hens, on properties less than one (1) acre in size. Discussion also occurred regarding text amendments related to commercial solar and wind energy systems.

REVIEW OF PETITIONS THAT WENT TO THE COUNTY BOARD

Mr. Asselmeier reported that Petition 22-24 was approved by the County Board.

PUBLIC COMMENTS

Mr. Asselmeier said that no petitions were on the agenda for the February hearing.

ADJOURNMENT OF THE ZONING BOARD OF APPEALS

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

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

The Zoning Board of Appeals meeting adjourned at 7:52 p.m.

The next regularly scheduled hearing/meeting will be on February 27, 2023. The March hearing/meeting date will be March 27, 2023.

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

Exhibits

1. Memo on Petition 22-27 Dated January 27, 2023
2. Certificate of Publication and Certified Mail Receipts for Petition 22-27 (Not Included with Report but on file in Planning, Building and Zoning Office)

State of Illinois
County of Kendall

Zoning Petition
#22-27

ORDINANCE NUMBER 2023-_____

GRANTING MAJOR AMENDMENTS TO AN EXISTING SPECIAL USE PERMIT FOR A KENNEL AND VETERINARY GRANTED BY ORDINANCE 2020-01 BY CHANGING THE SITE PLAN, LANDSCAPING PLAN, AND PHOTOMETRIC PLAN, AND GRANTING A VARIANCE TO SECTION 7:01.D.29 OF KENDALL COUNTY ZONING ORDINANCE ALLOWING ANIMALS TO BE OUTDOORS AFTER SUNSET AT 949 BELL 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 grant major amendments to existing special use permits and place conditions on special use permits and provides the procedure through which special use permits are granted and amended; and

WHEREAS, Section 7:01.D.56 of the Kendall County Zoning Ordinance permits the operation of veterinary establishments as a special use with certain restrictions in the A-1 Agricultural Zoning District; and

WHEREAS, Section 7:01.D.29 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.29 of the Kendall County Zoning Ordinance requires animals at kennels to be indoors by sunset; 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 consists of approximately 20.02 acres of which approximately 8.5 acres is used for a kennel and veterinary located at 949 Bell Road (PIN: 09-24-100-012) in Oswego 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, on February 18, 2020, the Kendall County Board approved Ordinance 2020-01 which granted a special use permit for a kennel and veterinary with conditions at the subject property; and

WHEREAS, conditions 2.A and 2.E of Ordinance 2020-01 required the subject property be developed substantially in accordance with an attached site plan, landscaping plan, and photometric plan and established a deadline for the installation of berms and vegetation; and

WHEREAS, condition 2.G of Ordinance 2020-01 required all pets to be indoors between the hours of sunset and sunrise except for the purposes of owners dropping-off and picking-up pets; and

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

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

WHEREAS, on or about December 20, 2022, Petitioner’s representative filed a petition for a major amendment to an existing special use permit by deleting the site plan, landscaping plan, and photometric plan attached to Ordinance 2020-01 and replacing those documents with a new, proposed site plan, landscaping

State of Illinois
County of Kendall

Zoning Petition
#22-27

plan, and photometric plan and requesting a variance to Section 7:01.D.29 allowing pets to be outdoors for bathroom purposes until 10:00 p.m. each evening; and

WHEREAS, following due and proper notice by publication in the Aurora Beacon News on January 13, 2023, the Kendall County Zoning Board of Appeals conducted a public hearing on January 30, 2023, at 7:00 p.m., in the County Office Building at 111 W. Fox Street in Yorkville, at which the Petitioner's engineer presented evidence, testimony, and exhibits in support of the requested major amendments to an existing special use permit and variance and zero members of the public testified in favor or in opposition to the request; 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 major amendments to an existing special use permit and variance with conditions as set forth in the Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals, dated January 30, 2023, 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/denial/neutral** of the requested major amendments to an existing special use permit and variance with conditions; and

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, these major amendments to an existing special use permit and variance 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 is 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 major amendments to an existing special use permit and variance allowing the operation of a kennel and veterinary establishment on the subject property subject to the following conditions:
 - A. 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 attached hereto as Exhibit C, landscaping plan attached hereto as Exhibit D, and photometric plan attached hereto as Exhibit E.”
 - B. Condition 2.E of Ordinance 2020-01 is hereby repealed in its entirety and is replaced with the following:

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#22-27

“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.”

- C. 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.”

- D. The remaining conditions and restrictions contained in Ordinance 2020-01 shall remain valid and effective.
- E. 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.
- F. 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.

3. These major amendments to an existing special use permit and variance 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.
4. The Zoning Administrator and other appropriate County Officials are hereby authorized and directed to amend the Official Zoning Map of Kendall County to reflect this major amendment to an existing special use permit.

IN WITNESS OF, this ordinance has been enacted by a majority vote of the Kendall County Board and is effective this 21st day of February, 2023.

Attest:

Kendall County Clerk
Debbie Gillette

Kendall County Board Chairman
Matt Kellogg

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.

Exhibit B

The Kendall County Zoning Board of Appeals approved the following Findings of Fact and Recommendation at their meeting on January 30, 2023, by a vote of seven (7) in favor and zero (0) in opposition:

FINDINGS OF FACT-SPECIAL USE PERMIT AMENDMENT

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

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

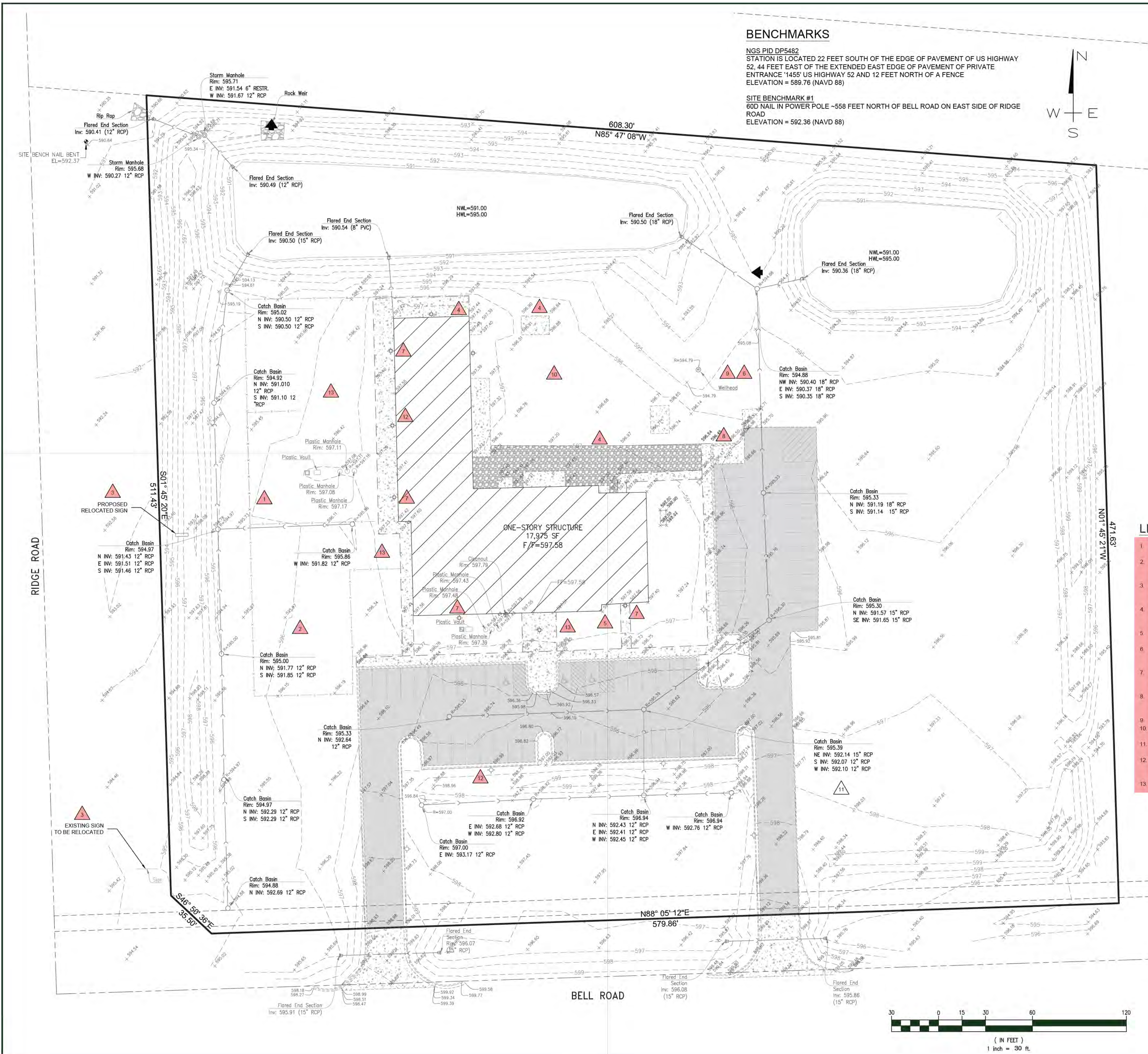
Approval subject to the following conditions and restrictions:

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

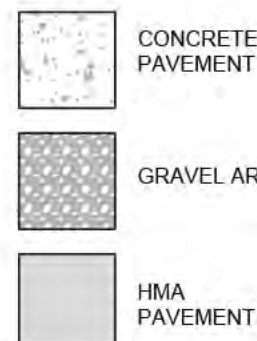
“All pets shall be indoors between the hours of sunset and sunrise except for the purposes of owners dropping-off and picking-up pets and necessary bathroom breaks until 10:00 p.m. each evening. This provision is a variance to a requirement contained in Section 7:01.D.29 of the Kendall County Zoning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



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)



SITE LOCATION

LEGEND

- 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

ABBREVIATIONS

- TF - TOP OF FOUNDATION
FF - FINISHED FLOOR ELEVATION
LO - LOOKOUT ELEVATION
WO - WALKOUT ELEVATION
GE - 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				
APPROVE D AREA (SF)	APPROVE D AREA (AC)	AS-BUILT AREA (SF)	AS-BUILT AREA (AC)	AS-BUILT AREA (%)
212,761	4.88	213,113	4.89	70.0%
0	0.00	0	0.00	0.0%
212,761	4.88	213,113	4.89	70.0%
17,975	0.41	17,245	0.40	5.7%
30,619	0.70	40,040	0.92	13.1%
21,525	0.49	23,548	0.54	7.7%
70,119	1.61	80,833	1.86	26.5%
21,780	0.50	10,714	0.25	3.5%
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.cookengr.com



REVISION DESCRIPTION

DATE	REVISION
1	
2	
3	
4	
5	
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7	
8	
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10	

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

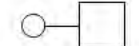
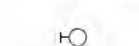


SCALE: 1" = 30'

DRAWN BY: CNW

CHECKED BY: MDC

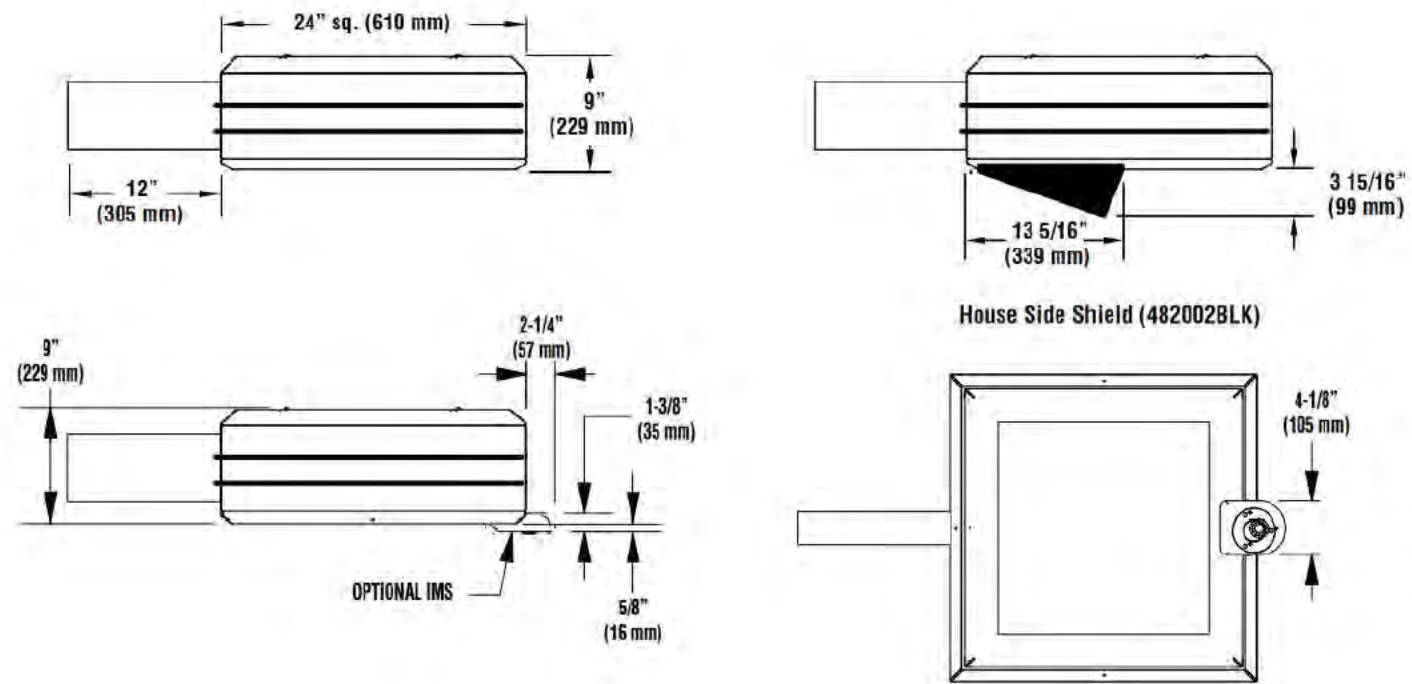
DATE: 12/20/2022

SHEET: 1 of 1

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

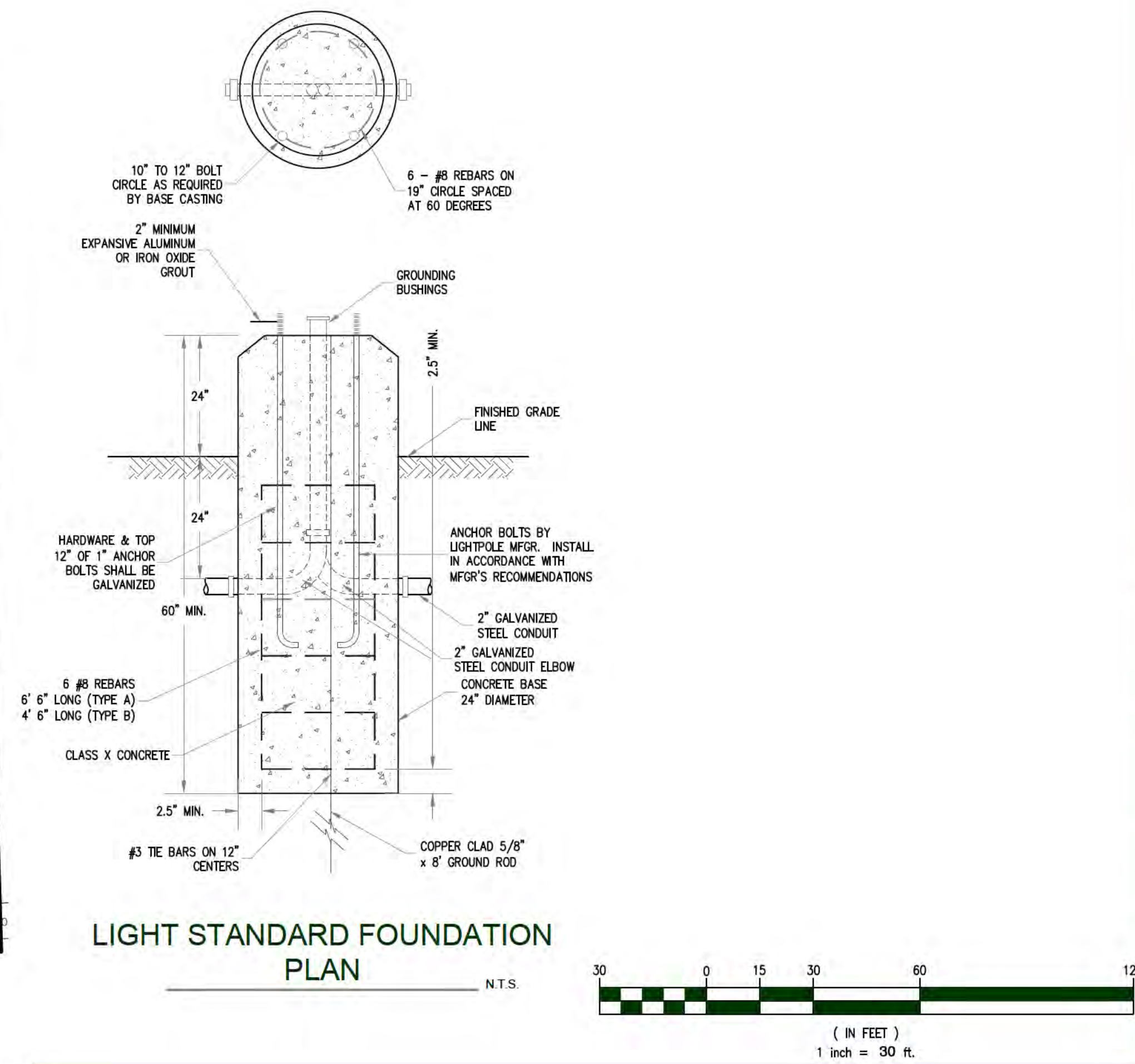
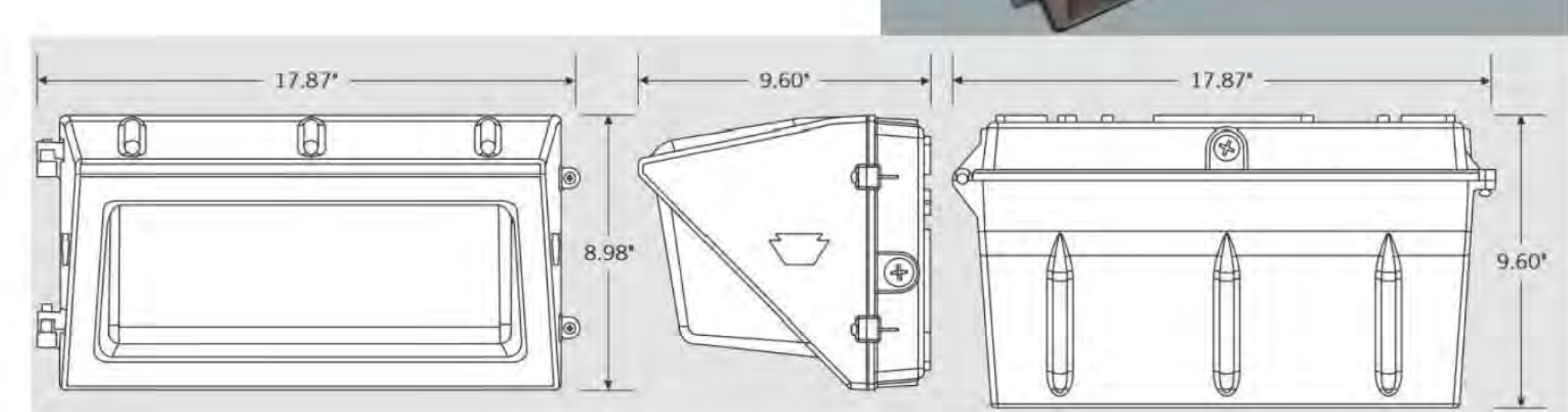
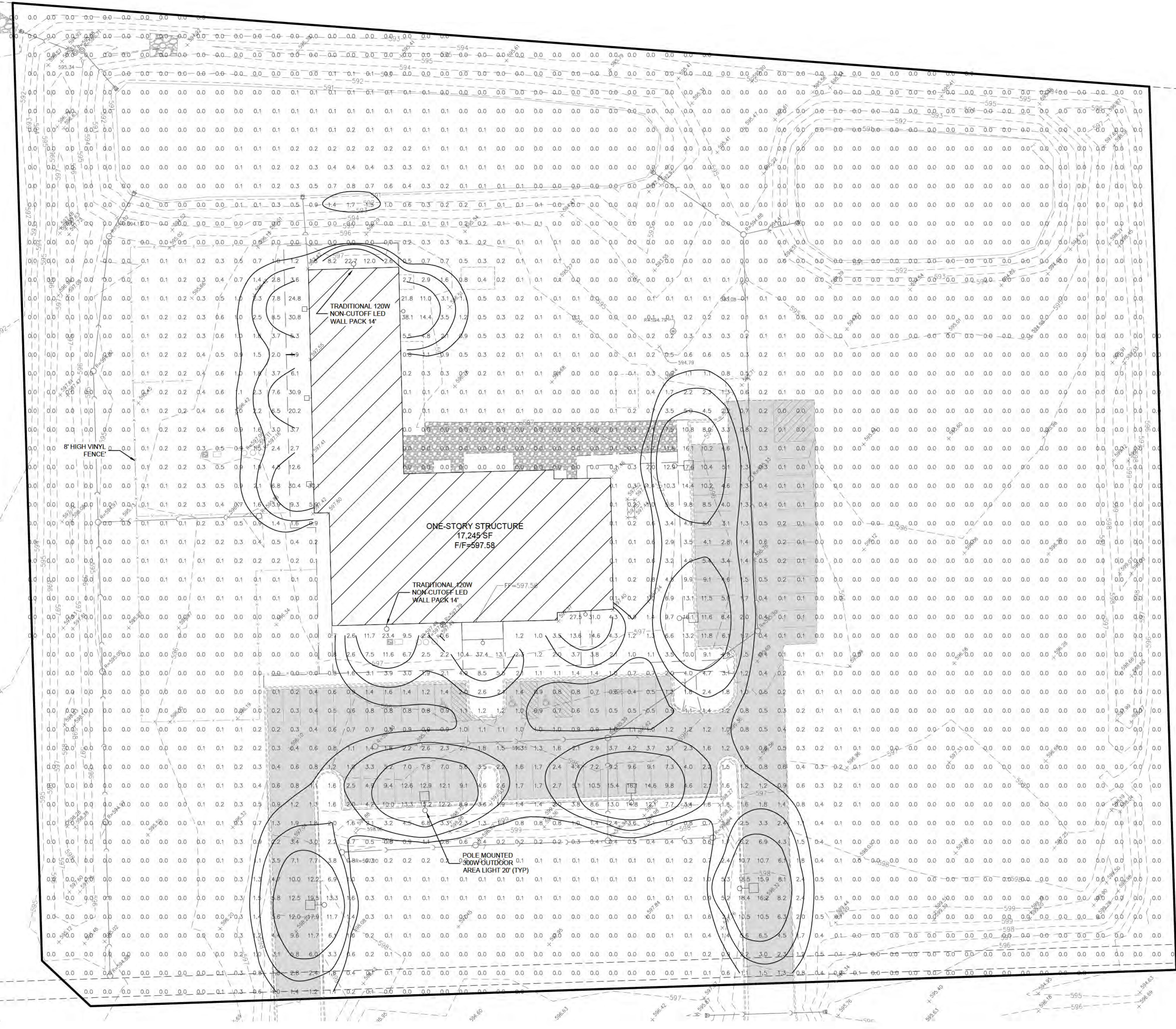
LSI INDUSTRIES, INC. XGBM-3-LED-HO-CW	
Keystone Technologies LLC, KT-WPLED120-L1-850-VDIM	
Keystone Technologies LLC, KT-WPLED120-L1-850-VDIM	
Keystone Technologies LLC, KT-WPLED120-L1-850-VDIM	

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.



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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DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

MEMORANDUM

To: Planning, Building and Zoning Committee
From: Matthew H. Asselmeier, AICP, CFM, Senior Planner
Date: January 24, 2023
Re: Proposed Amendments Related to Codification

For the past several months, Staff has been working with the codifiers to get all of the Kendall County's regulations into one (1) code. The codifiers recommended several changes to the Kendall County Zoning Ordinance and Subdivision Control Ordinance. During the review, Staff also identified several changes to these regulations. The codifiers recommended that these changes occur prior to adoption of the new code. Below please find the proposed changes:

1. Subdivision Control Ordinance-Appendix 7
Several phone numbers are listed in the Appendix. The accuracy of all of these phone numbers is unknown. Staff would like to list the organization only and not the phone numbers.
2. Subdivision Control Ordinance-Appendix 7
Greg Chismark and WBK Engineering are listed by name. Staff would like to have a general statement regarding stormwater engineering contact information.
3. Subdivision Control Ordinance-Appendix 9 A
In the Performance Criteria Section, there is a dead link to information about invasive species. Staff would like a general statement instead of a website link.
4. Subdivision Control Ordinance-Appendix 9 B
In the Native Plan Resources Section, there are several dead links. Staff would like general references instead of website links.
5. Zoning Ordinance Section 3:02
The definitions of Brew Pub and Microbrewery should be amended to correspond to State law.
6. Zoning Ordinance Section 3:02
The definition of Tent should be expanded to include tents outside of campgrounds.
7. Zoning Ordinance Section 11:05.D.2
This section references a State law that does not exist.
8. Ordinance 1998-10
This Ordinance established procedures for closing inactive petitions. This Ordinance is outdated and now only applies to the Zoning Ordinance and Stormwater Management Ordinance. Staff is working with the State to incorporate the language in the Stormwater Ordinance; the Zoning Ordinance should be changed prior to adoption of the new code.

Redlined versions of the proposed changes are attached.

If you have any questions regarding this memo, please let me know.

MHA

1. Subdivision Control Ordinance-Appendix 7
2. Subdivision Control Ordinance-Appendix 7

Local Government Representatives:

Please refer to the Kendall County website for contact information for contact information for the following organizations:

Kendall County Planning, Building & Zoning Department - ~~Planning Rep: Phone (630) 553-4139~~
Building Rep: Phone (630) 553-4134

County Highway Department ~~Phone: (630) 553-7616~~

Kendall County Consulting Engineer ~~—(Greg Chismark at WBK Engineering)~~
Phone: (630) 443-7755

Township Highway Department - Contact the corresponding department for the township in which the project is located. If the project is split between more than one township, a representative from each of the affected townships will need to attend. ~~Contact phone numbers for each are as follows:~~

Little Rock Township Hwy. Department ~~— Phone: (630) 552-3304~~
 Bristol Township Hwy. Department ~~— Phone: (630) 553-0101~~
 Oswego Township Hwy. Department ~~— Phone: (630) 264-4587~~
 Fox Township Hwy. Department ~~— Phone: (630) 553-5904~~
 Kendall Township Hwy. Department ~~— Phone: (630) 553-7133~~
 Na-Au-Say Township Hwy. Department ~~— Phone: (815) 254-7708~~
 Big Grove Township Hwy. Department ~~— Phone: (815) 695-9443~~
 Lisbon Township Hwy. Department ~~— Phone: (815) 475-7160~~
 Seward Township Hwy. Department ~~— Phone: (815) 475-4613~~

Kendall County Health Department – Environmental Health
Phone: (630) 553-9100

Optional

Kendall County Soil & Water Conservation District
Phone: (630) 553-5821 ext. 3

Additional individuals may be invited to attend at the developer's discretion and may include utility companies, school, park or open space agency representatives (if project involves regional trails or land donations), local Fire Department or others as may be appropriate.

3. Subdivision Control Ordinance-Appendix 9 A

Performance Criteria

In order to ensure adequate diversity of plants, to respond to varying environmental and hydrologic conditions, to ensure the establishment of native landscapes that are functional, aesthetic, and cost-effective, and to provide reasonable variety to meet aesthetic expectations, a minimum of 10 species of native plants are required within any naturalized stormwater facility, such as naturalized detention basins or swales. A minimum of 40 native species will be established in any upland landscapes.

The success of natural landscaping can be affected by the appropriateness of the plant species selected, the effectiveness of the grading and seedbed preparation, the quality of the seed and plant material used, the timing of the planting, and attention to early maintenance. With upland prairie, savanna, and woodland restoration or establishment (see definitions), it generally is appropriate to leave soils undisturbed since mass grading will result in compacted soils and may lead to serious weed problems. Land currently under agricultural row crop production should remain undisturbed if possible until prairie seeding can be accomplished. This will contribute to the success of the native landscape by preventing the establishment of weeds and minimizing the corruption of the seed bank. The success of the project will be formally evaluated by the following vegetation performance standards monitored over time.

