



KENDALL COUNTY
ZONING AND PLATTING ADVISORY COMMITTEE
111 West Fox Street • Rooms 209 and 210 • Yorkville, IL • 60560
(630) 553-4141 Fax (630) 553-4179

AGENDA

February 6, 2024 - 9:00 a.m.

CALL TO ORDER

ROLL CALL: **County Board:** Seth Wormley, PBZ Committee Chair; **County Highway Department:** Fran Klaas, County Engineer; **WBK Engineering, LLC:** Greg Chismark, Stormwater Consultant; **County Health Department:** Aaron Rybski, Director Environmental Health; **Forest Preserve District:** David Guritz, Director; **SWCD:** Alyse Olson, Resource Conservationist; **Sheriff's Office:** Commander Jason Langston; **GIS:** Meagan Briganti; **PBZ:** Brian Holdiman, Code Official; Matt Asselmeier, Senior Planner

APPROVAL OF AGENDA (VV)

APPROVAL OF MINUTES (VV): Approval of January 2, 2024, ZPAC Meeting Minutes (Pages 3-12)

PETITIONS (Roll Call Votes):

1. **Petition 24 – 01 – Deb Chow on Behalf of Jade Restorations, Inc. (Pages 13-95)**
Request: Major Amendments to the Special Use Permit for a Kennel and Veterinary Granted by Ordinance 2020-01 and Amended by Ordinance 2023-05 by Changing the Site Plan, Landscaping Plan, and Photometric Plan
PIN: 09-24-100-012 (Part)
Location: 949 Bell Road, Minooka in Seward Township
Purpose: Petitioner Wants to Change the Site Plan by Extending a Driveway and Make Adjustments to the Landscaping and Photometric Plans Caused by Rezoning Part of the Property; Property is Zoned A-1 with a Special Use Permit

2. **Petition 24 – 02 – Deb Chow on Behalf of Jade Restorations, Inc. (Pages 96-125)**
Request: Map Amendment Rezoning Approximately 13.6 Acres of the Subject Property from A-1 Agricultural District and A-1 Agricultural District With a Special Use Permit for a Kennel and Veterinary to B-3 Highway Business District
PIN: 09-24-100-012 (Part)
Location: 949 Bell Road, Minooka in Seward Township
Purpose: Petitioner Wants to Rezone a Portion of the Property to B-3 Highway Business District

3. **Petition 24 – 03 – Kendall County Regional Planning Commission (Pages 126-130)**
Request: Amendments to the Future Land Use Map Contained in the Kendall County Land Resource Management Plan by Reclassifying the Following Parcels from Transportation Corridor to Mixed Use Business and Related Text Changes
PINs: 05-09-300-015, 05-09-376-002, 05-09-400-006, 05-09-400-010, 05-09-400-011, 05-16-100-006, 05-16-200-008, 05-16-200-013, and 05-16-200-014
Location: On Both Sides of Route 47 Between 7775 A/B Route 47 and 8175 Route 47, Excluding 8115 Route 47, Yorkville in Kendall Township
Purpose: Petitioner Wants to Reclassify the Properties in Order to Allow Them to Be Rezoned to Allow Manufacturing Uses at a Future Time

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

1. Petition 23-31 Plat of Vacation for 7216 and 7180 Roberts Court

OLD BUSINESS/ NEW BUSINESS

1. Follow-Up from the February 3, 2024, Kendall County Regional Planning Commission Annual Meeting (Pages 131-137)

CORRESPONDENCE

PUBLIC COMMENT

ADJOURNMENT (VV)- Next meeting on March 5, 2024

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.

ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)
January 2, 2024 – Unapproved Meeting Minutes

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

Present:

Matt Asselmeier – PBZ Department
Meagan Briganti – GIS Department
Brian Holdiman – PBZ Department
Fran Klaas – Highway Department
Commander Jason Langston – Sheriff's Department
Alyse Olson – Soil and Water Conservation District
Aaron Rybski – Health Department
Antionette White – Forest Preserve
Seth Wormley – PBZ Committee Chair

Absent:

Greg Chismark – WBK Engineering, LLC

Audience:

Dan Kramer and Christina Burns

AGENDA

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

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

MINUTES

Mr. Rybski made a motion, seconded by Commander Langston, to approve the December 5, 2023, meeting minutes.

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

PETITIONS

Petition 23-35 Tyler Arbeen on Behalf of Arbeen, LLC

Mr. Asselmeier summarized the request.

The Petitioner is seeking a special use permit for a landscaping business, including allowing outdoor storage of materials. They are also seeking variances to Section 7:01.G.2.b and Section 11:02.F.7.a to allow accessory structures in the front yard setback and to allow outdoor parking in the front yard setback, thus reducing the front yard setback from one hundred fifty feet (150') as measured from the centerline of Stewart Road to fifty-one feet (51') as measured from the centerline of Stewart Road.

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

The property is located between 3900 and 3716 Stewart Road on the east side of Stewart Road.

The property is approximately four (4) acres in size.

The existing land use is agricultural.

The County's Future Land Use Map called for the property to be Mixed Use Business. The Village of Oswego's Future Land Use Map called for the property to be Residential.

Stewart Road is a Major Collector maintained by Oswego Township.

The Village of Oswego and the County have a trail planned along Stewart Road.

There are no floodplains or wetlands on the property.

The adjacent land uses are Agricultural and Farmstead.

The adjacent properties are zoned A-1 Agricultural.

The County's Land Resource Management Plan calls for the area to be Mixed Use Business. The Village of Oswego's Plan calls for the area to be Residential and Mix Commercial.

Properties within one half (1/2) mile of the property are zoned A-1, A-1 SU, and R-1 in the County and PUD for Agricultural Uses in the Village of Oswego.

The A-1 special use permit to the north is for a horse training and boarding business. The A-1 special use permit to the northwest is for a landscaping business.

Approximately twelve (12) houses are located within a half mile (0.5) miles of the subject property.

EcoCAT Report was submitted on October 19, 2023, and consultation was terminated.

The LESA Score for the property was 186 indicated a low level of protection. The NRI Report was provided.

Petition information was sent to Oswego Township on December 22, 2023. Prior to formal application submittal, Oswego Township submitted an email requesting a thirty-five foot (35') deep right-of-way dedication from the center of Stewart Road. This email was provided.

Petition information was sent to the Village of Oswego on December 22, 2023.

Petition information was sent to the Oswego Fire Protection District on December 22, 2023. Mr. Asselmeier read an email from the Oswego Fire Protection District outline the District's sprinkler requirements.

Per Section 7:01.D.32 of the Kendall County Zoning Ordinance, landscaping businesses can be special uses on A-1 zoned property subject to the following conditions:

1. All vehicles, equipment and materials associated with a landscaping business shall be stored entirely within an enclosed structure, unless otherwise permitted under the terms of this Special Use Permit.
2. The business shall be located on, and have direct access to, a State, County or Collector Highway as identified in the County's LRMP, having an all-weather surface, designed to accommodate loads of at least 73,280 lbs, unless otherwise approved in writing by the agency having jurisdiction over said Highway. Such approvals shall establish limitations as to the number of employees and types of vehicles coming to and from the site that are engaged in the operation of the use (including delivery vehicles). These restrictions shall be included as controlling conditions of the Special Use.
3. No landscape waste generated off the property can be burned on this site.

If the County Board approves the outdoor storage of materials and variances, the above conditions have been met.

As noted in the project narrative, the Petitioners would like to operate Arbeen Landscaping, LLC at the subject property.

They would use the site for storage of landscaping materials, equipment, offices, and related operations. They indicated some potential customers would visit the property, but most customer related interactions would occur at the customer's property, by telephone, or by email.

The business would be open from 6:00 a.m. until 6:00 p.m. everyday throughout the year and would be open twenty-four hours (24) during snow events. The business has a maximum of twenty-five (25) employees, during the busy season. Employees either report to the subject property or report directly to job sites.

Equipment stored at the property consists of small trailers, lawn mowers, bobcats, skid steers, end loaders, and similar landscaping related equipment. Equipment would be parked indoors when the business was closed.

The site plan shows fourteen (14) landscape material storage areas near the southeast corner of the property. No information was provided regarding the height or depth of the storage areas. The Petitioner indicated that the piles of materials would not exceed ten feet (10') in height. The site plan also shows one (1) nursery stock storage area at the northwest corner of the property and a second nursery stock storage area at the northeast corner of the property. No information was provided regarding the specific types of nursery stock or materials that would be stored in the storage areas.

Though not explicitly stated in any of the materials, the Petitioner will likely have a nursery growing component as well.

One (1) approximately eleven thousand, three hundred seventy-five (11,375) square foot shop/office is proposed for the property. A picture of the type of building the proposed building was provided.

The site plan also shows five (5) hoop houses; no specific dimensions were provided for the hoop houses. The hoop houses will be at least ten feet (10') from the southern property line. The western most hoop house would be approximately eighty feet (80') from the centerline of Stewart Road.

The Petitioner is requesting a variance to the front yard setback requirement, reducing the front yard setback from one hundred fifty feet (150') from the centerline of Stewart Road to fifty-one feet (51') of the centerline of Stewart Road. The Petitioner was agreeable to not constructing any permanent structures within one hundred five feet (105') of the centerline of the road and no permanent structures within seventy-five (75') of the centerline of WIKADUKE.

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

Historically, the Oswego Fire Protection District has required buildings similar to the proposed shop/office to be sprinklered.

The property is presently farmland. The proposed well would be located southwest of the main building and the proposed septic field would be located north of the main building.

One (1) approximately three hundred twenty-four (324) square foot dumpster area is proposed east of the main building. The dumpster area would be fenced with board-on-board fencing as shown by the image provided. The maximum fence height is eight feet (8').

The property drains mostly to the southeast.

The Petitioners submitted an application for a stormwater management permit. No stormwater related calculations were provided.

Per the site plan, the Petitioner's propose one (1) thirty foot (30') wide northern entrance and a second sixty foot (60') wide southern entrance off of Stewart Road.

As mentioned previously, Oswego Township is requesting a thirty-five foot (35') deep right-of-way dedication.

According to the site plan, the Petitioner proposes fifteen (15) parking spaces, including two (2) handicapped parking spaces, to the west and south of the main building.

The driving areas in general would be grass or asphalt screenings, except for solid paving or concrete at the two (2) entrances and handicapped parking spaces.

The Petitioner indicated that no lighting was planned for the property.

One (1) sign was proposed for the property. The sign would be approximately thirty-two (32) square feet in size and would look substantially like the image provided. No information was provided regarding the height of the sign. No information was provided regarding the specific location of the sign. The sign would not be illuminated.

Though not shown on the site plan, the Petitioner proposes to install one (1) wood post farm fence with wire mesh around the entire perimeter of the site except at the two (2) entrances to the property. The fence would be six feet (6') in height.

The landscaping plan shows six (6) Colorado blue spruce trees, four (4) purple birches, four (4) bald cypresses, thirteen (13) Techny arborvitae and fifteen (15) Eden outcropping stones along the western side of the property. The Colorado blue spruces would be eight feet (8') in height at the time of planting and would grow to a maximum of fifty feet (50'). The Techny arborvitae would be six feet (6') in height at the time of planting and would grow to a maximum fifteen feet (15'). The bald cypresses would be eight feet (8') at the time of planting and would grow to a maximum fifty feet (50'). The purple birches would either be ten feet (10') in height or two point five inch (2.5) diameter at the time of planting and would grow to a maximum forty feet (40'). The landscaping would be located outside of the security fence.

No information was provided regarding noise control.

No information was provided regarding odor control.

If approved, this would be the twentieth (20th) special use permit for a landscaping business in unincorporated Kendall County.

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

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

The special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The Zoning classification of property within the general area of the property in question shall be considered in determining consistency with this standard. The proposed use makes adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open space and other improvements necessary to insure that the proposed use does not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a whole. The subject property is in a large A-1 Agricultural District. The use will not impede farms or residential uses on the adjoining properties. Reasonable restrictions may be placed on the special use permit to address hours of operation, noise, landscaping, and site layout to prevent neighboring property owners are not negatively impacted by the proposed use.

Adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. The proposal identifies locations for the future well and septic field. Two (2) points of ingress/egress are proposed. The proposed use likely will generate little traffic onsite and adequate space exists for parking for customers and employees of the proposed use. The proposal will have to obtain a stormwater permit to address drainage concerns. Adequate space exists for storage of equipment and materials related to the proposed uses.

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. If the requested variance to the front yard setback requirements are granted, this is true. The site could also be reconfigured to shift the parking lot and hoop houses east outside of the required front yard setback.

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

As noted in the application materials, the Petitioner believes the front yard setback requirement is unconstitutional and is regulatory taking. Staff does not agree with this opinion and has proposed the following findings of fact accordingly.

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

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 information has been provided showing a topographical hardship existing that prevents the parking lot and hoop houses from being relocated outside of the required front yard setback.

The conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. Other A-1 zoned properties could request the same variance for the same reason that the

Petitioner is requesting this variance. No information has been presented showing a unique condition or situation applicable to this property.

The alleged difficulty or hardship has not been created by any person presently having an interest in the property. The site is presently a farm field. No information has been provided explaining why the Petitioner cannot design the site in a manner to avoid the requested variance.

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. Granting the variance would not be detrimental to the public or substantially injurious to other properties. Granting the variance could impact the ability to widen Stewart Road in the future.

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 proposed variance would not impair light or air on adjacent property, cause congestion, increase the danger of fire, or negatively impact property values.

Pending comments from ZPAC, Staff recommended approval of the requested special use permit and denial of the requested variance subject to the following conditions and restrictions:

1. The site shall be developed substantially in accordance with the submitted site plan and landscaping plan with the exception that the western most parking lot and hoop houses are removed from the required front yard setback. One (1) wood post farm fence with wire mesh shall be installed around the enter perimeter of the site expect at the two (2) entrances to the property. The fence shall be six feet (6') in height maximum. The landscaping shall be installed between the fence and Stewart Road.
2. Within ninety (90) days of the approval of the special use permit, the owners of the subject property shall dedicate a strip of land thirty-five feet (35') in depth along the western property line to Oswego Township. The Kendall County Planning, Building and Zoning Committee may grant an extension to this deadline.
3. Equipment and vehicles related to the business allowed by the special use permit may not be stored outdoors at the subject property when the business is closed.
4. None of the vehicles or equipment parked or stored on the subject property related to the business allowed by the special use permit shall be considered agricultural vehicles or agricultural equipment.
5. All of the vehicles and equipment stored on the subject property related to the business allowed by the special use permit shall be maintained in good condition with no deflated tires and shall be licensed if required by law.
6. The owners of the businesses allowed by this special use permit shall diligently monitor the property for leaks from equipment and vehicles parked and stored and items stored on the subject property and shall promptly clean up the site if leaks occur.
7. Except for the purposes of loading and unloading, all landscape related materials shall be stored indoors or in the designated storage areas shown on the submitted site plan. The maximum height of the piles of landscaping related material shall be ten feet (10') in height.
8. A maximum of twenty-five (25) employees of the business allowed by this special use permit, including the owners of the business allowed by this special use permit, may report to this site for work.
9. The hours of operation of the business allowed by this special use permit shall be daily from 6:00 a.m. until 6:00 p.m. and the business shall be open twenty-four (24) hours to address snow events. The owners of the business allowed by this special use permit may reduce these hours of operation.
10. Any structures constructed, installed, or used related to the business allowed by this special use permit on the property shall not be considered for agricultural purposes and must secure applicable building permits.
11. One (1) sign as described in the sign description may be installed along Stewart Road at the subject property. The sign shall not be illuminated.
12. Only lighting related to security may be installed outdoors at the subject property.

13. Damaged or dead plantings described on the landscaping plan shall be replaced on a timeframe approved by the Kendall County Planning, Building and Zoning Department.
14. The materials and vegetation described in the landscaping plan shall be installed within six (6) months of the approval of the special use permit. The Kendall County Planning, Building and Zoning Committee may grant an extension to the deadline to install the vegetation. Materials and vegetation stored in the nursery stock storage areas and landscaping material storage area shall not be subject to this requirement and shall not be considered part of the landscaping plan.
15. No landscape waste generated off the property can be burned on the subject property.
16. The noise regulations are as follows:

Day Hours: No person shall cause or allow the emission of sound during daytime hours (7:00 A.M. to 10:00 P.M.) from any noise source to any receiving residential land which exceeds sixty-five (65) dBA when measured at any point within such receiving residential land, provided; however, that point of measurement shall be on the property line of the complainant.

Night Hours: No person shall cause or allow the emission of sound during nighttime hours (10:00 P.M. to 7:00 A.M.) from any noise source to any receiving residential land which exceeds fifty-five (55) dBA when measured at any point within such receiving residential land provided; however, that point of measurement shall be on the property line of the complainant.

EXEMPTION: Powered Equipment: Powered equipment, such as lawn mowers, small lawn and garden tools, riding tractors, and snow removal equipment which is necessary for the maintenance of property is exempted from the noise regulations between the hours of seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M.

Only homes permitted prior to the date of the issuance of the special use permit shall have standing to file noise complaints.
17. At least one (1) functioning fire extinguisher and one (1) first aid kit shall be on the subject property. Applicable signage stating the location of the fire extinguisher and first aid kit shall be placed on the subject property.
18. The dumpster area shall be fenced with board-on-board fencing as shown by the image provided. The maximum height of the fence shall be eight feet (8').
19. The owners of the business allowed by this special use permit acknowledge and agree to follow Kendall County's Right to Farm Clause.
20. The property owner and operator of the business allowed by this special use permit shall follow all applicable Federal, State, and Local laws related to the operation of this type of business.
21. Failure to comply with one or more of the above conditions or restrictions could result in the amendment or revocation of the special use permit.
22. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
23. This special use permit shall be treated as a covenant running with the land and is binding on the successors, heirs, and assigns as to the same special use conducted on the property.

Chairman Wormley noted that the company was already operated in Kendall County at another location. He asked why the business was moving. Dan Kramer, Attorney for the Petitioner, said the business was growing.

Mr. Kramer stated that most of the business' customers were commercial enterprises. The business does provide landscaping services to some new homes.

Mr. Kramer said the property was purchased from the property to the south.

Mr. Kramer requested that condition number 14, pertaining to the installation of landscaping materials be changed to a September 1st deadline.

Mr. Kramer noted that materials would not reach fifty-one feet (51') of the centerline of Stewart. He explained the proposed landscaping and fencing at the property and operations of the business in relation to the landscaping and fencing. All permanent structures would be located outside the required setback. He also noted that other parking lots and temporary structures for other businesses were located inside the front yard setback. He felt that variances/variations were not needed in special use permit cases.

Mr. Kramer said the stormwater engineer was working on drainage calculations.

Mr. Kramer questioned Oswego Fire Protection District's authority to have sprinkling requirements on buildings of the size proposed at the subject property.

Mr. Rybski discussed the possible need for non-community well status. This is triggered by the number of people on the site. Mr. Rybski discussed testing requirements and explained the permitting requirements.

Discussion occurred regarding the sizing of the septic field. Mr. Rybski said alternative systems could be explored. The answer to septic field size will not be known until more information is provided. Mr. Kramer discussed the number of employees likely to report to the property.

Chairman Wormley asked about timeliness of the project in relation to the business environment. Mr. Kramer said that the Petitioner has a letter of commitment from a bank. Mr. Asselmeier said the special use permit could be revoked if the business does not commence operations within two (2) years.

Mr. Klaas asked about setback requests in other cases. Mr. Asselmeier said that the special use permit for a landscaping business at 5022 Route 126 requested a variance for parking in the setback because they were using the parking for old farmhouse that was already onsite as parking for the business. Mr. Asselmeier also said that TZ Landscaping moved their parking out of the required setback because of the regulations.

Mr. Klaas asked why the Petitioner couldn't comply with the County regulations. Mr. Kramer responded that the uses would be inside a fence and the Petitioner should be able to use the property inside the fence for the proposed use. Mr. Kramer asked what would be protected by variance. Chairman Wormley expressed concerns about setting precedence. Discussion occurred regarding drainage in relation to site design. Discussion occurred regarding how the setback was created. Mr. Klaas felt that, if they had it to do over again, many structures and parking lots would not be allowed because they were constructed too close to road. If the grading would not allow the parking lot to be located outside the setback, the Petitioner would have an argument for a hardship. Mr. Holdiman provided a history of setback increases.

Mr. Klaas made a motion, seconded by Mr. Rybski, to recommend approval of the proposal with the conditions proposed by Staff (approving the special use permit and denying the variance request) with amendment to condition 14 changing the deadline to install the landscaping materials to September 1, 2024.

The votes were follows:

Ayes (9):	Asselmeier, Briganti, Klaas, Holdiman, Langston, Olson, Rybski, White, and Wormley
Nays (0):	None
Abstain (0):	None
Absent (1):	Chismark

The motion passed.

The proposal goes to the Kendall County Regional Planning Commission on January 24, 2024.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

None

OLD BUSINESS/NEW BUSINESS

Kendall County Regional Planning Commission Annual Meeting on February 3, 2024

Mr. Asselmeier reported that the Kendall County Regional Planning Commission Annual Meeting will be February 3, 2024, at 9:00 a.m., in the County Boardroom.

ZPAC Meeting Minutes 01.02.24

CORRESPONDENCE

None

PUBLIC COMMENT

None

ADJOURNMENT

Mr. Klaas made a motion, seconded by Commander Langston, to adjourn.

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

The ZPAC, at 9:40 a.m., adjourned.

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

Enc.

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**KENDALL COUNTY
ZONING & PLATTING ADVISORY COMMITTEE
JANUARY 2, 2024**

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

NAME	ADDRESS (OPTIONAL)	EMAIL ADDRESS (OPTIONAL)
David Keom		23-35

Matt Asselmeier

From: Alec Keenum <akeenum@oswegofire.com>
Sent: Wednesday, December 27, 2023 1:32 PM
To: Matt Asselmeier
Subject: [External]Re: Kendall County Zoning Petition 23-35

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,

I am not in the office but see that you need a ready reply on this. Oswego Fire would like to point out and be clear up front that the default for new construction (new accessory buildings?) is sprinkler and fire alarm system protection.

Regards,

Capt. Alec J Keenum
Fire Marshal
Oswego Fire Protection District



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 203

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Petition 24-01**Deb Chow on Behalf of Jade Restorations, Inc.
Major Amendment to A-1 Special Use – For Kennel and
Veterinary Establishment Related to the Site Plan,
Landscaping Plan, and Photometric Plan****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. On February 21, 2023, the County Board approved Ordinance 2023-05, amending the site plan, landscaping plan, and photometric plan for the special use at the subject property.

The site plan attached to Ordinance 2020-01 showed a driveway extending from the northern end of the northeastern parking lot to the northern end of the special use permit area of the property. This driveway was not included in the site plan attached to Ordinance 2023-05. The Petitioner would like to add this twenty-four foot (24') wide driveway back into the site plan.

In addition to the driveway, the Petitioner would like to rezone the eastern approximately two point one more or less (2.1 +/-) acres of the special use permit area of the property to B-3 Highway Business District and rezone the northern approximately thirteen acres (13), which was not included in the special use permit area, to B-3 (see Petition 24-02). This map amendment would reduce the special use permit area from approximately eight point five (8.5) acres to approximately six point three (6.3) acres and will cause the site plan, landscaping plan, and photometric plan for the special use permit area to change to reflect the removal of the eastern portion of the special use area to the new zoning classification.

The application materials are included as Attachment 1. The aerial showing the proposed changes is included as Attachment 2. The topographic survey is included as Attachment 3. The plat showing the proposed rezoning area is included as Attachment 4. The proposed site plan is included as Attachment 5. Ordinance 2020-01 is included as Attachment 6. Ordinance 2023-05 is included as Attachment 7.

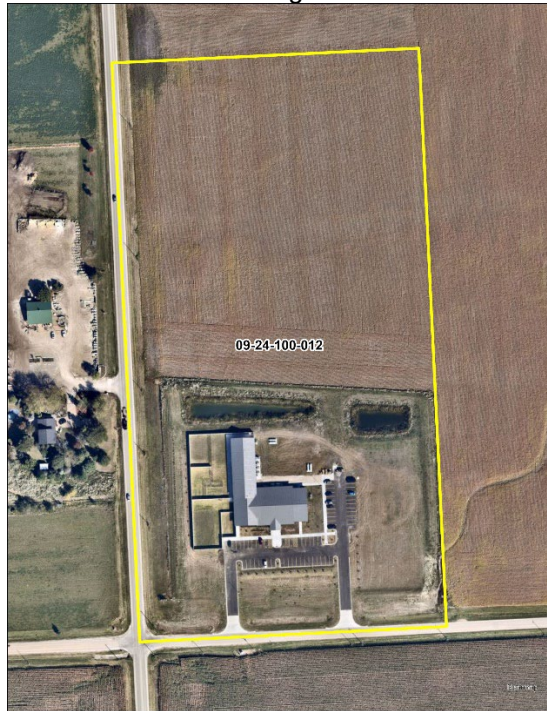
No changes are proposed to any of the business related conditions imposed by the previously approved ordinances. No changes are proposed to the landscaping or photometrics for the property that will retain the special use permit. Other than the addition of the proposed driveway addition, no other changes are proposed to site layout for the area that will retain the special use permit.

SITE INFORMATION

PETITIONER Deb Chow on Behalf of Jade Restorations, Inc.

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 (Original Special Use Area); 6.37 Acres (Proposed 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 (County) Community Commercial (Shorewood)
	Roads	Ridge Road is a County Road classified as an Arterial Road. Bell Road is a Township Road classified as a Minor Collector.
	Trails	Minooka has a trail planned along Ridge Road. Shorewood has a trail planned along Bell Road.
	Floodplain/ Wetlands	None

REQUESTED ACTION Major Amendment to an A-1 Special Use to Operate a Kennel and a Veterinary Establishment

APPLICABLE REGULATIONS Section 7:01.D.31 – 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 except,

except for the purposes of owners picking-up and dropping-off pets and regular bathroom breaks until 10:00 p.m.

Section 7:01.D.54 – A-1 Special Uses – Permits Veterinary Establishments But Not the Boarding of Animals Overnight Except for Medical Treatment and Observations.

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	Commercial (County) Single-Unit Attached Residential (Shorewood)	A-1 and A-1 SU
South	Agricultural	A-1	Commercial (County) Single-Unit Residential Detached (Shorewood)	A-1 and A-1 SU
East	Agricultural	A-1	Commercial (County) Single-Unit Residential Detached (Shorewood)	A-1, A-1 SU, and R-1
West	Agricultural/Farmstead/Landscaping Business	A-1 and A-1 SU	Commercial (County) Multi-Family Residential (Shorewood)	A-1 and A-1 SU

There are approximately 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 13, 2022, and consultation was terminated (see Attachment 1, Pages 50-52).

NATURAL RESOURCES INVENTORY

A NRI application was submitted as part of the map amendment request. A was prepared for the original special use permit. The LESA Score was 207 indicating a medium level of protection. NRI information is included as Attachment 1, Pages 18-49.

ACTION SUMMARY

SEWARD TOWNSHIP

Seward Township was emailed information on January 26, 2024.

MINOOKA FIRE PROTECTION DISTRICT

The Minooka Fire Protection District was emailed information on January 26, 2024.

VILLAGE OF SHOREWOOD

The Village of Shorewood was emailed information on January 26, 2024.

FINDINGS OF FACT-SPECIAL USE PERMIT AMENDMENT

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

That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. The kennel and veterinary establishment are already in existence. The proposed driveway extension was originally planned in 2020 when the project was originally proposed. The special use portion of the site will retain the previously approved landscaping and photometric plans.

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. None of the lighting or landscaping installed at the site will be removed as part of this proposal. No evidence has been provided showing the that use of the property as a kennel and veterinary establishment has negatively impacted property values or was injurious 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 and the new driveway will help with traffic circulation when the northern portion of the property is commercially developed. The development of the site was in compliance with a County issued stormwater permit which included the proposed driveway extension.

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. The Petitioners are not proposing any changes related to the operation of the business allowed by the previously approved special use permit. Other than the driveway addition and rezoning of the land to the east, no other changes are proposed to physical layout of the site.

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.

RECOMMENDATION

Staff recommends approval of the requested 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 and Condition 2.A of Ordinance 2023-05 are hereby repealed in their entirety and are replaced with the following:

“The site shall be developed substantially in accordance with the attached site plan (Attachment 5). The landscaping plan and photometric plan attached to Ordinance 2023-05 shall remain valid except on those portions of the property not zoned A-1.”

2. The remaining conditions and restrictions contained in Ordinance 2020-01 and Ordinance 2023-05 shall remain valid and effective.
3. 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.
4. 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.
5. These major amendments to an exist special use permit 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.

ATTACHMENTS

1. Application Materials
2. Aerial Showing Changes
3. Topographic Survey
4. Zoning Plat
5. Site Plan
6. Ordinance 2020-01
7. Ordinance 2023-05



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		
JADE RESTORATIONS, INC.		
CURRENT LANDOWNER/NAME(S)		
JADE RESTORATIONS, INC.		
SITE INFORMATION		
ACRES	SITE ADDRESS OR LOCATION	ASSESSOR'S ID NUMBER (PIN)
6.38	949 BELL ROAD	09-24-100-012-0000
EXISTING LAND USE	CURRENT ZONING	LAND CLASSIFICATION ON LRMP
COMMERCIAL	A1-SU	COMMERCIAL
REQUESTED ACTION (Check All That Apply):		
<input type="checkbox"/> SPECIAL USE <input type="checkbox"/> MAP AMENDMENT (Rezone to _____) <input type="checkbox"/> VARIANCE <input type="checkbox"/> ADMINISTRATIVE VARIANCE <input type="checkbox"/> A-1 CONDITIONAL USE for: _____ <input type="checkbox"/> SITE PLAN REVIEW <input type="checkbox"/> TEXT AMENDMENT <input type="checkbox"/> RPD (<input type="checkbox"/> Concept; <input type="checkbox"/> Preliminary; <input type="checkbox"/> Final) <input type="checkbox"/> ADMINISTRATIVE APPEAL <input type="checkbox"/> PRELIMINARY PLAT <input type="checkbox"/> FINAL PLAT <input type="checkbox"/> OTHER PLAT (Vacation, Dedication, etc.) <input checked="" type="checkbox"/> AMENDMENT TO A SPECIAL USE (<input checked="" type="checkbox"/> Major; <input type="checkbox"/> Minor)		
¹PRIMARY CONTACT	PRIMARY CONTACT MAILING ADDRESS	PRIMARY CONTACT EMAIL
MS. DEB CHOW	[REDACTED]	[REDACTED]
PRIMARY CONTACT PHONE #	PRIMARY CONTACT FAX #	PRIMARY CONTACT OTHER #(Cell, etc.)
[REDACTED]	[REDACTED]	[REDACTED]
²ENGINEER CONTACT	ENGINEER MAILING ADDRESS	ENGINEER EMAIL
MICHAEL COOK	[REDACTED]	[REDACTED]
ENGINEER PHONE #	ENGINEER FAX #	ENGINEER OTHER # (Cell, etc.)
[REDACTED]	[REDACTED]	[REDACTED]
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	DocuSigned by: [REDACTED] Deb Chow	DATE 1/22/2024

FEE PAID: \$ _____
CHECK #: _____

¹Primary Contact will receive all correspondence from County

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

LEGAL DESCRIPTION
JADE RESTORATIONS, INC.
NEC RIDGE RD. & BELL RD.
KENDALL COUNTY, ILLINOIS

OVERALL

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.

PARCEL 1 (RUSTY RIDGE ANIMAL CENTER)

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 80 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, 504.74 FEET TO THE EAST LINE OF THE WEST 502.00 FEET OF SAID NORTHWEST QUARTER; THENCE SOUTH 01 DEGREES 45 MINUTES 20 SECONDS EAST, ON SAID EAST LINE, 526.83 FEET TO THE SOUTH LINE OF SAID NORTHWEST QUARTER; THENCE SOUTH 88 DEGREES 10 MINUTES 23 SECONDS WEST, ON SAID SOUTH LINE, 502.00 FEET TO THE POINT OF BEGINNING, ALL IN KENDALL COUNTY, ILLINOIS.

PARCEL 2 (RE-ZONING A1 & A1-SU TO B3)

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, EXCEPT THAT PART 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 80 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, 504.74 FEET TO THE EAST LINE OF THE WEST 502.00 FEET OF SAID NORTHWEST QUARTER; THENCE SOUTH 01 DEGREES 45 MINUTES 20 SECONDS EAST, ON SAID EAST LINE, 526.83 FEET TO THE SOUTH LINE OF SAID NORTHWEST QUARTER; THENCE SOUTH 88 DEGREES 10 MINUTES 23 SECONDS WEST, ON SAID SOUTH LINE, 502.00 FEET TO THE POINT OF BEGINNING, ALL IN KENDALL COUNTY, ILLINOIS.

January 22, 2024

Map Amendment &
Major Amendment to Special Use



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.

~~15300 West Avenue~~~~Orland Park, IL 60467~~

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 Grum [REDACTED], 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 ~~15300 West Avenue, Orland Park, IL 60467~~ 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]

Maria Villanueva, Manager

STATE OF ILLINOIS)
[REDACTED])
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
My Commission Expires: _____

[REDACTED]
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

)SS

)

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

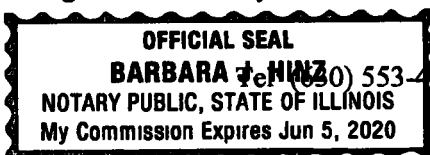
AFFIANT further states that s he makes this affidavit for the purpose of inducing the Recorder of Deeds of Kendall County, Illinois, to accept the attached deed for recording.

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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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)

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

Issued By: Chicago Title Company, LLC
 2000 West Galena, Suite 105
 Aurora, IL 60506

SCHEDULE A

Address Reference: 15200 Ridge Road (20 acres), Minooka, IL 60447

Date of Policy	Amount of Insurance
February 7, 2018	\$500,000.00

1. Name of Insured:

Jade Restorations, Inc.

2. The estate or interest in the Land that is insured by this policy is:

Fee Simple

3. Title is vested in:

Jade Restorations, Inc.

4. The Land referred to in this policy is described as follows:

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.

THIS POLICY VALID ONLY IF SCHEDULE B IS ATTACHED

END OF SCHEDULE A

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



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 Transporation of Natural Gas, Conveying of a 75-foot strip the denterline 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:



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 JADE RESTORATIONS, INC.
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:

PROPERTY OWNER

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 CHOW	[REDACTED]	100%

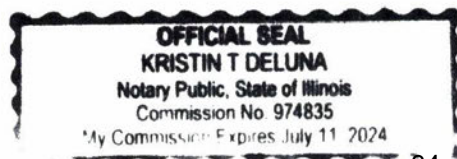
6. Name, address, and capacity of person making this disclosure on behalf of the applicant:

SELF

I, Deb Chow DocuSigned by: [REDACTED] VERIFICATION 0FF65195D1CA42A..., 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 23rd day of January, 2024

(seal)





**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

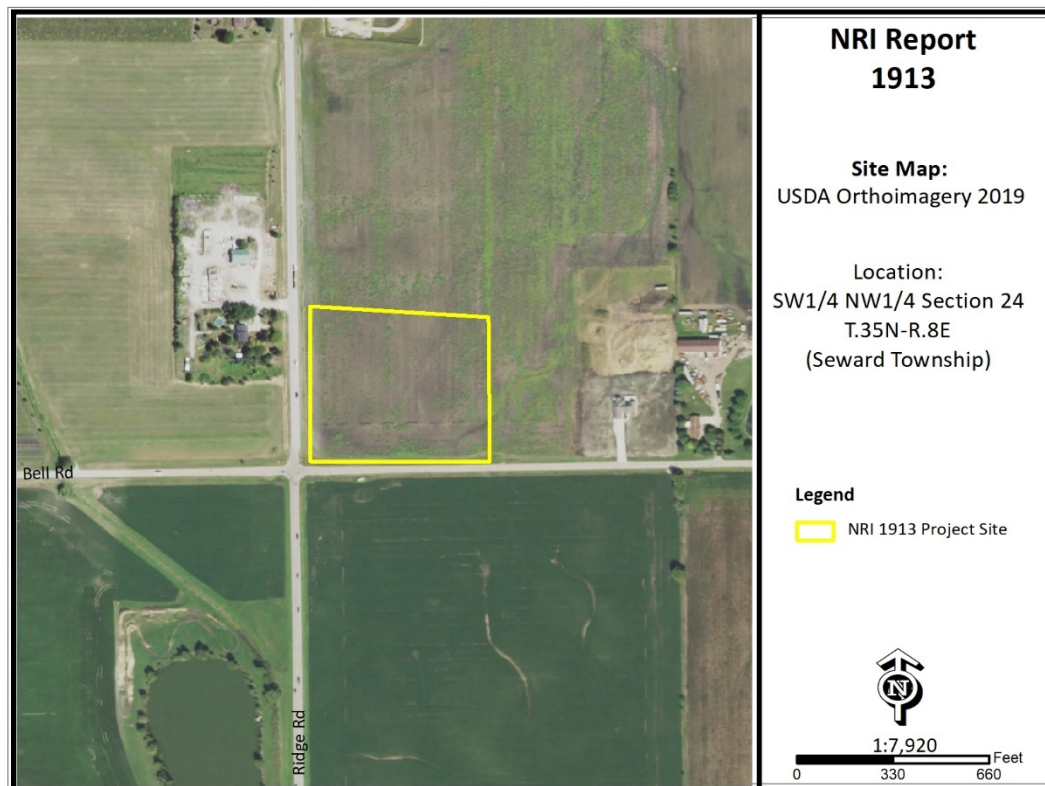
CC Emily Hoffmann, Cook Engineering Group
ehoffmann@cookenggroup.com

Tim O'Brien, Seward Township
sewardtp@gmail.com

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



NATURAL RESOURCE INFORMATION (NRI) REPORT: 1913



January
2020

Petitioner: Bullmastiff Construction Co, Ltd
Contact: Michael Cook

Prepared by:



**Kendall County Soil & Water
Conservation District**

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

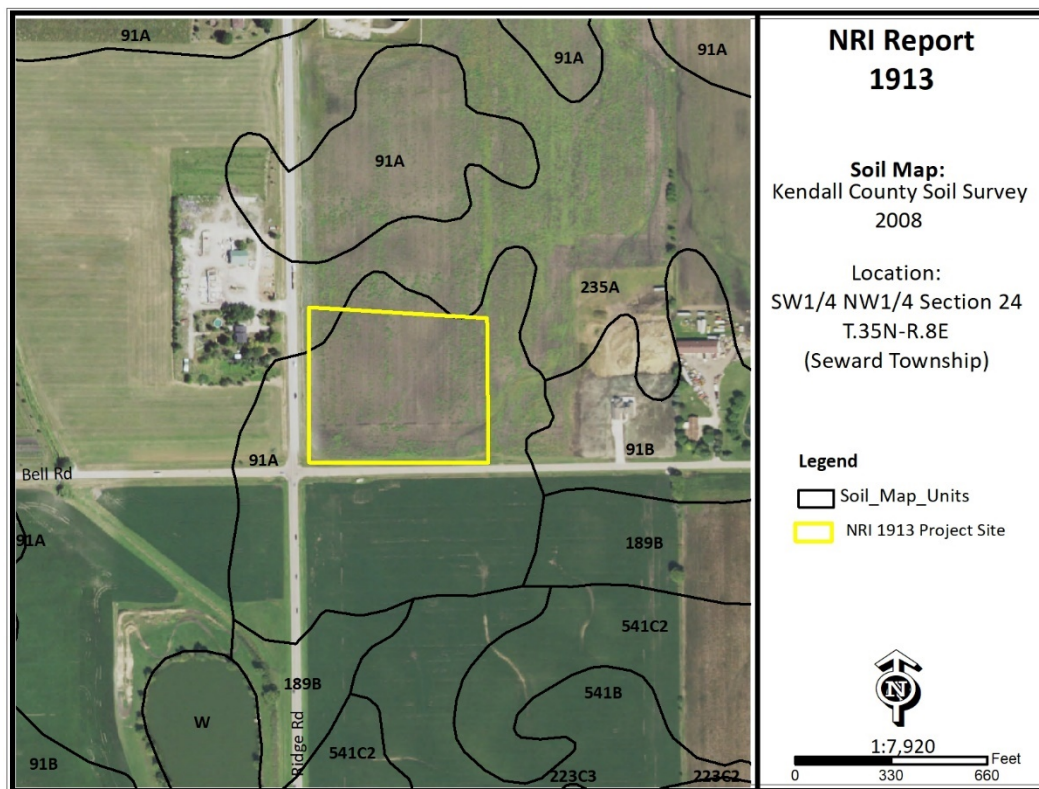
1913

Executive Summary

January 2020

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

Natural Resource Findings

Soil Map:**SOIL INFORMATION:**

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

Table 1:

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

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

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

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

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

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

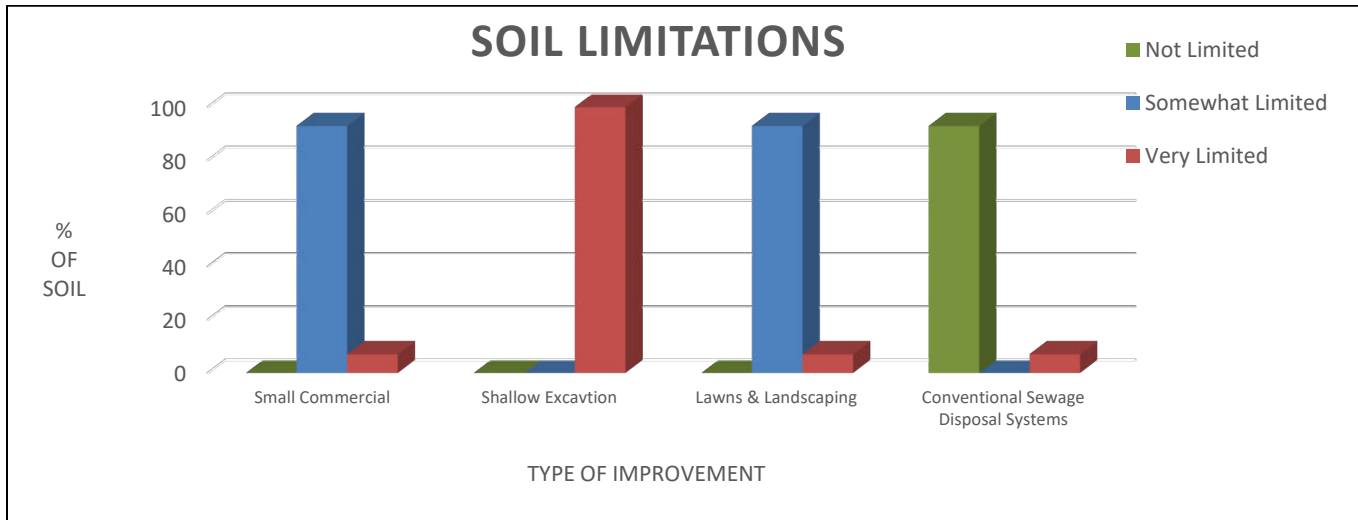
Table 2a:

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

Table 2b:

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

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



Kendall County Land Evaluation and Site Assessment (LESA):

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

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

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

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

Floodplain: The parcel is not located within the floodplain.

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

LAND USE FINDINGS:

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

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

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

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

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

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

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

Chair

Date

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

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

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

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PURPOSE AND INTENT

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

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

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

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

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

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

**Kendall County Soil and Water Conservation
District**

7775A Route 47, Yorkville, IL 60560

Phone: (630) 553-5821 ext. 3

FAX: (630) 553-7442

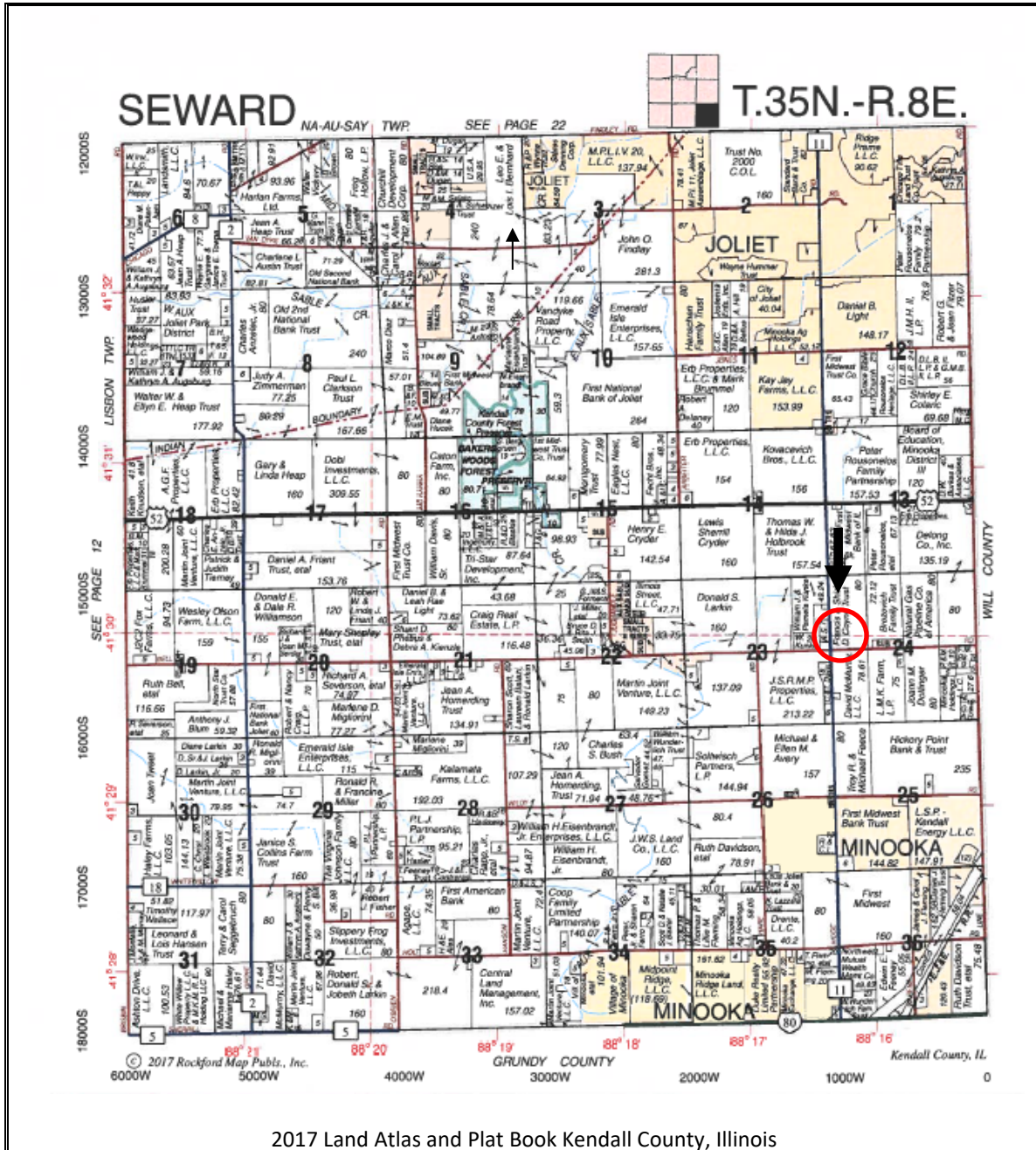
E-mail: Megan.Andrews@il.nacdnet.net

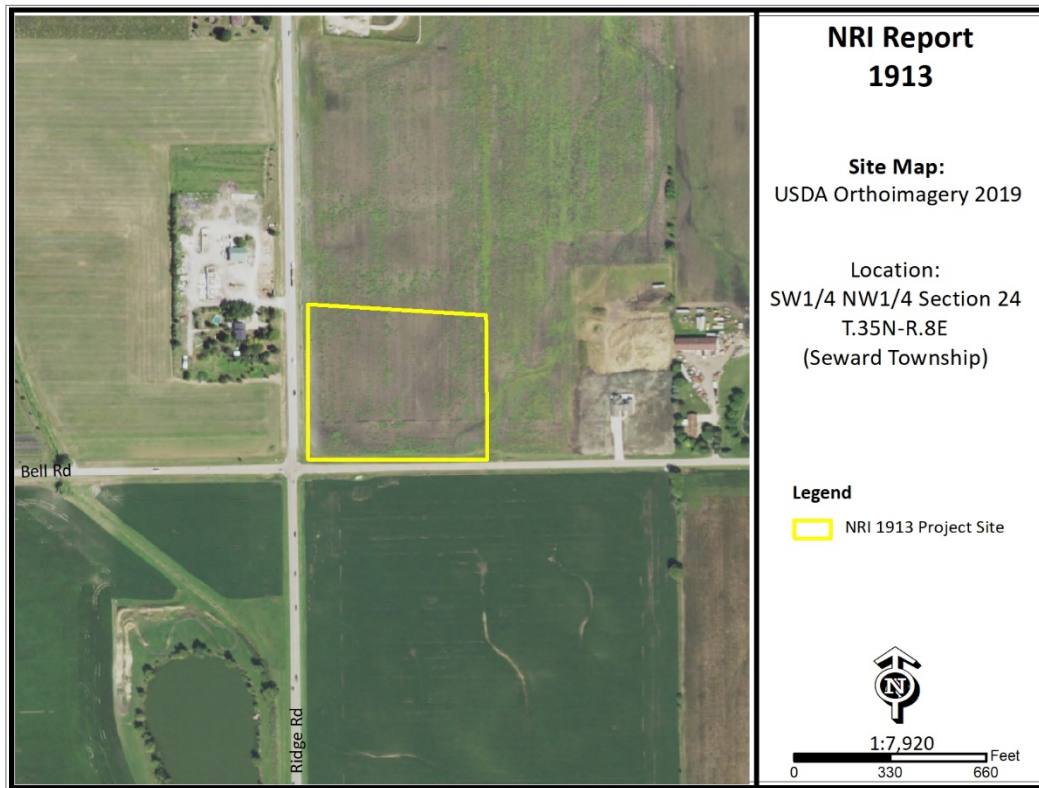
PARCEL LOCATION

Location Map for Natural Resources Information Report # 1913

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

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





ARCHAEOLOGIC/CUTURAL RESOURCES

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

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

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

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

ECOLOGICALLY SENSITIVE AREAS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Biological Resources Concerning the Subject Parcel