- By the end of the first full growing season, planted areas should have 90 percent vegetation cover and no area greater than 1.0 meter square shall be devoid of vegetation. A cover crop of annual rye or oats may be used to help achieve this goal. At least 75 percent of the plugs, root stock, and tubers, and 50 percent of the seeded species should be present and alive. If an area is designed as an aquatic or emergent system, it is anticipated that portions of the submerged area will be periodically exposed and without vegetation cover due to fluctuating water levels. If, by the end of the first full growing season, the basin emergent zones and/or side slopes fail to support the establishment of sufficient vegetation, then corrective measures regarding the fundamental design of the area and/or planting plan shall be required.
- During the second growing season at least 60 percent of the permanent species planted in seed form should be evident. Ninety percent or more of species planted as plugs, root stock, and tubers, shall also have persisted into the second season. If this fails to occur, a determination must be made as to why and remedial action shall be necessary. Remediation may include overseeding and/or plugging of appropriate species. Finally, undesirable, invasive plant species shall not be prevalent in any of the management units. No invasive, weedy species, including any of the following, shall be among the five most dominant plant species in the overall vegetative cover.
 - Reed canary grass (*Phalaris arundinacea*)
 - Common reed (*Phragmites australis*)
 - Purple loosestrife (*Lythrum salicaria*)
 - Non-native thistle (*Cirsium spp.*, *Carduus spp.*)
 - Sweet clover (*Melilotus spp.*)
 - Crown vetch (*Coronilla varia*)
 - Wild parsnip (*Pastinaca sativa*)
 - Burdock (*Arctium spp.*)
 - Garlic mustard (*Alliaria petiolata*)
 - Teasel (*Dipsacus spp.*)
 - Ragweed (*Ambrosia spp.*)
 - Kentucky bluegrass (*Poa pratensis*)
 - Buckthorn (*Rhamnus spp.*)
 - Sandbar willow (*Salix interior*)
 - Honeysuckle (*Lonicera spp.*)
 - Multiflora rose (*Rosa multiflora*)
 - Box elder (*Acer negundo*)

A more complete listing of common invasive species **can be found on the Illinois Department of Natural Resource's website. ~~is found in the Illinois Nature Preserve Management Guidelines: http://dnr.state.il.us/INPC/Management_guidelines.htm~~**

- At the end of the third full growing season, at least 75 percent of the seeded permanent species and 90 percent or more of species planted as plugs, root stock, and tubers are expected to be established. Alternatively, native perennial species that volunteer on the site, excluding undesirable invasive species, may also be counted in determining the preceding criteria. Qualitative vegetative sampling within each management area shall achieve the following to be determined a success and a mean Coefficient of Conservatism shall meet or exceed 3 and the Floristic Quality Index shall meet or exceed 20, except in designated stormwater management facilities (Swink and Wilhelm).
- The five most dominant species of the overall vegetative cover within each management unit shall not include any of the undesirable species referenced above under the 2nd season performance standards. If the identified level of species development fails to occur, a determination must be made as to why, and a remedial action plan must be prepared and submitted to the Kendall County Planning, Building and Zoning Department (KCPBZ) for approval. The approved remedial plan must be implemented and continued monitoring will be required beyond the third growing season until these performance criteria are met. Where the minimum performance standards cannot be achieved, a written explanation and alternative performance standards must be submitted for consideration by the Planning, Building and Zoning Department.

4. Subdivision Control Ordinance-Appendix 9 B

**APPENDIX NINE (B)
NATIVE PLANTING RESOURCES**

Suggested references for restoration and natural landscaping include:

Illinois Nature Preserve Management Guidelines, Illinois Nature Preserves Commission.
http://dnr.state.il.us/NPC/Management_guidelines.htm

Tallgrass Restoration Handbook, for Prairies, Savannas, and Woodlands, S. Packard and C. Mutel, Society for Ecological Restoration, 1997.

Native Plant Guide for Streams and Stormwater Facilities in Northeastern Illinois, USDA Natural Resources Conservation Service, 2004. <http://www.il.nrcs.usda.gov/technical/plants/npg/NPG-toc.html>

Natural Landscaping for Local Officials: Design and Management Guidelines, Northeastern Illinois Planning Commission, 2004.
<http://www.nipc.org/environment/sustainable/naturallandscaping/installation%20and%20maintenance%20guide.pdf>

Plants of the Chicago Region, F. Swink and G. Wilhelm, the Morton Arboretum, Published by the Indiana Academy of Science, 1994.

Kane County Wild Plants & Natural Areas, 3rd Edition, D. Young, 2008

5. Zoning Ordinance Section 3:02 – Brew Pub and Microbrewery

BREW PUB. ~~A restaurant-brewery where the beer is brewed primarily for sale in the restaurant and bar. A brew pub shall not sell for off-premises consumption more than 50,000 gallons per year~~ A person, including a restaurant or brewery, who manufactures no more than one hundred fifty-five thousand (155,000) gallons of beer per year only at a designated licensed premises to make sales to importing distributors, distributors, and to non-licensees for use and consumption only, who stores beer at the designated premises, and who is allowed to sell at retail from the licensed premises, provided that a brew pub licensee shall not sell for off-premises consumption more than one hundred fifty-five (thousand) 155,000 gallons per year. (235 ILCS 5/1-3.33).

MICROBREWERY. ~~A brewery that produces between 1,000 barrels and 15,000 barrels (31,000 to 465,000 gallons) of beer per year with 75% or more of its beer sold off-site.~~ A person, including a brewery, who is a holder of a brewer license or non-resident dealer license who manufactures up to 930,000 gallons of beer per year and who may make sales and deliveries to importing distributors and distributors and to retail licensees in accordance with the conditions set forth in in the Illinois Liquor Control Act. Also referred to as a “Class 1 brewer” per 235 ILCS 5/1-3.38

6. Zoning Ordinance Section 3:02 – Tent

~~TENT. Collapsible shelter of canvas or other material stretched and sustained by poles fixed in the ground and used for a temporary outdoor camping shelter.—A structure, enclosure, umbrella structure, or shelter, with or without sidewalls or drops, constructed of fabric or pliable material supported in any manner except by air or the contents it protects.~~

7. Zoning Ordinance Section 11:05.D.2

Occupied recreational trailers and mobile homes subject to permit requirements must show evidence of compliance with federal HUD regulations or ~~the Illinois Mobile Home Safety Act~~ applicable State law.

8. Ordinance 1998-10

1. Delete Ordinance 1998-10 in its entirety.
2. Section 13:01.A is amended by adding the following:

“4. Procedure in case of petition inactivity. The Zoning Administrator may declare an application for text amendment, map amendment, special use permit, major or minor amendments to special use permits, administrative or traditional variance, conditional use permit, or site plan review closed if the party requesting the action has ceased communications with the Planning, Building and Zoning Department for a period of six (6) months and the following actions are taken:

 - a. The Zoning Administrator shall send a certified letter to the applicant at the address stated on the original application stating that the petition will be closed for inactivity. The applicant will be informed that they have sixty (60) days from the date of the letter to re-activate the petition.
 - b. If the Zoning Administrator does not receive a response in writing within sixty (60) days of the date the letter was mailed, the petition shall be dismissed by the Zoning Administrator.
 - c. If the Zoning Administrator receives communication that the applicant would like to keep the petition active, the Zoning Administrator shall keep the petition open.
 - d. If an applicant believes that the Zoning Administrator incorrectly closed an application for inactivity, the applicant shall submit an appeal to the Planning, Building and Zoning Committee outlining the reasons why the application should remain active. The Planning, Building and Zoning Committee shall conduct an initial review of the appeal at their next available Committee meeting. If the Planning, Building and Zoning Committee rules in favor of the applicant, the application shall be re-activated. If the Planning, Building and Zoning Committee rules against the applicant, the application shall be considered closed.”

ORDINANCE # 98-10

PETITION TIME LIMIT ORDINANCE

WHEREAS, the Kendall County regulates development under authority of its Zoning Ordinance, Storm Water Runoff Ordinance, Soil and Erosion Control Ordinance, Subdivision Control Ordinance, Special Flood Hazard Areas Ordinance, and related ordinances; and

WHEREAS, the Kendall County Board amends these ordinances from time to time; and

WHEREAS, inactive petitions for development approval may become obsolete or non-compliant with the amended ordinances; and

WHEREAS, several current petitions for development approval to the Planning, Building and Zoning Department have been inactive; and

WHEREAS, the potential for future petitioners to continue to delay the petition process indefinitely does exist; and

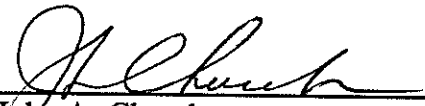
WHEREAS, all administrative procedures for ordinances have been followed including a Public Hearing was held before the Kendall County Zoning Board of Appeals;

NOW, THEREFORE, BE IT ORDAINED, the Kendall County Board hereby adopts the following Petition Time Limit Ordinance:


- A. All petitioners with petitions on file, or will be filed after the date on which this ordinance was enacted, that have been inactive for the past six (6) months shall be notified in writing that:
1. The petition has been inactive for at least six (6) months
 2. If the petitioner chooses to continue with their petition, they have sixty (60) days from the date on the letter to activate the petition.
 3. If the Zoning Administrator has not received a written response within sixty (60) days of the date on the letter, the petition shall be dismissed by the Zoning Administrator.
 4. If the petitioner can provide documentation that the petition has not been inactive or will be re-activated, the Zoning Administrator can decide not to dismiss.

- B. The Zoning Administrator shall dismiss any petition that has been inactive for at least six (6) months after a sixty (60) day notification period, which begins at the date on the notification letter.
- C. The petitioner may appeal the Zoning Administrator's decision regarding dismissal to the Planning, Building, and Zoning Committee of the Kendall County Board at the next available, regularly scheduled meeting after the decision.
- D. Petition Time Limit Definitions:
 - 1. "Inactive" means any instance when a petition has not been:
 - a. On an agenda of a committee or board authorized to review the petition by ordinance or statute; or
 - b. Within an impact study or other reasonable analytical investigation commissioned or required by Kendall County or other governmental entity.
 - 2. "Petition" means any zoning or site development petition, application, request, or letter of intent accepted by the Kendall County Planning, Building, and Zoning Department. The following are excluded since the time limit is regulated under a separate ordinance:
 - a. Building Permit Applications are regulated under the Kendall County Building Code Ordinance 94-06.
 - b. Preliminary Plats and Final Plats are regulated under the Kendall County Subdivision Control Ordinance enacted on August 10, 1971.
 - 3. "Petitioner" means any owner of property filing said petition.

IN WITNESS OF, this Ordinance was approved by the Kendall County Board on June 16, 1998.



John A. Church
Kendall County Board Chairman



Paul Anderson
Kendall County Clerk



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 204

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(630) 553-4141

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MEMORANDUM

To: Kendall County Planning, Building and Zoning Committee
From: Matthew H. Asselmeier, AICP, CFM, Senior Planner
Date: February 2, 2023
Re: Solar and Wind Energy Regulations

In January 2023, the Illinois General Assembly approved and the Governor signed House Bill 4412 pertaining to commercial wind and solar energy systems. If the County wishes to have regulations governing commercial solar energy facilities and commercial wind energy facilities, the attached amendments to the Kendall County Zoning Ordinance would be required.

For reference, items in red are issues that would require changes and changes in bolded black are items that need to be discussed.

General proposed changes are as follows:

1. Various definitions related to solar and wind energy facilities will need to be amended, added, and deleted. Many terms are defined in State law and were referenced as such. The definitions of solar farm and solar gardens were removed. The definitions of solar energy system, private and wind energy system, small were adjust to reflect State law. Onsite consumption would include energy generated within a subdivision, planned development, or business park and consumed within the development.
2. Small wind energy systems would remain conditional uses in the A-1, R-1, R-2, RPD, Business, and Manufacturing Districts. Solar energy system, private would become permitted uses in all zoning districts.
3. Commercial solar energy facilities, test solar energy systems, commercial energy wind facilities and test wind towers would become special uses in the A-1, R-1, RPD Districts, and Manufacturing Districts.
4. Adding a statement that the regulations do not apply to commercial wind energy facilities within one point five (1.5) miles of a municipality, unless the County has an Intergovernmental Agreement with the municipality to provide zoning services to the municipality. Staff would like to add a requirement that solar and wind energy facilities within one point five (1.5) miles of a municipality must either annex to the municipality or enter into a pre-annexation agreement with the municipality using the Chatham annexation rules.
5. Add a requirement that the County Board shall make its decision on the application not more than thirty (30) days after the conclusion of the public hearing.
6. A determination will need to be made if the County wants to allow smaller setbacks than allowed under the law. As proposed, the setbacks would follow State law.
7. A determination will need to be made if the County will allow changes in setbacks, certain height requirements for solar, and fencing requirements if nonparticipating property owners consent to these requirements. As proposed, the change would be allowed to occur if documentation was provided at the time of application submittal.

8. A determination will need to be made if the County wants to allow sound limitations for wind towers less restrictive than the regulations set forth by the Illinois Pollution Control Board. As proposed, sound regulations would follow State law.
9. A determination will need to be made if agricultural impact mitigation agreements have to be submitted with the application.
10. The County's landscaping requirements will need to be adjusted to reflect the law.
11. Statements requiring compliance with EcoCat reports, Fish and Wildlife Service reports, and Illinois State Historic Preservation consultations be added to the Zoning Ordinance.
12. Statements regarding road use agreements will need to be adjusted to reflect the bill.
13. A determination will need to be made regarding enforcement of damaged drain systems.

Counties are required to amend their ordinances within one hundred twenty (120) days of the signing of the bill.

The new law is also attached.

If you have any questions regarding this memo, please let me know.

MHA

Enc.: Redlined Proposal
New State Law

Section 3:02 (Definitions)

ACTIVE SOLAR ENERGY SYSTEM. A solar energy system whose primary purpose is to harvest energy by transforming solar energy into another form of energy or transferring heat from a collector to another medium using mechanical, electrical, or chemical means.

BUILDING-INTEGRATED SOLAR ENERGY SYSTEMS. An active solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building-integrated systems include but are not limited to photovoltaic or hot water solar energy systems that are contained within roofing materials, windows, skylights, and awnings.

COMMERCIAL SOLAR ENERGY FACILITY. Shall have the same meaning as defined in 55 ILCS 5/5-12.

COMMERCIAL WIND ENERGY FACILITY. Shall have the same meaning as defined in 55 ILCS 5/5-12.

~~**GRID-INTERIE SOLAR ENERGY SYSTEM.** A photovoltaic solar energy system that is connected to an electric circuit served by an electric utility company.~~

~~**GROUND MOUNT SOLAR ENERGY SYSTEM.** A solar energy system mounted on a rack or pole that rests on or is attached to the ground.~~

FACILITY OWNER. For the purposes of commercial solar energy facilities and commercial wind energy facilities, a facility owner shall have the same meaning defined in 55 ILCS 5/5-12.

NONPARTICIPATING PROPERTY. For the purposes of commercial solar energy facilities and commercial wind energy facilities, a nonparticipating property shall have the same meaning as defined in 55 ILCS 5/5-12.

NONPARTICIPATING RESIDENCE. For the purposes of commercial solar energy facilities and commercial wind energy facilities, a nonparticipating residence shall have the same meaning as defined in 55 ILCS 5/5-12.

OCCUPIED COMMUNITY BUILDING. For the purposes of commercial solar energy facilities and commercial wind energy facilities, an occupied community building shall have the same meaning as defined in 55 ILCS 5/5-12.

OFF-GRID SOLAR ENERGY SYSTEM. A photovoltaic solar energy system in which the circuits energized by the solar energy system are not electrically connected in any way to electric circuits that are served by an electric utility company.

PARTICIPATING PROPERTY. For the purposes of commercial solar energy facilities and commercial wind energy facilities, a participating property shall have the same meaning as defined in 55 ILCS 5/5-12.

PARTICIPATING RESIDENCE. For the purposes of commercial solar energy facilities and commercial wind energy facilities, a participating residence shall have the same meaning as defined in 55 ILCS 5/5-12.

~~**PASSIVE SOLAR ENERGY SYSTEM.** A solar energy system that captures solar light or heat without transforming it to another form of energy or transferring the energy via a heat exchanger.~~

~~PHOTOVOLTAIC SYSTEM. An active solar energy system that converts solar energy directly into electricity.~~

PROTECTED LANDS. For the purposes of commercial solar energy facilities and commercial wind energy facilities, protected lands shall have the same meaning as defined in 55 ILCS 5/5-12.

ROOF MOUNT SOLAR ENERGY SYSTEM. A solar energy system that is mounted on a rack that is fastened onto a building roof.

~~SOLAR ACCESS. Unobstructed access to direct sunlight on a lot or building through the entire year, including access across adjacent parcel air rights, for the purpose of capturing direct sunlight to operate a solar energy system.~~

SOLAR COLLECTOR. An assembly, structure, and the associated equipment and housing, designed for gathering, concentrating, or absorbing direct and indirect solar energy for which the primary purpose is to convert or transform solar radiant energy into thermal, mechanical, chemical or electrical energy.

SOLAR ENERGY. Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

~~SOLAR ENERGY EASEMENT. An easement that limits the height or location, or both, of permissible development on the burdened land in terms of a structure or vegetation, or both, for the purpose of providing access for the benefited land to wind or sunlight passing over the burdened land.~~

SOLAR ENERGY SYSTEM (SES). All components required to become a complete assembly or structure that will convert solar energy into electricity for use.

~~SOLAR ENERGY SYSTEM ADDITION. A private solar energy system which is structurally attached to a building or structure on the zoning lot on which said system is located. Said system shall be considered part of the building and shall comply with all provisions of this ordinance pertaining thereto.~~

SOLAR ENERGY SYSTEM, PRIVATE. A collection of one (1) or more solar collectors designed for use by the occupant(s) of the zoning lot, **planned development, commercial and industrial park, or subdivision** on which or **in which** said system is located; excess power generation is limited to net metering or similar technology with regulations set by the local power utility, community, county, and state. Private solar energy system equipment shall conform to applicable industry standards, and applicants for building permits for private solar energy systems shall submit certificates from equipment manufacturers that the equipment is manufactured in compliance with industry standards.

~~SOLAR FARM. A commercial facility that converts sunlight into electricity, whether by photovoltaics (PV), concentrating solar thermal devices (CST), or other conversion technology, for the primary purpose of wholesale sales of generated electricity. A solar farm is the principal land use for the parcel on which it is located.~~

~~SOLAR GARDEN. A commercial solar electric (photovoltaic) array, of no more than 20 acres in size, that provides retail electric power (or a financial proxy for retail power) to multiple households or businesses located off-site from the location of the solar energy system.~~

~~**SOLAR HEAT EXCHANGER.** A component of a solar energy device that is used to transfer heat from one substance to another, either liquid or gas.~~

SOLAR HOT AIR SYSTEM. An active solar energy system (also referred to as Solar Air Heat or Solar Furnace) that includes a solar collector to provide direct supplemental space heating by heating and re-circulating conditioned building air.

SOLAR HOT WATER SYSTEM. A system (also referred to as Solar Thermal) that includes a solar collector and a heat exchanger that heats or preheats water for building heating systems or other hot water needs, including residential domestic hot water and hot water for commercial processes.

~~**SOLAR MOUNTING DEVICES.** Racking, frames, or other devices that allow the mounting of a solar collector onto a roof surface or the ground.~~

~~**SOLAR STORAGE UNIT.** A component of a solar energy device that is used to store solar generated electricity or heat for later use.~~

SUPPORTING FACILITIES. For the purposes of commercial solar energy facilities and commercial wind energy facilities, supporting facilities shall have the same meaning as defined in 55 ILCS 5/5-12.

WIND ENERGY SYSTEM, SMALL A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity ~~of not more than 100 kW~~ **that does not meet the kilowatt capacity in total nameplate generating capacity as defined by 55 ILCS 5/5-12** and which is intended to primarily reduce onsite consumption of utility power. If all applicable regulations are met a small wind energy system may contain more than one wind energy conversion system. **This system may power properties in planned developments, commercial and industrial parks, or subdivisions on which or in which said system is located.**

~~**WIND FARM, COMMERCIAL** A single wind driven machine or a collection of wind driven machines or turbines that convert wind energy into electrical power for the primary purpose of sale, resale or offsite use.~~

WIND TOWER. For the purposes of commercial solar energy facilities and commercial wind energy facilities, a wind tower shall have the same meaning as defined in 55 ILCS 5/5-12.

Section 4:05.A. (Accessory Uses)

12. Small wind energy system (Permitted as Conditional Use only in the A-1, R-1, R-2, and all Business and Manufacturing Districts – may also be approved as part of a Residential Planned Development) subject to the conditions of Section 4:17.

13. ~~Solar panels~~ **Solar Energy System, Private** subject to the conditions of Section 4:18.

Section 4:17

4:17 SMALL WIND ENERGY SYSTEMS

A. Total Height: There is no limitation on tower height, except as imposed by setback, clear one and FAA regulations.

B. Setback: The wind energy system shall be set back a distance equal to one hundred ten (110) percent of the hub height from all adjacent property lines. Additionally, no portion of the small wind energy system, including guy wire anchors, may extend closer than ten (10) feet to the property line.

C. Clear Zone: The wind energy system shall maintain a circular clear zone that has a radius which is equivalent to one hundred and ten (110) percent of the hub height. This clear zone shall be maintained free of any occupied structures on adjoining properties, tanks containing combustible/ flammable liquids, and above ground utility/electrical lines.

D. Noise: Wind energy systems shall not exceed sixty (60) dBA, as measured at the closest property line. The level, however, may be exceeded during short-term events such as utility outages and/or severe wind storms.

E. Tower Security: Any climbing apparatus must be located at least twelve (12) feet above the ground, and the tower must be designed to prevent climbing within the first twelve (12) feet.

F. Lighting: Wind energy systems shall not be artificially lighted with accent lighting. For the protection of the flight patterns of aircraft and the protection of heliports, airports and landing strips, wind energy systems must be lighted in accordance to the regulations and guidelines of the Federal Aviation Administration (FAA) regulations or appropriate authorities.

G. Signs/Advertising: No tower should have any sign, writing, or picture that may be construed as advertising.

H. Visual Effects and Safety. All reasonable visual and safety concerns of adjacent property owners must be resolved before Construction/Use Permit will be issued. When an applicant intends to submit a Construction/Use Permit Application to the PBZ Department, he/she must also submit a copy of the completed conditional use application form to each adjacent neighbor at least 15 days prior to the issuance of a conditional use permit. If there are negative comments from neighbors, staff will attempt to resolve these negative neighbor comments with the applicant. If staff is unsuccessful in resolving concerns of the neighbors with the applicant, staff will schedule and provide notice of a public hearing before the Kendall County Planning Commission to review and make a determination on the pending application and unresolved issues. At this public hearing the Kendall County Planning Commission will take testimony from staff, the neighbors and the applicant, and then will make a determination, based on the evidence presented, to approve, conditionally approve or deny the application. Any decision by staff or the Planning Commission may be appealed to the County Board.

I. Multiple wind energy systems: Multiple wind energy systems are allowed on a single parcel as long as the owner/operator complies with all noncommercial wind farm regulations contained in these regulations. Units shall be installed in compliance with minimum setback and clear zone requirements, as defined by these regulations. The minimum distance between wind energy systems shall be equivalent to one hundred ten (110) percent of the hub height.

J. Approved Wind Turbines: At the time of application, the applicant must present a certification from the manufacturer that the system's turbine and other components equal or exceed the standards of one of the following national certification programs such as the: California Energy Commission, National Electrical Code (NEC), American National Standards Institute (ANSI), Underwriters Laboratories (UL), or any other small wind certification program recognized by the American Wind Energy Association.

K. Onsite Electrical Use: On the Construction/Use Permit Application, the applicant must certify that the proposed system will be used primarily to reduce onsite consumption of electricity.

L. Compliance with the National Electrical Code: Construction/Use Permit applications for small wind energy systems shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code. This information is frequently supplied by the manufacturer.

M. Removal of Defective or Abandoned Wind Energy Systems: Any wind energy system found to be unsafe by an authorized county official shall be repaired by the owner to meet federal, state and local safety standards or removed within six months. If any wind energy system is not operated for a continuous period of twelve (12) months, the county will notify the landowner by registered mail and provide forty-five (45) days for a response. In such a response, the landowner shall set forth reasons for the operational difficulty and provide a reasonable timetable for corrective action. If the county deems the timetable for corrective action as unreasonable, they must notify the landowner and such landowner shall remove the turbine within one hundred twenty (120) days of receipt of notice from the county.

Section 4:18

Solar Panels-Solar Energy System, Private

A. Roof Mounted for On-Site Energy Consumption. Solar panels located on the roof of an existing structure shall be permitted in all districts. Roof mounted solar energy systems shall not extend beyond the exterior perimeter of the building on which the system is mounted. Roof mounted solar energy systems shall not exceed the maximum allowed height in any zoning district. Roof mounted or building integrated private solar energy systems for residential or business use shall be considered an accessory use in all zoning districts where there is a principal structure and shall meet the regulations of the Kendall County Zoning Ordinance. Roof mounted solar panels used as accessory to agricultural uses and which the energy generated from the solar panels is consumed on-site shall be exempt from building permits. The use of roof mounted solar panels for on-site energy consumption shall comply will all applicable federal, state, and local laws and the rules of the local electrical utility.

B. Freestanding for On-Site Energy Consumption. Solar panels located on the ground or attached to a framework located on the ground shall be classified as accessory structures in all zoning districts provided that the system is no larger than necessary to provide one hundred twenty percent (120%) of the electrical and/or thermal requirements of the structure, **planned development, commercial and industrial park, or subdivision** to which it is accessory as determined by a contractor licensed to install photovoltaic and thermal solar energy systems. **Freestanding solar energy systems, private may be the first structure constructed on lots zoned residential, business, or manufacturing.** Freestanding solar panels shall be permitted if they comply with the standards listed in the Kendall County Zoning Ordinance. Ground or pole mounted solar energy systems shall not exceed the maximum height, when oriented at maximum tilt, for the zoning district in which it is located. Freestanding solar panels used as accessory to agricultural uses and which the energy generated from the solar panels is consumed on-site shall be exempt from building permits. The use of freestanding solar panels for on-site energy consumption shall comply will all applicable federal, state, and local laws and the rules of the local electrical utility.

~~C. Solar Gardens. Solar gardens shall be allowed in all zoning districts and shall require a special use permit whether accessory or principal use of the property subject to the following requirements:~~

- ~~1. Unless otherwise noted in the Kendall County Zoning Ordinance, solar gardens must comply with all required standards for structures in the district in which the system is located.~~
- ~~2. Rooftop community systems are permitted in all zoning districts where buildings are permitted.~~
- ~~3. Ground-mount community solar energy gardens must be less than or equal to twenty (20) acres in total size. Ground-mount solar developments covering more than twenty (20) acres shall be considered solar farms.~~
- ~~4. Solar gardens are subject to Kendall County's Stormwater Management Ordinance and NPDES permit requirements.~~
- ~~5. An interconnection agreement must be completed with the electric utility in whose service territory the system is located.~~
- ~~6. Ground-mount systems must comply with all required standards for structures in the district in which the system is located. All solar gardens shall also be in compliance with all applicable local, state and federal regulatory codes, including the National Electric Code, as amended. Also, Health Department requirements for wells and septic systems must be met.~~

~~D. Solar Farms. Ground-mount solar energy systems that are the primary use on the lot, designed for providing energy to off-site uses or export to the wholesale market are permitted under the following standards:~~

- ~~1. Unless otherwise noted in the Kendall County Zoning Ordinance, solar farms must comply with all required standards for structures in the district in which the system is located.~~
- ~~2. Solar farms are subject to Kendall County's Stormwater Management Ordinance and NPDES permit requirements.~~
- ~~3. Top soils shall not be removed during development, unless part of a remediation effort. Soils shall be planted to and maintained in perennial vegetation to prevent erosion, manage run-off and build soil. A plan must be approved by the Kendall County Soil and Water Conservation District and paid for by the developer. Applicable noxious weed ordinances shall be followed. Due to potential County liability under the Illinois Endangered Species Protection Act (520 ILCS 10/11(b)), it is required that any crops or vegetation planted be in compliance with all federal and state laws protecting endangered species. This will also include pollinators such as bees. A report showing demonstration of plan compliance shall be submitted annually and paid for by the developer.~~
- ~~4. A qualified engineer shall certify that the foundation and design of the solar panels racking and support is within accepted professional standards, given local soil and climate conditions.~~
- ~~5. All solar farms shall be in compliance with all applicable local, state and federal regulatory codes and the National Electric Code, as amended.~~

~~6. Power and communication lines running between banks of solar panels and to nearby electric substations or interconnections with buildings shall be buried underground. Exemptions may be granted by Kendall County in instances where shallow bedrock, water courses, or other elements of the natural landscape interfere with the ability to bury lines or distance makes undergrounding infeasible, at the discretion of the Kendall County Planning, Building and Zoning Department. In addition, the Illinois Department of Agriculture (IDOA) has established standards and policies in the Agricultural Impact Mitigation Agreements (AIMA) regarding the construction or burial of electric transmission lines which should be agreed to and adhered to between the landowner and the developer.~~

~~7. A detailed site plan for both existing and proposed conditions must be submitted, showing location of all solar arrays, other structures, property lines, rights-of-way, service roads, floodplains, wetlands and other protected natural resources, topography, farm tile, electric equipment, fencing, and screening materials and all other characteristics requested by Kendall County. The site plan should also show all zoning districts and overlay districts.~~

E. C. Setback Requirements. Unless otherwise stated in the Kendall County Zoning Ordinance, the setback requirements for all solar energy systems shall meet the structure minimum setback requirements when the solar energy system is oriented at any and all positions. No solar energy system shall be located in any front yard of any residentially zoned or used property.