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

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

SOILS INFORMATION

Importance of Soils Information

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

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

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

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

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

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

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

Figure 2: Soil Map

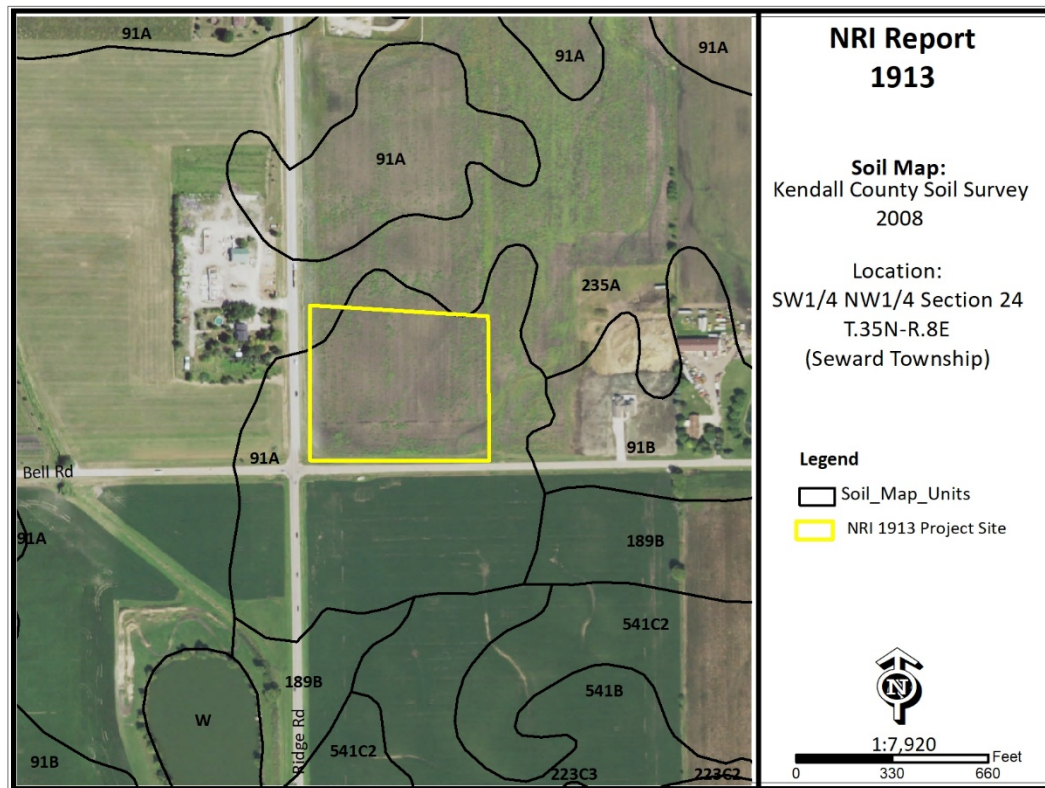


Table 1: Soil Map Unit Descriptions

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

*SOURCE: National Cooperative Soil Survey – USDA-NRCS

SOIL INTERPRETATIONS EXPLANATION

Nonagricultural

General

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

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

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

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

Limitations Ratings

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

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

2. **Somewhat Limited** - This soil has moderately favorable properties for the use. Special planning, design, or maintenance can overcome this degree of limitation. During some part of the year, the expected performance is less desirable than for soils rated slight.

3. **Very Limited** - This soil has one or more properties that are unfavorable for the rated use. These may include the following: steep slopes, bedrock near the surface, flooding, high shrink-swell potential, a seasonal high water table, or low strength. This degree of limitation generally requires major soil reclamation, special design, or intensive maintenance, which in most situations is difficult and costly.

BUILDING LIMITATIONS

Building on Poorly Suited or Unsuitable Soils:

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

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

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

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

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

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

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

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

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

Table 2a: Building Limitations

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

Table 2b: Building Limitations

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

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

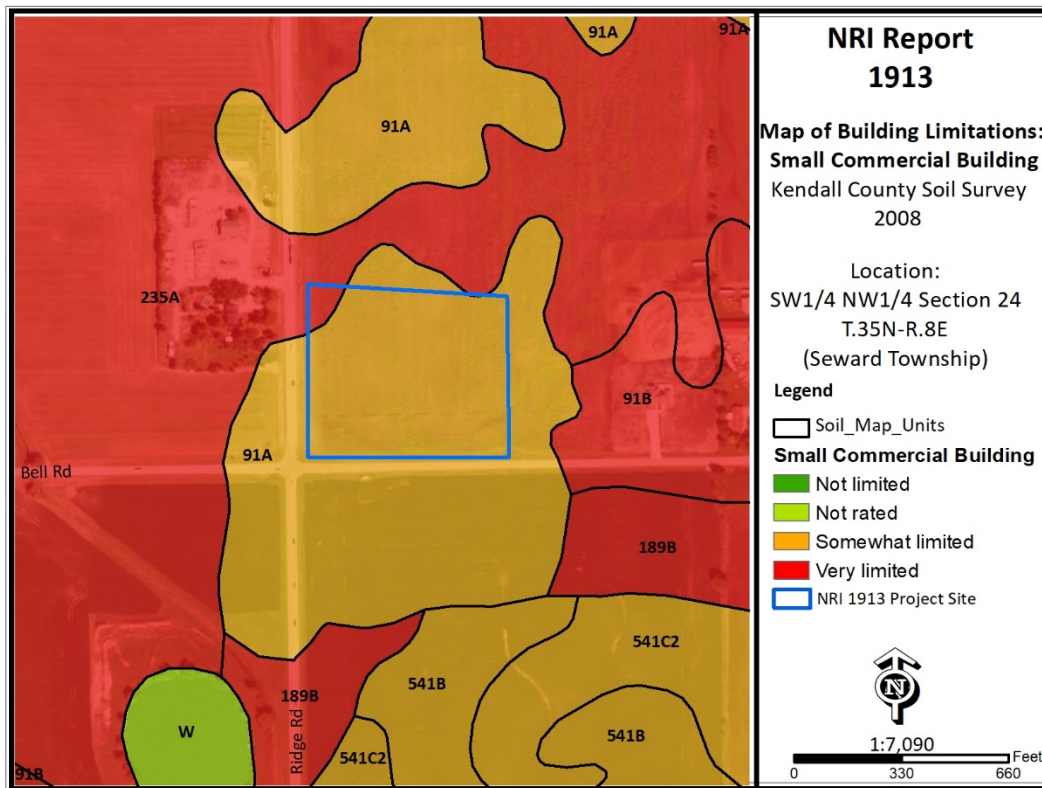


Figure 3b: Map of Building Limitations – Shallow Excavations

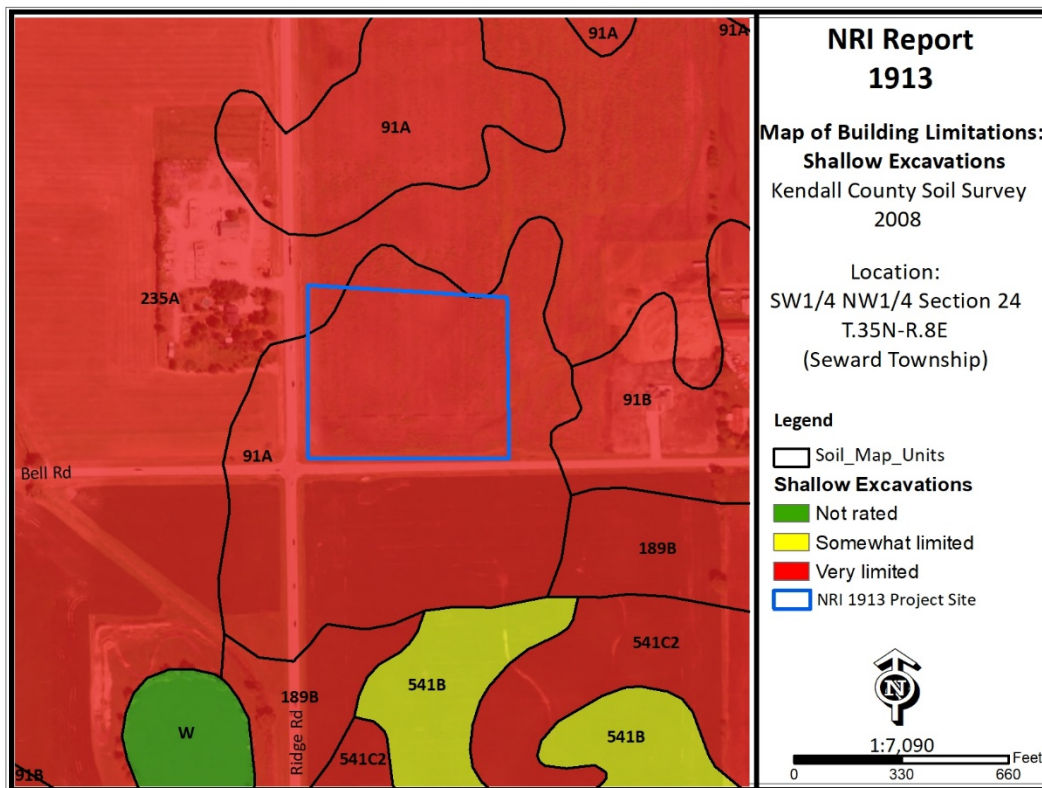


Figure 3c: Map of Building Limitations – Lawns & Landscaping

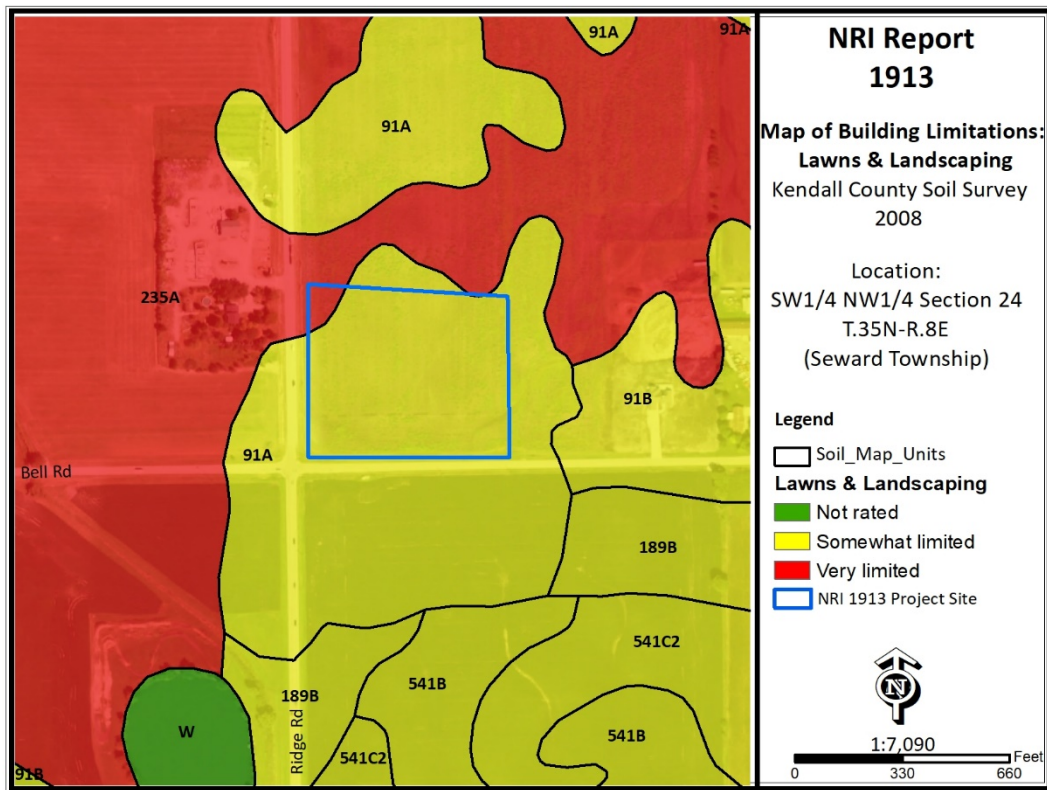
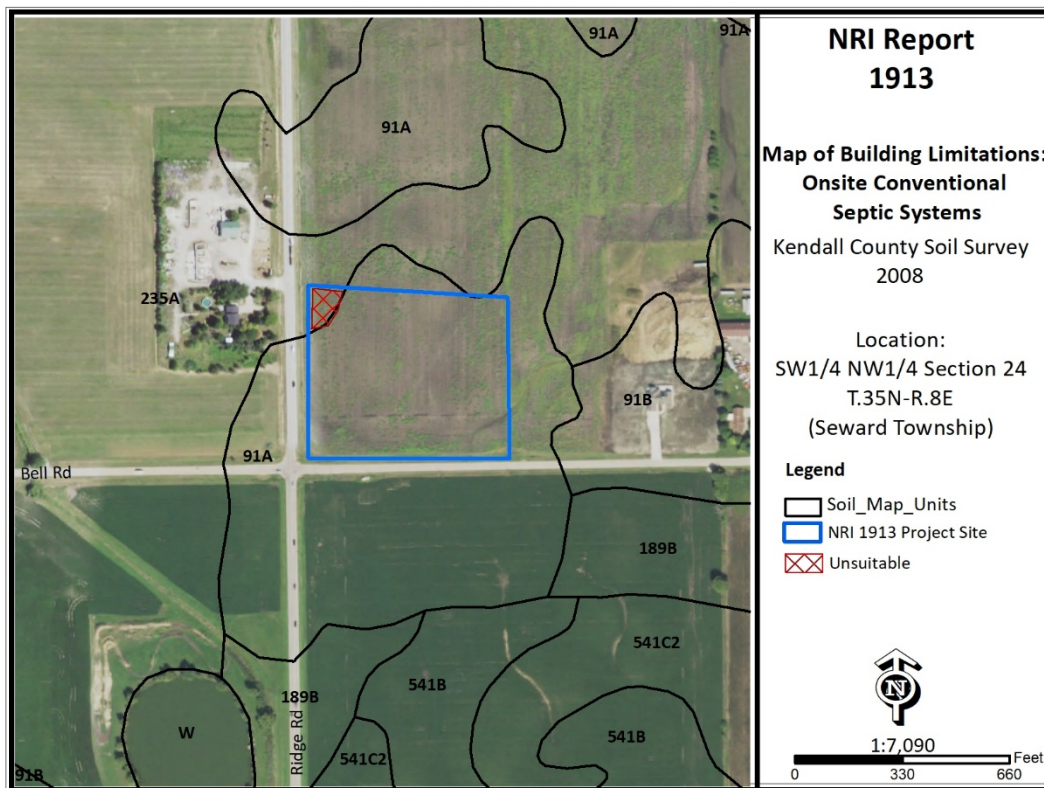


Figure 3d: Map of Building Limitations – Onsite Conventional Sewage System



SOIL WATER FEATURES

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

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

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

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

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

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

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

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

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

Water Table: Refers to a saturated zone in the soil and the data indicates, by month, depth to the top (upper limit) and base (lower limit) of the saturated zone in most years. These estimates are based upon observations of the water table at selected sites and on evidence of a saturated zone (grayish colors or mottles (redoximorphic features)) in the soil. Note: A saturated zone that lasts for less than a month is not considered a water table.

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

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

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

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

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

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

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

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

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

Table 3: Water Features

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

SOIL EROSION & SEDIMENT CONTROL

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

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

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

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

The general principles of erosion and sedimentation control measures include:

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

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

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

Table 4: Soil Erosion Potential

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

PRIME FARMLAND SOILS

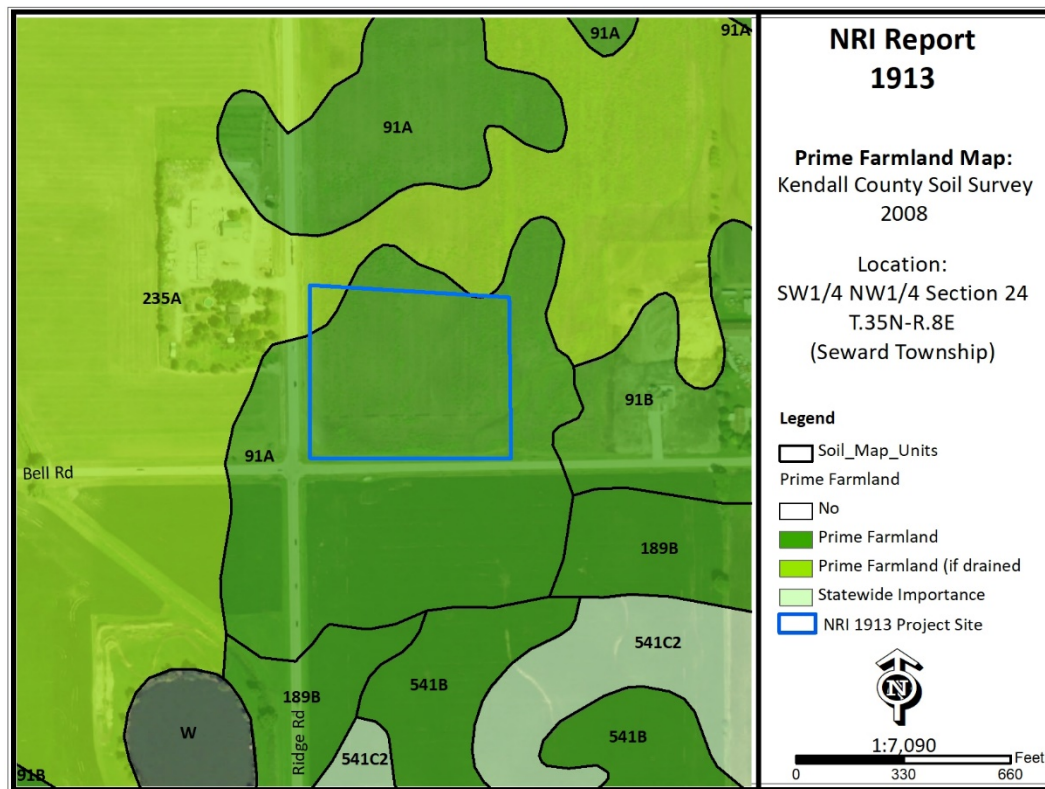
Prime farmland soils are an important resource to Kendall County. Some of the most productive soils in the United States occur locally. Each soil map unit in the United States is assigned a prime or non-prime rating. Prime agricultural land does not need to be in the production of food & fiber.

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

Table 5: Prime Farmland Soils

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

Figure 4: Map of Prime Farmland Soils



LAND EVALUATION & SITE ASSESSMENT (LESA)

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

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

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

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

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

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

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

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

Table 6a: Land Evaluation Computation

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

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

Table 6b: Site Assessment Computation

A.	Agricultural Land Uses	Points
	1. Percentage of area in agricultural uses within 1.5 miles of site. (20-10-5-0)	20
	2. Current land use adjacent to site. (30-20-15-10-0)	30
	3. Percentage of site in agricultural production in any of the last 5 years. (20-15-10-5-0)	20
	4. Size of site. (30-15-10-0)	0
B.	Compatibility / Impact on Uses	
	1. Distance from city or village limits. (20-10-0)	10
	2. Consistency of proposed use with County Land Resource Management Concept Plan and/or municipal comprehensive land use plan. (20-10-0)	10
	3. Compatibility of agricultural and non-agricultural uses. (15-7-0)	0
C.	Existence of Infrastructure	
	1. Availability of public sewage system. (10-8-6-0)	10
	2. Availability of public water system. (10-8-6-0)	10
	3. Transportation systems. (15-7-0)	7
	4. Distance from fire protection service. (10-8-6-2-0)	10
	Site Assessment Score:	127

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

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

The **LESA Score for this site is 207 which indicates a medium level of protection** for the proposed project site. Note: Selecting the project site with the lowest total points will generally protect the best farmland located in the most viable areas and maintain and promote the agricultural industry in Kendall County.

LAND USE PLANS

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

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

DRAINAGE, RUNOFF AND FLOOD INFORMATION

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

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

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

What is a watershed?

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

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

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

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

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

Importance of Flood Information

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

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

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

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

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

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

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

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

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

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

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

Figure 5: FEMA Floodplain Map

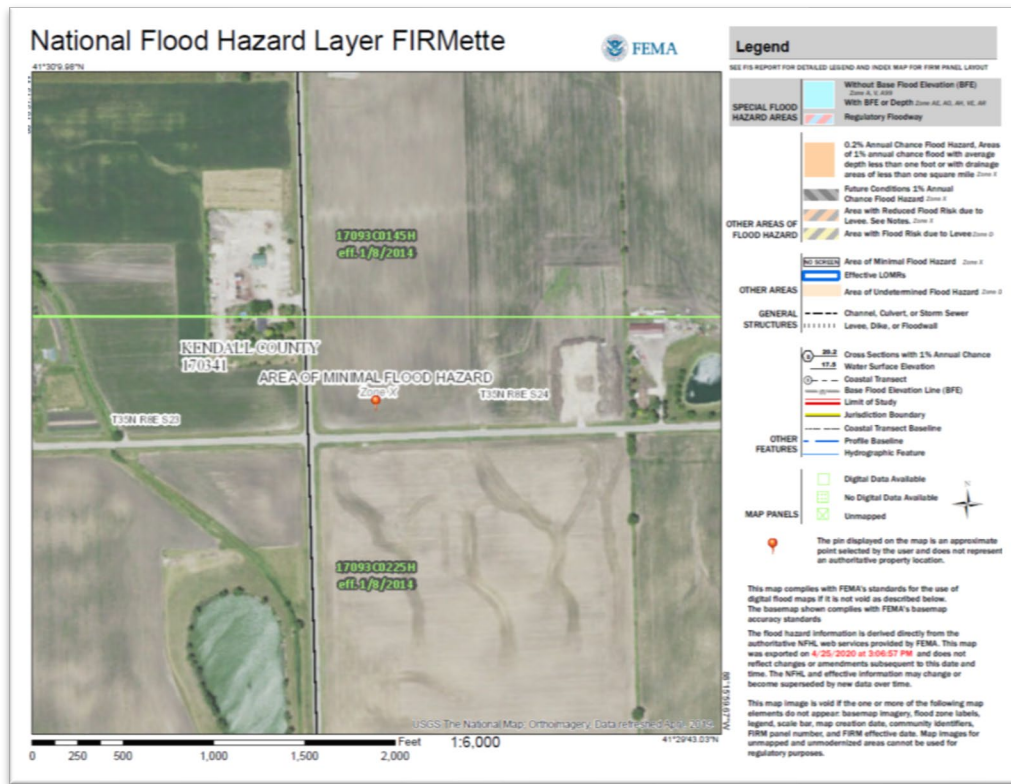
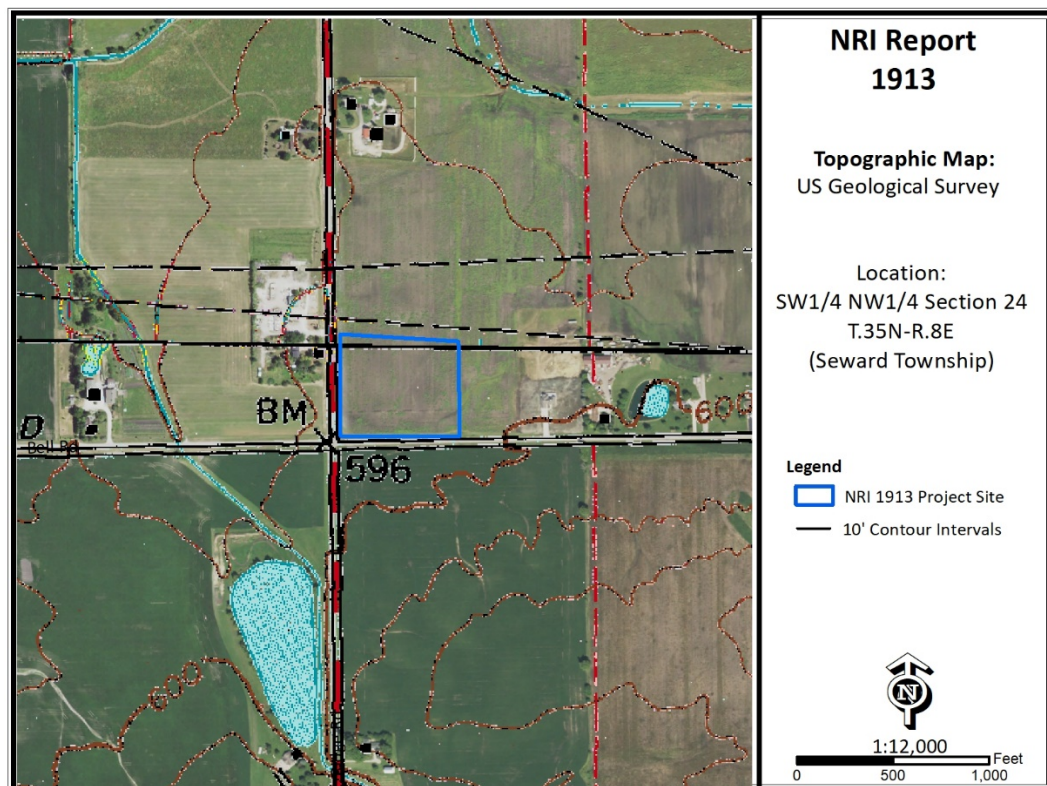


Figure 6: USGS Topographic Map



WATERSHED PLANS

Watershed and Subwatershed Information

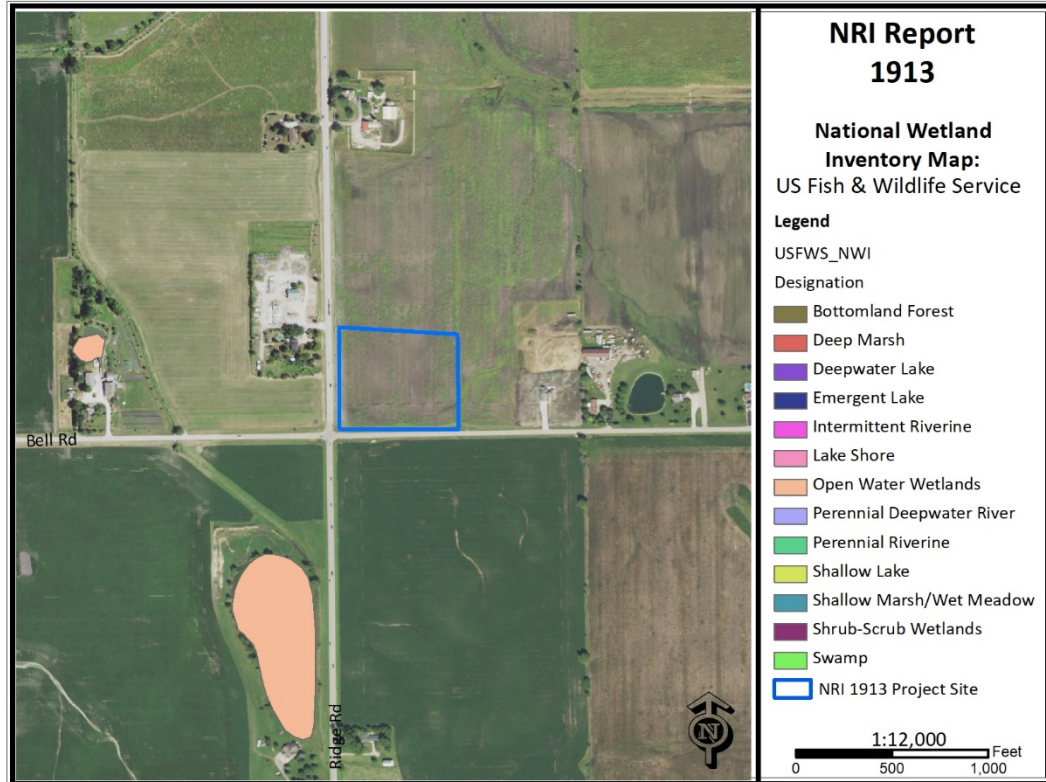
A watershed is the area of land that drains into a specific point including a stream, lake or other body of water. High points on the Earth's surface, such as hills and ridges define watersheds. When rain falls in the watershed, it flows across the ground towards a stream or lake. Rainwater carries any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

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

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

WETLAND INFORMATION

Figure 7: Wetland Map – USFWS National Wetland Inventory



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

Importance of Wetland Information

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

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

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

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

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

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

Hydric Soils

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

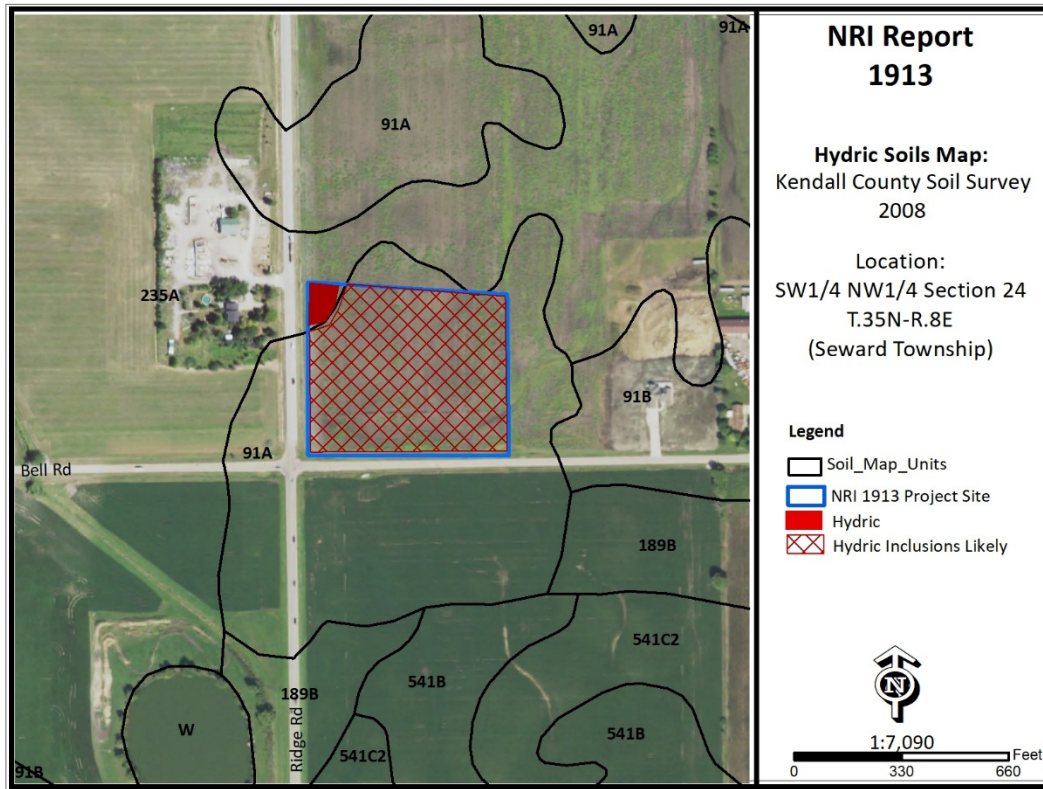
It is also important to add the possibility of hydric inclusions in a soil type. An inclusion is a soil polygon that is too small to appear on these maps. While relatively insignificant for agricultural use, hydric soil inclusions become more important to more intense uses such as a residential subdivision.

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

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

Table 7: Hydric Soils

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

Figure 8: Hydric Soils Map

WETLAND AND FLOODPLAIN REGULATIONS

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

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

WHO MUST APPLY

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

REGULATORY AGENCIES:

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

COORDINATION

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

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

GLOSSARY

AGRICULTURAL PROTECTION AREAS (AG AREAS) -

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

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

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

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

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

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

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

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

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

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

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

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

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

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

LAND EVALUATION AND SITE ASSESSMENT

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

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

PALUSTRINE - Name given to inland fresh water wetlands.

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

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

PIQ - Parcel in question

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Description: DOGGY DAYCARE & ANIMAL HOSPITAL

Natural Resource Review Results

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

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

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

Location

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

County: Kendall

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



IL Department of Natural Resources

Contact

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

Government Jurisdiction

KENDALL COUNTY
 MATT ASSELMEIER
 111 WEST FOX STREET
 YORKVILLE, Illinois 60560

Disclaimer

The Illinois Natural Heritage Database cannot provide a conclusive statement on the presence, absence, or condition of natural resources in Illinois. This review reflects the information existing in the Database at the time of this inquiry, and should not be regarded as a final statement on the site being considered, nor should it be a substitute for detailed site surveys or field surveys required for environmental assessments. If additional protected resources are encountered during the project's implementation, compliance with applicable statutes and regulations is required.

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**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

13:08J SPECIAL USES & PLANNED DEVELOPMENTS

FINDINGS OF FACT

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 A DETAILED SITE PLAN INDICATING LOCATION OF 24-FOOT WIDE DRIVEWAY EXTENSION TO NORTH PROPERTY LINE. THE RUSTY RIDGE ANIMAL CENTER OPERATIONS WILL 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 24-FOOT WIDE DRIVEWAY EXTENSION FOR THE RUSTY RIDGE ANIMAL CENTER MAINTAINS THE REQUIRED DISTANCE FROM NEARBY RESIDENTIAL DISTRICTS AND STRUCTURES AND WILL NOT ADVERSLEY IMPACT ADJACENT USES AND IS COMPATIBLE WITH THE SURROUNDING AREA.

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.

THE ADDITION OF THE 24-FOOT WIDE DRIVEWAY EXTENSION WILL IMPROVE INGRESS/EGRESS BASED ON A FULL ACCESS ENTRANCE ALONG RIDGE ROAD ONE QUARTER MILE NORTH OF BELL RD. APPROVED BY KENDALL COUNTY HIGHWAY DEPARTMENT PER ORDINANCE #23-04 AND WILL CONNECT SITE TO EXISTING TWO (2) FULL ACCESS DRIVEWAS ALONG BELL RD.

THESE EXISTING ACCESS DRIVEWAYS HAVE BEEN PREVIOUSLY PERMITTED BY KENDALL COUNTY HIGHWAY DEPARTMENT AND SEWARD TOWNSHIP AND

CONSTRUCTED. STORMWATER MANAGEMENT HAS BEEN PROVIDED AS REQUIRED AND PERMITTED THROUGH KENDALL COUNTY.

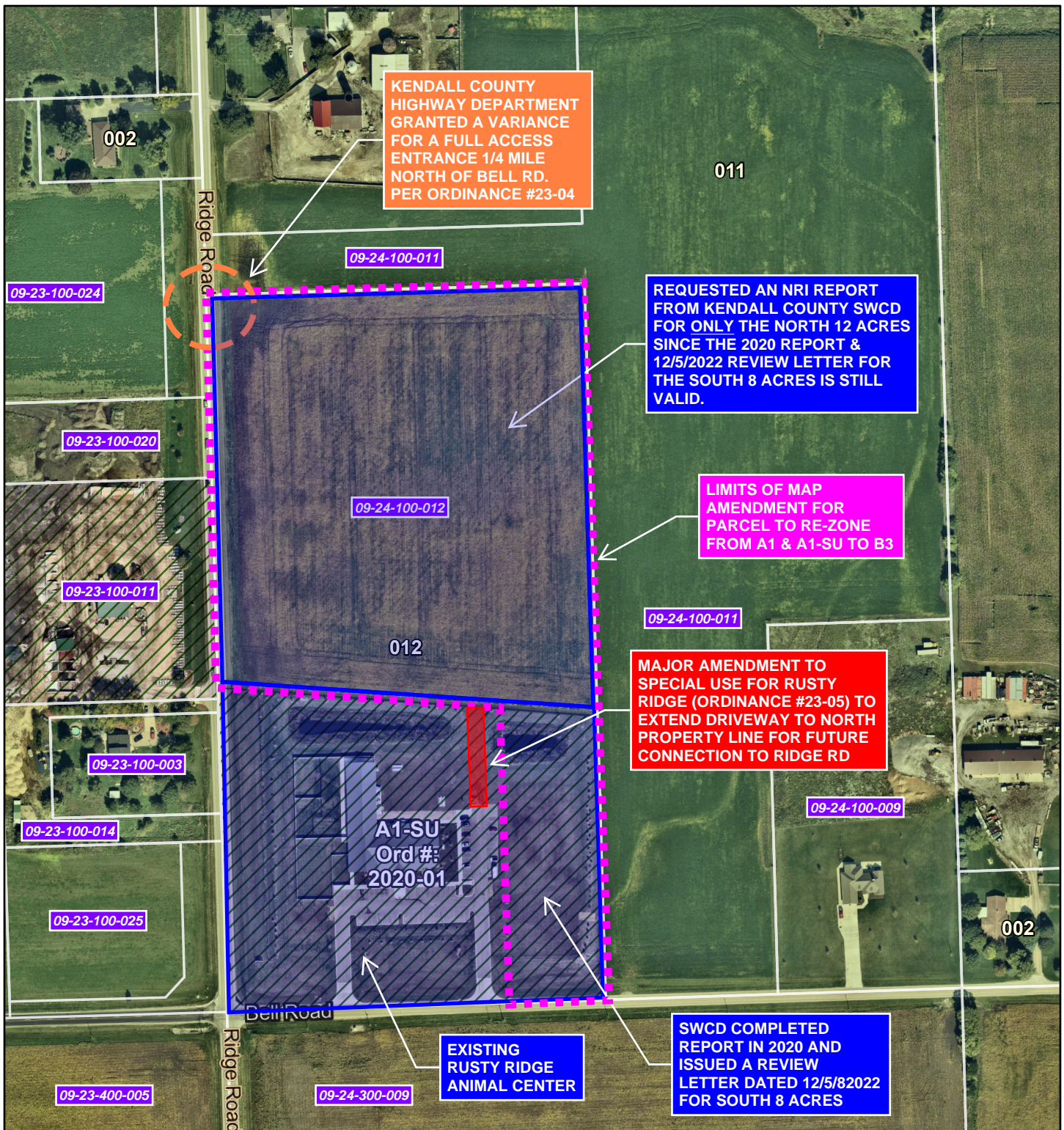
4. *That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Zoning Board of Appeals*

THE PROPOSED DEVELOPMENT WITH THE ADDITION OF THE 24-FOOT WIDE DRIVEWAY EXTENSION WILL CONFORM TO THE APPLICABLE REGULATIONS OF THE A-1 DISTRICT. NO OTHER CHANGES ARE REQUESTED FROM PREVIOUSLY APPROVED MAJOR AMENDMENT TO SPECIAL USE PER KENDALL COUNTY ORDINANCE #23-05.

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.*

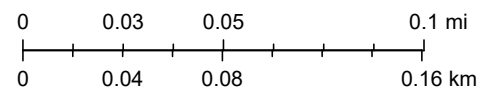
THIS SPECIAL USE IS CONSISTENT WITH THE LAND RESOURCE MANAGEMENT PLAN (LRMP) WHICH INDICATES THE PROPERTY SHALL BE USED AS COMMERCIAL. THE 24-FOOT DRIVEWAY EXTENSION WILL PROVIDE INTERCONNECTIVELY BETWEEN THE OWNERSHIP BETWEEN RIDGE RD. AND BELL RD.

Jade Restorations, Inc.



1/11/2024, 11:20:32 AM

1:4,044

**JADE RESTORATIONS, INC.**NEC RIDGE RD. & BELL RD.
KENDALL COUNTY, IL**RE-ZONING & PIN EXHIBIT**

01/23/2024

72

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TOPOGRAPHIC SURVEY

LEGAL DESCRIPTION

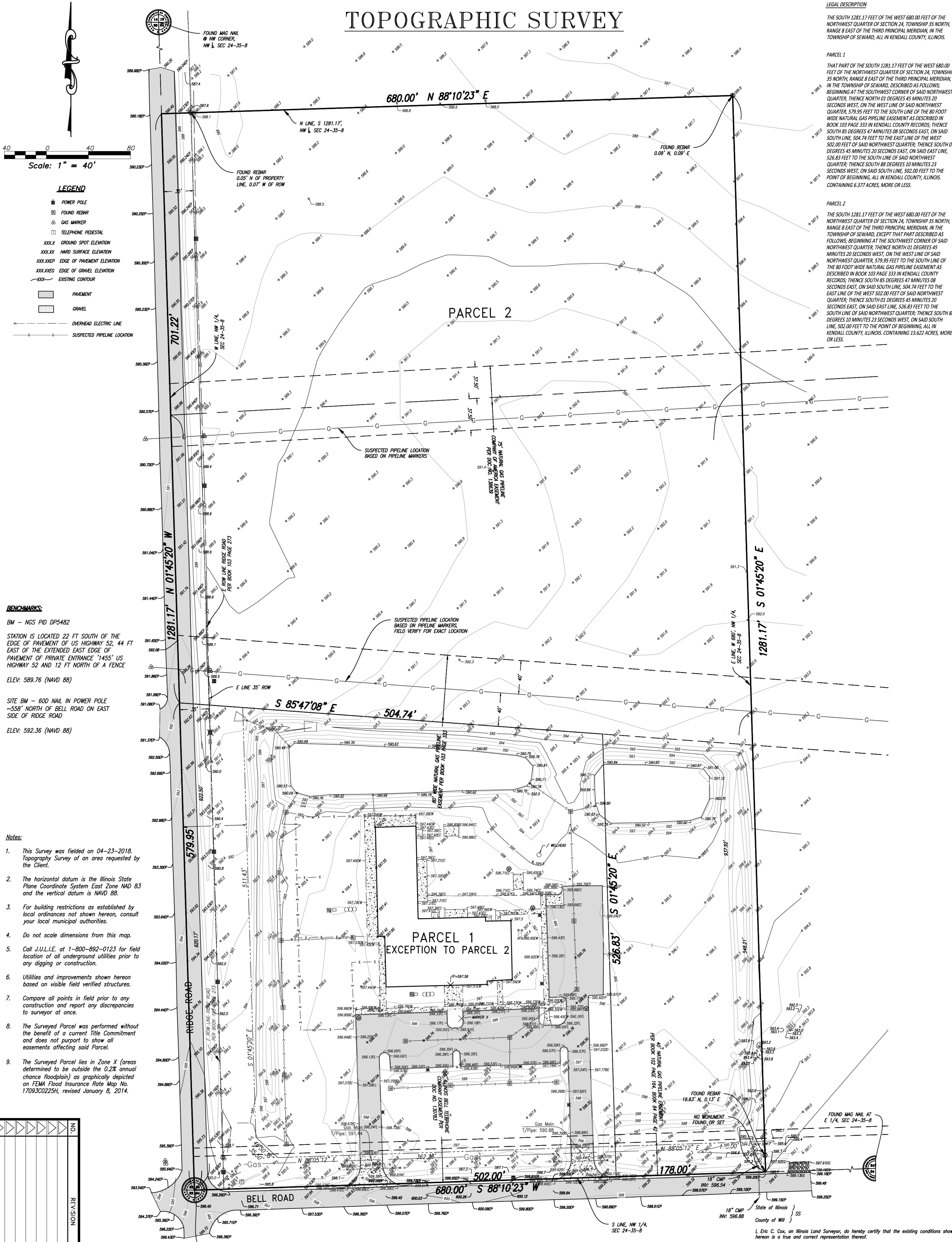
THE SOUTH 1281.17 FEET OF THE WEST 680.00 FEET OF THE NORTHWEST QUARTER OF SECTION 24, TOWNSHIP 35 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE TOWNSHIP OF SEWARD, ALL IN KENDALL COUNTY, ILLINOIS.

PARCEL 1

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 80 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, 504.74 FEET TO THE EAST LINE OF THE WEST 502.00 FEET OF SAID NORTHWEST QUARTER; THENCE SOUTH 01 DEGREES 45 MINUTES 20 SECONDS EAST, ON SAID EAST LINE, 526.83 FEET TO THE SOUTH LINE OF SAID NORTHWEST QUARTER; THENCE SOUTH 88 DEGREES 10 MINUTES 23 SECONDS WEST, ON SAID SOUTH LINE, 502.00 FEET TO THE POINT OF BEGINNING, ALL IN KENDALL COUNTY, ILLINOIS. CONTAINING 6.377 ACRES, MORE OR LESS.