F. D. Design Standards. Active solar energy systems shall be designed to conform to the County's Land Resource Management Plan and to blend into the architecture of the building or may be required to be screened from the routine view from public rights-of-way other than alleys. Screening may be required to the extent it does not affect the operation of the system. The color of the solar collector is not required to be consistent with other roofing materials.

1. Building integrated photovoltaic solar energy systems shall be allowed regardless of whether the system is visible from the public right-of-way, provided the building component in which the system is integrated meets all required setback, land use or performance standards for the district in which the building is located.

2. Solar energy systems using roof mounting devices or ground-mount solar energy systems shall not be restricted if the system is not visible from the closest edge of any public right-of-way or immediately adjacent to a residential structure.

3. All solar energy systems using a reflector to enhance solar production shall minimize glare from the reflector affecting adjacent or nearby properties. Measures to minimize glare include selective placement of the system, screening on the north side of the solar array, modifying the orientation of the system, reducing use of the reflector system, or other remedies that limit glare.

4. Damaged field drain tile shall be repaired or rerouted on a timetable approved by the Kendall County Planning, Building and Zoning Department.

G. E. Coverage. Roof or building mounted solar energy systems, excluding building-integrated systems, shall allow for adequate roof access for firefighting purposes to the south-facing or flat roof upon which the panels are mounted. Ground-mount private solar energy systems shall be exempt from impervious

surface calculations if the soil under the collector is not compacted and maintained in vegetation. Foundations, gravel, or compacted soils are considered impervious.

H. F. Plan Approval Required. All solar energy systems shall require administrative plan approval by the Kendall County Building Official via the review of the application for a building permit.

1. Plan applications for solar energy systems shall be accompanied by horizontal and vertical (elevation) drawings. The drawings must show the location of the system on the building or on the property for a ground-mount system including the property lines.
2. For all roof-mounted systems other than a flat roof, the elevation must show the highest finished slope of the solar collector and the slope of the finished roof surface on which it is mounted.
3. For flat roof applications, a drawing shall be submitted showing the distance to the roof edge and any parapets on the building shall identify the height of the building on the street frontage side, the shortest distance of the system from the street frontage edge of the building, and the highest finished height of the solar collector above the finished surface of the roof.
4. Applications that meet the design requirements of the Kendall County Zoning Ordinance and do not require an administrative variance shall be granted administrative approval by the Zoning Administrator and not require Planning, Building and Zoning Committee review. Plan approval does not indicate compliance with Building or Electrical Codes.

H. G. Approved Solar Components. Electric solar energy system components must have a UL listing approved equivalent and solar hot water systems must have an SRCC rating.

H. H. Compliance with Building Code. All active solar energy systems shall meet approval of County building officials; solar thermal systems shall comply with HVAC-related requirements of the Illinois State Energy Code. All County adopted building codes will apply and take precedence where applicable.

H. I. Utility Notification. All grid-intertie solar energy systems shall comply with the interconnection requirements of the electric utility. Off-grid systems are exempt from this requirement.

H. J. Building Permit Requirements and Fees. All solar energy systems will be required to have a Kendall County Building Permit before any work can be started. A written plan and a plat/drawing for the proposed solar energy system shall be provided with the Building Permit Application. The plat/drawing must show the location of the system on the building or on the property, (for a ground-mount system show arrangement of panels), with all property lines and set back footages indicated. Fees for processing the applications for building permits shall be established by the County Board. Any solar energy system that construction has started before a Building Permit has been applied and paid for will be charged double the permit fee. The above fees do not apply to solar energy systems used to generate energy for on-site consumption of energy for agricultural purposes.

~~M. Liability Insurance and Indemnification.~~

~~1. For Solar Farms and Solar Gardens, commencing with the issuance of building permits, the Applicant, Owner, or Operator shall maintain a current general liability policy covering bodily injury and property damage with limits of at least Three Million Dollars (\$3 Million) per occurrence and Five Million Dollars (\$5 Million) in the aggregate. Such insurance may be provided~~

~~pursuant to a plan of selfinsurance, by a party with a net worth of Twenty Million Dollars (\$20 Million) or more. The County shall be named as an individual insured on the policy to the extent the county is entitled to indemnification.~~

~~2. Any SES(s), applicant, owner, or operator, whether individual or commercial, shall defend, indemnify, and hold harmless the County and its officials, employees, and agents (collectively and individually, the "Indemnified Parties") from and against any and all claims, demands, losses, suits, causes of actions, damages, injuries, costs, expenses, and liabilities whatsoever, including reasonable attorney's fees, except to the extent arising in whole or part out of negligence or intentional acts of such Indemnified Parties (such liabilities together known as "liability") arising out of applicant, owner, or operators selection, construction, operation, and removal of the SES(s) and affiliated equipment including, without limitation, liability for property damage or personal injury (including death), whether said liability is premised on contract or on tort (including without limitation strict liability or negligence). This general indemnification shall not be construed as limited or qualifying the County's other indemnification rights available under the law.~~

~~N.~~ **K. Decommissioning Plan.**

1. Upon the request of the Kendall County Planning, Building and Zoning Department, an owner of a solar energy system must provide documentation, within thirty (30) days, that the solar energy system is still in use. If the solar energy system is not in use, the owner of the system shall have 180 days, after notification from the Kendall County Planning, Building and Zoning Department, to remove the solar energy system from the property.

~~2. A decommissioning plan shall be required at the time of applying for all solar farms and solar gardens to ensure that the facilities are properly removed after their useful life.~~

~~3.~~ **2.** Decommission of solar panels must occur in the event they are not in use for ninety (90) consecutive days.

~~4. The owner or operator will have six (6) months to complete the decommissioning plan after operation of a solar farm or solar garden ceases.~~

~~5. The decommissioning plan shall include provisions for removal of all structures and foundations, restoration of soil and vegetation, and a plan ensuring financial resources will be available to fully decommission the site.~~

~~6. The Kendall County Board shall require the posting of a bond, letter of credit, or the establishment of an escrow account to ensure the proper decommissioning. The posting of a bond may be required prior to the issuance of a building permit for the facility.~~

~~7. In the event that the State of Illinois enacts a law with regards to the decommissioning of a solar farm, the strictest requirements shall prevail.~~

~~O.~~ **L. Other Requirements.**

~~1. Upon request from the Kendall County Planning, Building and Zoning Department, the owner or operator of a solar farm or a solar garden must submit, within fourteen (14) calendar days, a current operation and maintenance report to the Department.~~

~~2. In all undeveloped areas, the solar energy developer will be required to complete a consultation with both the Illinois Historic Preservation Agency (IHPA) and the Illinois Department of Natural Resources (IDNR) through the Department's online EcoCat Program. The cost of this consultation shall be at the developer's expense. The final certificate from EcoCat shall be provided to the Kendall County Planning, Building and Zoning Department before a permit or special use permit will be issued.~~

~~3.~~ 1. No fencing is required; however, if installed on the property the fencing shall have a maximum height of eight (8) feet. The fence shall contain appropriate warning signage that is posted such that is clearly visible on the site.

~~4. Any lighting for solar farms or solar gardens shall be installed for security and safety purposes only. Except for lighting that is required by the FCC or FAA, all lighting shall be shielded so that no glare extends substantially beyond the boundaries of the facility.~~

~~5.~~ 2. Reflection angles for solar collectors shall be oriented such that they do not project glare onto adjacent properties.

~~6.~~ 3. Electric solar energy system components must have a UL listing and must be designed with anti-reflective coating(s).

~~7.~~ 4. Solar energy systems must be in compliance with all State of Illinois Plumbing and Energy Codes.

~~8.~~ 5. For solar energy systems located within five hundred feet (500') of an airport or within approach zones of an airport, the applicant must complete and provide the results of the Solar Glare Hazard Analysis Tool (SGHAT) for the Airport Traffic Control Tower cab and final approach paths, consistent with the Interim Policy, FAA Review of Solar Energy Projects on Federally Obligated Airports, or most recent version adopted by the FAA.

N. Applicability. The regulations in this Section apply only to solar energy system, private and do not apply to commercial solar energy facilities.

Section 7:01.D (A-1 Special Uses)

Add Commercial Solar Energy Facility and Test Solar Energy Systems to the appropriate place alphabetically in the list of special uses subject to the following:

- a. All commercial solar energy facilities located within one point five (1.5) miles of a municipality shall either annex to the municipality or obtain an annexation agreement with the municipality requiring the municipality's regulations to flow through the property.**
- b. The setbacks for commercial solar energy facilities shall be measured from the nearest edge of any component of the facility as follows:**

Occupied Community Buildings Dwellings on Nonparticipating Properties	One hundred fifty feet (150') from the nearest point on the outside wall of the structure
Boundary Lines of Participating Properties	None
Boundary Lines of Nonparticipating Properties	Fifty feet (50') to the nearest point on the property line of the nonparticipating property
Public Road Rights-Of-Way	Fifty feet (50') from the nearest edge

The above setbacks do not exempt or excuse compliance with electric facility clearances approved or required by the National Electrical Code, the National Electrical Safety Code, Illinois Commerce Commission, Federal Energy Regulatory Commission, and their designees or successors.

- c. A commercial solar energy facility's perimeter shall be enclosed by fencing having a height of at least six feet (6') and no more than twenty-five feet (25').
- d. No component of a solar panel as part of a commercial solar energy facility shall have a height of more than twenty feet (20') above ground when the solar energy facility's arrays are at full tilt.
- e. The above setback, fencing, and component height requirements may be waived subject to written consent of the owner of each affected nonparticipating structure. **This written consent shall be submitted at the time of application submittal.**
- f. Sound limitations for components in commercial solar energy facilities shall follow the sound limitations established by the Illinois Pollution Control Board.
- g. The County shall not require standards for construction, decommissioning, or deconstruction of a commercial solar energy system or related financial assurances to be more restrictive than agricultural impact mitigation agreement set in State law. The amount of any decommissioning payment shall be limited to the cost identified in the decommissioning or deconstruction plan, as required by the agricultural impact mitigation agreement, minus the salvage value of the project. **A copy of the agricultural impact mitigation agreement shall be submitted with the application materials.**
- h. A vegetative screening shall be placed around the commercial solar energy facility.
- i. Commercial solar energy facility applicants shall provide the results and recommendations from consultations with the Illinois Department of Natural Resources that obtained through the Ecological Compliance Assessment Tool (EcoCat) or a comparable successor tool. The commercial solar energy facility applicant shall adhere to the recommendations provided through this consultation.
- j. Commercial solar energy facility applicants shall provide the results of the United States Fish and Wildlife Service's Information for Planning and Consulting environmental review or a comparable successor toll that is consistent with the U.S. Fish and Wildlife Service's Land-Based Wind Energy Guidelines and any applicable United States Fish and Wildlife Service solar wildlife guidelines that have been subject to public review.

- k. A facility owner shall demonstrate avoidance of protected lands as identified by the Illinois Department of Natural Resources and the Illinois Nature Preserve Commission or consider the recommendations of the Illinois Department of Natural Resources for setbacks from protected lands, including areas identified by the Illinois Nature Preserve Commission.
- l. A facility owner shall provide evidence at the time of application submittal of consultation with the Illinois State Historic Preservation Office to assess potential impacts on State-registered historic sites under applicable State law.
- m. A commercial solar energy facility owner shall plant, establish, and maintain for the life of the facility vegetative ground cover consistent with State law and the guidelines of the Illinois Department of Natural Resources' vegetative management plans. The vegetation management plan shall be required at the time of application submittal.
- n. The facility owner shall enter into a road use agreement with the jurisdiction having control over the applicable roads. The road use agreement shall follow applicable law. The facility owner shall supply the Kendall County Planning, Building and Zoning Department with a copy of the road use agreement. This provision shall be waived if the jurisdiction having control over the applicable roads does not wish to enter into an agreement.
- o. The facility owner shall repair or pay for the repair of all damage to the drainage system caused by the construction of the commercial solar energy system within a reasonable time after construction of the commercial solar energy facility is complete. The specific time shall be set in the special use permit.

Add Commercial Wind Energy Facility and Test Wind Towers to the appropriate place alphabetically in the list of special uses subject to the following:

- a. The following conditions apply to all commercial wind energy facilities located outside the one point five (1.5) mile zoning jurisdiction of municipalities and within the one point five (1.5) mile zoning jurisdictions of municipalities under intergovernmental agreements with the County for zoning services. All commercial wind energy facilities located within one point five (1.5) miles of a municipality shall either annex to the municipality or obtain an annexation agreement with the municipality requiring the municipality's regulations to flow through the property, unless not required to do by applicable law.
- b. The setbacks for wind towers as measured from the center of the base of the wind tower shall be as follows:

Occupied Community Buildings
Nonparticipating Residences

Two point one (2.1) times the maximum blade tip height of the wind tower to the nearest point on the outside wall of the structure

Participating Residences	One point one (1.1) times the maximum blade tip height of the wind tower to the nearest point on the outside wall of the structure
Boundary Lines of Participating Properties	None
Boundary Lines of Nonparticipating Properties	One point one (1.1) times the maximum blade tip height of the wind tower to the nearest point on the property line of the nonparticipating property
Public Road Rights-Of-Way	One point one (1.1) times the maximum blade tip height of the wind tower to the center point of the public road right-of-way
Overhead Communication and Electric Transmission and Distribution Facilities (Not Including Overhead Utility Service Lines to Individual Homes or Outbuildings)	One point one (1.1) times the maximum blade tip height of the wind tower to the nearest edge of the property line, easement, or right-of-way containing the overhead line
Overhead Utility Service Lines to Individual Houses or Outbuildings	None
Fish and Wildlife Areas and Illinois Nature Preserve Commission Protected Lands	Two point one (2.1) times the maximum blade tip height of the wind tower to the nearest point on the property line of the fish and wildlife or protected land

The above setbacks do not exempt or excuse compliance with electric facility clearances approved or required by the National Electrical Code, the National Electrical Safety Code, Illinois Commerce Commission, Federal Energy Regulatory Commission, and their designees or successors.

A wind tower of a commercial wind energy facility shall be sited so that industry standard computer modeling indicates that any occupied community building or nonparticipating residence will not experience more than thirty (30) hours per year of shadow flicker under planned operating conditions.

The above setback may be waived subject to written consent of the owner of each affected nonparticipating structure. This written consent shall be submitted at the time of application submittal.

- c. Sound limitations for wind towers in commercial win energy facilities shall follow the sound limitations established by the Illinois Pollution Control Board.
- d. The County shall not require standards for construction, decommissioning, or deconstruction of a commercial wind energy system or related financial assurances to be more restrictive than agricultural impact mitigation agreement set in State law. The amount of any decommissioning

payment shall be limited to the cost identified in the decommissioning or deconstruction plan, as required by the agricultural impact mitigation agreement, minus the salvage value of the project. A copy of the agricultural impact mitigation agreement shall be submitted with the application materials.

- e. A vegetative screening shall be placed around the commercial wind energy facility.
- f. The commercial wind energy facility shall follow applicable federal regulations pertaining to blade tip height maximums.
- g. Commercial wind energy systems applicants shall provide the results and recommendations from consultations with the Illinois Department of Natural Resources that obtained through the Ecological Compliance Assessment Tool (EcoCat) or a comparable successor tool. The commercial wind energy system applicant shall adhere to the recommendations provided through this consultation.
- h. Commercial wind energy systems applicants shall provide the results of the United States Fish and Wildlife Service's Information for Planning and Consulting environmental review or a comparable successor toll that is consistent with the U.S. Fish and Wildlife Service's Land-Based Wind Energy Guidelines and any applicable United States Fish and Wildlife Service solar wildlife guidelines that have been subject to public review.
- i. A facility owner shall demonstrate avoidance of protected lands as identified by the Illinois Department of Natural Resources and the Illinois Nature Preserve Commission or consider the recommendations of the Illinois Department of Natural Resources for setbacks from protected lands, including areas identified by the Illinois Nature Preserve Commission.
- j. A facility owner shall provide evidence at the time of application submittal of consultation with the Illinois State Historic Preservation Office to assess potential impacts on State-registered historic sites under applicable State law.
- k. The facility owner shall enter into a road use agreement with the jurisdiction having control over the applicable roads. The road use agreement shall follow applicable law. The facility owner shall supply the Kendall County Planning, Building and Zoning Department with a copy of the road use agreement. This provision shall be waived if the jurisdiction having control over the applicable roads does not wish to enter into an agreement.
- l. The facility owner shall repair or pay for the repair of all damage to the drainage system caused by the construction of the commercial wind energy system within a reasonable time after construction of the commercial wind energy facility is complete. The specific time shall be set in the special use permit.

~~52. Solar Gardens subject to the provisions of Section 4:18.D.~~

~~53. Solar Farms subject to the provisions of Section 4:18.C.~~

57. ~~Wind Farms, Commercial, subject to the following:~~

a. ~~Location Guidelines~~—The following guidelines shall be considered in evaluating the appropriateness of proposed locations for Wind Farms and the proposed project components. The purpose of these guidelines is to assist decision makers in uniformly analyzing the site-specific impacts of each proposed project and thereby arrive at consistent and balanced decisions.

i. ~~Natural and Biological Resources~~—Wind Farms should not be located in areas that have a large potential for biological conflicts. Wind Farms should not be located in large impact areas such as wilderness study areas, areas of critical environmental concern, county and state parks, historic trails, and special management areas. Wind Farms should not significantly impact important wildlife habitat.

ii. ~~Visual Impacts~~—Wind Farms should avoid those visual corridors that are designated by the County as essential view sheds or scenic areas. Essential view sheds or scenic areas are those areas designated in the County's LRMP or in other locations determined by the County Board after analyzing the applicant's wind farm visual simulations and considering public hearing comments. A Wind Farm project should maintain visual unity among clusters of turbines. To promote visual uniformity, the rotors, nacelles and towers of all turbines in an array should appear similar. To avoid visual clutter, intra-project power lines having a voltage of 34,500 volts or less, should be buried unless the applicant can sufficiently demonstrate that burying the lines will violate other guidelines/standards, violate applicable law, render the project economically infeasible or be hidden from public view. To avoid cluttering the skyline, transformers and other electric equipment should be hidden from view or otherwise constructed in harmony with the surrounding landscape.

iii. ~~Soil Erosion & Water Quality~~—Wind Farms should avoid erosion. Disturbance and construction on erodible slopes should be minimized. The number of improved roads and construction staging areas should be kept to a minimum. The grading width of roads should be minimized. One-lane roadways with turnouts are recommended. The number and size of staging areas and crane pad sites should be minimized.

iv. ~~Historical, Cultural & Archeological Resources~~—Wind Farms should avoid sites with known sensitive historical, cultural or archeological resources.

v. ~~Public Safety~~—Wind Farms shall be developed in a manner that utilizes sound engineering practices and considers public safety regarding the potential hazards to adjacent properties, public roadways, communities, aviation, etc. that may be created.

b. ~~Performance Standards~~—The following standards are to be achieved by each Wind Farm project without exception. Because they are standards, they are requirements of any Wind Farm project. The final decision on whether or not a particular standard is achieved by a Wind Farm project shall be made by the County Board after considering the recommendations of all advisory bodies.

i. ~~Noise Management~~—The noise level caused by the operation of the project, measured at five (5) feet above ground level at the property line coincident with or outside the project boundary, shall not exceed 65 decibels (A-weighted) and shall not exceed 50 decibels (A-weighted) if it is

~~determined that a pure tone noise is generated by the project. The level, however, may be exceeded during shortterm events such as utility outages and/or severe windstorms.~~

~~ii. Wind Farm Design: Wind Farms that are not designed in “accordance with proven good engineering practices” or not purchased from a national manufacturer with a proven track record shall be prohibited. Wind Farms designed with the following characteristics shall be deemed in “accordance with proven good engineering practices”:~~

~~1. at least 3 blades.~~

~~2. upwind rotor.~~

~~3. no furling, where “furling” means that the wind turbine is designed to limit its power output in high winds by changing the rotor’s plane of rotation to a plane that is not perpendicular to the prevailing wind direction.~~

~~4. tapered and twisted blades.~~

~~5. a well designed braking system.~~

~~iii. Visual Impacts—To provide visual order to a Wind Farm project, all individual turbines shall have the same number of rotor blades and all rotor blades shall spin in the same direction (i.e., clockwise or counter clockwise) in relation to the wind. To promote visual uniformity, all turbines at a similar ground elevation shall have the same height from blade tip to the ground. Except during construction, reconstruction or removal, outdoor storage is not permitted within the project boundary except at locations that are screened from view. To avoid cluttering the skyline, inverters and pendant power cables shall be located inside the wind turbine tower, nacelle or structure. No telecommunications dishes, antennas, cellular telephone repeaters or other similar devices shall be attached to wind turbine towers. Aircraft obstruction markings of the turbines by use of alternating red and white bands shall be prohibited. No Billboards, logos and advertising signs of any kind shall be located on the turbines.~~

~~iv. Soil Erosion & Water Quality—Construction and maintenance shall be done in strict accordance with the erosion and sediment control plan submitted with the Building Permit so as to minimize soil erosion and damage to existing vegetation. If vegetation is damaged during construction, in areas not occupied by the Wind Farms and related facilities and roads, it shall be restored after construction is complete. Disturbed areas shall be reseeded to the landowner’s or manager’s requirements. Dust control on the project site is required.~~

~~v. Setback—Individual wind turbines shall be set back from all property lines coincident with or outside of the project boundary a distance equal to 1.1 times the turbine hub height. Individual wind turbines shall be set back from all public roads a distance equal to at least 1.1 times the turbine hub height.~~

~~vi. Lighting—Individual wind turbine heights and markings shall comply with Federal Aviation Administration (FAA) regulations. Approval from the FAA stating that the turbines will not pose a hazard to aviation must be obtained prior to final recommendation by the Kendall County Regional Plan Commission. If lighting of turbines, or other structures, is required, “daytime white- nighttime red” shall be the only type of lighting allowed unless prohibited by law. All required~~

~~lighting effects shall be in synchronization with each turbine located on the same or contiguous zoning lot and under the same ownership of a single wind energy system organization. All turbines and towers shall be a shade of white in color. (Amended 2/16/2010)~~

~~c. Roads—All routes on either County or Township roads that will be used for the construction and maintenance purposes shall be identified on the site plan. All routes for either ingress or egress need to be shown. The routing shall be subject to the approval of the Kendall County Highway Engineer in coordination with the Township Road Commissioner(s). The developer shall provide and complete a pre-construction baseline survey to determine existing road conditions for assessing potential future damage due to development related traffic. The developer shall provide a road repair plan to improve any and all damage, installation or replacement of roads that might be required by the developer. The developer shall provide a letter of credit or a surety bond in amount and form approved by the highway official(s).~~

~~d. Fees—All applications for a Commercial Wind Farm shall be accompanied by a fee for a Commercial Wind Farm Special use in accordance with fee structure as established by the County Board and as amended from time to time. The County Board may, at its discretion, retain the services of attorneys and professional consultants to assist the Board and County staff in the amendment and zoning process. The application fee shall serve as an initial deposit from which any costs and expenses incurred by the county as a result of the application for amendment and the hearing process set forth herein shall be deducted. Such costs shall include, but not be limited to, the fees and costs of: County employees or staff review time, attorney's fees, expert witnesses, scientific testing, records or other investigations, data searches, notices, court reporters, transcription costs, consultants, the ZBA, and other expenses incurred by the County in reviewing the application, the public hearing, and decision, or any issues raised at any time during any hearings up to and including the County Board decision. If the actual costs incurred by the County in conducting its review and recommendation of the requested map amendment exceed the amount of the application fee deposit, the applicant shall be billed and shall be required to pay any and all additional costs incurred by the County in the completion of their review and recommendation of the special use. Costs in excess of the application fee deposit are required to be paid in full by the applicant prior to scheduling the matter for action by the County Board.~~

~~e. Removal of Defective Wind Energy Systems: Any wind energy system found to be unsafe by an authorized county official shall be repaired by the owner to meet federal, state and local safety standards or removed within sixty (60) days. If any wind energy system is not operated for a continuous period of 12 months, the county will notify the landowner by registered mail and provide 45 days for a response. In such a response, the landowner shall set forth reasons for the operational difficulty and provide a reasonable timetable for corrective action. If the county deems the timetable for corrective action as unreasonable, they must notify the operator and such operator shall remove the turbine within 120 days of receipt of notice from the county.~~

~~f. Decommissioning Plan: A Commercial Wind Farm shall submit a decommissioning plan to ensure it is properly decommissioned upon the end of the project life or facility abandonment. Facility abandonment shall include the ceasing of operations for a period of not less than one (1) year. Decommissioning shall include: removal of all structures (including transmission equipment and fencing) and debris to a depth of four (4) feet, restoration of the soil, and restoration of vegetation~~

~~within six (6) months of the end of the project life or facility abandonment. At the time of decommissioning, an Alta Survey shall be submitted to the County. The decommissioning plan shall state how the facility will be decommissioned, a professional engineer's estimated cost of decommissioning, the financial resources to be used to accomplish decommissioning, and the escrow agent with which the resources shall be deposited. The decommissioning plan shall also include an agreement between the applicant and the County which states:~~

~~i. The financial resources for decommissioning which shall be in the form of a surety bond, or shall be deposited in an escrow account with an escrow agent acceptable to the County,~~

~~ii. If the Applicant chooses an escrow agreement:~~

~~i. A written escrow agreement will be prepared, establishing upon what conditions the funds will be disbursed; and~~

~~ii. The County shall have access to the escrow account funds for the express purpose of completing decommissioning if decommissioning is not completed by the applicant within sixty (60) days of the end of the project life or facility abandonment.~~

~~iii. The County is granted the right of entry onto the site, pursuant to reasonable notice, to effect or complete decommissioning.~~

~~iv. The County is granted the right to seek injunctive relief to effect or complete decommissioning, as well as the County's right to seek reimbursement from applicant or applicant's successor for decommissioning costs in excess of the amount deposited in escrow and to file a lien against any real estate owned by the applicant or applicant's successor, or in which they have an interest, for the amount of excess, and to take all steps allowed to enforce said lien.~~

~~Financial provisions shall not be so onerous as to make Commercial Wind Farm projects unfeasible.~~

Renumber the list of special uses in the A-1 accordingly.

Section 8:02.C (Special Uses in the R-1, R-2, and R-3)

18. ~~Solar Gardens subject to the provisions of Section 4:00 of the Kendall County Zoning Ordinance.~~

Section 8:03.H.1 (Special Uses in the RPD-1, RPD-2, and RPD-3)

o. ~~Solar Gardens subject to the provisions of Section 4:00 of the Kendall County Zoning Ordinance.~~

Section 8:08.B (Special Uses in R-4, R-5, R-6, and R-7)

9. ~~Solar Gardens — See Section 4:00~~

Section 9:01.C (Special Uses in B-1)

13. ~~Solar Gardens~~

Section 9:02.C (Special Uses in B-2)

24. ~~Solar Gardens~~

Section 9:03.C (Special Uses in B-3)

~~29. Solar Gardens~~

Section 9:04.C (Special Uses in B-4)

~~18. Solar Gardens~~

Section 9:05.E (Special Uses in B-5)

~~7. Solar Gardens shall be a special use in the B-5 Business Planned Development District.~~

Section 9:06.C (Special Uses in B-6)

~~17. Solar Gardens~~

Section 10:01.C. (Special Uses in M-1 and M-2)

~~30. Wind Farms, Commercial, subject to the conditions in Section 7:01.D (Amended 9/15/20).~~

Section 10:03.C (Special Uses in M-3)

~~5. Solar Gardens~~

Section 13:08.E. (Decisions on Special Use Permits)

4. In cases involving special use permit applications or applications for major amendments to existing special use permits for commercial solar energy facilities and commercial wind energy facilities, the County Board shall make its decision not more than thirty (30) days after the conclusion of the public hearing.