PARCEL 2

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, EXCEPT THAT PART 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 80 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, 504.74 FEET TO THE EAST LINE OF THE WEST 502.00 FEET OF SAID NORTHWEST QUARTER; THENCE SOUTH 01 DEGREES 45 MINUTES 20 SECONDS EAST, ON SAID EAST LINE, 526.83 FEET TO THE SOUTH LINE OF SAID NORTHWEST QUARTER; THENCE SOUTH 88 DEGREES 10 MINUTES 23 SECONDS WEST, ON SAID SOUTH LINE, 502.00 FEET TO THE POINT OF BEGINNING, ALL IN KENDALL COUNTY, ILLINOIS. CONTAINING 13.622 ACRES, MORE OR LESS.



BENCHMARKS:

BM - NGS PID DP5482

STATION IS LOCATED 22 FT SOUTH OF THE EDGE OF PAVEMENT OF US HIGHWAY 52, 44 FT EAST OF THE EXTENDED EAST EDGE OF PAVEMENT OF PRIVATE ENTRANCE '1455' US HIGHWAY 52 AND 12 FT NORTH OF A FENCE

ELEV: 589.76 (NAVD 88)

SITE BM - 600 NAIL IN POWER POLE ~558' NORTH OF BELL ROAD ON EAST SIDE OF RIDGE ROAD

ELEV: 592.36 (NAVD 88)

Notes:

- This Survey was fielded on 04-23-2018. Topography Survey of an area requested by the Client.
- The horizontal datum is the Illinois State Plane Coordinate System East Zone 14D 83 and the vertical datum is NAVD 88.
- For building restrictions as established by local ordinances not shown hereon, consult your local municipal authorities.
- Do not scale dimensions from this map.
- Call J.U.L.I.E. at 1-800-892-0123 for field location of all underground utilities prior to any digging or construction.
- Utilities and improvements shown hereon based on visible field verified structures.
- Compare all points in field prior to any construction and report any discrepancies to surveyor at once.
- The Surveyed Parcel was performed without the benefit of a current title Commitment and does not purport to show all easements affecting said Parcel.
- The Surveyed Parcel lies in Zone X (areas determined to be outside the 0.2% annual chance floodplain) as graphically depicted on FEMA Flood Insurance Rate Map No. 17093C0225H, revised January 8, 2014.

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MINOOKA
JADE RESTORATIONS, INC
**BELL ROAD & RIDGE ROAD
TOPOGRAPHIC SURVEY**

ILLINOIS
DRAWN: CSH
CHK'D: ECC
DESIGNED: -
APPR'D: ECC
DATE: JANUARY 15, 2024
SCALE: 1" = 50'
PROJECT NUMBER
1850-7044

I, Eric C. Cox, an Illinois Land Surveyor, do hereby certify that the existing conditions shown hereon is a true and correct representation thereof.
This professional service conforms to the current Illinois minimum standards for topographic surveys.
Field Work Completed on August 23rd, 2022
Dated this 15th day of January, 2024
Eric C. Cox
Illinois Professional Land Surveyor No. [REDACTED]
Renewal Date: November 30, 2024
DLZ Industrial Surveying, Inc. Professional Design Firm 184002815



ZONING PLAT

LEGAL DESCRIPTION

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.

PARCELI 1

THAT PART OF THE SOUTH 1281.17 FEET OF THE WEST 6800.00 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 80 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, 504.74 FEET TO THE EAST LINE OF THE WEST 502.00 FEET OF SAID NORTHWEST QUARTER; THENCE SOUTH 01 DEGREES 45 MINUTES 20 SECONDS EAST, ON SAID EAST LINE, 526.83 FEET TO THE SOUTH LINE OF SAID NORTHWEST QUARTER; THENCE SOUTH 88 DEGREES 10 MINUTES 23 SECONDS WEST, ON SAID SOUTH LINE, 500.00 FEET TO THE POINT OF BEGINNING, ALL IN KENDALL COUNTY, ILLINOIS.

PARCEL 2








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, EXCEPT THAT PART 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 80 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, 504.74 FEET TO THE EAST LINE OF THE WEST 502.00 FEET OF SAID NORTHWEST QUARTER; THENCE SOUTH 01 DEGREES 45 MINUTES 20 SECONDS EAST, ON SAID EAST LINE, 526.83 FEET TO THE SOUTH LINE OF SAID NORTHWEST QUARTER; THENCE SOUTH 88 DEGREES 10 MINUTES 23 SECONDS WEST, ON SAID SOUTH LINE, 502.00 FEET TO THE POINT OF BEGINNING, ALL IN KENDALL COUNTY, ILLINOIS.

PARCEL 2

VACANT PARCEL CONTAINING
13.622 ACRES MORE OR LESS
OF WHICH 0.565 ACRE LIES
WITHIN DEDICATED RIDGE ROAD
AND 0.148 ACRES LIES WITHIN
DEDICATED BELL ROAD

CURRENT ZONING A1
PROPOSED ZONING B3

LEGEND

-  POWER POLE
 FOUND REBAR
 GAS MARKER
 TELEPHONE PEDESTAL
 PAVEMENT
 OVERHEAD ELECTRIC LINE
 SUSPECTED PIPELINE LOCATION

Notes:

1. *This Survey was fielded on 04-23-2018.*
2. *The horizontal datum is the Illinois State Plane Coordinate System East Zone NAD 83.*
3. *For building restrictions as established by local ordinances not shown herein, consult your local municipal authorities.*
4. *Do not scale dimensions from this map.*
5. *Call J.U.L.L.E. at 1-800-892-0123 for field location of all underground utilities prior to any digging or construction.*
6. *Utilities and improvements shown herein based on visible field verified structures.*
7. *Compare all points in field prior to any construction and report any discrepancies to surveyor at once.*
8. *The Surveyed Parcel was performed without the benefit of a current Title Commitment and does not purport to show all easements affecting said Parcel.*
9. *The Surveyed Parcel lies in Zone X (areas determined to be outside the 0.2% annual chance floodplain) as graphically depicted on FEMA Flood Insurance Rate Map No. 17093C0225H, revised January 8, 2014.*
10. *The Overall Surveyed Parcel contains 20,000 acres more or less of which 1,030 acres lies within Dedicated Ridge Road.*
11. *The land division shown herein was under the direction of the Land Owner.*

[illegible]

KENDALL COUNTY
JADE RESTORATIONS, INC

BELL ROAD & RIDGE ROAD ZONING PLAT

ILLINOIS

DRAWN: ECC	CHK'D: ECC
DESIGNED: —	APPRV'D: ECC
DATE: JANUARY 15, 2024	
SCALE: 1" = 50'	

PROJECT NUMBER
1850-7044

State of Illinois)
County of Will) SS

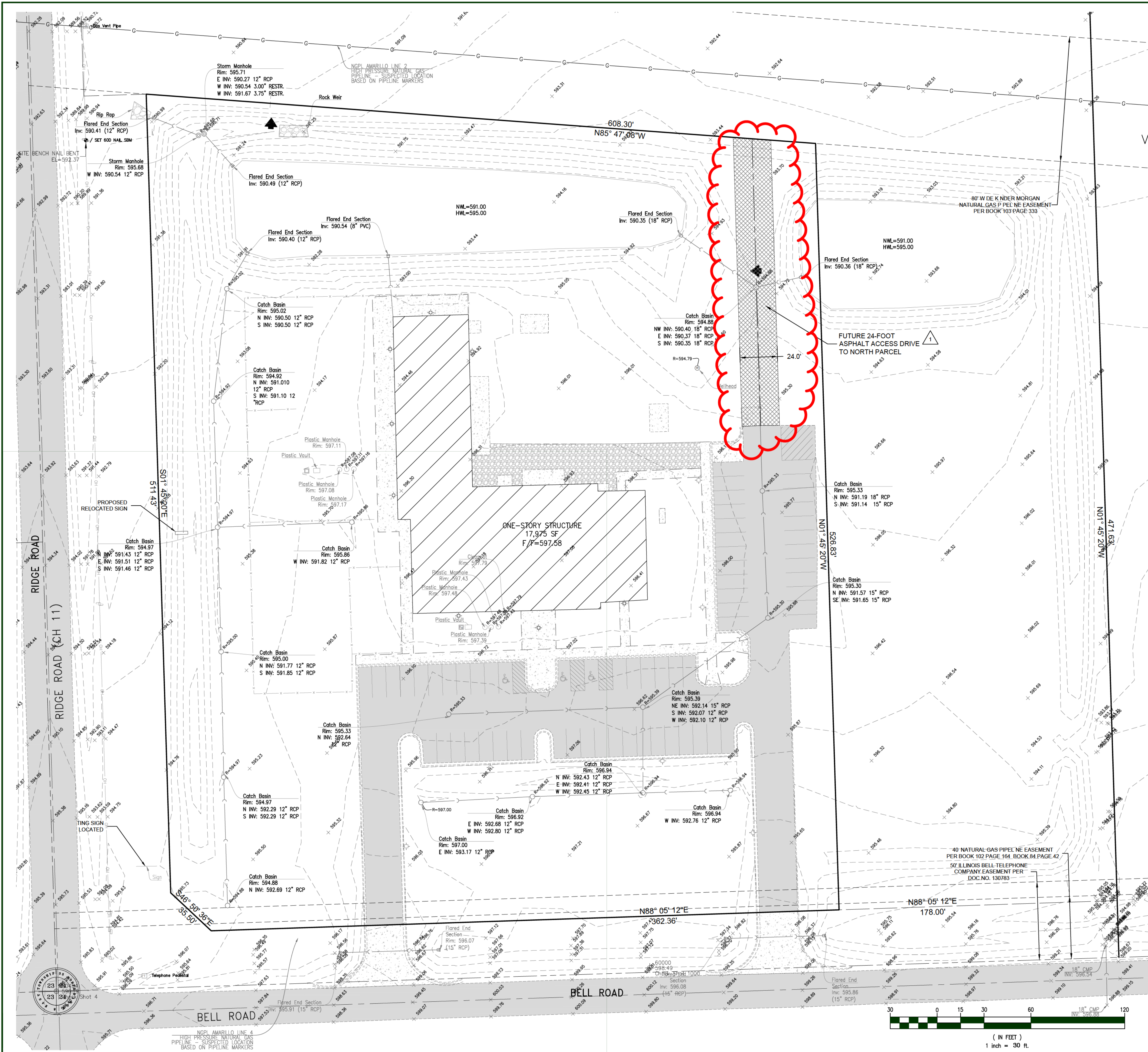
I, Eric C. Cox, an Illinois Land Surveyor, do hereby certify that the existing conditions shown hereon is a true and correct representation thereof of the Legal Descriptions.

Dated this 15th day of January, 2024

Eric C. Cox
Illinois Professional Land Surveyor No. 0 [REDACTED]
Renewal Date: November 30, 2024
DLZ Industrial Surveying, Inc. Professional Design Firm 184002815



80 McDONALD AVENUE, UNIT D, JOLIET, IL 60431
TELEPHONE (815) 725-8840 FAX (815) 725-8849



CONCRETE PAVEMENT

GRAVEL AREA

HMA PAVEMENT

FLARED END SECTION

STORM MANHOLE

STORM INLET

CATCH BASIN

FIRE HYDRANT

VALVE AND VAULT

B BOX

SANITARY MANHOLE

STORM SEWER

WATERMAIN

SANITARY SEWER

CONTOUR

SILT FENCE

OVERLAND FLOW PATH

US-52

County Line Rd

Bell Rd

Ridge Rd

SITE

SITE LOCATION

LEGEND

ABBREVIATIONS

EXISTING

PROPOSED

LEGAL DESCRIPTION

LIST OF MODIFICATIONS

BENCHMARKS

LEGAL DESCRIPTION
PARCEL 1 (RUSTY RIDGE ANIMAL CENTER)
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 80 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, 504.74 FEET TO THE EAST LINE OF THE WEST 502.00 FEET OF SAID NORTHWEST QUARTER; THENCE SOUTH 01 DEGREES 45 MINUTES 20 SECONDS EAST, ON SAID EAST LINE, 528.83 FEET TO THE SOUTH LINE OF SAID NORTHWEST QUARTER; THENCE SOUTH 88 DEGREES 10 MINUTES 23 SECONDS WEST, ON SAID SOUTH LINE, 502.00 FEET TO THE POINT OF BEGINNING, ALL IN KENDALL COUNTY, ILLINOIS.

- LIST OF MODIFICATIONS**
- PROPOSED 24-FOOT ROADWAY EXTENSION TO THE NORTH PROPERTY LINE FOR FUTURE CONNECTIVITY OF THE NORTH 12-ACRES OWNED BY JADE RESTORATIONS, INC. TO BELL RD.

- 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 60D NAIL IN POWER POLE -558 FEET NORTH OF BELL ROAD ON EAST SIDE OF RIDGE ROAD ELEVATION = 592.36 (NAVD 88)

ORDINANCE #23-05 SITE AREA STATISTICS			
	(SF)	(AC)	
PREVIOUS EXISTING R.O.W. (RIDGE RD)	369,900	8.49	
DEDICATED PARCEL 1 R.O.W. (RIDGE AND BELL RD)	20,234	0.46	
NET DEVELOPMENT AREA	45,006	1.03	
	304,660	6.99	

DEVELOPMENT AREA DRAINAGE STATISTICS			
	#23-05 AREA (SF)	#23-05 AREA (AC)	#23-05 AREA (%)
PERVIOUS (GRASSED) AREA	213,113	4.89	70.0%
GREEN ROOF	0	0.00	0.0%
TOTAL PERVIOUS	213,113	4.89	70.0%
BUILDING AREA	17,245	0.40	5.7%
PAVEMENT AREA (PCC AND ASPHALT)	40,040	0.92	13.1%
WET POND AREA (NWL)	23,548	0.54	7.7%
TOTAL IMPERVIOUS	80,833	1.86	26.5%
FUTURE IMPERVIOUS AREA	10,714	0.25	3.5%
TOTAL AREA	304,660	6.99	100.0%

FUTURE SITE AREA STATISTICS			
	(SF)	(AC)	
GROSS AREA	277,782	6.38	
DEDICATED PARCEL 1 R.O.W. (RIDGE AND BELL RD)	58,806	1.35	
NET DEVELOPMENT AREA	218,976	5.03	

REVISED DEVELOPMENT AREA DRAINAGE STATISTICS			
	FUTURE AREA (SF)	FUTURE AREA (AC)	FUTURE AREA (%)
PERVIOUS (GRASSED) AREA	146,131	3.35	66.7%
TOTAL PERVIOUS	146,131	3.35	66.7%
BUILDING AREA	17,245	0.40	7.9%
PAVEMENT AREA (PCC AND ASPHALT)	40,040	0.92	18.3%
WET POND AREA (NWL)	15,560	0.36	7.1%
TOTAL IMPERVIOUS	72,845	1.67	33.3%
FUTURE IMPERVIOUS AREA	0	0.00	0.0%
TOTAL AREA	218,976	5.03	100.0%

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

Civil Engineering & Land Development Consulting

26316 Mapleview Drive

Plainfield, IL 60585

815.577.1707 T 815.577.2895 F

www.cookengr.com

COOK

ENGINEERING

GROUP

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: EKH

CHECKED BY: MDC

DATE: 01/18/2024

SHEET: 1 of 1

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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

Zoning Petition
#19-47

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.


State of Illinois
County of Kendall

Zoning Petition
#19-47

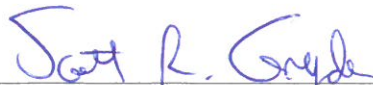
- I. The normal hours of operation for the businesses allowed by this special use permit shall be Monday through Friday from 6:00 a.m. until 7:00 p.m. and Saturday and Sunday from 7:00 a.m. until 7:00 p.m. The operator(s) of the business allowed by this special use permit may reduce these hours of operation. 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

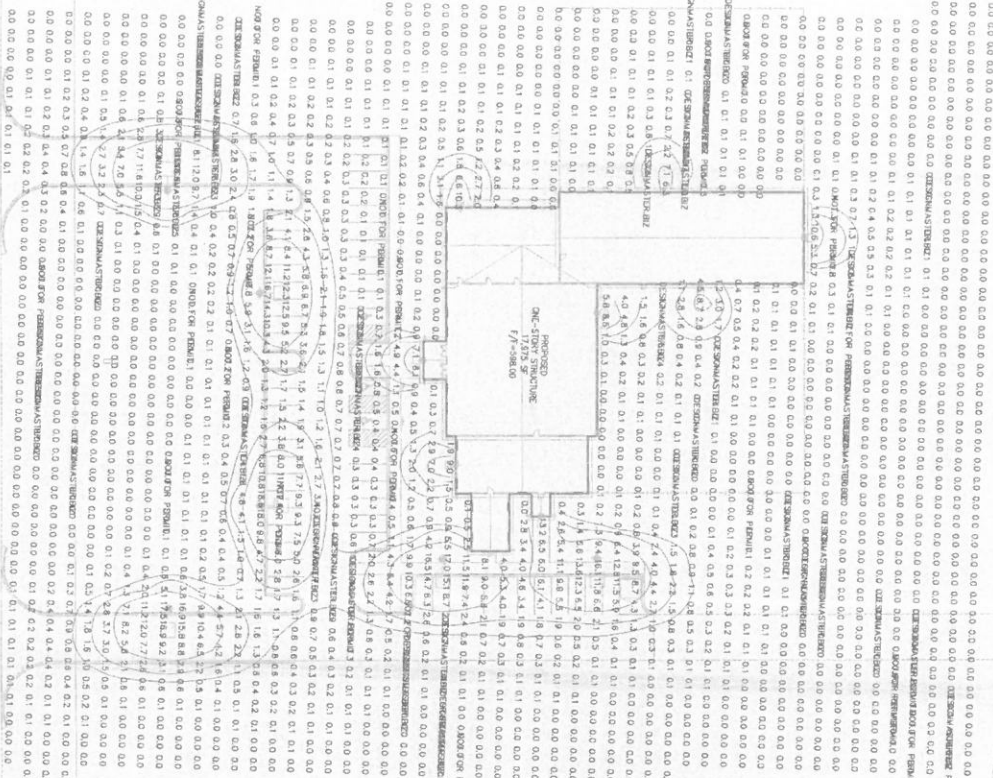
Approval with the following conditions and restrictions:

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.

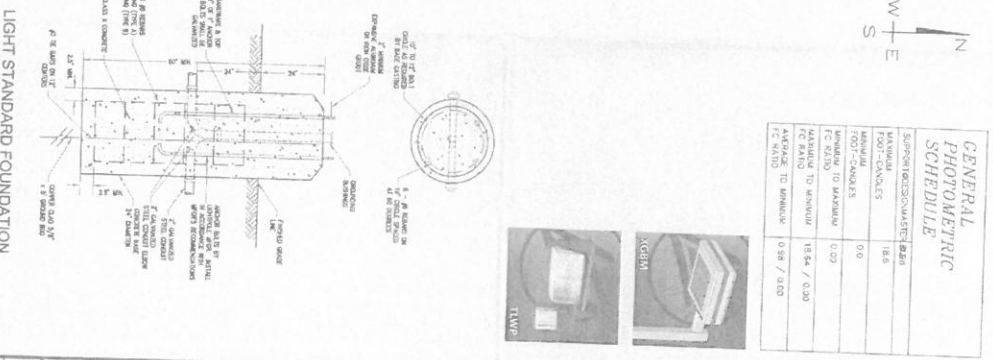
3. The use allowed by this special use permit shall be located a minimum of two hundred fifty feet (250') from the lot line of lots zoned residential or shown as Residential on the Land Resource Management Plan (LRMP) map and One Hundred Fifty Feet (150') from Lots Zoned Other Than Residential or Shown 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.

BELL ROAD

RIDGE ROAD (CH 11)



LUMINAIRE SCHEDULE			
SYMBOL	QTY	MANUFACTURER	DESCRIPTION
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State of Illinois
County of Kendall

Zoning Petition
#22-27

ORDINANCE NUMBER 2023- 05

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
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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 of the requested major amendments to an existing special use permit and variance; 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:

State of Illinois
County of Kendall

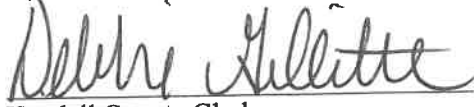
Zoning Petition
#22-27

"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

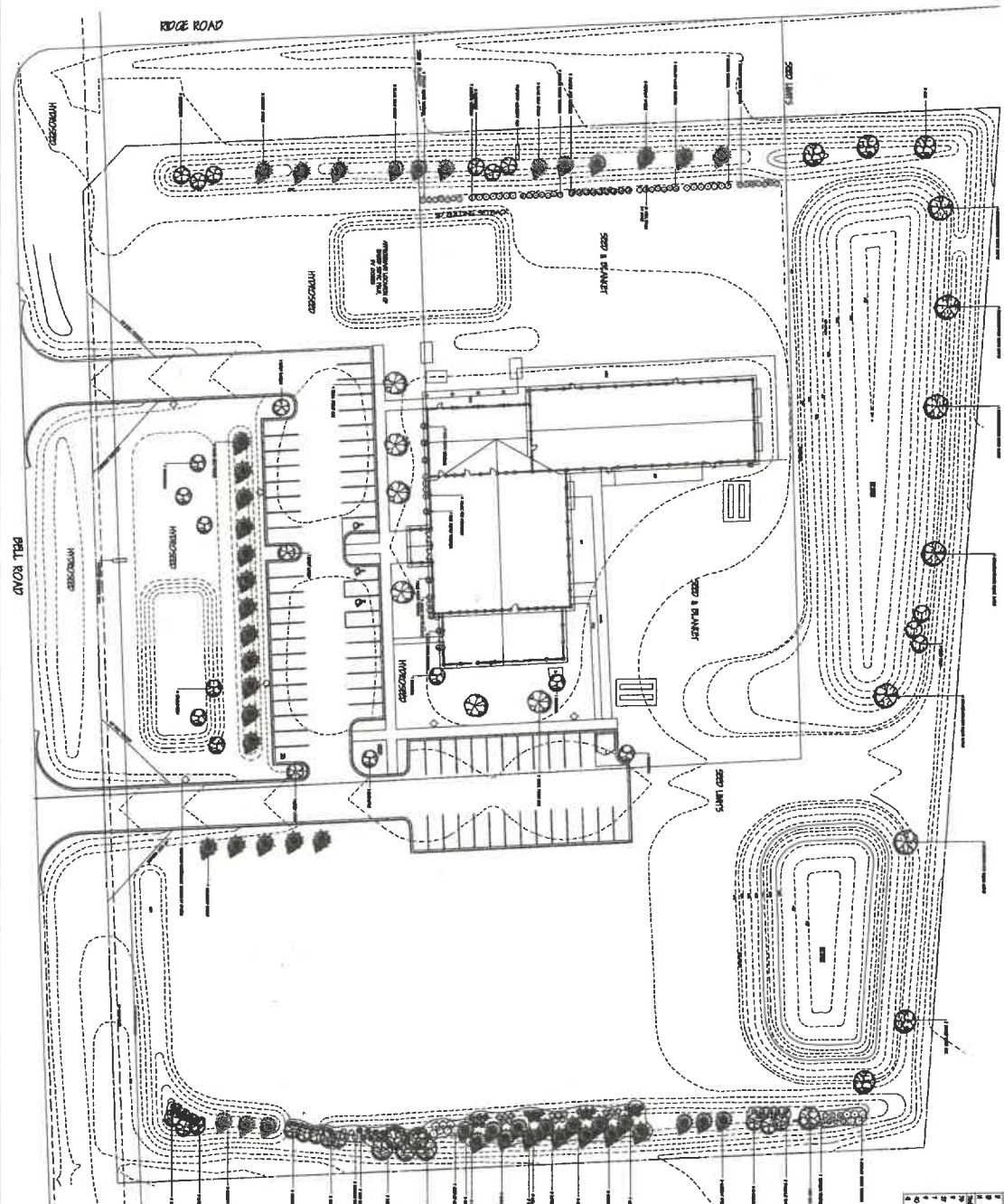
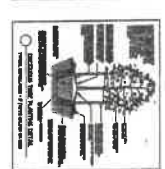
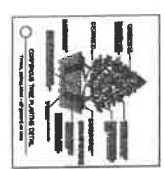
Approval subject to the following conditions and restrictions:

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.



Student Name	Section Name	Section Number
1. Student Name	SECTION 001	001
2. Student Name	SECTION 002	002
3. Student Name	SECTION 003	003
4. Student Name	SECTION 004	004
5. Student Name	SECTION 005	005
6. Student Name	SECTION 006	006
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99. Student Name	SECTION 099	099
100. Student Name	SECTION 100	100

[illegible][illegible]

most studies of the safety, efficacy and other aspects of a new drug or device are conducted in patients who are not representative of the general population. In a growing number of studies, patients who are not representative of the general population are being used in the early phases of a drug's development. This is because the early phases of a drug's development are often conducted in patients who are not representative of the general population. This is because the early phases of a drug's development are often conducted in patients who are not representative of the general population. This is because the early phases of a drug's development are often conducted in patients who are not representative of the general population.

DATE	1-1-97
PREPARED BY	SA
CHECKED BY	MANICULINE
DATE	9-4-22
DATE OF REPR	





Project Information
Dooqa Day Gate
NEC Boff Road & Ridge Road
Kendal County, L

PROJECT NO.	
WEEK NO.	

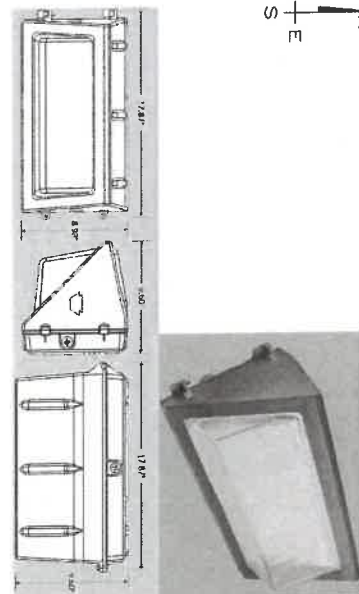
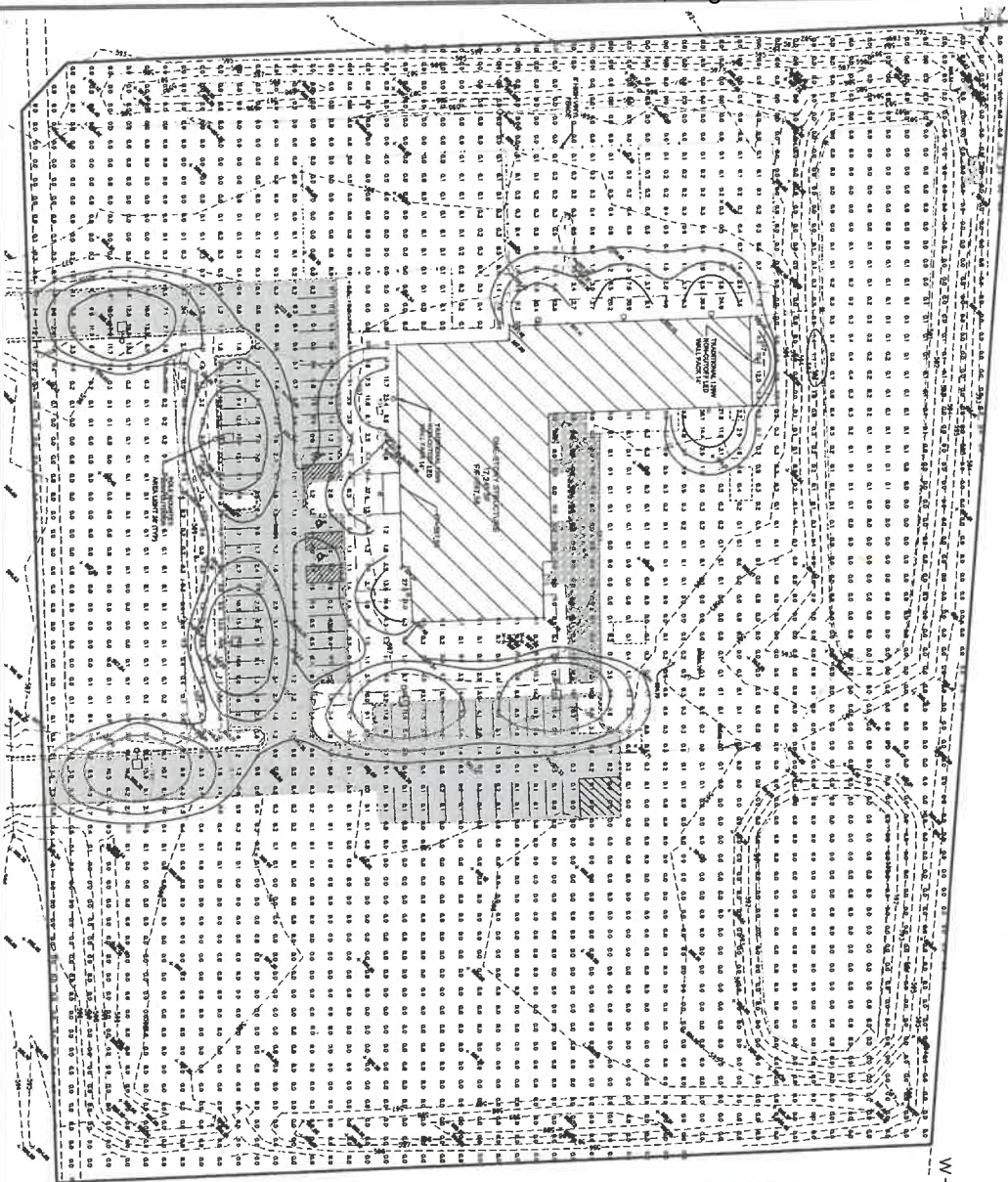
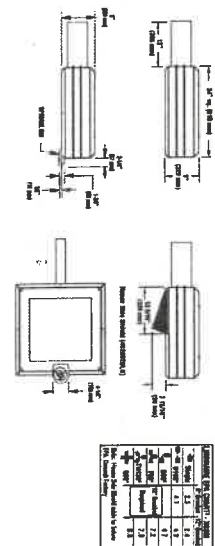


PLEASE SEND FOR:
Bulmestiff Construction Co.
1947 S. Hartem Ave., Suite 20
Palos Heights, IL 60465
Mrs. Deb Howard

NO	DATE	REMARKS
1	18-4-80	WATER SUPPLY COMPLETED
2	2-5-80	REPAIRS ON MAINS
3	18-7-80	REPAIRS ON LATERALS COMPLETED
4	18-8-80	REPAIRS ON LATERALS AND THE CANALS

LUMINAIRE SCHEDULE							
CALCULAT	SYMBOL	QUANTITY	DEPRECIATION	LUMENS / LAMP	ADJUSTING	DESCRIPTION	MODEL #
P		8	25%	30000	FLUO	300W Warm-White LED High Bay	150W-300W-3000K HBM-300W-3000K
W10		3	15%	18000	WALL	Traditional 120W Non-Cutoff LED High Bay	150W-180W-3000K HBM-120W-3000K
W12		3	15%	18000	WALL	Traditional 120W Non-Cutoff LED High Bay	150W-180W-3000K HBM-120W-3000K
W14		2	14%	18000	WALL	Traditional 120W Non-Cutoff LED High Bay	150W-180W-3000K HBM-120W-3000K

GENERAL PHOTOMETRIC SCHEDULE	
MINIMUM FOOT-CANDLES	36.1
MINIMUM FOOT-CANDLES FOOT-CANDLES	0.57
MINIMUM FOOT-CANDLES	0.0
MINIMUM TO MINIMUM FC RATIO	36.10 / 0.00
AVERAGE TO MINIMUM FC RATIO	0.87 / 0.00



LIGHT STANDARD FOUNDATION
PLAN
WITH



PREPARED FOR
BULLMASTIFF CONSTRUCTION
11947 S WAGLER AVE, STE 20
PALM BEACH, FL 33443
815.402.5803

MS. DEB HOWARD

GEO. JOE MILLNER
2016-107

SCALE: 1" = 30'

DRAWN BY: GNC

CHECKED BY: MGC

DATE: 12/29/2023

SHEET: 1 of 1

© Copyright, 2023

**AS-BUILT
PHOTOMETRIC PLAN**

RUSTY RIDGE ANIMAL CENTER
949 BELL ROAD
MINOOKA, IL 60447

#	DATE	REVISION DESCRIPTION
1		
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6		
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8		
9		





DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 203

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

Petition 24-02

**Deb Chow on Behalf of Jade Restorations, Inc.
Map Amendment A-1 and A-1 Special Use to B-3**

INTRODUCTION

The Petitioner would like to rezone approximately thirteen point six (13.6) acres of the subject property from A-1 Agricultural District and A-1 with a special use permit for a kennel and veterinary to B-3 Highway Business District. The area proposed for rezoning is described as Parcel 2 on the zoning plat (Attachment 4).

No specific information was provided, other than compliance with the Land Resource Management Plan, was given regarding the reason for the map amendment. The Petitioner likely will either pursue selling the property or pursue some type of commercial endeavor that is allowed in the B-3 District.

The southwest corner of the subject property has a special use permit for a kennel and veterinary. The Petitioner is also pursuing an amendment to the special use permit to adjust the site plan to reflect this map amendment request (see Petition 24-01).

The application materials are included as Attachment 1. The aerial showing the proposed changes is included as Attachment 2. The topographic survey is included as Attachment 3. The plat showing the proposed rezoning area is included as Attachment 4.

SITE INFORMATION

PETITIONER Deb Chow on Behalf of Jade Restorations, Inc.

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); 13.62 Acres (Proposed Rezoned 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 (County) Community Commercial (Shorewood)
	Roads	Ridge Road is a County Road classified as an Arterial Road. Bell Road is a Township Road classified as a Minor Collector.
	Trails	Minooka has a trail planned along Ridge Road. Shorewood has a trail planned along Bell Road.
	Floodplain/ Wetlands	None

REQUESTED ACTION Map Amendment Rezoning the Subject Property to B-3

APPLICABLE REGULATIONS Section 13:07 – Map Amendment Procedures

SURROUNDING LAND USE

Location	Adjacent Land Use	Adjacent Zoning	Land Resource Management Plan	Zoning within ½ Mile
North	Agricultural	A-1	Commercial (County) Single-Unit Attached Residential (Shorewood)	A-1 and A-1 SU
South	Agricultural	A-1	Commercial (County) Single-Unit Residential Detached (Shorewood)	A-1 and A-1 SU
East	Agricultural	A-1	Commercial (County) Single-Unit Residential Detached (Shorewood)	A-1, A-1 SU, and R-1
West	Agricultural/Farmstead/ Landscaping Business	A-1 and A-1 SU	Commercial (County) Multi-Family Residential (Shorewood)	A-1 and A-1 SU

There are approximately 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 13, 2022, and consultation was terminated (see Attachment 1, Pages 21-23).

NATURAL RESOURCES INVENTORY

Revised NRI application submitted on January 22, 2024. NRI information is included as Attachment 1, Page 20.

ACTION SUMMARY

SEWARD TOWNSHIP

Seward Township was emailed information on January 26, 2024.

MINOOKA FIRE PROTECTION DISTRICT

The Minooka Fire Protection District was emailed information on January 26, 2024.

VILLAGE OF SHOREWOOD

The Village of Shorewood was emailed information on January 26, 2024.

BUSINESS OPERATION

No specific type of business was listed as a proposed use of the site.

BUILDING AND BUILDING CODES

No buildings were proposed for the site. Any buildings proposed for the site would have to meet applicable building codes and site plan approval by ZPAC would be required prior to site development.

ENVIRONMENTAL HEALTH

Applicable permits would be required for a new well and septic system on the site.

STORMWATER

The topographic survey (Attachment 3) shows two (2) wet detention ponds north of the existing kennel and veterinary. Depending on the nature of development, a stormwater permit might be required when the site is developed.

ROAD ACCESS

The property fronts Bell Road and Ridge Road.

PARKING

Parking requirements will be determined by the specific uses of the site.

LIGHTING

Lighting will be determined by specific uses of the site.

SIGNAGE

Signage will be determined by specific uses of the site and the signage requirements for the B-3 District contained in the Zoning Ordinance.

LANDSCAPING

Landscaping will be determined when the site is developed.

NOISE CONTROL

Noise control will be determined when the site is developed.

REFUSE PLAN

The refuse plan will be determined when the site is developed.

PIPELINE EASEMENT

There are two (2) pipeline easements, one (1) eighty feet (80') in width and one (1) seventy-five feet (75') in width located on the subject property. Development of the site will have to take these easements into account.

FINDINGS OF FACT

§13:07.F of the Zoning Ordinance outlines findings that the Zoning Board of Appeals must make in order to recommend in favor of the applicant on map amendment applications. They are listed below in *italics*. Staff has provided findings in **bold** below based on the recommendation:

Existing uses of property within the general area of the property in question. **A portion of the property is presently used as a kennel and veterinary with related parking and landscaping while the majority of the property is presently used as an agricultural field. Surrounding properties are used fields, farmsteads, and a landscaping business.**

The Zoning classification of property within the general area of the property in question. **The surrounding properties are zoned A-1 or A-1 with various special uses including a landscaping business, landing strips, and natural gas compression.**

The suitability of the property in question for the uses permitted under the existing zoning classification. **The Petitioner did not provide a specific proposed land use. A variety of uses allowed in the proposed B-3 Highway Business District could be placed on the property.**

The trend of development, if any, in the general area of the property in question, including changes, if any, which may have taken place since the day the property in question was in its present zoning classification. The Zoning Board of Appeals shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such an amendment is in the public interest and is not solely for the interest of the applicant. The Zoning Board of Appeals may recommend the adoption of an amendment changing the zoning classification of the property in question to any higher classification than that requested by the applicant. For the purpose of this paragraph the R-1 District shall be considered the highest classification and the M-2 District shall be considered the lowest classification. The trend of development in the area is a mix of agricultural, farmstead. retail and service type uses.

Consistency with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. **The Future Land Use Map in the Land Resource Management Plan classifies this property as Commercial and the four corners of the intersection of Ridge and Bell Roads as Commercial. The Village of Shorewood's Future Land Use Map calls for the property to be Community Commercial. The requested map amendment is consistent with the Land Resource Management Plan.**

RECOMMENDATION

Staff recommends approval of the requested map amendment rezoning the area identified as Parcel 2 on the submitted zoning plat (Attachment 4) to B-3 Highway Business District.

ATTACHMENTS

1. Application Materials
2. Aerial Showing Changes
3. Topographic Survey
4. Zoning Plat

**DEPARTMENT OF PLANNING, BUILDING & ZONING**

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

APPLICATION

PROJECT NAME JADE RESTORATIONS REZONING **FILE #:** _____

NAME OF APPLICANT MS. DEB CHOW		
CURRENT LANDOWNER/NAME(s) JADE RESTORATION, INC.		
SITE INFORMATION		
ACRES 13.62	SITE ADDRESS OR LOCATION NEC RIDGE RD. AND BELL RD.	ASSESSOR'S ID NUMBER (PIN) 09-24-100-012-0000
EXISTING LAND USE AGRICULTURAL	CURRENT ZONING A1	LAND CLASSIFICATION ON LRMP COMMERCIAL
REQUESTED ACTION (Check All That Apply):		
<input type="checkbox"/> SPECIAL USE <input checked="" type="checkbox"/> MAP AMENDMENT (Rezone to <u>B3</u>) <input type="checkbox"/> VARIANCE <input type="checkbox"/> ADMINISTRATIVE VARIANCE <input type="checkbox"/> A-1 CONDITIONAL USE for: _____ <input type="checkbox"/> SITE PLAN REVIEW <input type="checkbox"/> TEXT AMENDMENT <input type="checkbox"/> RPD (<input type="checkbox"/> Concept; <input type="checkbox"/> Preliminary; <input type="checkbox"/> Final) <input type="checkbox"/> ADMINISTRATIVE APPEAL <input type="checkbox"/> PRELIMINARY PLAT <input type="checkbox"/> FINAL PLAT <input type="checkbox"/> OTHER PLAT (Vacation, Dedication, etc.) <input type="checkbox"/> AMENDMENT TO A SPECIAL USE (<input type="checkbox"/> Major; <input type="checkbox"/> Minor)		
¹PRIMARY CONTACT DEB CHOW	PRIMARY CONTACT MAILING ADDRESS [REDACTED]	PRIMARY CONTACT EMAIL [REDACTED]
PRIMARY CONTACT PHONE # [REDACTED]	PRIMARY CONTACT FAX # [REDACTED]	PRIMARY CONTACT OTHER # (Cell, etc.) [REDACTED]
²ENGINEER CONTACT MICHAEL COOK	ENGINEER MAILING ADDRESS [REDACTED]	ENGINEER EMAIL [REDACTED]
ENGINEER PHONE # [REDACTED]	ENGINEER FAX # [REDACTED]	ENGINEER OTHER # (Cell, etc.) [REDACTED]
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.		
SIGNATURE OF APPLICANT	DocuSigned by: [REDACTED] 0FF65195D1CA42A...	DATE 1/22/2024

FEE PAID: \$ _____
CHECK #: _____

¹Primary Contact will receive all correspondence from County

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

13:07F MAP AMENDMENT

FINDING OF FACT

Please fill out the following findings of fact to the best of your capabilities. §13:07.F 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. *Existing uses of property within the general area of the property in question.*
THE PROPERTY OWNERSHIP IS APPROXIMATELY 20.00 ACRES WITH 6.38 ACRES ALREADY DEVELOPED, CONSTRUCTED AND OPERATIONAL AS RUSTY RIDGE ANIMAL CENTER. BALANCE OF PROPERTY OF 14.62 ACRES IS UNDEVELOPED LAND BEING USED AS AGRICULTURAL.
2. *The Zoning classification of property within the general area of the property in question.*
PARCEL 2 IS PRESENTLY ZONED A1 & A1-SU. SURROUNDING ZONING AROUND PROPERTY TO NORTH, EAST, SOUTH, AND WEST IS A1 ALONG WITH A1-SU ORDINANCE 06-38 (ROCK GARDEN SUPPLY LLC) ON WEST SIDE OF RIDGE RD. THE KENDALL COUNTY LAND RESOURCE MANAGEMENT PLAN (LRMP) SHOWS COMMERCIAL PROPERTY TO THE NORTH, SOUTH, EAST, AND WEST SIDES OF PROPERTY.
3. *The suitability of the property in question for the uses permitted under the existing zoning classification.*
THE PROPERTY IDENTIFIED AS PARCEL 2 IS PRESENTLY ZONED AS A1 & A1-SU. PARCEL 2 TO BE RE-ZONED AS B3 HIGHWAY BUSINESS DISTRICT MATCHES THE KENDALL COUNTY LAND RESOURCE MANAGEMENT PLAN (LRMP) AS FUTURE COMMERCIAL. SEE FUTURE LAND USE MAP AND RE-ZONING PLAT DATED 1/15/2024 FOR FURTHER INFORMATION.
4. *The trend of development, if any, in the general area of the property in question, including changes, if any, which may have taken place since the day the property in question was in its present zoning classification. The ZBA shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such an amendment is in the public interest and is not solely for the interest of the applicant. The ZBA may recommend the adoption of an amendment changing the zoning classification of the property in question to any higher classification than that requested by the applicant. For the purpose of this paragraph the R-1 District shall be considered the highest classification and the M-2 District shall be considered the lowest classification.*
THE PROPERTY IDENTIFIED AS PARCEL 2 IS PRESENTLY ZONED AS A1 & A1-SU. THE PARCEL 2 PROPERTY TO BE RE-ZONED AS B3 HIGHWAY BUSINESS DISTRICT MATCHES THE KENDALL COUNTY LAND RESOURCE MANAGEMENT PLAN (LRMP) AS FUTURE COMMERCIAL. SEE FUTURE LAND USE MAP AND RE-ZONING PLAT DATED 1/15/2024 FOR FURTHER INFORMATION.
5. *Consistency with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies.*
CHANGING THE ZONING CLASSIFICATION FROM A1 & A1-SU TO B3 WOULD BE CONSISTENT WITH THE KENDALL COUNTY LAND RESOURCE MANAGEMENT PLAN (LRMP) AS FUTURE COMMERCIAL.

Brief Justification of the reasons for the requested zoning and intended use(s).

THE CURRENT PROPERTY IDENTIFIED AS PARCEL 2 SHOWN ON BOTH THE PLAT OF SURVEY AND ZONING PLAT IS PRESENTLY ZONED AS A1 & A1-SU. PARCEL 2 TO BE RE-ZONED AS B3 HIGHWAY BUSINESS DISTRICT MATCHES THE KENDALL COUNTY LAND RESOURCE MANAGEMENT PLAN (LRMP) AS FUTURE COMMERCIAL. SEE FUTURE LAND USE MAP, PLAT OF SURVEY RE-ZONING PLAT DATED 1/15/2024 FOR FURTHER INFORMATION.

**LEGAL DESCRIPTION
JADE RESTORATIONS, INC.
NEC RIDGE RD. & BELL RD.
KENDALL COUNTY, ILLINOIS**

PARCEL 2 (RE-ZONING A1 & A1-SU TO B3)

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, EXCEPT THAT PART 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 80 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, 504.74 FEET TO THE EAST LINE OF THE WEST 502.00 FEET OF SAID NORTHWEST QUARTER; THENCE SOUTH 01 DEGREES 45 MINUTES 20 SECONDS EAST, ON SAID EAST LINE, 526.83 FEET TO THE SOUTH LINE OF SAID NORTHWEST QUARTER; THENCE SOUTH 88 DEGREES 10 MINUTES 23 SECONDS WEST, ON SAID SOUTH LINE, 502.00 FEET TO THE POINT OF BEGINNING, ALL IN KENDALL COUNTY, ILLINOIS.

January 22, 2024

Map Amendment &
Major Amendment to Special Use



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.

~~18100 West Avenue~~~~Orland Park, IL 60467~~

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 Gorbod, 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 ~~18100 West Avenue, Orland Park, IL 60467~~ 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]

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
My Commission Expires: _____

[REDACTED]
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

REAL ESTATE
TRANSFER TAX
00500.00
0000014288
FP326656

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

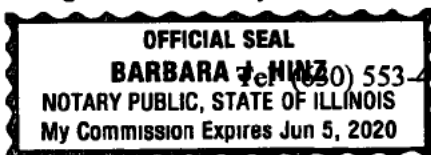
AFFIANT further states that s he makes this affidavit for the purpose of inducing the Recorder of Deeds of Kendall County, Illinois, to accept the attached deed for recording.

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)



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

Issued By: Chicago Title Company, LLC
 2000 West Galena, Suite 105
 Aurora, IL 60506

SCHEDULE A

Address Reference: 15200 Ridge Road (20 acres), Minooka, IL 60447

Date of Policy	Amount of Insurance
February 7, 2018	\$500,000.00

1. Name of Insured:

Jade Restorations, Inc.

2. The estate or interest in the Land that is insured by this policy is:

Fee Simple

3. Title is vested in:

Jade Restorations, Inc.

4. The Land referred to in this policy is described as follows:

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.

THIS POLICY VALID ONLY IF SCHEDULE B IS ATTACHED

END OF SCHEDULE A

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



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 Transporation of Natural Gas, Conveying of a 75-foot strip the denterline 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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ALTA Owner's Policy (06/17/2006)



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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 JADE RESTORATIONS, INC.
Address [REDACTED]
City [REDACTED] State IL Zip 60450

2. Nature of Benefit Sought MAP AMENDMENT

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:

PROPERTY OWNER

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 CHOW	[REDACTED]	100%

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

SELF

Deb Chow

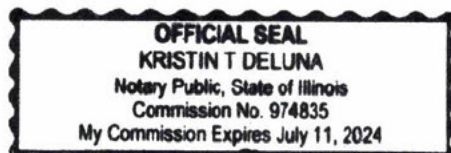
DocuSigned by:

VERIFICATION

I, [REDACTED], 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 23rd day of January, A.D. 24

(seal)



Notary Public



**Kendall County Soil & Water
Conservation District**

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



www.kendallswcd.org

NATURAL RESOURCE INFORMATION (NRI) REPORT APPLICATION

Petitioner: JADE RESTORATIONS, INC.