Appendix 9 (Table of Uses)

Add Commercial Solar Energy Facility and Test Solar Energy Systems as a special use to A-1, R-1, RPD-1, RPD-2, RPD-3, M-1, M-2, and M-3

Add Commercial Wind Energy Facility and Test Wind Towers as a special use to A-1, R-1, RPD-1, RPD-2, RPD-3, M-1, M-2, and M-3

Add Solar Energy System, Private as permitted uses in all zoning districts.

Delete Solar Farms and Solar Gardens

General

Citation Corrections caused by the amendments.

(55 ILCS 5/5-12020)

Sec. 5-12020. Commercial wind energy facilities and commercial solar energy facilities.

(a) As used in this Section:

"Commercial solar energy facility" means a "commercial solar energy system" as defined in Section 10-720 of the Property Tax Code. "Commercial solar energy facility" does not mean a utility-scale solar energy facility being constructed at a site that was eligible to participate in a procurement event conducted by the Illinois Power Agency pursuant to subsection (c-5) of Section 1-75 of the Illinois Power Agency Act.

"Commercial wind energy facility" means a wind energy conversion facility of equal or greater than 500 kilowatts in total nameplate generating capacity. "Commercial wind energy facility" includes a wind energy conversion facility seeking an extension of a permit to construct granted by a county or municipality before the effective date of this amendatory Act of the 102nd General Assembly.

"Facility owner" means (i) a person with a direct ownership interest in a commercial wind energy facility or a commercial solar energy facility, or both, regardless of whether the person is involved in acquiring the necessary rights, permits, and approvals or otherwise planning for the construction and operation of the facility, and (ii) at the time the facility is being developed, a person who is acting as a developer of the facility by acquiring the necessary rights, permits, and approvals or by planning for the construction and operation of the facility, regardless of whether the person will own or operate the facility.

"Nonparticipating property" means real property that is not a participating property.

"Nonparticipating residence" means a residence that is located on nonparticipating property and that is existing and occupied on the date that an application for a permit to develop the commercial wind energy facility or the commercial solar energy facility is filed with the county.

"Occupied community building" means any one or more of the following buildings that is existing and occupied on the date that the application for a permit to develop the commercial wind energy facility or the commercial solar energy facility is filed with the county: a school, place of worship, day care facility, public library, or community center.

"Participating property" means real property that is the subject of a written agreement between a facility owner and the owner of the real property that provides the facility owner an easement, option, lease, or license to use the real property for the purpose of constructing a commercial wind energy facility, a commercial solar energy facility, or supporting facilities. "Participating property" also includes real property that is owned by a facility owner for the purpose of constructing a commercial wind energy facility, a commercial solar energy facility, or supporting facilities.

"Participating residence" means a residence that is located on participating property and that is existing and occupied on the date that an application for a permit to develop the commercial wind energy facility or the commercial

solar energy facility is filed with the county.

"Protected lands" means real property that is:

(1) subject to a permanent conservation right consistent with the Real Property Conservation Rights Act; or

(2) registered or designated as a nature preserve, buffer, or land and water reserve under the Illinois Natural Areas Preservation Act.

"Supporting facilities" means the transmission lines, substations, access roads, meteorological towers, storage containers, and equipment associated with the generation and storage of electricity by the commercial wind energy facility or commercial solar energy facility.

"Wind tower" includes the wind turbine tower, nacelle, and blades.

(b) Notwithstanding any other provision of law or whether the county has formed a zoning commission and adopted formal zoning under Section 5-12007, a county may establish standards for commercial wind energy facilities, commercial solar energy facilities, or both. The standards may include all of the requirements specified in this Section but may not include requirements for commercial wind energy facilities or commercial solar energy facilities that are more restrictive than specified in this Section. A county may also regulate the siting of commercial wind energy facilities with standards that are not more restrictive than the requirements specified in this Section in unincorporated areas of the county that are outside the zoning jurisdiction of a municipality and that are outside the 1.5-mile radius surrounding the zoning jurisdiction of a municipality.

(c) If a county has elected to establish standards under subsection (b), before the county grants siting approval or a special use permit for a commercial wind energy facility or a commercial solar energy facility, or modification of an approved siting or special use permit, the county board of the county in which the facility is to be sited or the zoning board of appeals for the county shall hold at least one public hearing. The public hearing shall be conducted in accordance with the Open Meetings Act and shall be held not more than 45 days after the filing of the application for the facility. The county shall allow interested parties to a special use permit an opportunity to present evidence and to cross-examine witnesses at the hearing, but the county may impose reasonable restrictions on the public hearing, including reasonable time limitations on the presentation of evidence and the cross-examination of witnesses. The county shall also allow public comment at the public hearing in accordance with the Open Meetings Act. The county shall make its siting and permitting decisions not more than 30 days after the conclusion of the public hearing. Notice of the hearing shall be published in a newspaper of general circulation in the county. A facility owner must enter into an agricultural impact mitigation agreement with the Department of Agriculture prior to the date of the required public hearing. A commercial wind energy facility owner seeking an extension of a permit granted by a county prior to July 24, 2015 (the effective date of Public Act 99-132) must enter into an agricultural impact mitigation

agreement with the Department of Agriculture prior to a decision by the county to grant the permit extension. Counties may allow test wind towers or test solar energy systems to be sited without formal approval by the county board.

(d) A county with an existing zoning ordinance in conflict with this Section shall amend that zoning ordinance to be in compliance with this Section within 120 days after the effective date of this amendatory Act of the 102nd General Assembly.

(e) A county may require:

(1) a wind tower of a commercial wind energy facility to be sited as follows, with setback distances measured from the center of the base of the wind tower:

Setback Description	Setback Distance
Occupied Community Buildings	2.1 times the maximum blade tip height of the wind tower to the nearest point on the outside wall of the structure
Participating Residences	1.1 times the maximum blade tip height of the wind tower to the nearest point on the outside wall of the structure
Nonparticipating Residences	2.1 times the maximum blade tip height of the wind tower to the nearest point on the outside wall of the structure
Boundary Lines of Participating Property	None
Boundary Lines of Nonparticipating Property	1.1 times the maximum blade tip height of the wind tower to the nearest point on the property line of the nonparticipating property
Public Road Rights-of-Way	1.1 times the maximum blade tip height of the wind tower to the center point of the public road right-of-way
Overhead Communication and Electric Transmission and Distribution Facilities (Not Including Overhead Utility Service Lines to Individual Houses or Outbuildings)	1.1 times the maximum blade tip height of the wind tower to the nearest edge of the property line, easement, or right of way containing the overhead line
Overhead Utility Service	None

Lines to Individual
Houses or Outbuildings

Fish and Wildlife Areas and Illinois Nature Preserve Commission Protected Lands	2.1 times the maximum blade tip height of the wind tower to the nearest point on the property line of the fish and wildlife area or protected land
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This Section does not exempt or excuse compliance with electric facility clearances approved or required by the National Electrical Code, The National Electrical Safety Code, Illinois Commerce Commission, Federal Energy Regulatory Commission, and their designees or successors.

(2) a wind tower of a commercial wind energy facility to be sited so that industry standard computer modeling indicates that any occupied community building or nonparticipating residence will not experience more than 30 hours per year of shadow flicker under planned operating conditions;

(3) a commercial solar energy facility to be sited as follows, with setback distances measured from the nearest edge of any component of the facility:

Setback Description	Setback Distance
Occupied Community Buildings and Dwellings on Nonparticipating Properties	150 feet from the nearest point on the outside wall of the structure
Boundary Lines of Participating Property	None
Public Road Rights-of-Way	50 feet from the nearest edge
Boundary Lines of Nonparticipating Property	50 feet to the nearest point on the property line of the nonparticipating property

(4) a commercial solar energy facility to be sited so that the facility's perimeter is enclosed by fencing having a height of at least 6 feet and no more than 25 feet; and

(5) a commercial solar energy facility to be sited so that no component of a solar panel has a height of more than 20 feet above ground when the solar energy facility's arrays are at full tilt.

The requirements set forth in this subsection (e) may be waived subject to the written consent of the owner of each affected nonparticipating property.

(f) A county may not set a sound limitation for wind towers in commercial wind energy facilities or any components in commercial solar energy facility that is more restrictive than the sound limitations established by the Illinois Pollution Control Board under 35 Ill. Adm. Code Parts 900, 901, and 910.

(g) A county may not place any restriction on the installation or use of a commercial wind energy facility or a commercial solar energy facility unless it adopts an ordinance that complies with this Section. A county may not establish siting standards for supporting facilities that preclude development of commercial wind energy facilities or commercial solar energy facilities.

A request for siting approval or a special use permit for a commercial wind energy facility or a commercial solar energy facility, or modification of an approved siting or special use permit, shall be approved if the request is in compliance with the standards and conditions imposed in this Act, the zoning ordinance adopted consistent with this Code, and the conditions imposed under State and federal statutes and regulations.

(h) A county may not adopt zoning regulations that disallow, permanently or temporarily, commercial wind energy facilities or commercial solar energy facilities from being developed or operated in any district zoned to allow agricultural or industrial uses.

(i) A county may not require permit application fees for a commercial wind energy facility or commercial solar energy facility that are unreasonable. All application fees imposed by the county shall be consistent with fees for projects in the county with similar capital value and cost.

(j) Except as otherwise provided in this Section, a county shall not require standards for construction, decommissioning, or deconstruction of a commercial wind energy facility or commercial solar energy facility or related financial assurances that are more restrictive than those included in the Department of Agriculture's standard wind farm agricultural impact mitigation agreement, template 81818, or standard solar agricultural impact mitigation agreement, version 8.19.19, as applicable and in effect on December 31, 2022. The amount of any decommissioning payment shall be limited to the cost identified in the decommissioning or deconstruction plan, as required by those agricultural impact mitigation agreements, minus the salvage value of the project.

(k) A county may not condition approval of a commercial wind energy facility or commercial solar energy facility on a property value guarantee and may not require a facility owner to pay into a neighboring property devaluation escrow account.

(l) A county may require certain vegetative screening surrounding a commercial wind energy facility or commercial solar energy facility but may not require earthen berms or similar structures.

(m) A county may set blade tip height limitations for wind towers in commercial wind energy facilities but may not set a blade tip height limitation that is more restrictive than the height allowed under a Determination of No Hazard to Air Navigation by the Federal Aviation Administration under 14 CFR

Part 77.

(n) A county may require that a commercial wind energy facility owner or commercial solar energy facility owner provide:

(1) the results and recommendations from consultation with the Illinois Department of Natural Resources that are obtained through the Ecological Compliance Assessment Tool (EcoCAT) or a comparable successor tool; and

(2) the results of the United States Fish and Wildlife Service's Information for Planning and Consulting environmental review or a comparable successor tool that is consistent with (i) the "U.S. Fish and Wildlife Service's Land-Based Wind Energy Guidelines" and (ii) any applicable United States Fish and Wildlife Service solar wildlife guidelines that have been subject to public review.

(o) A county may require a commercial wind energy facility or commercial solar energy facility to adhere to the recommendations provided by the Illinois Department of Natural Resources in an EcoCAT natural resource review report under 17 Ill. Admin. Code Part 1075.

(p) A county may require a facility owner to:

(1) demonstrate avoidance of protected lands as identified by the Illinois Department of Natural Resources and the Illinois Nature Preserve Commission; or

(2) consider the recommendations of the Illinois Department of Natural Resources for setbacks from protected lands, including areas identified by the Illinois Nature Preserve Commission.

(q) A county may require that a facility owner provide evidence of consultation with the Illinois State Historic Preservation Office to assess potential impacts on State-registered historic sites under the Illinois State Agency Historic Resources Preservation Act.

(r) To maximize community benefits, including, but not limited to, reduced stormwater runoff, flooding, and erosion at the ground mounted solar energy system, improved soil health, and increased foraging habitat for game birds, songbirds, and pollinators, a county may (1) require a commercial solar energy facility owner to plant, establish, and maintain for the life of the facility vegetative ground cover, consistent with the goals of the Pollinator-Friendly Solar Site Act and (2) require the submittal of a vegetation management plan in the application to construct and operate a commercial solar energy facility in the county.

No later than 90 days after the effective date of this amendatory Act of the 102nd General Assembly, the Illinois Department of Natural Resources shall develop guidelines for vegetation management plans that may be required under this subsection for commercial solar energy facilities. The guidelines must include guidance for short-term and long-term property management practices that provide and maintain native and non-invasive naturalized perennial vegetation to protect the health and well-being of pollinators.

(s) If a facility owner enters into a road use agreement with the Illinois Department of Transportation, a road district, or other unit of local government relating to a

commercial wind energy facility or a commercial solar energy facility, the road use agreement shall require the facility owner to be responsible for (i) the reasonable cost of improving roads used by the facility owner to construct the commercial wind energy facility or the commercial solar energy facility and (ii) the reasonable cost of repairing roads used by the facility owner during construction of the commercial wind energy facility or the commercial solar energy facility so that those roads are in a condition that is safe for the driving public after the completion of the facility's construction. Roadways improved in preparation for and during the construction of the commercial wind energy facility or commercial solar energy facility shall be repaired and restored to the improved condition at the reasonable cost of the developer if the roadways have degraded or were damaged as a result of construction-related activities.

The road use agreement shall not require the facility owner to pay costs, fees, or charges for road work that is not specifically and uniquely attributable to the construction of the commercial wind energy facility or the commercial solar energy facility. Road-related fees, permit fees, or other charges imposed by the Illinois Department of Transportation, a road district, or other unit of local government under a road use agreement with the facility owner shall be reasonably related to the cost of administration of the road use agreement.

(t) Notwithstanding any other provision of law, a facility owner with siting approval from a county to construct a commercial wind energy facility or a commercial solar energy facility is authorized to cross or impact a drainage system, including, but not limited to, drainage tiles, open drainage districts, culverts, and water gathering vaults, owned or under the control of a drainage district under the Illinois Drainage Code without obtaining prior agreement or approval from the drainage district, except that the facility owner shall repair or pay for the repair of all damage to the drainage system caused by the construction of the commercial wind energy facility or the commercial solar energy facility within a reasonable time after construction of the commercial wind energy facility or the commercial solar energy facility is complete.

(u) The amendments to this Section adopted in this amendatory Act of the 102nd General Assembly do not apply to (1) an application for siting approval or for a special use permit for a commercial wind energy facility or commercial solar energy facility if the application was submitted to a unit of local government before the effective date of this amendatory Act of the 102nd General Assembly or (2) a commercial wind energy facility or a commercial solar energy facility if the facility owner has submitted an agricultural impact mitigation agreement to the Department of Agriculture before the effective date of this amendatory Act of the 102nd General Assembly.

(Source: P.A. 101-4, eff. 4-19-19; 102-1123, eff. 1-27-23.)

Kennel Regulations

Amend Section 7:01.D

29. Kennels provided that the kennels must be 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 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, **except for the purposes of owners picking-up and dropping-off pets and regular bathroom breaks until 10:00 p.m.**

Amend Section 9:03.C

14. Kennels **with the conditions contained in Section 7:01.D.** ~~with the condition 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.~~

Amend Section 9:04.C

10. Kennels **with the conditions contained in Section 7:01.D.** ~~when located more than 600' from any occupied residential structure other than the owners residence~~

The M-1 and M-2 Districts already reference Section 7:01.D.

Kennels are special uses in the A-1, B-3, B-4, M-1, and M-2 Zoning Districts.



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 203

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

MEMORANDUM

To: Planning, Building and Zoning Committee
From: Matthew H. Asselmeier, AICP, CFM, Senior Planner
Date: January 11, 2023
Re: Proposed Intergovernmental Agreement Between Kendall County and the United City of Yorkville

The Intergovernmental Agreement between Kendall County and the United City of Yorkville for reciprocal building inspection services expires in February.

A renewal proposal is attached to this memo. Other than dates, there are no changes to the agreement from the 2022 version.

The United City of Yorkville will be reviewing the proposal during their meetings in February.

If you have any questions regarding this proposal, please let me know.

Thanks,

MHA

Enc: Proposed Yorkville IGA

COUNTY OF KENDALL, ILLINOIS
RESOLUTION 2023-__

**RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT
FOR RECIPROCAL BUILDING INSPECTION SERVICES BETWEEN
KENDALL COUNTY, ILLINOIS AND THE UNITED CITY OF YORKVILLE,
ILLINOIS**

WHEREAS, the Constitution of the State of Illinois of 1970, Article VII, Section 10, provides that units of local government may contract to obtain or share services and to exercise, combine, or transfer any power or function in any manner not prohibited by law or by ordinance and may use their credit, revenues, and other resources to pay costs related to intergovernmental activities; and

WHEREAS, Kendall County and the United City of Yorkville are units of local government within the meaning of Article VII, Section 1 of the Illinois Constitution of 1970 who are authorized to enter into intergovernmental agreements pursuant to the Intergovernmental Cooperation Act, 5 ILCS 220/1 *et seq.*; and

WHEREAS, pursuant to the authority granted by the Illinois Counties Code and Illinois Municipal Code (55 ILCS 5/1-1001, *et seq.* and 65 ILCS 5/1-1-1, *et seq.*), Kendall County and the United City of Yorkville are both authorized to perform inspections of buildings within their respective jurisdictions to promote the health and safety of the public; and

WHEREAS, Kendall County and the United City of Yorkville wish to share their resources and assist each other in the performance of building inspections.

NOW, THEREFORE, BE IT RESOLVED that the Kendall County Board hereby approves the *Intergovernmental Agreement for Reciprocal Building Inspection Services Between Kendall County, Illinois and the United City of Yorkville, Illinois*, which is attached hereto and made a part hereof by reference as Exhibit A; and

BE IT FURTHER RESOLVED that the Kendall County Board Chairman is hereby authorized to execute said intergovernmental agreement on behalf of Kendall County.

Approved and adopted by the County Board of Kendall County, Illinois, this 21st day of February, 2023.

Board Chairman Signature:

Attest:

Matt Kellogg, Chairman
County Board

Debbie Gillette
County Clerk

Exhibit A
INTERGOVERNMENTAL AGREEMENT FOR RECIPROCAL BUILDING
INSPECTION SERVICES BETWEEN KENDALL COUNTY, ILLINOIS
AND THE UNITED CITY OF YORKVILLE, ILLINOIS - 2023

THIS INTERGOVERNMENTAL AGREEMENT (“*the Agreement*”) by and between the County of Kendall, a unit of local government of the State of Illinois (“*Kendall County*”) and the United City of Yorkville, Kendall County, Illinois (the “*City*”) a municipal corporation of the State of Illinois, is as follows:

WITNESSETH:

WHEREAS, the Constitution of the State of Illinois of 1970, Article VII, Section 10, provides that units of local government may contract or otherwise associate among themselves to obtain or share services and to exercise, combine, or transfer any power or function in any manner not prohibited by law or by ordinance and may use their credit, revenues, and other resources to pay costs related to intergovernmental activities; and

WHEREAS, the City and Kendall County are units of local government within the meaning of Article VII, Section 1 of the Illinois Constitution of 1970 who are authorized to enter into intergovernmental agreements pursuant to the Intergovernmental Cooperation Act, 5 ILCS 220/1 *et seq.*; and

WHEREAS, pursuant to the authority granted by the Illinois Counties Code and Illinois Municipal Code (55 ILCS 5/1-1001, *et seq.* and 65 ILCS 5/1-1-1, *et seq.*), the County and City (collectively referred to as the “*Parties*”) are both authorized to perform inspections of buildings within their respective jurisdictions to promote the health and safety of the public; and

WHEREAS, units of local government may establish agreements with other units of local government within the State of Illinois to enforce building codes pursuant to 20 ILCS 3105/10.09-1(f), which is commonly known as the Capital Development Board Act; and

WHEREAS, the County and City wish to share their resources and assist each other in the performance of inspections on an as needed basis, while not surrendering their own jurisdiction or relinquishing any of their rights.

NOW, THEREFORE, in consideration of the premises and the mutual covenants hereafter set forth, the parties agree as follows:

Section 1. The foregoing preambles are hereby incorporated into this Agreement as if fully restated in this Section 1.

Section 2.

- a. The Parties agree that Kendall County Code Official Brian Holdiman and the United City of Yorkville Building Code Official Peter Ratos shall perform the following services on the other party's behalf when requested: footing inspections; backfill inspections; foundation wall inspections; concrete slab inspections; rough framing inspections; rough electric inspections; underground electric inspections; electric service inspections; insulation inspections; roofing inspections and final inspections. In instances where Holdiman or Ratos inspect and find violations and a code enforcement action is required in court or administrative adjudication, Holdiman or Ratos may be requested to be a witness to verify any violations found during their inspection. If it is requested that either Ratos or Holdiman attend an administrative or court hearing in regard to violations, then they shall be given reasonable notice of no less than fourteen (14) days for such hearing and they shall attend as requested.
- b. The Parties agree that the United City of Yorkville Building Code Official Peter Ratos may, in his discretion, perform plumbing inspections on Kendall County's behalf when requested. In instances where Ratos performs plumbing inspections and finds

violations and a code enforcement action is required in court or administrative adjudication, Ratos may be requested to be a witness to verify any violations found during his inspection. If it is requested that Ratos attend an administrative or court hearing in regard to violations, then he shall be given reasonable notice of no less than fourteen (14) days for such hearing and he shall attend as requested.

Section 3. The Parties agree that the following inspection services shall not be provided under this agreement: plan review; permit approval, and; initial site inspections prior to a permit being issued.

Section 4. Upon request, the Parties agree to coordinate and assist each other in the parties' performance of the inspections set forth in Section 2 of this Agreement only under the following circumstances:

- a. If Kendall County Code Official Holdiman or City Building Code Official Ratos is absent from work due to illness, vacation, on an approved leave of absence, or otherwise unavailable to perform one or more of the above listed inspections within Section 2(a) for their respective jurisdiction; and/or
- b. If Kendall County Code Official Holdiman or City Building Code Official has a conflict of interest in performing one or more of the inspections set forth in Section 2(a) for their respective jurisdiction; and/or
- c. If the Kendall County Plumbing Contractor is absent from work due to illness, vacation, on an approved leave of absence, or otherwise unavailable to perform plumbing inspections for his or her respective jurisdiction; and/or
- d. If the Kendall County Plumbing Contractor has a conflict of interest in performing plumbing inspections for his or her respective jurisdiction.

For purposes of this Agreement, the party requesting assistance shall be referred to as “the home jurisdiction” and the party providing the inspection services assistance as set forth in Section 2 shall be referred to as “the visiting inspector”.

Section 5. In the event the visiting inspector is unable to perform the inspection services set forth in Section 2 of this Agreement, the home jurisdiction shall be responsible for performing its inspection or shall be responsible for retaining and payment of a third party to perform the inspection.

Section 6. When the visiting inspector performs an inspection on behalf of the home jurisdiction, the visiting inspector shall utilize the building codes of the home jurisdiction where the inspection is taking place. As such, when an inspection is within the corporate limits of the City, the Kendall County inspector shall use the building codes that are currently adopted and enforced by the City at the time of the inspection. When an inspection is in an unincorporated portion of Kendall County, where the County has jurisdiction, the City inspector shall utilize the building codes that are currently adopted and enforced by Kendall County at the time of the inspection.

Section 7. When a home jurisdiction requests the visiting inspector’s assistance, the home jurisdiction shall provide a minimum of twenty-four (24) hours notice when there is a foreseeable need for the other party’s inspection services. In the event of an illness or other emergency, the parties agree to provide each other with as much advance notice as possible if a visiting inspector’s services are needed pursuant to Section 4.

Section 8. Inspections must be completed using the proper jurisdiction’s forms. Prior to the commencement of any requested inspection, the home jurisdiction requesting assistance will prepare and provide all necessary inspection reports/forms for use by the visiting inspector

and deliver them to the visiting inspector prior to the inspection taking place. Following an inspection, the original, completed inspection reports/forms shall be returned to the home jurisdiction within twenty-four (24) hours after completion of the inspection. After the visiting inspector has returned the original, completed inspection reports/forms to the home jurisdiction, the visiting inspector shall not be required to retain the records of inspections for the home jurisdiction after performing inspections under this Agreement.

Section 9. Neither the City nor Kendall County shall subcontract the services provided to the other under this agreement to a third-party inspector without the prior written consent of the other party.

Section 10. There will be no compensation paid to, or by, either jurisdiction for the sharing of services under this Agreement.

Section 11. When a visiting inspector performs an inspection under this Agreement for the home jurisdiction, the visiting inspector shall use their own equipment, tools and vehicles, and the home jurisdiction shall not be responsible for reimbursing the visiting inspector for mileage or any other expenses incurred by the visiting inspector.

Section 12. The City and Kendall County shall each defend, with counsel of the other party's own choosing, indemnify and hold harmless the other party, including past, present and future board members, elected officials, insurers, employees, and agents from and against any and all claims, liabilities, obligations, losses, penalties, fines, damages, and expenses and costs relating thereto, including but not limited to attorneys' fees and other legal expenses, which the other party, its past, present and future board members, elected officials, insurers, employees, and/or agents may hereafter sustain, incur or be required to pay relating to or arising in any manner out of the inspections to be performed by the other party under this agreement. As such,

when the City performs an inspection for Kendall County, the City will defend with counsel of Kendall County's own choosing, indemnify and hold harmless Kendall County as set forth above relating to the City's and the City Building Code Official's actions in the performance of their duties under this Agreement. When Kendall County performs an inspection for the City, Kendall County will defend with counsel of the City's own choosing, indemnify and hold harmless the City as set forth above relating to Kendall County's and the County Code Official's actions in the performance of their duties under this Agreement.

Section 13. Nothing in this agreement shall be deemed to change or alter the jurisdiction of either the City or Kendall County in any respect, including, but not limited to their building and zoning regulations, powers and duties.

Section 14. This Agreement and the rights of the parties hereunder may not be assigned (except by operation of law), and the terms and conditions of this Agreement shall inure to the benefit of and be binding upon the respective successors and assigns of the parties hereto. Nothing in this Agreement, express or implied, is intended to confer upon any party, other than the parties and their respective successors and assigns, any rights, remedies, obligations or liabilities under or by reason of such agreements.

Section 15. This Agreement shall be interpreted and enforced under the laws of the State of Illinois. Any legal proceeding related to enforcement of this Agreement shall be brought in the Circuit Court of Kendall County, Illinois, Twenty-Third Judicial Circuit. In case any provision of this Agreement shall be declared and/or found invalid, illegal or unenforceable by a court of competent jurisdiction, such provision shall, to the extent possible, be modified by the court in such manner as to be valid, legal and enforceable so as to most nearly retain the intent of the parties, and, if such modification is not possible, such provision shall be severed from this

Agreement, and in either case the validity, legality, and enforceability of the remaining provisions of this Agreement shall not in any way be affected or impaired thereby.

Section 16. All notices required or permitted hereunder shall be in writing and may be given by (a) depositing the same in the United States mail, addressed to the party to be notified, postage prepaid and certified with the return receipt requested, (b) delivering the same in person, or (c) telecopying the same with electronic confirmation of receipt:

If to the County: Director
Kendall County Planning, Building & Zoning
111 West Fox Street, Room 203
Yorkville, Illinois 60560
Fax: 630-553-4179

With copy to:
Kendall County State's Attorney
807 John Street
Yorkville, Illinois, 60560
Fax: 630-553-4204

If to the City: Community Development Director
United City of Yorkville Building Safety and Zoning
800 Game Farm Road
Yorkville, Illinois 60560
Fax: 630-553-7264

Or any such other person, counsel or address as any party hereto shall specify pursuant to this Section from time to time.

Section 17. This Agreement may be executed in counterparts (including facsimile signatures), each of which shall be deemed to be an original and both of which shall constitute one and the same Agreement.

Section 18. This Agreement represents the entire agreement between the parties and there are no other promises or conditions in any other agreement whether oral or written. Except

as stated herein, this agreement supersedes any other prior written or oral agreements between the parties and may not be further modified except in writing acknowledged by both parties.

Section 19. Nothing contained in this Agreement, nor any act of Kendall County or the City pursuant to this Agreement, shall be deemed or construed by any of the parties hereto or by third persons, to create any relationship of third party beneficiary, principal, agent, limited or general partnership, joint venture, or any association or relationship involving Kendall County and the City. Further, nothing in this agreement should be interpreted to give Kendall County or the City any control over the other's employees or imply a power to direct the employees of the other government body, which neither entity may exercise.

Section 20. When performing inspections under the terms of this Agreement, Kendall County and City intend that any injuries to their respective employee shall be covered and handled exclusively by their jurisdiction's own worker's compensation insurance in place at the time of such injury. It is further agreed that all employee benefits, wage and disability payments, pension and worker's compensation claims, damage to or destruction of equipment, facilities, clothing and related medical expenses of the City or Kendall County and their respective inspectors, which may result from their activities under this Agreement, shall be the responsibility of the jurisdiction which employs the inspector making such a claim.