Contact Person: MICHAEL COOK

Address: [REDACTED]

[REDACTED]

City, State, Zip: [REDACTED]

[REDACTED]

Phone Number: () [REDACTED]

() 8 [REDACTED]

Email: [REDACTED]

[REDACTED]

Please select: How would you like to receive a copy of the NRI Report? ☒ Email ☐ Mail

Site Location & Proposed Use

Township Name SEWARD Township 35 N, Range 8 E, Section(s) 24

Parcel Index Number(s) 09-24-100-012

Project or Subdivision Name JADE RESTORATIONS RE-ZONING Number of Acres 12.00

Current Use of Site AGRICULTURAL Proposed Use COMMERCIAL

Proposed Number of Lots 1 Proposed Number of Structures 1

Proposed Water Supply PRIVATE WELL Proposed type of Wastewater Treatment SEPTIC

Proposed type of Storm Water Management WET BASIN

Type of Request

☒ Change in Zoning from A1 to B3

☐ Variance (Please describe fully on separate page)

☐ Special Use Permit (Please describe fully on separate page)

Name of County or Municipality the request is being filed with: KENDALL COUNTY

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

☒ **Plat of Survey/Site Plan** – showing location, legal description and property measurements

☒ **Concept Plan** - showing the locations of proposed lots, buildings, roads, stormwater detention, open areas, etc.

☐ If available: topography map, field tile map, copy of soil boring and/or wetland studies

☒ **NRI fee** (Please make checks payable to Kendall County SWCD)

The NRI fees, as of July 1, 2010, are as follows:

Full Report: \$375.00 for five acres and under, plus \$18.00 per acre for each additional acre or any fraction thereof over five.

Executive Summary Report: \$300.00 (KCSWCD staff will determine when a summary or full report will be necessary.)

Fee for first five acres and under	\$ <u>375.00</u>
<u>7</u> Additional Acres at \$18.00 each	\$ <u>126.00</u>
Total NRI Fee	\$ <u>501.00</u>

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

I (We) understand the filing of this application allows the authorized representative of the Kendall County Soil and Water Conservation District (SWCD) to visit and conduct an evaluation of the site described above. The completed NRI report expiration date will be 3 years after the date reported.

DocuSigned by:

0EE65195D1CA426

1/22/2024

Petitioner or Authorized Agent

Date

This report will be issued on a nondiscriminatory basis without regard to race, color, religion, national origin, age, sex, handicap or marital status.

FOR OFFICE USE ONLY

NRI# _____ Date initially rec'd _____ Date all rec'd _____ Board Meeting _____

Fee Due \$ _____ Fee Paid \$ _____ Check # _____ Over/Under Payment _____ Refund Due _____



Applicant: 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

By using this website, you acknowledge that you have read and agree to these terms. These terms may be revised by IDNR as necessary. If you continue to use the EcoCAT application after we post changes to these terms, it will mean that you accept such changes. If at any time you do not accept the Terms of Use, you may not continue to use the website.

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.

2. Unauthorized attempts to upload, download, or change information on this website are strictly prohibited and may be punishable under the Computer Fraud and Abuse Act of 1986 and/or the National Information Infrastructure Protection Act.

3. IDNR reserves the right to enhance, modify, alter, or suspend the website at any time without notice, or to terminate or restrict access.

Security

EcoCAT operates on a state of Illinois computer system. We may use software to monitor traffic and to identify unauthorized attempts to upload, download, or change information, to cause harm or otherwise to damage this site. Unauthorized attempts to upload, download, or change information on this server is strictly prohibited by law.

Unauthorized use, tampering with or modification of this system, including supporting hardware or software, may subject the violator to criminal and civil penalties. In the event of unauthorized intrusion, all relevant information regarding possible violation of law may be provided to law enforcement officials.

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

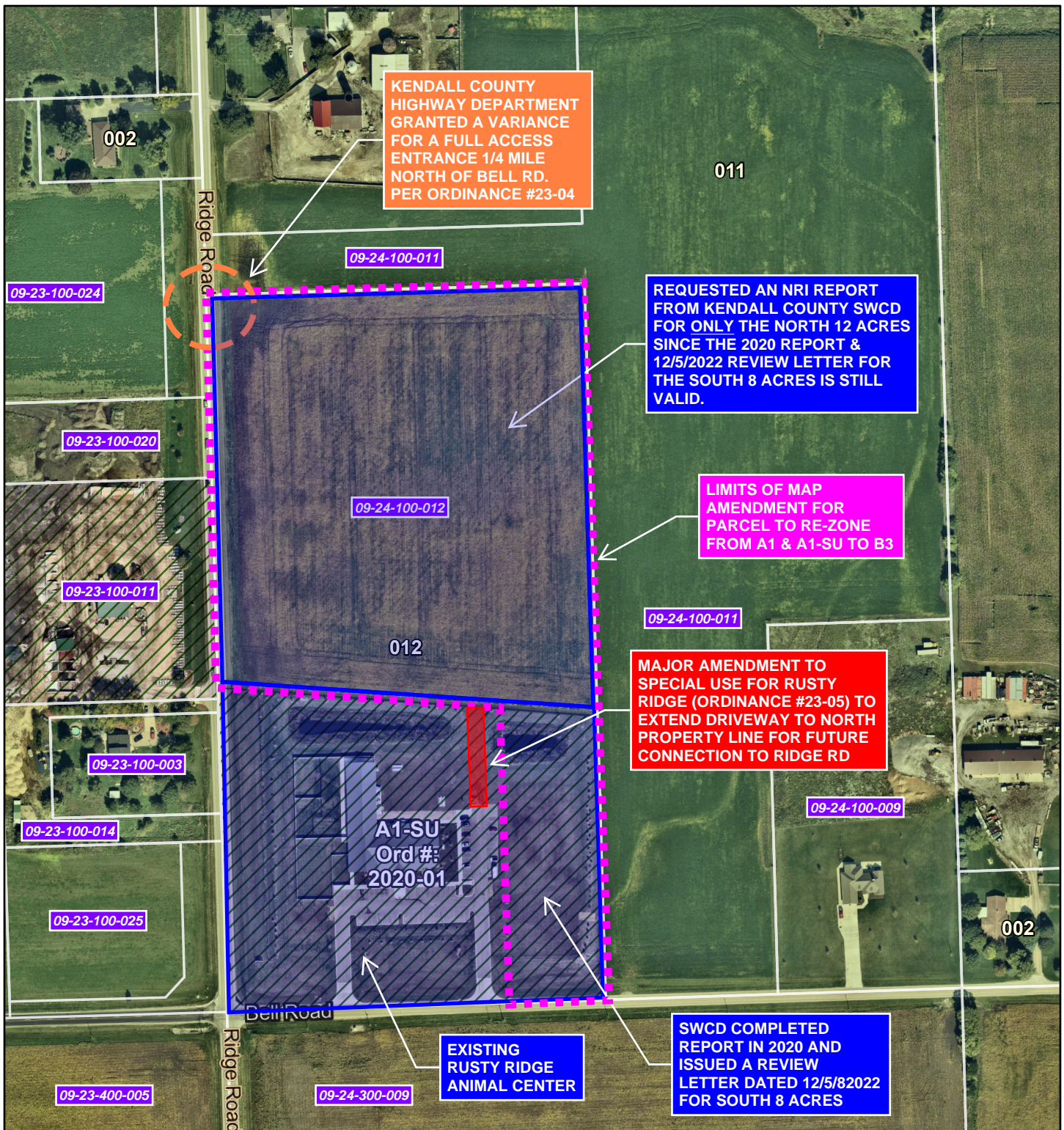
\$ 2.81

\$ 127.81

TOTAL PAID**\$ 127.81**

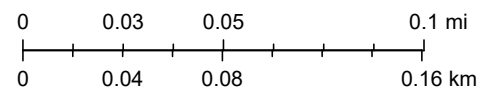
Illinois Department of Natural Resources
 One Natural Resources Way
 Springfield, IL 62702
 217-785-5500
dnr.ecocat@illinois.gov

Jade Restorations, Inc.



1/11/2024, 11:20:32 AM

1:4,044

**JADE RESTORATIONS, INC.**NEC RIDGE RD. & BELL RD.
KENDALL COUNTY, IL**RE-ZONING & PIN EXHIBIT**

01/23/2024

123

Map data © OpenStreetMap contributors, Microsoft, Facebook, Inc. and its affiliates, Esri Community Maps contributors, Map layer by Esri

TOPOGRAPHIC SURVEY

LEGAL DESCRIPTION

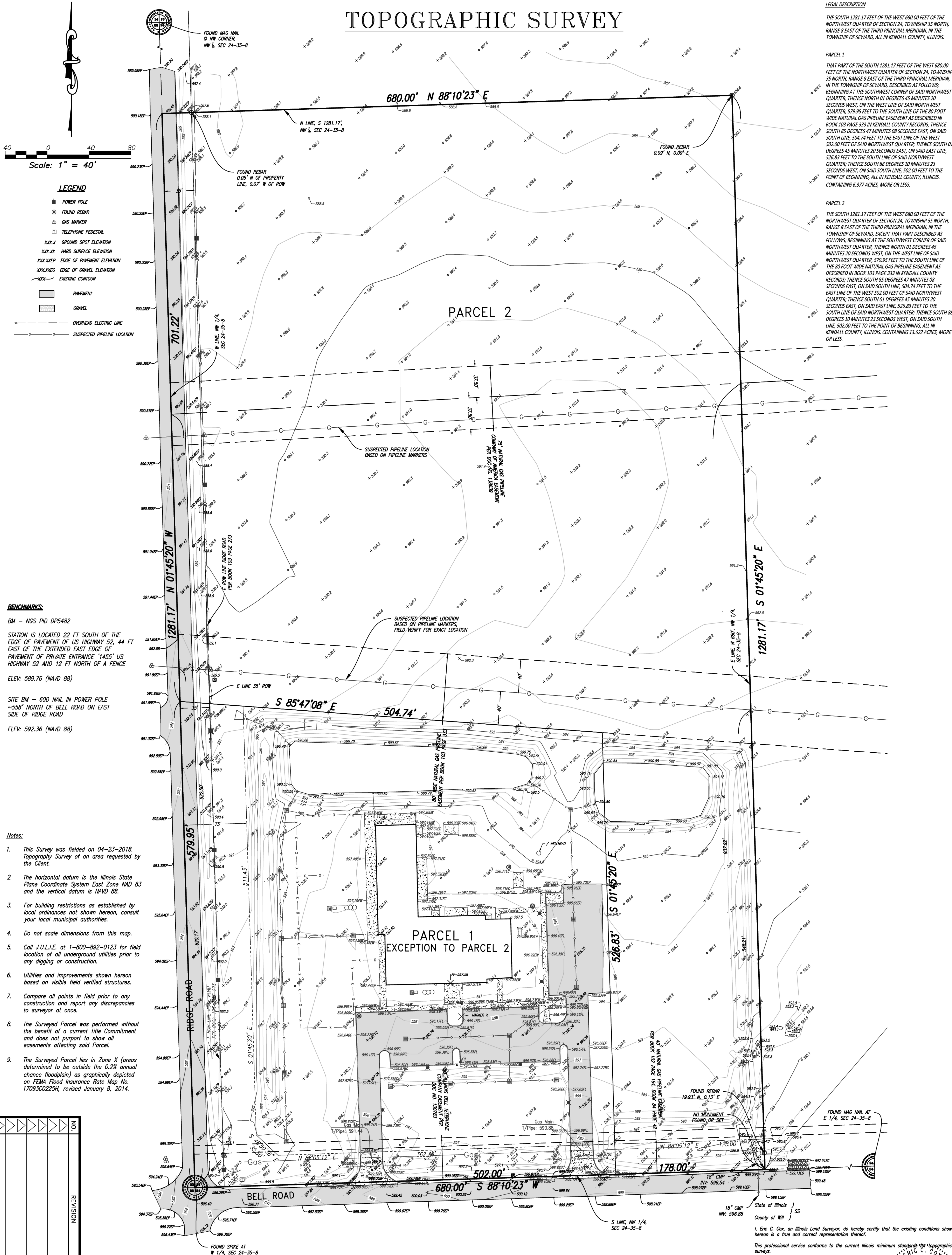
THE SOUTH 1281.17 FEET OF THE WEST 680.00 FEET OF THE NORTHWEST QUARTER OF SECTION 24, TOWNSHIP 35 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE TOWNSHIP OF SEWARD, ALL IN KENDALL COUNTY, ILLINOIS.

PARCEL 1

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 80 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, 504.74 FEET TO THE EAST LINE OF THE WEST 502.00 FEET OF SAID NORTHWEST QUARTER, 579.95 FEET TO THE SOUTH LINE OF THE 80 FOOT WIDE NATURAL GAS PIPELINE EASEMENT AS DESCRIBED IN BOOK 103 PAGE 333 IN KENDALL COUNTY RECORDS; THENCE SOUTH 01 DEGREES 45 MINUTES 20 SECONDS WEST, ON SAID SOUTH LINE, 502.00 FEET TO THE POINT OF BEGINNING, ALL IN KENDALL COUNTY, ILLINOIS. CONTAINING 6.377 ACRES, MORE OR LESS.

PARCEL 2

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, EXCEPT THAT PART 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 80 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, 504.74 FEET TO THE EAST LINE OF THE WEST 502.00 FEET OF SAID NORTHWEST QUARTER, 579.95 FEET TO THE SOUTH LINE OF THE 80 FOOT WIDE NATURAL GAS PIPELINE EASEMENT AS DESCRIBED IN BOOK 103 PAGE 333 IN KENDALL COUNTY RECORDS; THENCE SOUTH 01 DEGREES 45 MINUTES 20 SECONDS WEST, ON SAID SOUTH LINE, 502.00 FEET TO THE POINT OF BEGINNING, ALL IN KENDALL COUNTY, ILLINOIS. CONTAINING 13.622 ACRES, MORE OR LESS.



BENCHMARKS:

BM - NGS PID DP5482

STATION IS LOCATED 22 FT SOUTH OF THE EDGE OF PAVEMENT OF US HIGHWAY 52, 44 FT EAST OF THE EXTENDED EAST EDGE OF PAVEMENT OF PRIVATE ENTRANCE '1455' US HIGHWAY 52 AND 12 FT NORTH OF A FENCE

ELEV: 589.76 (NAVD 88)

SITE BM - 600 NAIL IN POWER POLE ~558' NORTH OF BELL ROAD ON EAST SIDE OF RIDGE ROAD

ELEV: 592.36 (NAVD 88)

Notes:

- This Survey was fielded on 04-23-2018. Topography Survey of an area requested by the Client.
- The horizontal datum is the Illinois State Plane Coordinate System East Zone 14D 83 and the vertical datum is NAVD 88.
- For building restrictions as established by local ordinances not shown hereon, consult your local municipal authorities.
- Do not scale dimensions from this map.
- Call J.U.L.I.E. at 1-800-892-0123 for field location of all underground utilities prior to any digging or construction.
- Utilities and improvements shown hereon based on visible field verified structures.
- Compare all points in field prior to any construction and report any discrepancies to surveyor at once.
- The Surveyed Parcel was performed without the benefit of a current title Commitment and does not purport to show all easements affecting said Parcel.
- The Surveyed Parcel lies in Zone X (areas determined to be outside the 0.2% annual chance floodplain) as graphically depicted on FEMA Flood Insurance Rate Map No. 17093C0225H, revised January 8, 2014.

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MINOOKA

JADE RESTORATIONS, INC

BELL ROAD & RIDGE ROAD
TOPOGRAPHIC SURVEY

ILLINOIS

DRAWN: CSH CHK'D: ECC
DESIGNED: - APPRV'D: ECC
DATE: JANUARY 15, 2024
SCALE: 1" = 50'

PROJECT NUMBER
1850-7044

I, Eric C. Cox, an Illinois Land Surveyor, do hereby certify that the existing conditions shown hereon is a true and correct representation thereof.

This professional service conforms to the current Illinois minimum standards for topographic surveys.

Field Work Completed on August 23rd, 2022

Dated this 15th day of January, 2024

Eric C. Cox
Illinois Professional Land Surveyor No. [REDACTED]
Renewal Date: November 30, 2024
DLZ Industrial Surveying, Inc. Professional Design Firm 184002815

DLZ
INDUSTRIAL SURVEYING, INC.
80 McDONALD AVENUE, UNIT D, JOLIET, IL 60431
TELEPHONE (815) 725-8840 FAX (815) 725-8849



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 203

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

MEMORANDUM

To: Kendall County ZPAC

From: Matthew H. Asselmeier, AICP, CFM, Planning Director

Date: 1/26/2024

Subject: Potential Changes to the Future Land Use Map Along Route 47 in Kendall Township

Due to market conditions, the Kendall County Comprehensive Land Plan and Ordinance Committee is considering proposing changes to the Future Land Use Map for properties located south of Yorkville on both side of Route 47 in Kendall Township.

In particular, the Committee was exploring the idea of changing the classification of the following properties between 7775 A/B and 8175 Route 47 from Transportation Corridor to Mixed Use Business:

05-09-300-015, 05-09-376-002, 05-09-400-006, 05-09-400-010, 05-09-400-011, 05-16-100-006, 05-16-200-008, 05-16-200-013, 05-16-200-014

The properties connected with 8115 Route 47 were not included in the proposal because the owner and contract purchaser of the property were already going through the reclassification process.

An aerial showing the subject properties is attached. The subject properties were colored gray in the aerial.

In addition to changing the Future Land Use Map, a table in the Land Resource Management Plan would be updated to reflect the reclassifications.

At their meeting on January 24, 2024, the Comprehensive Land Plan and Ordinance Committee voted to forward the proposal to the Kendall County Regional Planning Commission.

At their meeting on January 24, 2024, the Kendall County Regional Planning Commission voted to initiate the amendment to the Future Land Use Map and text of the Land Resource Management Plan.

Notice of hearing will be sent to property owners on January 29, 2024.

Petition information was sent to Kendall Township and the United City of Yorkville on January 26, 2024.

Yorkville's Future Land Use Map was included for reference.

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

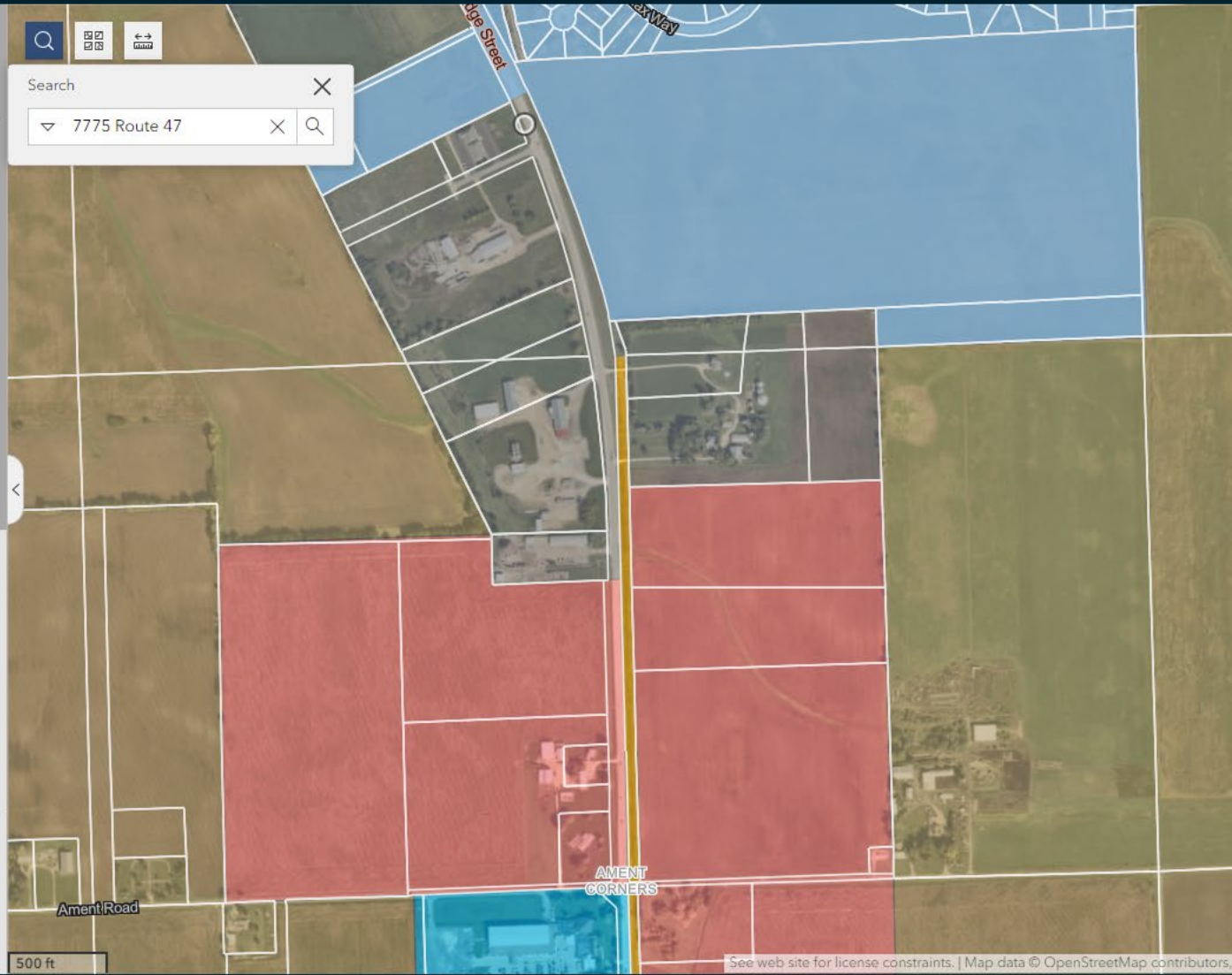
Thanks,

MHA

Encs.: Aerial Showing Subject Properties
Table from Land Resource Management Plan
United City of Yorkville Future Land Use Map

- Parcels
- Kendall County Zoning
- Labeled Addresses
- Other Boundaries and Properties
 - Subdivisions
 - Lots
 - Condo Developments
 - Condo Buildings
 - Incorporated Areas
 - Boundary Agreements
 - PLSS
- Historic Features & Cemeteries
- Land Use
 - Current Land Use
 - Kendall County LRMP

- Parcels**
- Other Boundaries and Properties**
- Incorporated Areas**
- PLANO
 - YORKVILLE
 - LISBON
 - SANDWICH
 - AURORA
 - JOLIET
 - MILLBROOK
 - MILLINGTON
 - MINOOKA
 - MONTGOMERY
 - NEWARK
 - OSWEGO
 - PLAINFIELD
 - PLATTVILLE
 - SHOREWOOD
- Land Use**
- Kendall County LRMP**
- Urbanized Communities



encouraged to protect these valuable open space assets. Open space boundaries depicted on the Future Land Use & Transportation Plan are only conceptual. Appropriate open space boundaries for a particular parcel shall be determined based on specific site analysis at the time of development.