Section 21. The Parties will obtain and continue in force, during the term of this Agreement, all insurance as set forth below: (a) Commercial General Liability (CGL): Insurance Services Office Form CG 00 01 (or its equivalent) covering CGL on an "occurrence" basis, including products and completed operations, property damage, bodily injury and personal & advertising injury with limits no less than \$1,000,000 per occurrence. If a general aggregate limit applies, either the general aggregate limit shall

apply separately to this project/location (ISO CG 25 03 or 25 04) or the general aggregate limit shall be twice the required occurrence limit; (b) Automobile Liability: ISO Form Number CA 00 01 covering any auto (Code 1), or if Contractor has no owned autos, hired, (Code 8) and non-owned autos (Code 9), with limit no less than \$1,000,000 per accident for bodily injury and property damage; (c) Workers' Compensation: as required by the State of Illinois, with Statutory Limits, and Employer's Liability Insurance with limit of no less than \$1,000,000 per accident for bodily injury or disease. If the Jurisdiction maintains broader coverage and/or higher limits than the minimums shown above, the both Jurisdictions require and shall be entitled to the broader coverage and/or the higher limits maintained by the contractor. Any available insurance proceeds in excess of the specified minimum limits of insurance and coverage shall be available to both Jurisdictions. The insurance policies are to contain, or be endorsed to contain, the following provisions: (a) Additional Insured Status-Both jurisdictions, its officers, officials, employees, and volunteers are to be covered as additional insureds on the CGL policy with respect to liability arising out of work or operations performed by or on behalf of the jurisdiction including materials, parts, or equipment furnished in connection with such work or operations. General liability coverage can be provided in the form of an endorsement to the jurisdiction's insurance; (b) Notice of Cancellation-Each insurance policy required above shall provide that coverage shall not be canceled, except with notice to the Entity; (c) Verification of Coverage-Each Jurisdiction shall furnish the other with original Certificates of Insurance including all required amendatory endorsements (or copies of the applicable policy language effecting coverage required by this clause) and a copy of the Declarations and Endorsement Page of the CGL policy listing all policy endorsements to other before work begins. However, failure to obtain the required documents prior to the work beginning shall not waive the other's obligation to provide them.

Each Jurisdiction reserves the right to require complete, certified copies of all required insurance policies, including endorsements required by these specifications, at any time.

Section 22. This Agreement shall be in full force and effect for a period of one (1) year from the date of the last signature below, however it may be renewed upon agreement of the parties in writing.

Section 23. Either party may terminate this Agreement by providing thirty (30) calendar days' advance written notice to the other party. However, any act of bad faith in the execution of duties under this Agreement shall result in immediate termination of the other party's duties as laid out herein. For the purpose of this agreement, "bad faith" is an intentional dishonest act by not fulfilling legal or contractual obligations, misleading another, entering into an agreement without the intention or means to fulfill it, or violating basic standards of honesty in dealing with others. Also, the parties agree to provide prompt written notice within fifteen (15) calendar days to the other party if Kendall County Code Official Brian Holdiman's or City Building Code Official Pete Ratos' employment ceases for whatever reason. In such event, this Agreement shall immediately terminate upon receipt of said written notice.

Section 24. The parties understand and agree that this Agreement in no way creates a joint employment relationship between the Parties. The Parties understand and agree that they are solely responsible for paying all wages, benefits and any other compensation due and owing to its employees for the performance of visiting inspector services set forth in this Agreement. The parties further understand and agree that the parties are solely responsible for making all required payroll deductions and other tax and wage withholdings pursuant to state and federal law for its employees who perform visiting inspector services as set forth in this Agreement.

Section 25. Kendall County and the City each hereby warrant and represent that their

respective signatures set forth below have been, and are on the date of this Agreement, duly authorized by all necessary and appropriate corporate and/or governmental action to execute this Agreement.

IN WITNESS WHEREOF, the parties hereto have caused this Intergovernmental Agreement to be executed by their duly authorized officers on the date below in the United City of Yorkville, Illinois.

County of Kendall, a unit of local government
of the State of Illinois

United City of Yorkville, Kendall County,
Illinois, a municipal corporation

By: _____
Chair, Kendall County Board

By: _____
Mayor

Date: _____

Date: _____

Attest:

Attest:

County Clerk City

Clerk



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 203

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

MEMORANDUM

To: Planning, Building and Zoning Committee
From: Matthew H. Asselmeier, AICP, CFM, Senior Planner
Date: January 23, 2023
Re: Proposed 2023 Noxious Weed Annual Notice

Kendall County is required by Illinois law to publish a noxious weed notice at least one (1) time per year in a newspaper of general circulation within the County. Kendall County's Noxious Weed Work Plan, adopted in October 2022, called for the publication of the notice within the first quarter of 2023.

Attached please find the notice that the County is required to publish.

If you have any questions, please let me know.

MHA

Enc: Proposed 2023 Kendall County Noxious Weed Notice

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN PURSUANT TO THE "ILLINOIS NOXIOUS WEED LAW" to the owners, occupants, agents and public officials in charge or control of any land in Kendall County that they are required to control or eradicate all NOXIOUS WEEDS growing upon land under their control prior to the blooming, maturing of seed or other propagating of such weeds.

- NOXIOUS WEEDS: a) Marihuana (*Cannabis sativa* L.);
- b) Giant Ragweed (*Ambrosia trifida* L.) within the corporate limits of cities, villages, and incorporated towns;
- c) Common Ragweed (*Ambrosia artemisiifolia* L.) within the corporate limits of cities, villages, and incorporated towns;
- d) Canada Thistle (*Cirsium arvense*);
- e) Perennial Sowthistle (*Sonchus arvensis*);
- f) Musk Thistle (*Carduus nutans*);
- g) Perennial members of the sorghum genus, including johnsongrass (*Sorghum halepense*), sorghum alnum, and other johnsongrass X sorghum crosses with rhizomes; and
- h) Kudzu (*Pueraria labata*).

NOTICE IS FURTHER GIVEN that if the persons responsible for the control of any lands in Kendall County fail to comply with the provisions of the Illinois Noxious Weed Law the Control Authority of Kendall County or the Department of Agriculture of the State of Illinois will take any necessary action to control or eradicate such weeds and the cost thereof will be assessed against the owner of the land involved. If unpaid for 6 months or longer, such assessment shall become a lien upon the property.

Date at Yorkville, Kendall County, Illinois, this
21st day of February, 2023.
Month Year

Signed: _____

Matt Kellogg

Kendall County Weed Control Authority

Matt Asselmeier

From: Greg Chismark <gchismark@wbkengineering.com>
Sent: Friday, January 27, 2023 7:08 AM
To: Matt Asselmeier
Cc: Natalie Paver
Subject: RE: [External]NPDES Annual Report proposal

Matt,

A few items to consider with respect to the increase:

- The fee has been \$2K for the last two years and this would be the third year without an increase; if we were to hold it.
- Our costs have changed significantly in the last three years. This includes labor, health insurance, computer and software licensing as well as any service we rely on for our business.
- Upon reviewing the prior contracts I find that we spend anywhere between 16-20 hours preparing the annual report. Some years we spent more but I would say 18 hours is an average. While we can use more junior staff, review and input from those of us who have completed the forms in the past is typically required and it results in more total hours and does not end up reducing our cost significantly.
- While the percentage is high on the original fee the change is \$500. We didn't think that was outrageous or unreasonable.

Let me know if you want to discuss.

Thanks,

Greg

Greg Chismark, PE
President
Direct: (630) 338-8527 | Main: (630) 443-7755
gchismark@wbkengineering.com

WBK Engineering, LLC
116 W. Main Street, Suite 201, St. Charles, IL 60174

Part of Bodwé Professional Services

From: Matt Asselmeier <masselmeier@kendallcountyil.gov>
Sent: Thursday, January 26, 2023 3:41 PM
To: Natalie Paver <npaver@wbkengineering.com>
Cc: Greg Chismark <gchismark@wbkengineering.com>; Scott Koeppel <skoeppel@kendallcountyil.gov>; Seth Wormley <swormley@kendallcountyil.gov>
Subject: RE: [External]NPDES Annual Report proposal

Natalie and Greg:

The price increase is 25% from last year's costs.

Could you provide additional details as to why the price increased? I probably will get asked that question at some point.

I will put the proposal on the February Planning, Building and Zoning Committee agenda. The earliest the County Board could approve the proposal is February 21st. Do you foresee any issues with this approval timeline?

2023.0015

opportunity number



PROPOSAL

Submitted To: Kendall County

111 West Fox Street

Yorkville, IL 60560-1498

Submitted By: WBK Engineering, LLC

116 W. Main Street Suite 201

St. Charles, IL 60174

(630) 443-7755

Primary Contact: Matthew Asselmeier, AICP, CFM

Primary Contact: Natalie Paver

PROJECT INFORMATION

Project Name: Kendall County NPDES Annual Report - 2022 Reporting Period

Address:

City / State / Zip

General Location: County-wide

SCOPE OF SERVICES

☒ Cost (Not-to-Exceed)
 ☐ Lump Sum
 ☐ Time and Materials (T&M)

Task Name: NPDES Annual Report - 2022 Reporting Period

Deliverable: Annual Report prepared and submitted to IEPA on behalf of the County. Tasks include review of NOI for performance measures, discussions with County staff, collection of documentation and preparation of the annual report.

\$2,500.00

Task Budget

Budget for Reimbursable Expenses (Cost Plus 10%):

0

Total Amount Budgeted For All Services Rendered:

\$2,500.00

☐ Additional Tasks on Following Pages.

We propose to bill you monthly based on the attached Schedule of Charges (if applicable). We establish our contract in accordance with the attached General Terms and Conditions. These General Terms and Conditions are expressly incorporated into and are made an integral part of this contract for professional services. We reserve the right to increase our fees by five percent (5%) on December 31st of each calendar year.

Natalie Paver

1/27/23

WBK Authorization By (Please Print):

Signature

Date

The Proposal, Schedule of Charges, and General Terms & Conditions are satisfactory and are hereby accepted. You are authorized to begin the work as specified. Payments will be made as outlined above.

Client Authorization By (Please Print):

Signature

Date

WBK ENGINEERING, LLC
2023 Standard Charges for Professional Services

<u>Classification</u>	<u>Hourly Rate</u>
Principal	\$ 235
Engineer VI	\$ 200
Engineer V	\$ 180
Engineer IV	\$ 160
Engineer III	\$ 140
Engineer II	\$ 125
Engineer I	\$ 115
Urban Planner VI	\$ 215
Urban Planner V	\$ 185
Urban Planner IV	\$ 160
Urban Planner III	\$ 125
Urban Planner II	\$ 105
Environmental Resource Specialist V	\$ 152
Environmental Resource Specialist IV	\$ 130
Environmental Resource Specialist III	\$ 112
Environmental Resource Specialist II	\$ 100
Environmental Resource Specialist I	\$ 90
Technician V	\$ 170
Technician IV	\$ 140
Technician III	\$ 135
Technician II	\$ 105
Technician I	\$ 90
Intern	\$ 75
Administrative	\$ 85
Direct Costs: Copies & Prints, Messenger & Delivery Services, Mileage, etc.	Cost +10%

Charges include overhead and profit.

WBK Engineering, LLC reserves the right to increase these rates by 5% annually.

**WBK ENGINEERING, LLC
GENERAL TERMS AND CONDITIONS**

1. Relationship Between Engineer and Client: WBK ENGINEERING, LLC (Engineer) shall serve as Client's professional engineer consultant in those phases of the Project to which this Agreement applies. This relationship is that of a buyer and seller of professional services and as such the Engineer is an independent contractor in the performance of this Agreement and it is understood that the parties have not entered into any joint venture or partnership with the other. The Engineer shall not be considered to be the agent of the Client. Nothing contained in this Agreement shall create a contractual relationship with a cause of action in favor of a third party against either the Client or Engineer.

Furthermore, causes of action between the parties to this Agreement pertaining to acts of failures to act shall be deemed to have accrued and the applicable statute of limitations shall commence to run not later than the date of substantial completion.
2. Responsibility of the Engineer: Engineer will strive to perform services under this Agreement in accordance with generally accepted and currently recognized engineering practices and principles, and in a manner consistent with that level of care and skill ordinarily exercised by members of the profession currently practicing in the same locality under similar conditions. No other representation, express or implied, and no warranty or guarantee is included or intended in this Agreement, or in any report, opinion, document, or otherwise.

Notwithstanding anything to the contrary which may be contained in this Agreement or any other material incorporated herein by reference, or in any Agreement between the Client and any other party concerning the Project, the Engineer shall not have control or be in charge of and shall not be responsible for the means, methods, techniques, sequences or procedures of construction, or the safety, safety precautions or programs of the Client, the construction contractor, other contractors or subcontractors performing any of the work or providing any of the services on the Project. Nor shall the Engineer be responsible for the acts or omissions of the Client, or for the failure of the Client, any architect, engineer, consultant, contractor or subcontractor to carry out their respective responsibilities in accordance with the Project documents, this Agreement or any other agreement concerning the Project. Any provision which purports to amend this provision shall be without effect unless it contains a reference that the content of this condition is expressly amended for the purposes described in such amendment and is signed by the Engineer.
3. Changes: Client reserves the right by written change order or amendment to make changes in requirements, amount of work, or engineering time schedule adjustments, and Engineer and Client shall negotiate appropriate adjustments acceptable to both parties to accommodate any changes, if commercially possible.
4. Suspension of Services: Client may, at any time, by written order to Engineer (Suspension of Services Order) require Engineer to stop all, or any part, of the services required by this Agreement. Upon receipt of such an order, Engineer shall immediately comply with its terms and take all reasonable steps to minimize the costs associated with the services affected by such order. Client, however, shall pay all costs incurred by the suspension, including all costs necessary to maintain continuity and for the resumption of the services upon expiration of the Suspension of Services Order. Engineer will not be obligated to provide the same personnel employed prior to suspension, when the services are resumed, in the event that the period
5. Termination: This Agreement may be terminated by either party upon thirty (30) days written notice in the event of substantial failure by the other party to perform in accordance with the terms hereof through no fault of the terminating party. This Agreement may be terminated by Client, under the same terms, whenever Client shall determine that termination is in its best interests. Cost of termination, including salaries, overhead and fee, incurred by Engineer either before or after the termination date shall be reimbursed by Client.
6. Documents Delivered to Client: Drawings, specifications, reports, and any other Project Documents prepared by Engineer in connection with any or all of the services furnished hereunder shall be delivered to the Client for the use of the Client. Engineer shall have the right to retain originals of all Project Documents and drawings for its files.

Furthermore, it is understood and agreed that the Project Documents such as, but not limited to reports, calculations, drawings, and specifications prepared for the Project, whether in hard copy or machine readable form, are instruments of professional service intended for one-time use in the construction of this Project. These Project Documents are and shall remain the property of the Engineer.

The Client may retain copies, including copies stored on magnetic tape or disk, for information and reference in connection with the occupancy and use of the Project.

When and if record drawings are to be provided by the Engineer, Client understands that information used in the preparation of record drawings is provided by others and Engineer is not responsible for accuracy, completeness, nor sufficiency of such information. Client also understands that the level of detail illustrated by record drawings will generally be the same as the level of detail illustrated by the design drawing used for project construction. If additional detail is requested by the Client to be included on the record drawings, then the Client understands and agrees that the Engineer will be due additional compensation for additional services.

It is also understood and agreed that because of the possibility that information and data delivered in machine readable form may be altered, whether inadvertently or otherwise, the Engineer reserves the right to retain the original tapes/disks and to remove from copies provided to the Client all identification reflecting the involvement of the Engineer in their preparation. The Engineer also reserves the right to retain hard copy originals of all Project Documentation delivered to the Client in machine readable form, which originals shall be referred to and shall govern in the event of any inconsistency between the two.

The Client understands that the automated conversion of information and data from the system and format used by the Engineer to an alternate system or format cannot be accomplished without the introduction of inaccuracies, anomalies, and errors. In the event Project Documentation provided to the Client in machine readable form is so converted, the Client agrees to assume all risks associated therewith and, to the fullest extent permitted by law, to hold harmless and indemnify the Engineer from and against all claims, liabilities, losses, damages, and costs, including but not limited to attorney's fees, arising therefrom or in connection therewith.

The Client recognizes that changes or modifications to the Engineer's instruments of professional service introduced by anyone other than the Engineer may result in adverse consequences which the Engineer can neither predict nor control. Therefore, and in consideration of the Engineer's agreement to deliver its instruments of professional service in machine readable form, the Client agrees, to the fullest extent permitted by law, to hold harmless and indemnify the Engineer from and against all claims, liabilities, losses, damages, and costs, including but not limited to attorney's fees, arising out of or in any way connected with the modification, misinterpretation, misuse, or reuse by others of the machine readable information and data provided by the Engineer under this Agreement. The foregoing indemnification applies, without limitation, to any use of the Project Documentation on other projects, for additions to this Project, or for completion of this Project by others, excepting only such use as may be authorized, in writing, by the Engineer.

7. Reuse of Documents: All Project Documents including but not limited to reports, opinions of probable costs, drawings and specifications furnished by Engineer pursuant to this Agreement are intended for use on the Project only. They cannot be used by Client or others on extensions of the Project or any other project. Any reuse, without specific written verification or adaptation by Engineer, shall be at Client's sole risk, and Client shall indemnify and hold harmless Engineer from all claims, damages, losses, and expenses including attorney's fees arising out of or resulting therefrom.

The Engineer shall have the right to include representations of the design of the Project, including photographs of the exterior and interior, among the Engineer's promotional and professional materials. The Engineer's materials shall not include the Client's confidential and proprietary information if the Client has previously advised the Engineer in writing of the specific information considered by the Client to be confidential and proprietary.

8. Standard of Practice: The Engineer will strive to conduct services under this agreement in a manner consistent with that level of care and skill ordinarily exercised by members of the profession currently practicing in the same locality under similar conditions as of the date of this Agreement.

9. Compliance with Laws: The Engineer will strive to exercise usual and customary professional care in his/her efforts to comply with those laws, codes, ordinance and regulations which are in effect as of the date of this Agreement. With specific respect to prescribed requirements of the Americans with Disabilities Act of 1990 or certified state or local accessibility regulations (ADA), Client understands ADA is a civil rights legislation and that interpretation of ADA is a legal issue and not a design issue and, accordingly, retention of legal counsel (by Client) for purposes of interpretation is advisable. As such and with respect to ADA, Client agrees to waive any action against Engineer, and to indemnify and defend Engineer against any claim arising from Engineer's alleged failure to meet ADA requirements prescribed.

Further to the law and code compliance, the Client understands that the Engineer will strive to provide designs in accordance with the prevailing Standards of Practice as previously set forth, but that the Engineer does not warrant that any reviewing agency having jurisdiction will not for its own purposes comment, request changes and/or additions to such designs. In the event such design requests are made by a reviewing agency, but which do not exist in the form of a written regulation, ordinance or other similar document as published by the reviewing agency, then such design changes (at substantial variance from the intended design developed by the Engineer), if effected and incorporated into the project documents by the Engineer, shall be considered as Supplementary Task(s) to the Engineer's Scope of Service and compensated for accordingly.

10. Affirmative Action: The Engineer is committed to the principles of equal employment opportunity. Moreover, as a government contractor bound by Executive Order 11246, Engineer takes its affirmative action obligations very seriously. Engineer states as its Policy of Affirmative Action the following:

It will be the policy of the Engineer to recruit, hire, train and promote persons in all job titles without regard to race, color, religion, sex, age, disability, veteran status, national origin, or any other characteristic protected by applicable law.

All employment decisions shall be consistent with the principle of equal employment opportunity, and only job-related qualifications will be required.

All personnel actions, such as compensation, benefits, transfers, tuition assistance, social and recreational programs, etc. will be administered without regard to race, color, religion, sex, age, disability, veteran status, national origin, or any other characteristic protected by applicable law.

11. Indemnification: Engineer shall indemnify and hold harmless Client up to the amount of this contract fee (for services) from loss or expense, including reasonable attorney's fees for claims for personal injury (including death) or property damage to the extent caused by the sole negligent act, error or omission of Engineer.

Client shall indemnify and hold harmless Engineer under this Agreement, from loss or expense, including reasonable attorney's fees, for claims for personal injuries (including death) or property damage arising out of the sole negligent act, error omission of Client.

In the event of joint or concurrent negligence of Engineer and Client, each shall bear that portion of the loss or expense that its share of the joint or concurrent negligence bears to the total negligence (including that of third parties), which caused the personal injury or property damage.

Engineer shall not be liable for special, incidental or consequential damages, including, but not limited to loss of profits, revenue, use of capital, claims of customers, cost of purchased or replacement power, or for any other loss of any nature, whether based on contract, tort, negligence, strict liability or otherwise, by reasons of the services rendered under this Agreement.

12. Opinions of Probable Cost: Since Engineer has no control over the cost of labor, materials or equipment, or over the Contractor(s) method of determining process, or over competitive bidding or market conditions, his/her opinions of probable Project Construction Cost provided for herein are to be made on the basis of his/her experience and qualifications and represent his/her judgement as a design professional familiar with the construction industry, but Engineer cannot and does not guarantee that proposal, bids or the Construction Cost will not vary from opinions of probable construction cost prepared by him/her. If prior to the Bidding or Negotiating Phase, Client wishes greater accuracy as to the Construction Cost, the Client shall employ an independent cost estimator Consultant for the purpose of obtaining a second construction cost opinion independent from Engineer.

13. Governing Law & Dispute Resolutions: This Agreement shall be governed by and construed in accordance with Articles previously set forth by (Item 9 of) this Agreement, together with the laws of the State of Illinois.

Any claim, dispute or other matter in question arising out of or related to this Agreement, which cannot be mutually resolved by the parties of this Agreement, shall be subject to mediation as a condition precedent to arbitration (if arbitration is agreed upon by the parties of this Agreement) or the institution of legal or equitable proceedings by either party. If such matter relates to or is the subject of a lien arising out of the Engineer's services, the Engineer may proceed in accordance with applicable law to comply with the lien notice or filing deadlines prior to resolution of the matter by mediation or by arbitration.

The Client and Engineer shall endeavor to resolve claims, disputes and other matters in question between them by mediation which, unless the parties mutually agree otherwise, shall be in accordance with the Construction Industry Mediation Rules of the American Arbitration Association currently in effect. Requests for mediation shall be filed in writing with the other party to this Agreement and with the American Arbitration Association. The request may be made concurrently with the filing of a demand for arbitration but, in such event, mediation shall proceed in advance of arbitration or legal or equitable proceedings, which shall be stayed pending mediation for a period of 60 days from the date of filing, unless stayed for a longer period by agreement of the parties or court order.

The parties shall share the mediator's fee and any filing fees equally. The mediation shall be held in the place where the Project is located, unless another location is mutually agreed upon. Agreements reached in mediation shall be enforceable as settlement agreements in any court having jurisdiction thereof.

14. Successors and Assigns: The terms of this Agreement shall be binding upon and inure to the benefit of the parties and their respective successors and assigns: provided, however, that neither party shall assign this Agreement in whole or in part without the prior written approval of the other.

15. Waiver of Contract Breach: The waiver of one party of any breach of this Agreement or the failure of one party to enforce at any time, or for any period of time, any of the provisions hereof, shall be limited to the particular instance, shall not operate or be deemed to waive any future breaches of this Agreement and shall not be construed to be a waiver of any provision, except for the particular instance.

16. Entire Understanding of Agreement: This Agreement represents and incorporates the entire understanding of the parties hereto, and each party acknowledges that there are no warranties, representations, covenants or understandings of any kind, matter or description whatsoever, made by either party to the other except as expressly set forth herein. Client and the Engineer hereby agree that any purchase orders, invoices, confirmations, acknowledgments or other similar documents executed or delivered with respect to the subject matter hereof that conflict with the terms of the Agreement shall be null, void and without effect to the extent they conflict with the terms of this Agreement.

17. Amendment: This Agreement shall not be subject to amendment unless another instrument is duly executed by duly authorized representatives of each of the parties and entitled "Amendment of Agreement".

18. Severability of Invalid Provisions: If any provision of the Agreement shall be held to contravene or to be invalid under the laws of any particular state, county or jurisdiction where used, such contravention shall not invalidate the entire Agreement, but it shall be construed as if not containing the particular provisions held to be invalid in the particular state, county or jurisdiction and the rights or obligations of the parties hereto shall be construed and enforced accordingly.

19. Force Majeure: Neither Client nor Engineer shall be liable for any fault or delay caused by any contingency beyond their control including but not limited to acts of God, wars, strikes, walkouts, fires, natural calamities, or demands or requirements of governmental agencies.

20. Subcontracts: Engineer may subcontract portions of the work, but each subcontractor must be approved by Client in writing.

21. Access and Permits: Client shall arrange for Engineer to enter upon public and private property and obtain all necessary approvals and permits required from all governmental authorities having jurisdiction over the Project. Client shall pay costs (including Engineer's employee salaries, overhead and fee) incident to any effort by Engineer toward assisting Client in such access, permits or approvals, if Engineer performs such services.

22. Designation of Authorized Representative: Each party (to this Agreement) shall designate one or more persons to act with authority in its behalf in respect to appropriate aspects of the Project. The persons designated shall review and respond promptly to all communications received from the other party.
23. Notices: Any notice or designation required to be given to either party hereto shall be in writing, and unless receipt of such notice is expressly required by the terms hereof shall be deemed to be effectively served when deposited in the mail with sufficient first class postage affixed, and addressed to the party to whom such notice is directed at such party's place of business or such other address as either party shall hereafter furnish to the other party by written notice as herein provided.
24. Limit of Liability: The Client and the Engineer have discussed the risks, rewards, and benefits of the project and the Engineer's total fee for services. In recognition of the relative risks and benefits of the Project to both the Client and the Engineer, the risks have been allocated such that the Client agrees that to the fullest extent permitted by law, the Engineer's total aggregate liability to the Client for any and all injuries, claims, costs, losses, expenses, damages of any nature whatsoever or claim expenses arising out of this Agreement from any cause or causes, including attorney's fees and costs, and expert witness fees and costs, shall not exceed the total Engineer's fee for professional engineering services rendered on this project as made part of this Agreement. Such causes included but are not limited to the Engineer's negligence, errors, omissions, strict liability or breach of contract. It is intended that this limitation apply to any and all liability or cause of action however alleged or arising, unless otherwise prohibited by law.
25. Client's Responsibilities: The Client agrees to provide full information regarding requirements for and about the Project, including a program which shall set forth the Client's objectives, schedule, constraints, criteria, special equipment, systems and site requirements.

The Client agrees to furnish and pay for all legal, accounting and insurance counseling services as may be necessary at any time for the Project, including auditing services which the Client may require to verify the Contractor's Application for Payment or to ascertain how or for what purpose the Contractor has used the money paid by or on behalf of the Client.

The Client agrees to require the Contractor, to the fullest extent permitted by law, to indemnify, hold harmless, and defend the Engineer, its consultants, and the employees and agents of any of them from and against any and all claims, suits, demands, liabilities, losses, damages, and costs ("Losses"), including but not limited to costs of defense, arising in whole or in part out of the negligence of the Contractor, its subcontractors, the officers, employees, agents, and subcontractors of any of them, or anyone for whose acts any of them may be liable, regardless of whether or not such Losses are caused in part by a party Indemnified hereunder.

Specifically excluded from the foregoing are Losses arising out of the preparation or approval of maps, drawings, opinions, reports, surveys, change orders, designs, or specifications, and the giving of or failure to give directions by the Engineer, its consultants, and the agents and employees of any of them, provided such giving or failure to give is the primary cause of Loss. The Client also agrees to require the Contractor to provide to the Engineer the required certificate of insurance.

The Client further agrees to require the Contractor to name the Engineer, its agents and consultants as additional insureds on the Contractor's policy or policies of comprehensive or commercial general liability insurance. Such insurance shall include products and completed operations and contractual liability coverages, shall be primary and noncontributing with any insurance maintained by the Engineer or its agents and consultants, and shall provide that the Engineer be given thirty days, unqualified written notice prior to any cancellation thereof.

In the event the foregoing requirements, or any of them, are not established by the Client and met by the Contractor, the Client agrees to indemnify and hold harmless the Engineer, its employees, agents, and consultants from and against any and all Losses which would have been indemnified and insured against by the Contractor, but were not.

When Contract Documents prepared under the Scope of Services of this contract require insurance(s) to be provided, obtained and/or otherwise maintained by the Contractor, the Client agrees to be wholly responsible for setting forth any and all such insurance requirements. Furthermore, any document provided for Client review by the Engineer under this Contract related to such insurance(s) shall be considered as sample insurance requirements and not the recommendation of the Engineer.

Client agrees to have their own risk management department review any and all insurance requirements for adequacy and to determine specific types of insurance(s) required for the project. Client further agrees that decisions concerning types and amounts of insurance are specific to the project and shall be the product of the Client. As such, any and all insurance requirements made part of Contract Documents prepared by the Engineer are not to be considered the Engineer's recommendation, and the Client shall make the final decision regarding insurance requirements.

26. Information Provided by Others: The Engineer shall indicate to the Client the information needed for rendering of the services of this Agreement. The Client shall provide to the Engineer such information as is available to the Client and the Client's consultants and contractors, and the Engineer shall be entitled to rely upon the accuracy and completeness thereof. The Client recognizes that it is impossible for the Engineer to assure the accuracy, completeness and sufficiency of such information, either because it is impossible to verify, or because of errors or omissions which may have occurred in assembling the information the Client is providing. Accordingly, the Client agrees, to the fullest extent permitted by law, to indemnify and hold the Engineer and the Engineer's subconsultants harmless from any claim, liability or cost (including reasonable attorneys' fees and cost of defense) for injury or loss arising or allegedly arising from errors, omissions or inaccuracies in documents or other information provided by the Client to the Engineer.
27. Payment: Client shall be invoiced once each month for work performed during the preceding period. Client agrees to pay each invoice within thirty (30) days of its receipt. The client further agrees to pay interest on all amounts invoiced and not paid or objected to for valid cause within said thirty (30) day period at the rate of eighteen (18) percent per annum (or the maximum interest rate permitted under applicable law, whichever is the lesser) until paid. Client further agrees to pay Engineer's cost of collection of all amounts due and unpaid after sixty (60) days, including court costs and reasonable attorney's fees, as well as costs attributed to suspension of services accordingly and as follows:

Collection Costs: In the event legal action is necessary to enforce the payment provisions of this Agreement, the Engineer shall be entitled to collect from the Client any judgement or settlement sums due, reasonable attorneys' fees, court costs and expenses incurred by the Engineer in connection therewith and, in addition, the reasonable value of the Engineer's time and expenses spent in connection with such collection action, computed at the Engineer's prevailing fee schedule and expense policies.

Suspension of Services: If the Client fails to make payments when due or otherwise is in breach of this Agreement, the Engineer may suspend performance of services upon five (5) calendar days' notice to the Client. The Engineer shall have no liability whatsoever to the Client for any costs or damages as a result of such suspension caused by any breach of this Agreement by the Client. Client will reimburse Engineer for all associated costs as previously set forth in (Item 4 of) this Agreement.

28. When construction observation tasks are part of the service to be performed by the Engineer under this Agreement, the Client will include the following clause in the construction contract documents and Client agrees not to modify or delete it:

Kotecki Waiver: Contractor (and any subcontractor into whose subcontract this clause is incorporated) agrees to assume the entire liability for all personal injury claims suffered by its own employees, including without limitation claims under the Illinois Structural Work Act, asserted by persons allegedly injured on the Project; waives any limitation of liability defense based upon the Worker's Compensation Act, court interpretations of said Act or otherwise; and to the fullest extent permitted by law, agrees to indemnify and hold harmless and defend Owner and Engineer and their agents, employees and consultants (the "Indemnitees") from and against all such loss, expense, damage or injury, including reasonable attorneys' fees, that the Indemnitees may sustain as a result of such claims, except to the extent that Illinois law prohibits indemnity for the Indemnitees' own negligence. The Owner and Engineer are designated and recognized as explicit third-party beneficiaries of the Kotecki Waiver within the general contract and all subcontracts entered into in furtherance of the general contract.

29. Job Site Safety/Supervision & Construction Observation: The Engineer shall neither have control over or charge of, nor be responsible for, the construction means, methods, techniques, sequences of procedures, or for safety precautions and programs in connection with the Work since they are solely the Contractor's rights and responsibilities. The Client agrees that the Contractor shall supervise and direct the work efficiently with his/her best skill and attention; and that the Contractor shall be solely responsible for the means, methods, techniques, sequences and procedures of construction and safety at the job site. The Client agrees and warrants that this intent shall be carried out in the Client's contract with the Contractor. The Client further agrees that the Contractor shall be responsible for initiating, maintaining and supervising all safety precautions and programs in connection with the work; and that the Contractor shall take all necessary precautions for the safety of, and shall provide the necessary protection to prevent damage, injury or loss to all employees on the subject site and all other persons who may be affected thereby. The Engineer shall have no authority to stop the work of the Contractor or the work of any subcontractor on the project.

When construction observation services are included in the Scope of Services, the Engineer shall visit the site at intervals appropriate to the stage of the Contractor's operation, or as otherwise agreed to by the Client and the Engineer to: 1) become generally familiar with and to keep the Client informed about the progress and quality of the Work; 2) to strive to bring to the Client's attention defects and deficiencies in the Work and; 3) to determine in general if the Work is being performed in a manner indicating that the Work, when fully completed, will be in accordance with the Contract Documents. However, the Engineer shall not be required to make exhaustive or continuous on-site inspections to check the quality or quantity of the Work. If the Client desires more extensive project observation, the Client shall request that such services be provided by the Engineer as Additional and Supplemental Construction Observation Services in accordance with the terms of this Agreement.

The Engineer shall not be responsible for any acts or omissions of the Contractor, subcontractor, any entity performing any portions of the Work, or any agents or employees of any of them. The Engineer does not guarantee the performance of the Contractor and shall not be responsible for the Contractor's failure to perform its Work in accordance with the Contract Documents or any applicable laws, codes, rules or regulations.

When municipal review services are included in the Scope of Services, the Engineer (acting on behalf of the municipality), when acting in good faith in the discharge of its duties, shall not thereby render itself liable personally and is, to the maximum extent permitted by law, relieved from all liability for any damage that may accrue to persons or property by reason of any act or omission in the discharge of its duties. Any suit brought against the Engineer which involve the acts or omissions performed by it in the enforcement of any provisions of the Client's rules, regulation and/or ordinance shall be defended by the Client until final termination of the proceedings. The Engineer shall be entitled to all defenses and municipal immunities that are, or would be, available to the Client.

30. Insurance and Indemnification: The Engineer and the Client understand and agree that the Client will contractually require the Contractor to defend and indemnify the Engineer and/or any subconsultants from any claims arising from the Work. The Engineer and the Client further understand and agree that the Client will contractually require the Contractor to procure commercial general liability insurance naming the Engineer as an additional named insured with respect to the work. The Contractor shall provide to the Client certificates of insurance evidencing that the contractually required insurance coverage has been procured. However, the Contractor's failure to provide the Client with the requisite certificates of insurance shall not constitute a waiver of this provision by the Engineer.

The Client and Engineer waive all rights against each other and against the Contractor and consultants, agents and employees of each of them for damages to the extent covered by property insurance during construction. The Client and Engineer each shall require similar waivers from the Contractor, consultants, agents and persons or entities awarded separate contracts administered under the Client's own forces.

31. Hazardous Materials/Pollutants: Unless otherwise provided by this Agreement, the Engineer and Engineer's consultants shall have no responsibility for the discovery, presence, handling, removal or disposal of or exposure of persons to hazardous materials/pollutants in any form at the Project site, including but not limited to mold/mildew, asbestos, asbestos products, polychlorinated biphenyl (PCB) or other toxic/hazardous/pollutant type substances.

Furthermore, Client understands that the presence of mold/mildew and the like are results of prolonged or repeated exposure to moisture and the lack of corrective action. Client also understands that corrective action is a operation, maintenance and repair activity for which the Engineer is not responsible.

Kendall County Regional Plan Commission

2023 Annual Workshop Meeting

February 4, 2023



**Prepared by
Planning, Building and Zoning Department**

2022 Summary

News and Noteworthy Items

- 27 Petitions filed in 2022; 51 Petitions Filed in 2021; 32 Petitions Filed in 2020; 46 Petitions Filed in 2019; 33 Petitions Filed in 2018; 33 Petitions Filed in 2017
- 36 New Housing Starts in 2022; 32 New Housing Starts in 2021; 34 New Housing Starts in 2020; 20 New Housing Starts in 2019
- 382 Total Permits in 2022; 354 Total Permits in 2021; 326 Total Permits in 2020; 257 Total Permits in 2019
- Total Deposits (Building Fees, Zoning Fees, Land Cash Fees, and Off-Site Roadway) for the FY2022 was \$264,487, Down from \$293,941 in FY2021
- Revenue in October was \$48,857; This Was the Highest Monthly Revenues Since the Mid-2000s
- County Board Denied a Special Use Permit for the First Time in Several Years
- Lien Levied Against 1038 Harvey Road in the Amount of Thirty-Two Thousand Eight Hundred (\$32,800) for Zoning, Building, and Junk and Debris Violations
- Hired a Part-Time Code Enforcement Officer, Matthew Yackley
- New Contracted Plumbing Inspector, Anthony Mayer of Mayer Plumbing, LLC Hired Following the Passing of Long Time Plumbing Inspector Randy Erickson
- County Board Approved Reclassification of Parcels to Mixed Use Business on the West Side of Eldmain Road at Fox Road
- Text Amendments Approved Establishing Definitions of Landscaping Businesses and Excavating Businesses
- Text Amendments Approved for Lighting Requirements of Towers
- Planning, Building and Zoning Committee Reaffirmed the Department's Voluntary Compliance Policy in Cases of Ordinance Violations and Established Procedures for After-The-Fact Applications
- Planning, Building and Zoning Committee Approved a Policy Requiring Applicants to the Department to be Debt Free or Current on Debt to the County Prior to Departmental Approvals, Including Requiring Middle Initials on all Applications
- Evaluated a Proposal with Teska Associates, Inc. to Update the County's Land Resource Management Plan; Proposal Not Included in Budget for FY22-23
- Reviewed with WBK Engineering the County's Existing Stormwater Management Ordinance Against the New State Model Floodplain Ordinance
- Continued Doing Annual NPDES Surveys to the Townships
- Noxious Weed Related Documents and Notices Drafted and Approved by the County Board
- Planning, Building and Zoning Committee Held a Special Committee Meeting in Boulder Hill
- Kendall County Historic Preservation Commission Held Special Meetings at Little White School Museum, Fern Dell, Edith Farnsworth House, and Yorkville Masonic Temple
- Started Working with Wiss, Janney, Elstner Associates, Inc. on Historic Structure Survey in Unincorporated Kendall and Bristol Townships Funded by a Certified Local Government Grant
- Continued Historic Preservation Commission Awards
- Senior Planner Assisted with the Codification Process
- Senior Planner Elected President of Illinois Association of County Zoning Officials
- Code Official Renewed Three (3) ICC Certificates Until April 2024

- Code Official Provided an Education Booth at the Kendall County Fair
- Code Official Provided Input on Hiring of Part-Time Code Enforcement Officer and Plumbing Inspector
- Code Official Performed a Higher Volume of Plan Reviews, Inspections, and Investigations Compared to the Previous Year
- Department Increased Cooperation with Oswego Township on Code Enforcement Matters

Items for 2023

- Continue to Assist with the Codification Process
- Continue to Implement the Citation Policies for the Various Ordinances
- Continue to Explore Opportunities to Start the Process of Updating the Land Resource Management Plan in its Entirety
- Work with the Administration Department on Obtaining an Intern for the Department
- Develop a More Comprehensive List of Available Residential Lots
- Review the Calculations in the Kendall County Land Cash Ordinance
- Organize a Training for the Regional Planning Commission, Zoning Board of Appeals, and Planning, Building and Zoning Committee
- Continue to Meet with Townships Regarding Their Role in the Development Approval Process
- Work with WBK Engineering to Review the County's Stormwater Regulations and Recommend Appropriate Changes Based on Changes in Federal and State Stormwater Regulations (i.e. State Model Floodplain Ordinance)
- Continue to Monitor Changes to Zoning Related Regulations at the State Level
- Continue to Work with GIS to Ensure Correct Zoning Information for Each Parcel
- Continue to Work with GIS to Connect Parcels to the Applicable Special Use and Map Amendment Ordinances
- Continue to Work to Ensure Special Use Permits that Require Renewals and Reviews Are Examined in a Timely Manner
- Ensure that Noxious Weed and NPDES Permit Documents Are Submitted to the State in a Timely Manner
- Complete the Historic Structure Survey in Unincorporated Kendall and Bristol Townships
- Work with the Illinois Historic Preservation Agency and Historic Preservation Commission on Certified Local Government Projects (i.e. Historic Structure Surveys in Other Townships)
- Increase the Visibility and Activities of the Historic Preservation Commission Through Collaboration with Other Historic Preservation Organizations and Events
- Senior Planner Will Represent the Department on the Hazard Mitigation Plan Update
- Work with Kendall County EMA to Pursue Disaster Related Grants and Other Funding
- Continue Working with the Northwest Water Planning Alliance
- Participate with Implementation of CMAP's 'On To 2050 Plan' for the Chicago Region
- Continue Reviewing and Addressing Potential Changes to the Zoning Ordinance and Departmental Operations for Increased Efficiency

Zoning Petitions Initiations

New Special Use Permits – 8; 1 Denied, 1 Withdrawn, 1 On Hold, 1 in Millbrook (2021: 8 Including 1 Property Owner Applied Twice)

Major Special Use Amendments – 3 (2021: 2)

Minor Special Use Amendments – 0; (2021: 3; 1 Property Owner Had 2 Minor Amendments)

Special Use Permit Revocations – 4 (2021: 1)

Special Use Renewal – 0 (2021: 1)

Variances Not Part of Special Use Permit – 2; (2021: 4; 1 Denied)

Administrative Variances – 2 (2021: 8; 1 Denied)

Stormwater Ordinance Variances – 0 (2021: 1)

Conditional Use Permits – 1 (2021: 0)

Temporary Use Permit – 0 (2021: 0)

Site Plan Review – 1 (2021: 6)

Plat of Vacation – 1 (2021: 0)

Preliminary and Final Plats – 0 (2021: 0)

Amendments Initiations

Text Amendments – 3; 1 On Hold (2021: 3; 1 Withdrawn)

Land Use Plan Amendments – 1 (2021: 2)

Map Amendments – 1 (2021: 9; 1 Withdrawn)

Stormwater Ordinance Related Amendments – 0 (2021: 1)

Historic Preservation

Landmarks – 0 (2021: 0)

Text Amendment to Ordinance – 0 (2021: 0)

Other – 0 (2021: 1 (Tax Freeze for Historic Properties))

OTHER

– 0 (2021: 1 Citation Form Amendment)

TOTAL PETITIONS – 27 (2021: 51)

Meetings

ZPAC – 10 (2021: 11)

RPC – 10 Including Annual Meeting (2021: 11)

ZBA – 10 (2021: 9)

HPC – 9 (2021: 12)

Stormwater Management Oversight Committee – 1 (2021: 1)

Comprehensive Land Plan and Ordinance Committee – 5 (2021: 6)

PBZ – 14 (2021: 13)

Of the 32 ordinances approved by the County Board in 2022, 18 were Planning, Building and Zoning related. Of the 35 ordinances approved by the County Board in 2021, 19 were Planning, Building and Zoning related. Of the 26 ordinances approved by the County Board in 2020, 13 were Planning, Building and Zoning related. Of the 39 ordinances approved by the County Board in 2019, 22 were Planning, Building and Zoning related.

The Department investigated zero (0) noxious weed violations in 2022 compared to zero (0) noxious weed violation investigation in 2021, 2020, and 2019.

Construction Activity

Single-Family Dwelling Units – 32 (32 approved in 2021)

New Homes by Township 2022 (2021)

Kendall Township – 10 (6)	Bristol Township – 1 (1)	Na-Au-Say Township – 9 (17)
Fox Township – 3 (2)	Little Rock Township – 4 (0)	Oswego Township – 4 (2)
Lisbon Township – 0 (3)	Seward Township – 4 (1)	Big Grove – 1 (0)

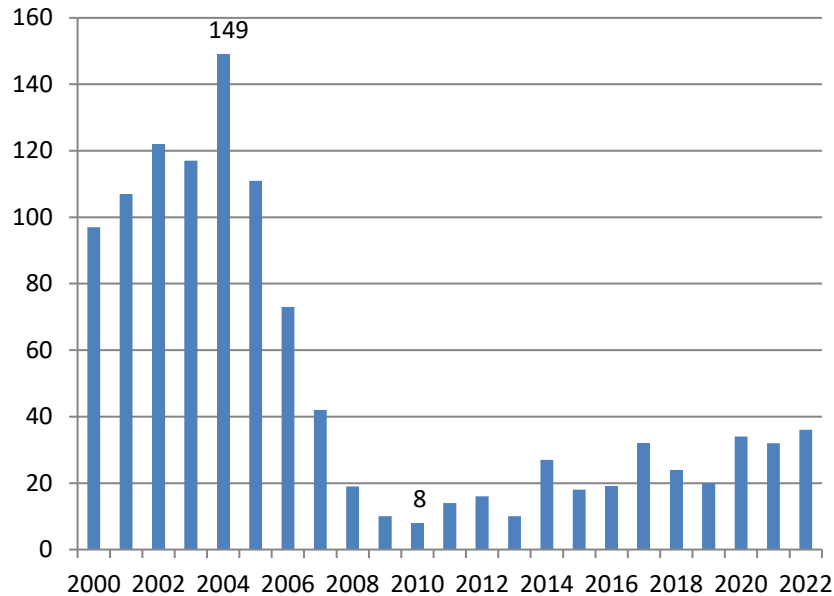
New Homes by Subdivision (Approximate Number of Vacant/Total Lots)

Whitetail Ridge – 11 (178/244)	Brighton Oaks – 2 (11/20)	Fields of Farm Colony – 1 (16/159)
Highgrove – 1 (1/4)	Hiteman – 1 (0/6)	Huntsmen Trails – 1 (6/15)
River Glen – 1 (1/7)	Schaefer Woods North – 2 (2/35)	Shadow Creek – 1 (18/29)
Estates of Millbrook – 2 (73/175)	Tanglewood Trails – 1 (27/38)	Henneberry Woods – 3 (60/352)
Woods of Silver Springs – 1 (15/57)	Timber Ridge – 1 (20/46)	Other (Not in Subdivision): 7 (N/A)

Average New Single Family Home Permits Since 2000 – 50

Average New Single Family Home Permits Since 2010 – 22

Single Family Homes 2000-2022



Available Lots in RPD Subdivisions (Total Platted Lots)

Deere Crossing – 15 (18)

Whitetail Ridge – 178 (244)

Brighton Oaks – 11 (20)

Equestrian Estates – 9 (16)

Grove Estates – 40 (50)

Henneberry Woods – 60 (352)

Rosehill – 8 (57)

*Schaefer Glen – 6 (6)

Tanglewood Trails – 27 (38)

*Highpoint Meadows – 23 (23)

Highpoint – 2 (4)

Total Platted RPD Lots – 828 Total Available RPD Lots – 384 Total Developed RPD Lots - 448

**Open Subdivisions*

Fiscal Year 2022 Detailed Inspection Report

Site Visit	210 (2021: 200)
Footing	91 (2021: 97)
Backfill	24 (2021: 25)
Wall	30 (2021: 13)
Slab	52 (2021: 37)
Electric Service	19 (2021: 16)
Frame/Wire	101 (2021: 86)
Insulation	32 (2021: 23)
Final	210 (2021: 132)
Red Tag	0 (2021: 0)
Hearing Signs	29 (2021: 20)
Meetings in Field	121 (2021: 83)
Violation Investigations	368 (2021: 225)
NPDES	0 (2021: 0)
Yorkville Back for County	65 (2021: 10)

Total Field Visits and Investigations: 1390 (2021: 983)

Total Permit Reviewed and Issued: 367; 15 Void (2021: 365; 11 Void)

Contracted Plumbing Inspections: 92 (2021: 96)

Inspections for Yorkville per IGA: 10 (2021: 0)

2023 Goals of Code Official

1. Investigate technology with GIS for permit tracking system
2. Investigate the feasibility of implementing a license and bonding program for contractors
3. Provide a Public Educational Training
4. Attend an ICC seminar on 2021 Residential Codes
5. Investigate the feasibility of implementing roofing permits



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 203

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

MEMORANDUM

To: Planning, Building and Zoning Committee

From: Matthew H. Asselmeier, AICP, CFM, Senior Planner

Date: 2/2/2023

Subject: 2023 Residential Building Permit Information

Staff contacted the municipalities located within Kendall County to obtain their single-family and multi-family building permit information for 2022. A table with this information is below. For those municipalities located in more than one county, only the Kendall County information is provided.

Municipal Residential Construction Information 2022

Municipality	2022 New Construction (Single-Family)	2022 New Construction (Multi-Family)	2021 New Construction (Single-Family)	2021 New Construction (Multi-Family)
Aurora	0 (\$0)	0 (\$0)	25 (\$3,805,607)	0 (\$0)
Joliet	110 (\$27,949,600)	59 Units (\$9,987,000)	41 (\$9,662,300)	19 (45 Units) (\$7,902,000)
Lisbon	0 (\$0)	0 (\$0)	0 (\$0)	0 (\$0)
Millbrook	0 (\$0)	0 (\$0)	0 (\$0)	0 (\$0)
Millington	0 (\$0)	0 (\$0)	0 (\$0)	0 (\$0)
Minooka	0 (\$0)	0 (\$0)	0 (\$0)	0 (\$0)
Montgomery	1 Detached (\$153,405) 9 Attached (36 Units) (\$3,657,960)	0 (\$0)	58 (\$9,168,930*)	7 (124 Units)
Newark	1 (\$350,000)	0 (\$0)	0 (\$0)	0 (\$0)
Oswego	193 Detached (\$37,266,603) 34 Attached (\$5,697,237)	6 (\$22,200,000)	82 Detached 50 Attached (\$26,700,000*)	0 (\$0)
Plainfield	88 (\$21,200,000)	0 (\$0)	30 (\$6,000,000)	0 (\$0)
Plano	55 (\$11,300,000)	0 (\$0)	89 (\$15,700,000)	0 (\$0)
Plattville	0 (\$0)	0 (\$0)	0 (\$0)	0 (\$0)
Sandwich	1 (\$250,000)	0 (\$0)	0 (\$0)	0 (\$0)
Yorkville	170 Detached (\$30,106,480) 115 Attached (\$16,096,544)	0 (\$0)	249 Detached (\$39,698,658) 160 Attached (\$20,182,959)	0 (\$0)
Unincorporated	36 (\$21,431,854)	0 (\$0)	32 (\$18,235,660)	0 (\$0)
Total	779 (\$175,459,683)	(\$32,187,000)	816 (\$149,154,114)	26 (169 Units) (\$7,902,000)

* Montgomery's, and Oswego's dollar amounts are total residential investment.

2022 Grand Total - \$207,646,683 2021 Grand Total - \$157,056,114 2020 Grand Total - \$163,476,546

2019 Grand Total - \$108,042,333 2018 Grand Total - \$135,058,319



**KENDALL COUNTY
HISTORIC PRESERVATION COMMISSION
HISTORIC PRESERVATION ORGANIZATION MEETING**
61 Main Street • Oswego Brewing Company
• Oswego, IL • 60543
AGENDA

February 15, 2023 – 6:00 p.m.

- I. Call to Order**
- II. KCHPC Roll Call and Introductions**
Eric Bernacki, Elizabeth Flowers (Vice-Chair), Kristine Heiman, Marty Shanahan, Jeff Wehrli (Chairman), and Non-KCHPC Attendees
- III. Welcoming Remarks**
Elizabeth Flowers, Kendall County Historic Preservation Commission Vice-Chair
- IV. Presentation by Oswego Brewing Company**
- V. Presentation on Oswego Downtown Historic District**
Valeria Tarka, Village of Oswego
- VI. Discussion of Historic Preservation Awards**
- VII. Round Table Discussion**
What Activities Have Your Organizations Been Doing?
Successes?
Challenges?
Strategies for Encouraging Historic Property Owners to Have Open Houses?
Opportunities for Collaboration?
- VIII. Discussion of Future Meeting(s)**
- IX. Other Business**
- X. Public Comment**
- XI. Adjournment**

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.

2022 VIOLATIONS

[illegible]

**PRE VIOLATION REPORT
2023**

Date Opened	Parcel #	Address	Subdivision	Description of Complaint	Inspection Date	Comments	F/Up	Closed
1/10/2023	03-05-432-001	3 Durango Rd Montgomery	Boulder Hill	Grass Parking/Inoperable Vehicle	1/13/2023	Inoperable vehicle in grass	2/17/2023	
1/10/2023	03-05-277-022	8 Bereman Rd Montgomery	Boulder Hill	Boat	1/13/2023	Boat in FY setback & non approved surface	2/17/2023	
1/10/2023	03-09-102-008	41 Cayman Dr Montgomery	Boulder Hill	Grass Parking/Inoperable Vehicle	1/13/2023	Vehicle not present		1/17/2023
1/17/2023	01-01-301-003	1700 Little Rock Rd Plano	Snyder	Addition - No Permit & Farm Animals		15 Day Inspection request	2/6/2023	
1/18/2023	07-23-100-023	13625 Apakesha Rd, Newark		New Ag Buildings - No permits				
1/20/2023	03-18-326-001	150 Osage Ct Oswego	Owners 2nd	Addition to Acc Bldg - No Permit				
1/20/2023	03-18-403-009	85 Osage Ct Oswego	The Highlands	Shed - No Permit				
1/20/2023	03-18-401-002	118 Osage Ct Oswego	Owners 2nd	Addition - No Permit				
1/23/2023	09-09-100-008	13100 McKenna Rd Minnoka		Pool - no Permit	GIS	30 Day Warning Notice Reg & Cert	2/23/2023	1/31/2023
1/26/2023	03-12-204-005	26 Gastville St Aurora	Gastville	Landscape business - debris - large trucks				
1/26/2023	03-12-203-011	29 Gastville St Aurora	Gastville	Landscape bus - Stormwater-pallet business				
1/26/2023	03-12-203-013	39 Gastville St Aurora	Gastville	Landscape business - debris - large trucks				
1/26/2023	03-12-201-001	3 Council Ave Aurora	Gastville Resub	Landscape business - debris - large trucks				
1/31/2023	03-04-407-030	130 Beauwick Dr Montgomery	Boulder Hill	Junk & Debris				