Conservation Design

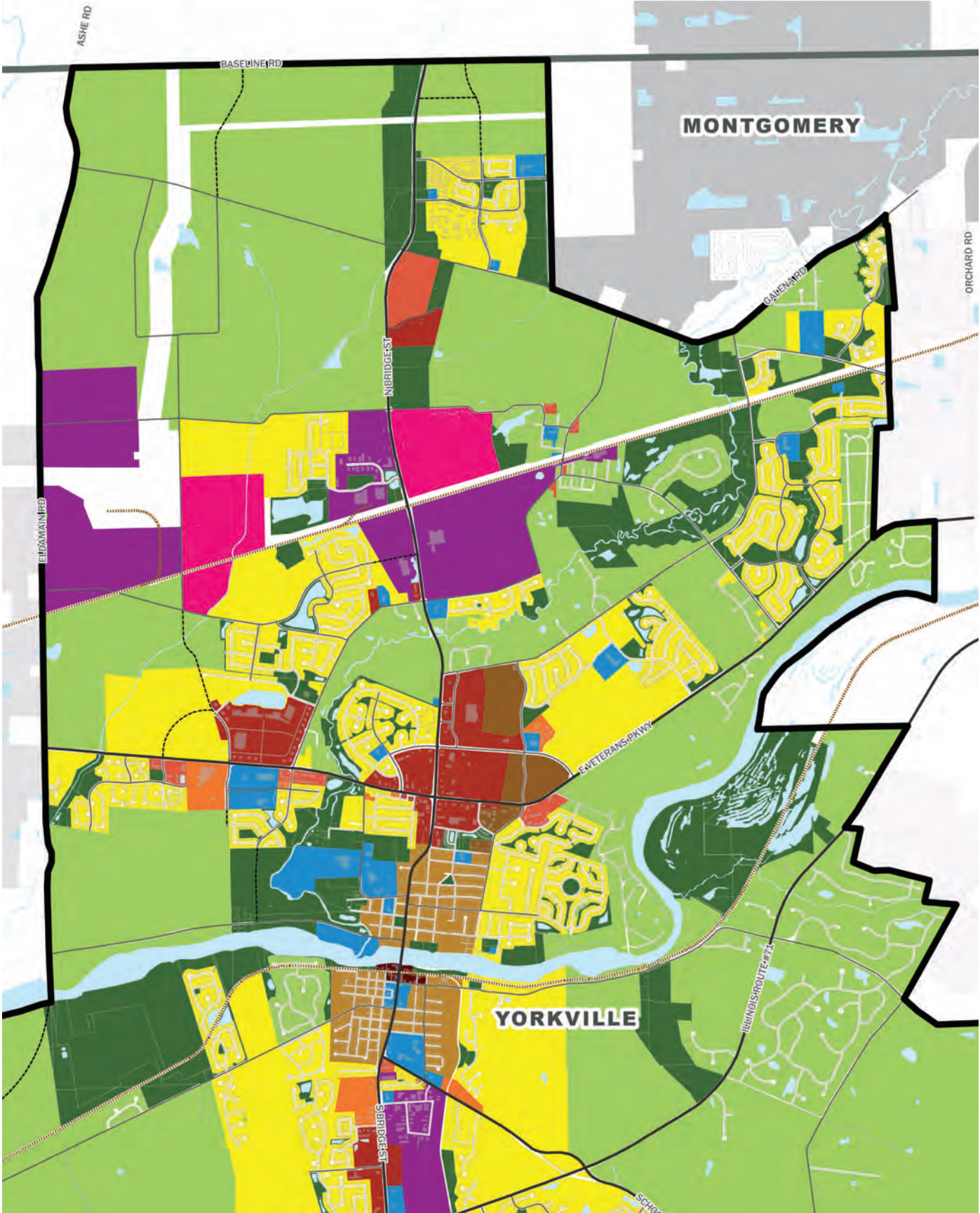
According to the Land Resource and Management Area Policies of the Kendall County LRMP, the County “shall promote the use of clustered development or residential planned development (RPD) procedures that allow the construction of dwellings in an arrangement that encourages the permanent protection of open space within the immediate area of those dwellings”. The use of clustered development or RPD procedures to protect open space is commonly referred to as “conservation design”. Relative to the Future Land Use & Transportation Plan map, the areas designated as Countryside Residential, Planned Rural Estate Residential, and Planned Rural Residential areas shall provide opportunities for conservation design wherever possible. Conservation design is also encouraged in areas designated as Suburban Residential and within municipalities.

Future Land Use Areas

The following table lists the land areas of the future land uses in Fox and Kendall Townships.

	Fox Township		Kendall Township		Combined	
Land Use	acres	percent	acres	percent	acres	percent
Countryside Residential	2,282.5	9.7%	1,584.4	6.3%	3,866.9	8.0%
Planned Rural Estate Res	1,703.0	7.3%	5,295.7	21.1%	6,998.7	14.4%
Planned Rural Residential	3,336.5	14.2%	9,143.9	36.4%	12,480.4	25.7%
Suburban Residential	29.9	0.1%	2,349.9	9.3%	2,379.8	4.9%
Commercial	104.4	0.4%	464.1	1.8%	568.5	1.2%
Transportation Corridor	0.0	0.0%	405.3	1.6%	405.3	0.8%
Mixed Use Business	1,298.0	5.5%	0.0	0.0%	1,298.0	2.7%
Public/Institutional	2.1	0.0%	24.7	0.1%	26.8	0.1%
Public Recreation/Parks	2,118.9	9.0%	166.3	0.7%	2,285.2	4.7%
Private Recreation	228.7	1.0%	0.0	0.0%	228.7	0.5%
Open Space	1,625.3	6.9%	1,902.3	7.6%	3,527.6	7.3%
ComEd Utility ROW	254.0	1.1%	0.0	0.0%	254.0	0.5%
Municipalities	2,156.8	9.2%	3,246.0	12.9%	5,402.8	11.1%
Agricultural	8,322.1	35.5%	563.2	2.2%	8,885.3	18.3%
TOTAL	23,462.2	100.0%	25,145.8	100.0%	48,608.0	100.0%

Figure 4.1: Future Land Uses North of the Fox River



LAND USE CHANGES

The Land Use Strategy and Future Land Use Map presented above describes the distribution of general land use categories (Residential, Commercial, industrial, Open Space and Parks, and so on) that will set the framework for achieving the goals of the Comprehensive Plan. It is not a zoning map but should set the stage for future changes and modifications to the Yorkville Zoning Ordinance. The Land Use Strategy seeks to “re-position” Yorkville’s future land use pattern given current development conditions in Yorkville since the 2008 economic downturn and the unlikelihood that the Prairie Parkway will be constructed within this Plan’s time horizon. Several changes in land use classifications are proposed from those included in the 2008 Comprehensive Plan. Changes in the land use categories are summarized below:

RESIDENTIAL

A Mid-Density Residential land use zone is proposed in order to encourage new multi-family housing types in Yorkville; new housing types could diversify housing opportunities and provide housing at different price points that what is currently offered in Yorkville’s housing market. The Rural Neighborhood land use classification in the 2008 Comprehensive Plan is eliminated given that such residential development is unlikely to occur in the southeastern portions of the Yorkville planning area where there are significant infrastructure and market constraints. The primary infrastructure constraint is the need to construct a lift station along a ridge line, generally located south of Illinois Route 71. In its place, an Estate/Conservation Residential land use category has been created to accommodate large-lot residential development in areas where infrastructure exists and smaller-lot single family residential subdivisions are less likely

to be supported by market demand. Conservation subdivisions should also be encouraged in order to preserve significant environmental and topographical features, provide alternative housing types, and provide opportunities to expand Yorkville’s open space network. A Metra Station TOD zone is also included to plan accordingly for future development even if the Metra Station is years away from construction.

COMMERCIAL

Several new commercial land use categories are suggested in this Comprehensive Plan. A Downtown Mixed-Use Core zone is intended to focus revitalization and redevelopment efforts in Yorkville’s traditional downtown; new mixed-use development is envisioned on various opportunity sites that expand the Downtown’s footprint further to the east on Van Emmon Street with potential residential and commercial development. The need to address particular development design and land use issues within the Downtown necessitates the need for a Downtown-specific land use classification.

The general Commercial land use classification in the 2008 Plan is now designated Destination Commercial to recognize that a high percentage of commercial land in Yorkville accommodates large format and chain store formats, usually located along major transportation thoroughfares. Destination Commercial uses have their own particular physical design and development issues and should be distinguished from commercial uses located in the Downtown and in neighborhood retail areas.

A Commercial Office land use category has been created to accommodate small-scaled office uses in single developments or as part of an office park setting;

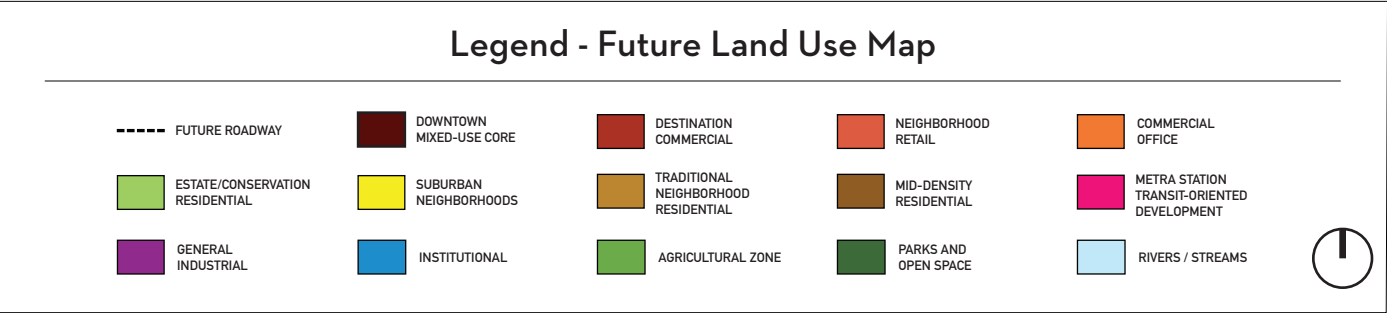
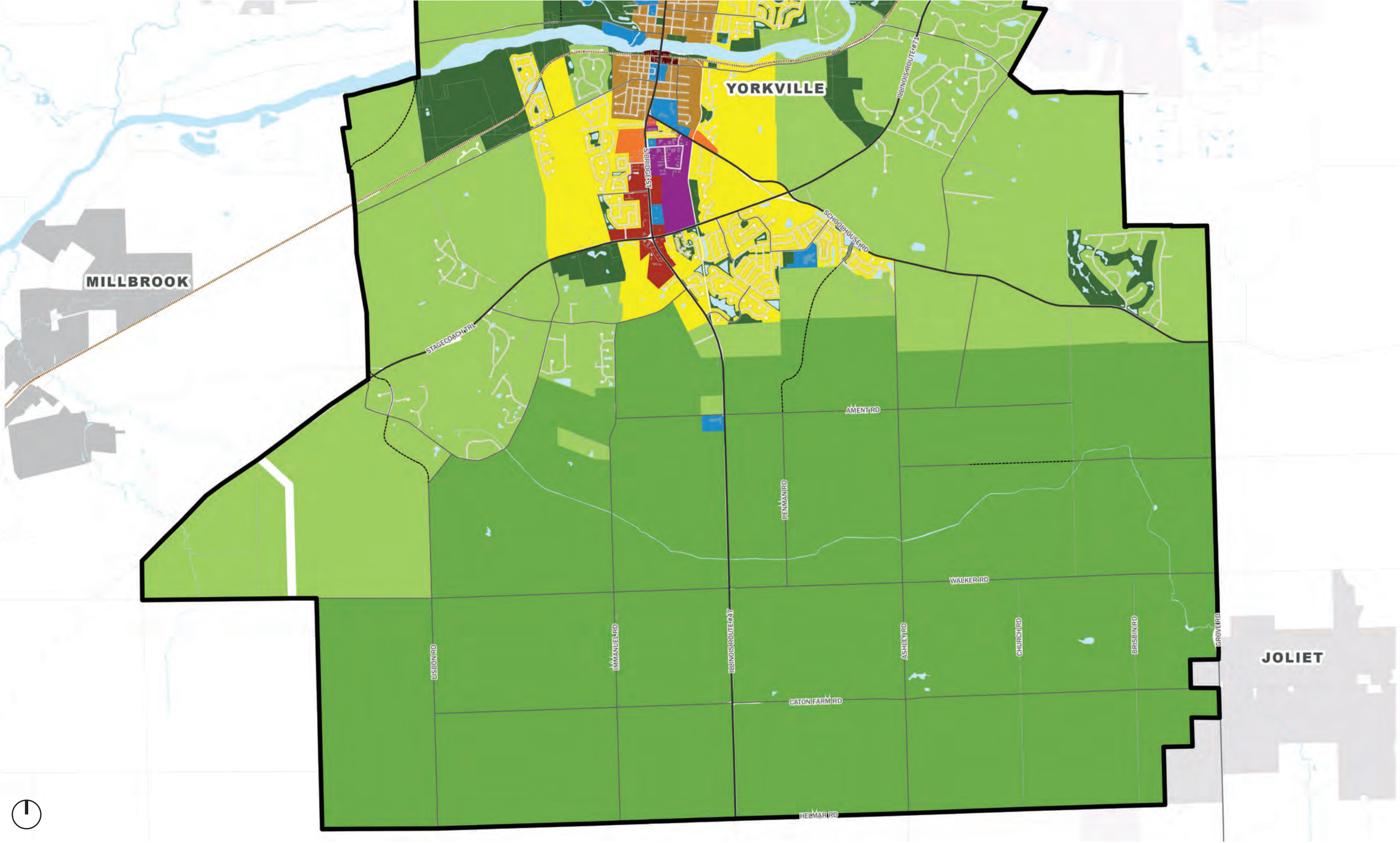


Figure 4.1 - Future Land Uses North of the Fox River

Figure 4.2: Future Land Uses South of the Fox River



Kendall County

Regional Plan Commission

2024 Annual Workshop Meeting

February 3, 2024



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

2023 Summary

News and Noteworthy Items

- 35 Petitions filed in 2023; 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
- 31 New Housing Starts in 2023; 36 New Housing Starts in 2022; 32 New Housing Starts in 2021; 34 New Housing Starts in 2020; 20 New Housing Starts in 2019
- 357 Total Permits in 2023; 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 FY2023 was \$211,003.50; Down from \$264,487 in FY2022 and from \$293,941 in FY2021
- 5 Violations Found Guilty by the Court (2 Stormwater, 1 Inoperable Vehicle, 1 Commercial Vehicle Parked in Residential Zone, and 1 Unsafe Structure)-Largest Fine \$2,400 and Smallest Fine \$500
- Senior Planner Promoted to Director
- Code Official Celebrated 25 Years of Service with the County
- Hired Part-Time Code Enforcement Officer Vernon Fatima
- Code Official Assisted in Hiring Vernon Fatima
- Hired Second Part-Time Administrative Assistant Wanda Rolf
- Economic Development Reorganized into Planning, Building and Zoning Department and Economic Development Coordinator Todd Volker Hired
- Held a Planning and Zoning 101 Training for the Regional Planning Commission and Zoning Board of Appeals
- Held Anti-Harassment Training for the Regional Planning Commission, Zoning Board of Appeals, and Historic Preservation Commission
- County Board Approved 8 Text Amendments to the Zoning Ordinance and Subdivision Control Ordinance as Part of the Codification Project
- Updated the Zoning Ordinance to Comply with the State's Commercial Wind and Solar Regulations
- Updated the Zoning Regulations Regarding Residential Chickens
- Updated the Zoning Regulations Regarding Kennels
- County Board Approved 3 Agricultural Conservation Areas
- Department Replaced the 2008 Ford Truck with a 2020 GMC Terrain
- Code Official Assisted with Obtaining the New Vehicle
- Evaluated a Proposal with Teska Associates, Inc. to Update the County's Land Resource Management Plan; Proposal Not Included in Budget for FY23-24
- Formalized a Contract with Teska Associates, Inc. for Planning Services
- Entered into a Contract with Oswego Township to Utilize the TransUnion TLOxp Program for Code Enforcement
- Code Official Assisted the Intergovernmental Agreement Related with the TransUnion TLOxp Program
- Worked with GIS to Map Available Residential Lots, Allocations, and Stormwater Permits
- Code Official Worked with GIS on Testing a Tracking System
- 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
- Kendall County Historic Preservation Commission Held Special Meetings at the Oswego Brewing Company, Oswego Masonic Lodge, Harris Forest Preserve, Plano Railroad Station, Pickerill-Pigot Forest Preserve, and Helmar Lutheran Church
- Worked with Wiss, Janney, Elstner Associates, Inc. on Historic Structure Survey in Unincorporated Kendall and Bristol Townships Funded by a Certified Local Government Grant
- County Board Approved \$44,000 for FY23-24 to Conduct an Historic Structure Survey in Unincorporated Na-Au-Say and Seward Townships, Pending Certified Local Government Grant Funding
- Continued Historic Preservation Commission Awards
- County Board Approved Property Tax Abatement with TMF Plastics
- Planning Director Re-Elected President of Illinois Association of County Zoning Officials
- Planning Director Represented Department on the County's Hazard Mitigation Plan Update
- Code Official Provided Educational Booth at Kendall County Fair

Items for 2024

- Continue to Assist with the Codification Process
- Adopt an Updated Contract with WBK Engineering; Last Contract Occurred in 2009
- 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
- Review the Calculations in the Kendall County Land Cash Ordinance
- Gather and Organize Economic Data for the County
- Determine Economic Development Priorities
- 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
- Start the Historic Structure Survey in Unincorporated Na-Au-Say and Seward Townships, Pending Certified Local Government Grant Funding
- Continue to Increase the Visibility and Activities of the Historic Preservation Commission Through Collaboration with Other Historic Preservation Organizations and Events
- 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 – 2 (2022: 8; 1 Denied, 1 Withdrawn, 1 Annexed, and 1 in Millbrook)

Major Special Use Amendments – 0 (2022: 3)

Minor Special Use Amendments – 4 (2022: 0)

Special Use Permit Revocations – 1 (2022: 4)

Special Use Renewal – 2 (2022: 0)

Variances Not Part of Special Use Permit – 1; (2022: 2)

Administrative Variances – 2 (2022: 2)

Stormwater Ordinance Variances – 0 (2022: 0)

Conditional Use Permits – 1 (2022: 1)

Temporary Use Permit – 0 (2022: 0)

Site Plan Review – 2 (2022: 1)

Plat of Vacation – 3 (2022: 1)

Preliminary and Final Plats – 0 (2022: 0)

Amendments Initiations

Text Amendments (Including Changes to the Subdivision Control Ordinance) – 11
(2022: 3; 1 On Hold)

Land Use Plan Amendments – 1 (2022: 1)

Map Amendments – 1 (2022: 1)

Stormwater Ordinance Related Amendments – 0 (2022: 0)

Historic Preservation

Landmarks – 0 (2022: 0)

Text Amendment to Ordinance – 0 (2022: 0)

Other – 0 (2022: 0)

OTHER

– 4; 3 Agricultural Areas and 1 Building Code Amendment (2022: 0)

TOTAL PETITIONS – 35 (2022: 27)

Meetings

ZPAC – 8 (2022: 10)

RPC – 8 Including Annual Meeting (2022: 10)

ZBA – 8 (2022: 10)

HPC – 11 (2022: 9)

Stormwater Management Oversight Committee – 1 (2022: 1)

Comprehensive Land Plan and Ordinance Committee – 0 (2022: 5)

PBZ – 12 (2022: 14)

Of the 38 ordinances approved by the County Board in 2023, 21 were Planning, Building and Zoning related. 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 1 noxious weed violation in 2023 compared to 0 noxious weed violation investigation in 2022, 2021, 2020, and 2019.

Construction Activity

Single-Family Dwelling Units – 31 (36 approved in 2022)

New Homes by Township 2023 (2022)

Kendall Township – 9 (10) Bristol Township – 2 (1) Na-Au-Say Township – 5 (9)

Fox Township – 7 (3) Little Rock Township – 1 (4) Oswego Township – 2 (4)

Lisbon Township – 0 (0) Seward Township – 3 (4) Big Grove – 2 (1)

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

Whitetail Ridge – 5 (133/241) Brighton Oaks – 1 (10/20) Rosehill – 1 (12/57)

Riverview Heights – 1 (2/72) Schaefer Woods South – 1 (3/37)

Estates of Millbrook – 3 (72/175) Tanglewood Trails – 2 (24/39) Other (Not in Subdivision): 17

Total Available Single-Family Lots in Subdivisions – 958

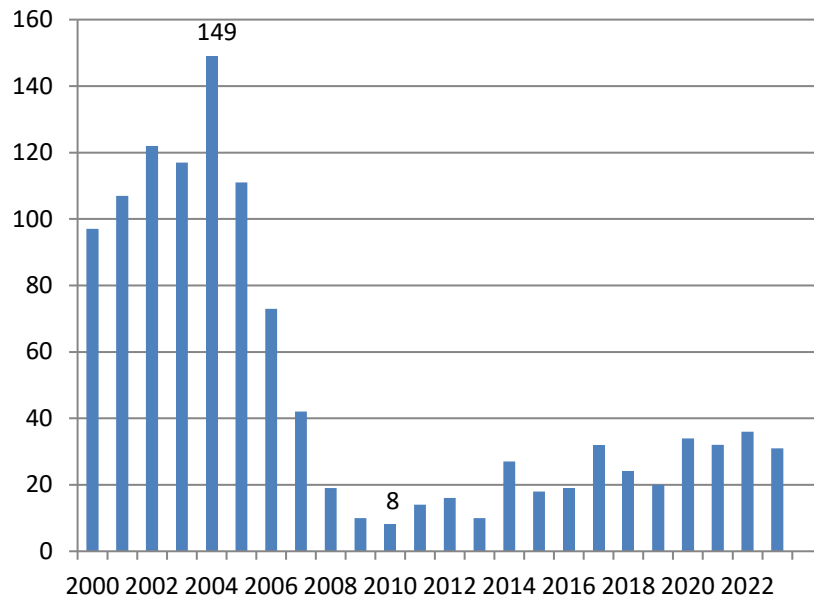
Estimated A-1 Available Single-Family Housing Allocations – 371

Average New Single Family Home Permits Since 2000 – 49

Average New Single Family Home Permits Since 2010 – 23

Average New Single Family Home Permits Since 2020 – 33

Single Family Homes 2000-2023



Available Lots in RPD Subdivisions (Total Platted Lots)

Deere Crossing – 15 (18)	Whitetail Ridge – 133 (241)	Brighton Oaks – 10 (20)
Equestrian Estates – 9 (17)	Grove Estates – 39 (49)	Henneberry Woods – 40 (107)
Rosehill – 12 (57)	Schaefer Glen – 6 (6)	Tanglewood Trails – 24 (39)
Highpoint Meadows – 24 (24)	Matlock – 10 (10)	Ravine Woods – 10 (18)
Total Platted RPD Lots – 606 Total Available RPD Lots – 332 Total Developed RPD Lots - 274		

Fiscal Year 2023 Detailed Inspection Report

Site Visit	175 (2022: 210)
Footing	67 (2022: 91)
Backfill	16 (2022: 24)
Wall	18 (2022: 30)
Slab	41 (2022: 52)
Electric Service	21 (2022: 19)
Frame/Wire	81 (2022: 101)
Insulation	30 (2022: 32)
Final	217 (2022: 210)
Red Tag	0 (2022: 0)
Hearing Signs	4 (2022: 29)
Meetings in Field	87 (2022: 121)
Violation Investigations	305 (2022: 368)
NPDES	0 (2022: 0)
Yorkville Back for County	38 (2022: 65)
Zoning Issues	17 (2022: 33)

Total Field Visits and Investigations: 1117 (2022: 1390)

Total Permit Reviewed and Issued: 358; 4 Void (2022: 367; 15 Void)

Contracted Plumbing Inspections: 96 (2022: 92)

Inspections for Yorkville per IGA: 0 (2022: 10)

2024 Goals of Code Official

1. Implement Violation Tracking System created by GIS
2. Test Permit Tracking System created by GIS
3. Provide Public Educational Event
4. Renew ICC Certification Expiring April 2024