PRE VIOLATION REPORT 2022

Date Opened	Parcel #	Address	Subdivision	Description of Complaint	Inspection Date	Comments	F/Up	Closed
12/2/2021	09-13-200-006	195 Route 52 Minooka		Inoperable Vehicles & Pile of dirt	12/13/2021	Ag Building - Backfill per MA		12/20/2021
12/2/2021	03-04-408-041	124 Longbeach Rd. Montgomery	Boulder Hill	Prohibited Trailer parked in front yard	12/22/2021	Truck in setback - trailer removed		12/20/2021
12/6/2021	03-04-378-039	43 Saukatuck Rd. Montgomery	Boulder Hill	Multiple Violations	12/11/2021	30 Day Warning Notice Reg & Cert	10/21/2022	12/20/2021
12/7/2021	03-04-152-013	22 Greenbriar Rd. Montgomery	Boulder Hill	Multiple Violations	12/11/2021	Improvements 5/4/22 junk & debris & Trailer removed	6/3/2022	6/8/2022
12/8/2021	03-04-477-038	80 Springfield Rd. Montgomery	Boulder Hill	Parking on lawn 8/22 Inspect of 2 motorcycles	12/11/2021	1/25 Warning Notice Reg & Cert.	8/22/2022	9/15/2022
12/13/2021	03-05-430-019	42 S Bereman Rd. Montgomery	Boulder Hill	Prohibited Trailer parked in front yard	1/6/2022	30 day warning 1/24/2022	2/24/2022	3/9/2022
12/16/2021	06-13-176-003	Anderson 1220 1/2 N. Cherry Dr. Oswego	Boulder Hill	Multiple Violations	10/7/2022	Requesting Meeting	4/27/2023 3/13/2023	3/13/2023
12/16/2021	03-05-429-031	37 S Bereman Rd. Montgomery	Boulder Hill	Prohibited Trailer parked in front yard	1/6/2022	Trailer removed		2/18/2022
12/16/2021	02-35-381-004	5879 Danielle Lane Yorkville	Fields of Farm Colony	3 trailers in front yard setback	1/6/2022	30 day warning 1/13/2022		2/18/2022
12/16/2021	03-05-430-026	158 Boulder Hill Pass Montgomery	Boulder Hill	Inoperable Vehicle	1/6/2022	BP applied for #04-2022-029		3/9/2022
12/20/2021	06-02-177-003	7 Cherokee Dr. Oswego	Oswego Plains	Building w/permit	12/20/2021	No change		1/5/2022
12/20/2021	03-18-402-003	19 N. Cherry Dr. Oswego	Owners 2nd Sub	Junk & Debris	1/6/2022, 1/23/2022	No change		9/30/2022
12/21/2021	03-04-428-011	162 Heathgate Rd. Montgomery	Boulder Hill	Junk & Debris	1/6/2022, 5/24/22	No changes-Osw Code taking action		7/25/2022
12/28/2021	03-04-406-004	49 Winrock Rd. Montgomery	Boulder Hill	Prohibited Trailer parking	1/6/22, 1/23/22	No change		4/12/2022
12/29/2021	03-04-305-026	22 Wyncham Dr. Montgomery	Boulder Hill	Junk & Debris	1/6/2022	Debris has been removed		1/19/2022
1/5/2022	03-09-152-019	14 Ridgefield Rd. Montgomery	Boulder Hill	Inoperable Vehicle	1/6/2022	Burnt car / trailer		4/14/2022
1/5/2022	03-08-227-036	23 Old Post Rd. Montgomery	Boulder Hill	Parking on non approved surface	1/6/2022	Gravel Drive Grandfathered in		1/19/2022
1/5/2022	02-34-204-004	80 Riverside St. Yorkville	Fox River Gardens	Tent	12/21/2021	Forwarded to Matt A for response		1/21/2022
1/6/2022	02-35-380-006	7796 Madeline Dr. Yorkville	FOFC	RV parked in front yard since 12/10/2021	1/5/2021	RV still driveway - fly setback	1/21/2022	1/21/2022
1/11/2022	03-04-253-010	44 Ingheshe Rd. Montgomery	Boulder Hill	Junk & Debris	1/23/2022	House seems empty	4/12/2022	4/12/2022
1/11/2022	02-35-380-006	5703 Fields Dr. Yorkville	FOFC	Trailer in Front yard setback	2/28/2022	Removed		3/7/2022
1/13/2022	05-18-226-002	8115 E. Highpoint. Rd.		Trucking Business	1/23/2022	Several Trucks Parked	2/3/2022	3/8/2022
1/14/2022	05-03-200-027	8250 Route 71 Yorkville		Drive lane not hard surface per SU approval	1/18/2022	Forwarded to Matt A for response	4/3/2023	
1/18/2022	01-19-200-009	17660 Sedgewick Rd. Sandwich		Possible residence in Barn	1/18/2022	Building permit applied for		2/2/2022
1/19/2022	05-04-300-033	9600 Route 71		Junk & Debris	1/19/2022	Unable to observe blowing J & D		1/20/2022
1/26/2022		behind 421 Hazeltine Way		Junk & Debris	1/27/2022	No Debris or Garbage observed		1/27/2022
2/3/2022	03-05-401-003	81 Boulder Hill Pass	Boulder Hill	Occupying a struction w/o C of O	2/9/2022	Applied for Permit		3/8/2022
2/4/2022	03-08-278-010	102 Circle Drive W Montgomery	Boulder Hill	Prohibited RV parking	3/9/2022	No RV on site		3/9/2022
2/7/2022	03-04-256-020	51 Hunter Dr. Montgomery	Boulder Hill	Possible Auto repair business	2/12/2022	No Evidence of auto shop		2/15/2022
2/7/2022	03-05-402-008	8 Circle Dr East Montgomery	Boulder Hill	Possible Auto repair business	2/12/2022	Tow vehicle, trailers, cars, hauler	4/13/2022	4/13/2022
2/7/2022	03-04-378-019	83 Pueblo Rd. Montgomery	Boulder Hill	Possible Auto repair business	2/12/2022	No Evidence of auto shop		2/15/2022
2/16/2022	02-24-228-001	8 Riverview Ct. Oswego	Riverview Heights	Remodel bathroom w/o permit	2/18/2022	No Evidence of violation		2/18/2022
2/22/2022	05-03-200-027	8250 Route 71 Yorkville		Driveway not asphalted per Ord. 2014-21		MA	5/1/2023	
2/24/2022	02-35-301-003	339 Austin Ct. Yorkville	Fields of Farm Colony	Box truck	3/7/2022	30 day warning		4/14/2022
2/24/2022	03-08-202-008	54 Circle Dr. W Montgomery	Boulder Hill	Prohibited RV parking	3/9/2022	No RV on site		3/9/2022
2/28/2022	03-05-453-007	141 Boulder Hill Pass Montgomery	Boulder Hill	POD in driveway	3/9/2022	No POD on site		3/9/2022
3/1/2022	02-21-151-005	5626 Winkler Rd. Yorkville	Squaw Valley	Trailer in setback	3/7/2022	No violation		3/7/2022
3/7/2022	03-04-154-002	30 Patricia Ln. Yorkville	Richard Blackberry Estates	Inoperable Vehicle-green truck	3/7/2022	30 day warning		4/13/2022
3/7/2022	03-04-154-002	37 Woodridge Rd. Montgomery	Boulder Hill	Junk & Debris	3/9/2022	30 day warning		4/12/2022
3/2/2022	02-28-403-005	804 McHugh Rd. Yorkville		Multiple Violations	3/7/2022	Moved from setback and used for family time	4/8/2022	4/14/2022
3/2/2022	03-04-329-016	39 Whittey Way Montgomery	Boulder Hill	Multiple Violations	3/9/2022	30 day warning		5/18/2022
3/9/2022	03-04-351-001	25 Hampton Way Montgomery	Boulder Hill	Illegal POD in driveway	5/23/2022	Removed		5/23/2022
3/10/2022	03-05-402-008	8 Circle Dr East Montgomery	Boulder Hill	Possible Auto repair business	2/12 & 3/9	Tow vehicle, trailers, cars, hauler	4/10/2022	Closed
3/11/2022	07-07-200-022	13297 Fennel Rd. Newark		Possible barndominium	3/15/2022	Single family home BPH 01-00-160		3/16/2022
3/16/2022	03-04-181-010	48 Pembroke Rd. Montgomery	Boulder Hill	Possible boarding house	4/12/2022	Not enough evidence		4/12/2022
3/23/2022	03-04-458-001	3 Wembley Rd. Montgomery	Boulder Hill	Trailer Parking	4/12/2022			4/12/2022
3/23/2022	02-15-302-001	2 South Street Bristol		Multiple Violations	9/30/2022	30 Day Warning Notice Reg & Cert	11/19/2022	11/28/2022
3/29/2022	09-28-300-008	16924 Obrien Rd Minooka		Possible Landscaping business		Not enough evidence		8/11/2022
4/1/2022	03-05-404-028	7 Greenfield Rd. Montgomery	Boulder Hill	Multiple Violations	4/12/2022	Numerous warning notices	8/27/2022	8/23/2022
4/8/2022	03-04-306-001	51 Circle Drive E Montgomery	Boulder Hill	Junk & Debris	4/13/2022	30 day warning		5/18/2022
4/8/2022	03-35-200-003	1126 Simons Rd. Oswego		Short term rental- banquet facility	4/25/2022	30 day warning		5/25/2022

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4/12/2022	09-35-200-005	17045 Ridge Rd. Minnoka		Multiple Violations	4/20/2022	30 day warning	7/5/2022	6/2/2022
4/12/2022	09-04-376-003	76 Circle Dr E. Montgomery	Boulder Hill	Junk & Debris	4/14/2022	No violation	7/5/2022	4/14/2022
4/12/2022	02-11-101-007	65 E Larkspur Ln. Bristol	Willowbrook	Pool-open pit in backyard	4/20/2022	30 Day warning notice	7/5/2022	7/6/2022
4/12/2022	03-04-478-022	52 Eastfield Rd. Montgomery	Boulder Hill	Junk & Debris	4/12/2022	30 day warning	5/25/2022	5/25/2022
4/12/2022	03-04-479-032	52 Sonora Dr. Montgomery	Boulder Hill	Ambulance parked in driveway	4/12/2022	Removed	5/12/2022	4/25/2022
4/13/2022	06-08-101-011	7126 Roberts Ct. Oswego	Grove Estates	Zoning Violation - Airbnb	4/13/2022	MA - 30 day warning	5/16/2022	4/19/2022
4/20/2022	03-04-303-029	40 Marne Rd. Montgomery	Boulder Hill	Unsafe Structure	4/22/2022	No Property Maintenance Code	4/22/2022	4/22/2022
4/25/2022	01-16-201-003	15416 Miller Rd. Plano		Multiple Violations	4/27/2022	Not enough evidence	8/1/2022	8/3/2022
4/25/2022	04-13-277-005	8450 W Highpoint Rd. Yorkville		Junk & Debris	5/4/2022	Onsite meeting 5/17/22		
4/25/2022	04-13-226-004	61 Cotswold Dr. Yorkville	Cotswold FEN	Inoperable Vehicle	5/4/2022	Can't prove inoperable		
4/26/2022	06-02-177-001	73 Oswego Plains Dr. Oswego	Oswego Plains	2 Horses	4/27/2022	No Horses		4/28/2022
4/27/2022	03-04-151-010	62 Fernwood Rd. Montgomery	Boulder Hill	Fence debris after storm	5/3/2022	No violation		5/3/2022
5/3/2022		Fernwood Rd. Montgomery	Boulder Hill	Semi tractor trailer	5/3/2022	Using to move		5/3/2022
5/4/2022	05-08-403-002	12 Ronhill Rd. Yorkville	Ronhill	Pool - No fence	5/6/2022	BP 12-2022-092 in progress		5/9/2022
5/5/2022	03-04-378-039	43 Saugatuck Rd. Montgomery	Boulder Hill	Fence in ROW	5/10/2022	Deferred to Osw Twin HwyDept		5/10/2022
5/5/2022	03-04-477-024	52 Springdale Rd. Montgomery	Boulder Hill	Fence in ROW	5/10/2022	Deferred to Osw Twin HwyDept		5/10/2022
5/5/2022	03-04-306-024	38 Hampton Rd. Montgomery	Boulder Hill	Fence in ROW	5/10/2022	Deferred to Osw Twin HwyDept		5/10/2022
5/5/2022	02-35-382-008	5812 Danielle Ln. Yorkville	FOC	Trailer in F-yard setback	5/10/2022	No violation		5/10/2022
5/9/2022	03-05-430-031	9 Seneca Dr. Montgomery	Boulder Hill	Fence in ROW	5/10/2022	Deferred to Osw Twin HwyDept		5/10/2022
5/10/2022	04-16-351-005	8942 Wilcox Ct. Millbrook	Estates of Millbrook	Pool encroachment	5/17/2022	Pool is min. 5" from property line		5/24/2022
5/10/2022	09-18-300-017	Brislin Rd. Minnoka		Illegal dumping	5/16/2022	Removed		5/16/2022
5/10/2022	01-10-301-003	1700 Little Rock Rd. Plano	Snyder	Benquet Facility	Several	No Evidence - Neighbor will monitor		6/1/2022
5/11/2022	03-08-278-010	102 Circle Drive W Montgomery	Boulder Hill	RV parked in F-yard setback	5/10/2022	30 Day warning notice		7/11/2022
5/18/2022	03-04-180-002	115 Fernwood Rd. Montgomer	Boulder Hill	Driveway - No Permit	5/31/2022	No violation		5/31/2022
5/18/2022	03-08-227-036	23 Old Post Rd. Montgomery	Boulder Hill	Parking on non approved surface	5/25/2022	ZBA allowed parking on gravel		5/25/2022
5/18/2022	03-09-152-019	14 Ridgefield Rd. Montgomery	Boulder Hill	Trailer Parking	5/25/2022	30 Day warning notice	7/1/2022	7/7/2022
5/18/2022	03-05-404-009	118 Boulder Hill Pass	Boulder Hill	RV Parked in grass	5/25/2022	30 Day warning notice	7/1/2022	7/7/2022
5/18/2022	03-04-352-002	21 Durango Rd. Montgomery	Boulder Hill	Landscape business in R-6 zoning	5/25/2022	30 Day warning notice	8/11/2022	8/31/2022
5/18/2022	03-04-477-002	99 Longbeach Rd. Montgomery	Boulder Hill	Inoperable Vehicle	5/25/2022	30 Day warning notice	7/1/2022	7/7/2022
5/18/2022	03-04-305-025	20 Wyndham Dr. Montgomery	Boulder Hill	Junk & Debris	5/25/2022	30 Day warning notice	1/9/2023	1/17/2023
5/19/2022	03-08-227-032	15 Old Post Rd. Montgomery	Boulder Hill	Driveway-no permit	5/25/2022	Driveway permit not required		8/12/2022
5/20/2022	03-04-408-035	112 Longbeach Rd. Montgomery	Boulder Hill	Inoperable Vehicle	5/25/2022	30 Day warning notice		10/20/2022
5/20/2022	03-04-252-003	55 Ingleshire Rd. Montgomery	Boulder Hill	Possible remodel w/o permit	5/26/2022	30 Day warning notice		5/30/2022
5/20/2022	03-04-307-025	34 Longbeach Rd. Montgomery	Boulder Hill	Commercial Vehicle	5/25/2022	30 Day warning -wrong address	7/1/2022	10/5/2022
5/24/2022	03-17-102-011	2245 Route 31 Oswego	Herrers Riverview Add	Commercial Vehicle parking	5/25/2022	Unable to locate commercial vehicle		6/9/2022
5/24/2022	03-05-454-013	7 Curtmar Ct. Montgomery	Boulder Hill	Sealcoating business	5/25/2022	Met w/owner - Home Occupation		6/8/2022
5/24/2022	03-04-180-004	121 Fernwood Rd. Montgomery	Boulder Hill	Trailer in F-yard setback	5/23/2022	30 Day warning notice	6/23/2022	6/24/2022
5/24/2022	03-04-256-026	138 Fernwood Rd. Montgomery	Boulder Hill	Camper parked in F-yard setback	5/23/2022	30 Day warning notice	6/23/2022	6/24/2022
5/24/2022	03-04-376-039	50 Sierra Rd. Montgomery	Boulder Hill	Parking on non approved surface	5/23/2022	30 Day notice for parking	6/23/2022	6/24/2022
5/24/2022	03-04-428-011	162 Heathgate Rd. Montgomery	Boulder Hill	Junk & Debris	5/23/2022	30 Day warning notice	6/23/2022	Citation 7/11/22
5/24/2022	02-35-380-001	7796 Madeline Dr. Yorkville	FOC	RV Parked in F/Y setback	Multiple			Closed
5/24/2022	03-05-404-028	7 Greenfield Rd. Montgomery	Boulder Hill	Trailer in Front yard setback	5/23/2022	30 Day warning notice	6/23/2022	Citation 7/11/22
5/26/2022	03-04-478-005	51 Springdale Rd. Montgomery	Boulder Hill	Mechanic Shop	5/25/2022	Site visit w/owner-business not operational		6/8/2022
5/31/2022	08-11-227-002	13205 Church Rd. Minnoka	Plattville	Investigate per June	8/3/2022	No violation found		8/3/2022
5/31/2022	09-12-103-006	6772 Chicago Rd. Yorkville	Plattville	Investigate per June	8/3/2022	No violation found		8/3/2022
5/31/2022	08-01-451-005	6363 Chicago Rd. Yorkville	Plattville	Investigate per June	8/3/2022	No violation found		8/3/2022
5/31/2022	03-07-402-014	168 Dolores St. Oswego	Shore Heights	Car Repair business	6/7/2022	No evidence found of auto repair		6/9/2022
5/31/2022	05-09-300-015	7789 Route 47 Yorkville	Waiz	Remodel & Change of Occup w/o permit	6/14/2022	Met w/owner-Prop for sale	8/19/2022	9/21/2022
5/31/2022	03-05-432-010	24 Seneca Dr. Montgomery	Boulder Hill	Trailer in F-yard setback	5/25/2022	30 Day warning notice	7/1/2022	7/7/2022
5/31/2022	03-05-476-020	15 Codorus Rd. Montgomery	Boulder Hill	Boat in F-yard setback	5/25/2022	30 Day warning notice	7/1/2022	7/7/2022
5/31/2022	08-01-452-019	6366 Chicago Rd. Yorkville		Junk & Debris	8/3/2022	30 Day warning notice	9/4/2022	9/13/2022
5/31/2022	08-12-103-001	6986 Chicago Rd. Minnoka		Junk & Debris	8/3/2022	30 Day warning notice	1/20/2023	

Citation coming

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6/1/2022	03-04-378-039	43 Saugatuck Rd. Montgomery	Boulder Hill	Junk & Debris	5/25/2022	30 Day warning notice	1/20/2023	
6/2/2022	03-04-479-023	113 Saugatuck Rd. Montgomery	Boulder Hill	Landscape business	6/21/2022	30 Day warning notice		7/7/2022
6/6/2022	03-08-278-009	4 Culver Rd. Montgomery	Boulder Hill	Rooster	6/9/2022	Sent email for location to view or hear		6/21/2022
6/6/2022	03-05-454-031	9 Creve Ct. Montgomery	Boulder Hill	Pool - No Permit	6/8/2022	30 day warning notice	7/9/2022	8/25/2022
6/6/2022	02-28-301-002	207 Georgianna St. Yorkville	Countryside	Junk & Debris	6/13/2022	People moving-waiting for garbage p/u		6/13/2022
6/6/2022	03-04-477-038	80 Springdale Rd. Montgomery	Boulder Hill	Multiple Violations	5/25/2022	30 day warning notice	7/6/2022	Closed
6/6/2022	03-08-278-009	4 Culver Rd. Montgomery	Boulder Hill	Rooster	6/21/2022	Unable to see or hear rooster		6/21/2022
6/7/2022	09-18-300-017	Brislin Rd. Minooka		Fill / Debris	6/14/2022	Dirt fill placed-SW permit not required		6/15/2022
6/10/2022	03-04-377-010	65 Sierra Rd. Montgomery	Boulder Hill	Chickens/rooster in R-6	6/21/2022	2nd notice 7/27/2022	8/27/2022	8/2/2022
6/12/2022	03-17-102-011	2245 Route 31. Oswego	Herrens Riverview Add	Fire - 2 apartments & out building	6/13/2022	Letter to contact for Fire Ret. Permit	1/9/2023	1/17/2023
6/13/2022	03-04-376-023	102 Circle Drive W Montgomery	Boulder Hill	RV parked in F-yard setback	5/10/2022	30 Day warning notice	7/13/2022	Closed
6/16/2022	02-21-178-001	3416 N Route 47 Yorkville		Tall grass		Referred to Bristol Township		6/17/2022
6/24/2022	05-02-101-002	324 Austin Ct. Yorkville	FOFC	Pool- fence still not finished	6/27/2022	Fence being installed		6/28/2022
6/23/2022	03-04-152-004	45 Fernwood Rd. Montgomery	Boulder Hill	Sheds - No Permit	6/24/2022	30 Day Warning		8/3/2022
6/24/2022	02-15-157-003	8 Grove St. Bristol	Vil of Huntville	Porch addition w/o permit	6/24/2022	10 day final warning	9/12/2022	9/12/2022
7/1/2022	03-23-277-004	3428 Roth Rd. Oswego		Condition 10 Special Use	8/3/2022	Letter to discuss conditions	12/9/2022	8/2/2022
7/1/2022	04-15-129-001	8 N Hudson St. Millbrook	Vil of Millbrook	Repair-Used car business	7/19/2022	Vehicle operable/RV not occupied	8/19/2022	8/2/2022
7/1/2022	03-04-152-013	22 Greenbriar Rd. Montgomery	Boulder Hill	Landscape Business	7/26/2022	30 Day warning notice	8/27/2022	7/7/2022
7/1/2022	03-09-153-015	31 Pickford Rd. Montgomery	Boulder Hill	Grass Parking	7/7/2022	No grass parking observed		
7/1/2022	03-05-401-003	67 Boulder Hill Pass Montgomery	Boulder Hill	Change of Occupancy	7/7/2022	Change of Occupancy - No Permit	8/11/2022	8/2/2022
7/1/2022	03-04-177-020	10 Ingleshire Rd. Montgomery	Boulder Hill	Landscape business				Closed
7/1/2022	03-09-153-014	29 Pickford Rd. Montgomery	Boulder Hill	Grass Parking	7/7/2022	30 Day warning notice	8/11/2022	8/12/2022
7/1/2022	03-05-404-026	152 Boulder Hill Pass Montgomery	Boulder Hill	Boat in F-yard setback	7/7/2022	30 Day warning notice	8/11/2022	8/12/2022
7/6/2022	03-04-177-020	10 Ingleshire Rd. Montgomery	Boulder Hill	Landscape business in R-6 zoning	7/7/2022	No evidence		7/8/2022
7/7/2022	03-04-306-005	59 Circle Dr. E Montgomery	Boulder Hill	Multiple Violations	7/7/2022	30 Day Warning Notice	11/28/2022	11/29/2022
7/8/2022	05-02-102-002	317 Fields Dr. Yorkville	FOFC	Trailer in F-yard setback	7/13/2022	30 Day Warning Notice	8/15/2022	8/12/2022
7/11/2022	02-16-228-012	43 West St. Bristol		Roosters in R-3 zoning	7/11/2022	Not able to find evidence of rooster		7/11/2022
7/11/2022	09-15-300-016	14565 Jughandle Rd. Minooka		Residence in Barn		A-1 Home occupation-see notes		10/28/2022
7/11 & 10/31/2022	09-22-200-016/ 030	2325 Bell Rd. Minooka	Fran-Shir Acres	Tree Business - R-1 zoning	10/28/2022	Incorrect PIN#	12/1/2022	Closed
7/12/2022	09-22-200-004	15100 Jughandle Rd. Minooka	Aux Sable Oaks	Residence in Barn		Hobby Shop-not residence	10/28/2022	10/28/2022
7/12/2022	03-04-306-004	57 Circle Dr. E Montgomery	Boulder Hill	Multiple Violations	8/3/2022	Eviction process started	1/9/2023	1/17/2023
7/12/2022	03-04-306-001	51 Circle Drive E Montgomery	Boulder Hill	Tattoo business	7/20/2022	No Evidence		7/20/2022
7/12/2022	03-04-352-020	170 Boulder Hill Pass Montgomery	Boulder Hill	Rec Trailer in F/Y setback	7/20/2022	30 Day warning notice	8/27/2022	8/31/2022
7/12/2022	03-05-404-018	136 Boulder Hill Pass Montgomery	Boulder Hill	Boat in F-yard setback	7/20/2022	30 Day warning notice	8/27/2022	10/25/2022
7/13/2022	03-08-303-007	105 Dolores St. Oswego	Shore Heights	Fire on 7/12/2022	7/15/2022	Remodel - cosmetic only		
7/15/2022	03-04-307-025	34 Longbeach Rd. Montgomery	Boulder Hill	Box Truck-Commercial Vehicle	10/21/2022	30 Day Warning Notice Reg & Cert	11/28/2022	11/29/2022
7/18/2022	02-35-301-001	330 Austin Ct. Yorkville	FOFC	Trailer in F-yard setback	7/28/2022	30 Day warning notice	8/27/2022	8/2/2022
7/20/2022	09-27-200-004	2511 Wilby Rd. Minooka		Fill in Floodplain	7/19/2022	Matc- email - Brian notes	8/20/2022	V22-012
7/20/2022	03-04-306-027	44 Hampton Rd. Montgomery	Boulder Hill	Business - Tarmle stand	7/20/2022	KCHHD is investigating		7/20/2022
7/20/2022	03-04-305-022	14 Wintham Rd. Montgomery	Boulder Hill	Commercial Vehicle - Semi	9/22/2022	No Semi Truck		9/22/2022
7/20/2022	03-04-306-005	59 Circle Dr. E Montgomery	Boulder Hill	Commercial Vehicle - Semi			1/20/2023	Closed
7/20/2022	03-04-326-005	52 Manrel Rd. Montgomery	Boulder Hill	Commercial Vehicle - Semi	9/22/2022	Not on site		9/22/2022
7/20/2022	03-04-329-019	45 Whitney Way Montgomery	Boulder Hill	Commercial Vehicle - Semi	9/22/2022	Not on site		9/22/2022
7/20/2022	03-04-408-003	106 Tealwood Rd. Montgomery	Boulder Hill	Commercial Vehicle - Semi	9/22/2022	30 Day Warning Notice Reg & Cert	10/26/2022	10/28/2022
7/20/2022	03-04-377-019	39 Longbeach Rd. Montgomery	Boulder Hill	Commercial Vehicle - Semi	8/31/2022	Owner changed - Removed		8/31/2022
7/20/2022	03-05-428-020	20 Hampton Rd. Montgomery	Boulder Hill	Commercial Vehicle - Semi	9/22/2022	30 Day Warning Notice Reg & Cert	11/5/2022	11/15/2022
7/20/2022	03-05-279-010	4 Knollwood Dr. Montgomery	Boulder Hill	Commercial Vehicle - Semi	9/27/2022	30 Day Warning Notice Reg & Cert	11/5/2022	11/15/2022
7/20/2022	03-05-402-008	8 Circle Dr East Montgomery	Boulder Hill	Trailer in F-yard setback	7/26/2022	30 Day warning notice	8/27/2022	8/2/2022
7/25/2022	03-02-400-003	1250 Route 34 Oswego		Noise - Disco club or trucking company	8/4/2022	No Violation		8/23/2022
7/25/2022	03-04-428-015	32 Sonora Dr. Montgomery	Boulder Hill	Junk & Debris	7/26/2022	30 Day warning notice	10/3/2022	9/23/2022
7/25/2022	03-04-302-004	24 Hampton Rd. Montgomery	Boulder Hill	Parking on non approved surface	7/25/2022	30 Day warning notice	8/27/2022	8/31/2022
7/26/2022	07-21-300-001	15919 Route 52 Newark		Multiple violations	10/21/2022	Removed all violations		10/21/2022
7/26/2022	04-31-452-008	11850 Fox River Dr. Newark		Poss residence in portable home	8/8/2022	30 Day warning notice	1/20/2023	

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7/26/2022	03-04-152-004	45 Fernwood Rd. Montgomery	Boulder Hill	Chickens - Weeds	7/26/2022	No chickens-no permit req for rubbermaid shed	3/1/2023	7/26/2022
7/28/2022	03-04-152-004	45 Fernwood Rd. Montgomery	Boulder Hill	Chickens - Weeds	re-opened		3/1/2023	
7/28/2022	03-12-204-005	26 Gastville Aurora	Gastville Acreage	Business in R-3 Zoning	See notes	Business in R-3 Zoning	9/6/2022	10/4/2022
7/28/2022	05-02-202-002	6018 Audrey Ave. Yorkville	Rosehill	Structure roofed - pergola	9/22/9/27/2022	15 day notice to contact office	9/6/2022	10/24/2022
8/1/2022	03-05-404-016	132 Boulder Hill Pass Montgomery	Boulder Hill	Commercial Vehicle (Semi Tractor)	7/29/9/22/9/27	30 Day Warning Notice Reg & Cert	11/5/2022	10/20/2022
8/1/2022	03-04-327-012	39 Surrey Rd. Montgomery	Boulder Hill	Commercial Vehicle (Semi Tractor)		30 Day Warning 2 addresses - reg & cert	11/5/2022	11/5/2022
8/1/2022	03-18-428-005	5200 US Hwy 34 Oswego	Owners	Multiple Violations	8/4/2022	30 Day warning - reg & cert	9/10/2022	10/4/2022
8/2/2022	03-04-151-010	62 Fernwood Rd. Montgomery	Boulder Hill	Fence	8/2/2022	Fence - debris	9/10/2022	8/2/2022
8/3/2022	01-35-100-003	13524 C Hale Rd. Plano	Shore Heights	Building w/o permit	8/5/2022	30 Day warning notice-reg & cert	9/5/2022	8/31/2022
8/4/2022	03-07-402-014	168 Dolores St. Oswego	Gastville Acreage	Auto Repair business	8/8/2022	Unable to confirm business	8/8/2022	8/8/2022
8/5/2022	03-12-204-005	26 Gastville Aurora	Boulder Hill	4 Violations	8/5/2022	30 Day warning notice-reg & cert	9/5/2022	8/8/2022
8/5/2022	03-04-328-008	31 Chatham Pl. Montgomery	Boulder Hill	Chickens	8/8/2022	Unable to confirm chickens	9/5/2022	8/8/2022
8/12/2022	01-16-476-004	31 S. Linden Dr. Plano	Meyerbrook	Poss Garage rento to living quarters	8/29/2022	Did not observe any PBZ violations	8/29/2022	8/29/2022
8/16/2022	06-02-226-001	1210 Plainfield Rd. Oswego	County Clerks	Dirt Piles		Void-Not a violation of stormwater	9/16/2022	9/16/2022
8/22/2022	01-16-427-001	N Linden Dr. Plano	Shore Heights	Multiple Violations	8/29/2022	Did not observe any PBZ violations	8/29/2022	8/29/2022
8/23/2022	03-07-403-006	177 Dolores St. Oswego	Boulder Hill	Semi tractor trailer	8/31/2022	Did not observe any PBZ violations	8/31/2022	8/31/2022
8/23/2022	03-05-429-031	37 S Bereman Rd. Montgomery	Boulder Hill	Trailer in F/Y setback	8/30/2022	No Truck	9/30/2022	9/21/2022
8/23/2022	01-09-428-003	23 Coffman Ln. Plano	Boulder Hill	Poss Business & Building w/o permit	8/30/2022	Met w/ owner-agreed to apply BP & HO	11/21/2022	9/30/2022
8/24/2022	03-05-429-004	10 Greenfield Rd. Montgomery	Boulder Hill	Boat in FY & on non approved surface	8/30/2022	Did not observe any PBZ violations	8/29/2022	8/29/2022
8/24/2022	01-35-430-005	64 Blackhawk Springs Dr. Plano	Blackhawk Springs	Abandoned property	8/29/2022	Did not observe any PBZ violations	8/29/2022	8/29/2022
8/24/2022	01-35-429-002	70 Blackhawk Springs Dr. Plano	Blackhawk Springs	Abandoned property	8/29/2022	Did not observe any PBZ violations	8/29/2022	8/29/2022
8/24/2022	03-08-280-032	14 Barclay Ct. Montgomery	Boulder Hill	Shed - Remodel to living qtrs	8/30/2022	Determined not be a violation	9/30/2022	9/22/2022
8/25/2022	03-18-176-006	Wolfs Crossing Rd. Oswego	Fox Bend Estates	Construction	8/26/2022	Did not observe any PBZ violations	8/30/2022	8/30/2022
8/26/2022	03-04-306-001	51 Circle Drive E. Montgomery	Boulder Hill	Trash		Referred to HHS	8/31/2022	8/31/2022
8/29/2022	01-29-101-003	157 Woodland Dr. Plano	Sugar Brook	Building w/o permit	9/14/2022	No Evidence of construction	9/14/2022	9/14/2022
9/7/2022	03-05-280-017	6111 Audrey Ave Yorkville	Rosehill	Dump Truck, trailer & bobcat in FY & Junk		Not a violation	9/8/2022	9/8/2022
9/7/2022	05-09-154-001	7344 Route 47 Yorkville	Boulder Hill	Possible AirBnB				
9/7/2022	No address - bh	Braeburn Montgomery	Boulder Hill	Junk & Debris	9/14/2022	Removed	10/16/2022	10/20/2022
9/7/2022	03-20-400-018	3842 Grove Rd. Oswego		Illegal Pool Business	9/8/2022	30 Day Warning Notice Reg & Cert	10/16/2022	10/20/2022
9/7/2022	05-09-154-001	7344 Route 47 Yorkville		Illegal Training facility Business	9/8/2022	30 Day Warning Notice Reg & Cert	10/16/2022	10/20/2022
9/7/2022	05-21-300-006	9513 Walker Rd. Yorkville		Cars parked in setback		Cars not parked in ROW	1/13/2023	9/27/2022
9/8/2022	03-04-307-001	62 Circle Dr. E. Montgomery	Boulder Hill	Inoperable Vehicle	9/8/2022	30 Day Warning Notice Reg & Cert	1/13/2023	
9/8/2022	03-04-305-023	16 Wyncham Dr. Montgomery	Boulder Hill	Junk & Debris	9/27/2022	Requesting Meeting		
9/12/2022	06-04-400-005	6909 Schlap Rd. Oswego	Williams	Trucking Business		MA		
9/13/2022	05-09-152-001	33 Bonnie Lane Yorkville		Possible AirBnB				
9/13/2022	03-04-351-006	39 Hampton Rd. Montgomery	Boulder Hill	Commercial Vehicle	9/22/2022	30 Day Warning Notice Reg & Cert	10/26/2022	10/28/2022
9/14/2022	06-07-129-007	5753 Whitetail Ridge Dr.	Whitetail Ridge	No Silt fence or Vegetation filter		Certified letter sent 9/14/2022	10/17/2022	10/17/2022
9/14/2022	06-07-128-007	7386 Fairway Dr. Yorkville	Whitetail Ridge	No Silt fence or Vegetation filter		Certified letter sent 9/14/2022	10/17/2022	10/17/2022
9/14/2022	06-07-130-019	7102 Golfview Ct. Yorkville	Whitetail Ridge	No Silt fence or Vegetation filter		Certified letter sent 9/14/2022	10/17/2022	10/17/2022
9/14/2022	05-12-227-004	7372 Clubhouse Dr. Yorkville	Whitetail Ridge	No Silt fence or Vegetation filter		Certified letter sent 9/14/2022	10/17/2022	10/17/2022
9/14/2022	05-12-227-005	7221 Clubhouse Dr. Yorkville	Whitetail Ridge	No Silt fence or Vegetation filter		Certified letter sent 9/14/2022	10/17/2022	10/17/2022
9/14/2022	06-06-450-004	5537 Whitetail Ridge Dr.	Whitetail Ridge	No Silt fence or Vegetation filter		Certified letter sent 9/14/2022	10/17/2022	10/17/2022
9/14/2022	05-12-276-004	7509 Clubhouse Dr. Yorkville	Whitetail Ridge	No Silt fence or Vegetation filter		Certified letter sent 9/14/2022	10/17/2022	10/17/2022
9/14/2022	05-12-276-003	7485 Clubhouse Dr. Yorkville	Whitetail Ridge	No Silt fence or Vegetation filter		Certified letter sent 9/14/2022	10/17/2022	10/17/2022
9/14/2022	05-12-276-002	7461 Clubhouse Dr. Yorkville	Whitetail Ridge	No Silt fence or Vegetation filter		Certified letter sent 9/14/2022	10/17/2022	10/17/2022
9/14/2022	05-12-276-001	7437 Clubhouse Dr. Yorkville	Whitetail Ridge	No Silt fence or Vegetation filter		Certified letter sent 9/14/2022	10/17/2022	10/17/2022
9/14/2022	03-04-451-015	13 Pomeroy Dr. Montgomery	Boulder Hill	Inoperable Vehicle	9/19/2022	30 Day Warning Notice Reg & Cert	10/23/2022	10/23/2022
9/14/2022	03-04-307-001	62 Circle Dr. E. Montgomery	Boulder Hill	Inoperable Vehicle	10/7 & 10/18	30 Day Warning Notice Reg & Cert	10/23/2022	10/23/2022
9/14/2022	08-19-300-005	Route 52-Lisbon Rd Newark		Stormwater - MA	9/7/2022	30 Day Warning Notice Reg & Cert	10/23/2022	10/23/2022
9/15/2022	05-02-201-005	6111 Audrey Ave Yorkville	Rosehill	Multiple Violations	9/19/2022	30 Day Warning Notice Reg & Cert	10/23/2022	10/23/2022
9/16/2022	03-05-276-010	28 N Bereman Rd. Montgomery	Boulder Hill	RV in F/Y setback	9/19/2022	30 Day Warning Notice Reg & Cert	10/23/2022	10/23/2022
9/16/2022	03-05-229-004	24 Fernwood Rd. Montgomery	Boulder Hill	Trailer in F/Y setback	9/19/2022	30 Day Warning Notice Reg & Cert	10/23/2022	10/23/2022
9/16/2022	03-05-229-006	28 Fernwood Rd. Montgomery	Boulder Hill	Trailer in F/Y setback	9/19/2022	30 Day Warning Notice Reg & Cert	12/16/2022	12/16/2022
9/16/2022	03-04-376-003	76 Circle Dr. E. Montgomery	Boulder Hill	Junk & Debris	9/19/2022	30 Day Warning Notice Reg & Cert	1/13/2023	

**PRE VIOLATION REPORT
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9/16/2022	03-04-408-014	128 Tealwood Rd. Montgomery	Boulder Hill	Boat in F/Y setback	9/19/2022	30 Day Warning Notice Reg & Cert	10/23/2022	10/28/2022
9/16/2022	06-02-226-001	1210 Plainfield Rd. Oswego	County Clerks	Fill being placed in creek	9/16/2022	30 Day Warning Notice Reg & Cert	10/14/2022	10/14/2022
9/19/2022	02-35-380-006	5703 Fields Dr. Yorkville	FOFC	Multiple Violations	9/22 & 9/27	30 Day Warning Notice Reg & Cert	10/30/2022	11/2/2022
9/19/2022	03-19-176-004	5505 Route 71 Oswego		Site Dev in Floodplain&wetlands-No Permit	9/16/2022	MA 30 Day Warning Notice Reg & Cert	3/1/2023	
9/19/2022		4160 Steam Mill Ct. Oswego		Possible remodel w/o permit		No permit required at this time		10/4/2022
9/19/2022	03-04-456-004	82 Saugetuck Rd. Montgomery	Boulder Hill	Junk & Debris	9/22/2022	30 Day Warning Notice Reg & Cert	10/26/2022	10/28/2022
9/20/2022	03-08-201-012	63 Circle Dr W Montgomery	Boulder Hill	Inoperable Vehicle	9/22/2022	Debris has been removed		9/23/2022
9/20/2022	02-15-251-006	23 N Royal Oaks Dr. Bristol	Woods of Blackberry oaks	Construction w/o permit	9/22/2022	30 Day Warning Notice Reg & Cert	10/27/2022	10/28/2022
9/21/2022	01-23-200-028	13349 A Faxon Rd. Plano		Trucking Business	9/22/2022	Addition added 2014-16-Ag Exempt - No Violation		9/22/2022
9/21/2022	06-04-400-005	6909 Schlapp Rd. Oswego		Site Dev - Fill - No permit	9/27/2022	15 day notice to contract office	11/28/2022	11/28/2022
9/21/2022	06-09-400-004	E. Schoolhouse Rd.			9/27/2022	MA - 30 day warning	11/5/2022	11/5/2022
9/21/2022	03-08-227-036	23 Old Post Rd. Montgomery	Boulder Hill	Trailer in F/Y setback & non approved surface	9/27/2022	No Violation present		9/27/2022
9/21/2022	03-04-456-001	3 Wendley Rd. Montgomery	Boulder Hill	Parking on non approved surface	9/27/2022	30 Day Warning Notice Reg & Cert	11/5/2022	11/5/2022
9/22/2022	03-04-429-001	23 Sonora Dr. Montgomery	Boulder Hill	Boat & Trailer in ROW	9/27/2022	30 Day Warning Notice Reg & Cert	11/5/2022	11/5/2022
9/23/2022	03-04-428-001	162 Heathgate Rd. Montgomery	Boulder Hill	Multiple Violations	9/27/2022	30 Day Notice for Junk & Debris	1/16/2023	11/15/2022
9/23/2022	03-08-278-010	102 Circle Drive W Montgomery	Boulder Hill	RV Parking	9/27/2022	30 Day Warning Notice Reg & Cert	11/5/2022	11/15/2022
9/26/2022	03-04-306-005	59 Circle Dr. E. Montgomery	Boulder Hill	Semi tractor trailer	9/26/2022			Closed
9/26/2022	03-04-306-028	46 Hamiton Rd. Montgomery	Boulder Hill	Construction Business	9/27/2022	30 Day Warning Notice Reg & Cert	11/5/2022	11/15/2022
9/26/2022	03-05-430-046	39 Seneca Dr. Montgomery	Boulder Hill	Commercial Veh. Inoper Veh & Junk & Debris	9/27/2022	30 Day Warning Notice Reg & Cert	1/13/2023	
9/28/2022	02-34-151-005	82-84 Quinsey Lane Yorkville	Nelson J Quinsey	Abandoned property- junk & debris	9/30/2022	It occupied-no prop maintenance code		10/5/2022
9/29/2022	04-21-170-003	14886 Walker Rd. Newark		Storage Business & Billboard	9/30/2022	Certified letter sent 10/20/2022- MA	11/21/2022	11/21/2022
9/29/2022	01-14-177-001	8 Schomer Ln. Plano	Schomer Estates	Landscaping Business	9/30/2022	30 Day Warning Notice Reg & Cert	11/19/2022	11/23/2022
9/29/2022	02-13-478-007	20 Center Dr. Oswego	Riverview Heights	Construction Equipment in Front yard	10/21/2022	Excavator removed		10/21/2022
9/29/2022	03-08-227-006	58 Codorus Rd. Montgomery	Boulder Hill	RV parked in Front yard setback	10/7/2022	30 Day Warning Notice Reg & Cert	11/12/2022	11/17/2022
9/29/2022		Audrey Ave Yorkville	Fields of Farm Colony	Construction - fill behind houses	9/30/2022	Septic Repair per HHS		10/4/2022
9/30/2022	03-22-400-002	2292 Wooley Rd. Oswego		Landscpe business	10/7/2022	No Business		10/7/2022
10/3/2022	03-04-376-040	52 Sierra Rd. Montgomery	Boulder Hill	Container in Front yard setback	10/7/2022	30 Day Warning Notice Reg & Cert	1/13/2023	
10/3/2022	03-05-428-013	6 Hampton Rd. Montgomery	Boulder Hill	Inoperable Vehicle	10/7/2022	30 Day Warning Notice Reg & Cert	11/12/2022	11/17/2022
10/3/2022	03-04-306-028	46 Hamiton Rd. Montgomery	Boulder Hill	Trailer in Front yard setback				Closed
10/4/2022	03-04-451-015	13 Pomeroy Dr. Montgomery	Boulder Hill	Inoperable vehicle being used as shed				Closed
10/5/2022	03-05-430-046	39 Seneca Dr. Montgomery	Boulder Hill	Multiple Violations	9/27/2022	30 Day Warning Notice Reg & Cert	11/18/2022	12/12/2022
10/6/2022	06-13-300-007	547 Wheeler Rd. Plainfield		Auto Repair business	10/7/2022	Requesting Meeting	11/30/2022	11/28/2022
10/6/2022	06-13-300-004	609 Wheeler Rd. Plainfield		Parking Lot - No Permit	10/7/2022	30 Day Warning Notice Reg & Cert	11/28/2022	11/28/2022
10/12/2022		37 S Bereman Rd. Montgomery	Boulder Hill	Property Damage Inspection	10/13/2022		11/8/2022	Closed
10/12/2022	03-04-378-019	83 Pueblo Rd. Montgomery	Boulder Hill	Auto Repair business	10/18/2022	30 Day Warning Notice Reg & Cert	wrong address	10/27/2022
10/12/2022	03-04-251-029	200 Fernwood Rd. Montgomery	Boulder Hill	RV Parking	10/18/2022	30 Day Warning Notice Reg & Cert	11/26/2022	12/12/2022
10/13/2022	03-09-103-008	51 Old Post Rd. Montgomery	Boulder Hill	Boat in Front yard setback	10/18/2022	Boat is parked in permitted location		10/21/2022
10/13/2022	06-18-200-011	5022 Route 126 Yorkville		Landscape Business w/o Spec Use - MA	10/18/2022	30 Day Warning Notice Reg & Cert	2/22/2023	
10/14/2022	03-04-326-004	50 Marnel Rd. Montgomery	Boulder Hill	Fire - Structure	10/17/2022	No Access - Not habitable		11/18/2022
10/14/2022	03-04-335-010	44 Ingleshire Rd. Montgomery	Boulder Hill	Inoperable Vehicle				Closed
10/18/2022	03-05-404-046	43 Greenfield Rd. Montgomery	Boulder Hill	Inoperable Vehicle	10/18/2022	30 Day Warning Notice Reg & Cert	11/28/2022	
10/18/2022	03-04-327-007	29 Surrey Rd. Montgomery	Boulder Hill	Inoperable Vehicle				
10/20/2022	04-21-100-003	14886 Walker Rd. Newark		Billboard and storage business	9/30/2022	30 Day Warning Notice Reg & Cert	11/21/2022	11/29/2022
10/20/2022	03-04-278-024	112 Heathgate Rd. Montgomery	Boulder Hill	Construction Business	10/21/2022	Certified letter sent MA	11/28/2022	11/29/2022
10/20/2022	03-09-152-023	2 Afton Dr. Montgomery	Boulder Hill	Trailer parked in Front yard setback		30 Day Warning Notice Reg & Cert	various	1/17/2023
10/26/2022	03-09-152-016	8 Ridgefield Rd. Montgomery	Boulder Hill	Trailer in Front yard setback	10/21/2022	30 Day Warning Notice Reg & Cert	11/28/2022	11/29/2022
10/26/2022	03-09-152-017	10 Ridgefield Rd. Montgomery	Boulder Hill	Trailer in Front yard setback	10/21/2022	30 Day Warning Notice	1/13/2023	11/29/2022
10/26/2022	03-09-352-019	14 Ridgefield Rd. Montgomery	Boulder Hill	Trailer parked in Front yard setback/Inop Veh	10/21/2022	30 Day Warning Notice Reg & Cert	11/28/2022	
10/26/2022	03-04-278-026	116 Heathgate Rd. Montgomery	Boulder Hill	Commercial Vehicle parking	10/21/2022	30 Day Warning Notice Reg & Cert	11/28/2022	11/29/2022
10/26/2022	02-22-426-002	19 Timberview Ln Yorkville	Timber Ridge	Pool being drained into retention area	10/26/2022	Not a violation of KC Ordin. Civil matter	1/25/2023	10/26/2022
10/28/2022	09-24-100-010	15200 Ridge Rd. Minooka		Possible business-landscaping or lumber	11/2/2022	MA 30 Day Warning Notice Reg & Cert		
10/31/2022	06-13-176-003	Anderson Tree Farm		Requesting Onsite meeting	11/9/2022	Onsite Meeting requested	4/1/2023	

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Certification

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Certification

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10/31/2022	03-05-430-026	158 Boulder Hill Pass, Montgomery	Boulder Hill	Commercial Vehicle Parking	10/31/2022	30 Day Warning Notice Reg & Cert	12/3/2022	12/12/2022
10/31/2022	03-04-378-018	81 Pueblo Rd., Montgomery	Boulder Hill	Camper parked in F-yard setback	11/2/2022	30 Day Warning Notice Reg & Cert	12/8/2022	12/12/2022
11/2/2022	09-22-200-030	15476 Jughandle Rd., Minooka		Walsh Tree Service	11/2/2022	Orig: 7/11/22-2325 Bell Rd.	11/2/2022	11/15/2022
11/2/2022	02-34-227-001	8027 Van Emmon Rd., Yorkville	Wendling	Possible shed converted to living quarters	11/3/2022	-30 Day letters req meeting reg & ce	4/1/2023	
11/3/2022	03-05-430-026	158 Boulder Hill Pass, Montgomery	Boulder Hill	Commercial vehicle - box trucks	11/2/2022	30 Day Warning Notice Reg & Cert	12/3/2022	Closed
11/3/2022	01-34-300-008	14824 Millhurst Rd.		Pool - No Permit	11/9/2022	Applied for Permit	1/13/2023	11/23/2022
11/3/2022	09-15-200-005	14021 Arbetter Rd, Minooka		Building-No Permit/Business in A-1	11/9/2022	30 Day Warning Notice Reg & Cert	1/13/2023	
11/9/2022	03-04-256-026	138 Fernwood Rd., Montgomery	Boulder Hill	RV Parking	11/12/2022	F/U	12/5/2022	12/12/2022
11/9/2022	03-04-430-008	164 Tealwood Rd., Montgomery	Boulder Hill	Trailer parking	11/17/2022	30 Day Warning Notice Reg & Cert	1/13/2023	
11/10/2022	03-09-156-007	306 Boulder Hill Pass, Montgomery	Boulder Hill	Building w/o Permit	11/17/2022	30 Day Warning Notice Reg & Cert	12/21/2022	12/8/2022
11/10/2022	03-04-406-004	49 Winrock Rd., Montgomery	Boulder Hill	Inoperable Vehicle	11/17, 11/23	30 Day Warning Notice Reg & Cert	12/9/2022	12/12/2022
11/14/2022	03-04-478-012	65 Springdale Rd., Montgomery	Boulder Hill	Trailer in Front yard setback	11/17/2022	30 Day Warning Notice Reg & Cert	12/21/2022	12/21/2022
11/15/2022	02-31-477-005	4 Poplar Rd., Yorkville	Foxlawn	Rooster & chickens	11/17/2022	30 Day Warning Notice Reg & Cert	12/21/2022	12/21/2022
11/16/2022	09-21-100-009	3527 Bell Rd., Minooka		Possible building without permit	11/23/2022	Email	12/21/2022	11/28/2022
11/18/2022	03-04-152-012	24 Greenbriar Rd., Montgomery	Boulder Hill	Semi tractor trailer	11/23/2022	Not present-removed	3/1/2023	11/23/2022
11/21/2022	03-05-427-003	9 S. Greenbriar Rd., Montgomery	Boulder Hill	Chickens	11/23/2022	30 Day Warning Notice Reg & Cert	12/28/2022	
11/21/2022	03-08-227-006	58 Codorus Rd., Montgomery	Boulder Hill	Chickens	11/23/2022	30 Day Warning Notice Reg & Cert	3/1/2023	12/14/2022
11/23/2022	03-04-151-008	58 Fernwood Rd., Montgomery	Boulder Hill	Chickens	11/29/2022	30 Day Warning Notice Reg & Cert	3/1/2023	
11/23/2022	03-08-227-006	58 Codorus Rd., Montgomery	Boulder Hill	Chickens			3/1/2023	
11/23/2022	03-05-427-003	9 S Greenbriar Rd., Montgomery	Boulder Hill	Chickens			3/1/2023	
11/23/2022	03-04-304-025	28 Spring Garden Dr., Montgomery	Boulder Hill	Chickens	11/29/2022	No evidence of chickens		11/29/2022
11/28/2022	02-26-476-003	36 Oak Creek Dr., Yorkville	Oak Creek	Driveway Expansion & grading change, Shed	12/9/2022	Permit not req. for driveway replace		12/13/2022
11/28/2022	03-24-100-008	640 B Rance Rd., Oswego		Dumping and burning items brought onto prop		Referred to HHS		11/30/2022
11/28/2022	03-24-100-009	640 D Rance Rd., Oswego		Dumping and burning items brought onto prop		Referred to HHS		11/30/2022
11/30/2022	03-09-101-002	21 Cayman Dr., Montgomery	Boulder Hill	Chickens	12/9/2022	30 Day Warning Notice Reg & Cert	1/14/2023	
12/7/2022	03-04-326-006	54 Marne Rd., Montgomery	Boulder Hill	Semi tractor trailer	12/9/2022	30 Day Warning Notice Reg & Cert	1/15/2023	
12/7/2022	03-05-430-004	12 S Bereman Rd., Montgomery	Boulder Hill	Trailer parking	12/9/2022	Not enough evidence		12/14/2022
12/7/2022	06-15-100-007	8150 S Schlapp Rd., Plainfield		Piles of Dirt - MA		Owner spoke with MA	4/3/2023	
12/9/2022	03-28-100-004	3601 Plainfield Rd., Oswego		Building w/o Permit	12/20/2022	30 Day Warning Notice Reg & Cert	3/2/2023	
12/14/2022	09-14-300-001	1910 Route 52, Minooka		Possible non-ag activities on property	12/20/2022	No Evidence that this is not AG		12/21/2022
12/15/2022	02-26-400-023	7405 Route 71, Yorkville		Piles of Dirt - MA	12/20/2022	No Violation		12/21/2022
12/19/2022	03-27-402-005	35 Royce Rd., Oswego	Ring-Neck	Remodel w/o permit	12/20/2022	No Evidence		12/28/2022
12/21/2022	03-04-478-005	51 Springdale Rd., Montgomery	Boulder Hill	Mechanic Shop	1/13/2023	Not enough evidence	1/13/2023	1/17/2023
12/21/2022	03-19-180-001	5951 Route 71, Oswego		Large Construction sign	12/28/2022	Exempt from permit		12/28/2022
12/27/2022	03-04-155-016	2 Surrey Rd., Montgomery	Boulder Hill	Trailer parking on non-approved surface	1/13/2023	30 Day Warning Notice Reg & Cert	2/17/2023	
12/27/2022	03-03-352-001	132 Saugatuck Rd., Montgomery	Boulder Hill	Commercial Vehicle	1/13/2023	30 Day Warning Notice Reg & Cert	2/17/2023	

*Chickens
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Permit Summary by Category
Kendall County

Permit Category	Count	Estimated Cost	Permit Fees	Land Cash
Accessory Buildings	1	\$2,000	\$200	\$0
Barns/Farm Buildings	2	\$50,000	\$0	\$0
Electrical Upgrades	2	\$24,000	\$300	\$0
Generator	3	\$31,234	\$330	\$0
Solar	5	\$123,364	\$1,100	\$0
	13	\$230,598	\$1,930	\$0

Jan 22 - 1 House
15 total permits

Permit Approval Date Report

Kendall County

Issue Date	Permit ID	Permit Category	Parcel Number	Owner Name	Property Address	Subdivision	Contractor Name
1/31/2023	032023018	03 Accessory Buildings	04-16-376-010	STAWIARSKI RAFAL & TERESA	8750 WILCOX CT NEWARK, IL 60541-	ESTATES OF MILLBROOK UNIT 1	
1/31/2023	082023019	08 Barns/Farm Buildings	06-08-200-012	UNDERHILL PATRICK L & PATRICIA	7169 GROVE RD OSWEGO, IL 60543-		
1/6/2023	082023010	08 Barns/Farm Buildings	05-03-300-009	BAUER TEMPLIN FAMILY TRUST	6670 WING RD YORKVILLE, IL 60560-		
1/31/2023	152023020	15 Electrical Upgrades	09-09-300-009	PADILLA JOSE L	13916 MCKANNA RD MINOOKA, IL 60447-		YVONNE GREER
1/5/2023	152023011	15 Electrical Upgrades	06-05-400-019	CHRISTINA TYRELL	6735 GROVE RD OSWEGO, IL 60543-		R&K ELECTRICAL
1/31/2023	232023021	23 Generator	01-25-454-009	SLEEZER GARY & AMY	12406 ANDREW ST PLANO, IL 60545-	SCHAEFER WOODS NORTH UNIT 3	360 ELECTRIC
1/6/2023	232023014	23 Generator	02-27-153-006	TROTSKY ALAN L & PATRICIA M	4410 TUMA RD YORKVILLE, IL 60560-	WACKERLINS 2ND SUB	LEE LEGLER CONSTRUCTION & REMEDIATION
1/6/2023	232023013	23 Generator	04-02-230-005	DEPARIS HENRY L JR & DEBORAH JO	6100 RED GATE LN YORKVILLE, IL 60560	THE WOODS OF SILVER SPRINGS	LEE LEGLER CONSTRUCTION & REMEDIATION
1/6/2023	242023015	24 Solar	03-05-279-012	STIEHM MARK JAMES	60 BRIARCLIFF RD MONTGOMERY, IL 60538-	BOULDER HILL UNIT 13	BRIGHT PLANET SOLAR
1/5/2023	242023012	24 Solar	03-07-402-017	KOHLER NICHOLAS W	162 DOLORES ST OSWEGO, IL 60543-	SHORE HEIGHTS UNIT 2	BRIGHT PLANET SOLAR
1/13/2023	242023017	24 Solar	05-07-201-002	MATLOCK DOUGLAS G & RHONDA L	7425 PAVILLION RD YORKVILLE, IL 60560-		SUNRUN INSTALLATION SERVICES

Permit Approval Date Report
Kendall County

Issue Date	Permit ID Permit Category	Parcel Number Owner Name	Property Address	Subdivision	Contractor Name
1/19/2023	242023016 24 Solar	03-23-277-006 ADAMS SEAN & AMANDA K	1135 WOOLLEY RD OSWEGO, IL 60543-		FREEDOM FOREVER IL LLC

PLANNING BUILDING & ZONING RECEIPTS 2022

DATE	BUILDING FEES	ZONING FEES	LAND-CASH	OFFSITE ROADWAY	MONTHLY FY 23	TOTAL FY 23	MONTHLY FY 22	TOTAL FY 22
December	\$5,767.80	\$1,266.00	\$8,020.26	\$1,000.00	\$16,054.06	\$16,054.06	\$32,122.24	\$32,122.24
January	\$4,380.00	\$50.00	\$3,162.98	\$1,000.00	\$8,592.98	\$24,647.04	\$11,644.18	\$43,766.42
February							\$7,433.47	\$51,199.89
March							\$30,294.30	\$81,494.19
April							\$16,538.38	\$98,032.57
May							\$21,056.55	\$119,089.12
June							\$9,828.89	\$128,918.01
July							\$18,978.87	\$147,896.88
August							\$25,754.63	\$173,651.51
September							\$26,794.38	\$200,445.89
October							\$48,857.45	\$249,303.34
November							\$15,184.61	\$264,487.95
YR END TOTAL	\$10,147.80	\$1,316.00	\$11,183.24	\$2,000.00	\$24,647.04			