

**MINUTES – UNOFFICIAL UNTIL APPROVED**  
**KENDALL COUNTY**  
**ZONING BOARD OF APPEALS MEETING**  
111 WEST FOX STREET, COUNTY BOARD ROOM (ROOMS 209 and 210)  
YORKVILLE, IL 60560  
**March 4, 2024 – 7:00 p.m.**

**CALL TO ORDER**

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

**ROLL CALL:**

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

Members Absent: Jillian Prodehl

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

Others Present: Dan Kramer, Justin Plohr, Emily Hoffman, and Deb Chow

**PETITIONS**

Chairman Mohr swore in Dan Kramer, Emily Hoffman, and Deb Chow.

The Zoning Board of Appeals started their review of Petition 24-01 and 24-02 at 7:34 p.m.

**Petition            24 – 01 – Deb Chow on Behalf of Jade Restorations, Inc.**

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

**Petition            24 – 02 – Deb Chow on Behalf of Jade Restorations, Inc.**

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

Mr. Asselmeier summarized the requests.

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.

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 application materials, aerial showing the proposed changes, topographic survey, plat showing the proposed rezoning, the proposed site plan, Ordinance 2020-01, and Ordinance 2023-05 were provided.

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.

The property is located at 949 Bell Road, Minooka.

The property is approximately twenty (20) acres in total with approximately eight point five (8.5) acres in the original special use area and approximately six point three (6.3) acres in the proposed special use area.

The property is currently used as a kennel, veterinary, and agricultural.

The property is zoned A-1 with a special use permit.

The County's future land use map calls for the property to be Commercial. The Village of Shorewood's future land use map calls for the property to be Community Commercial.

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

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

There are no floodplains or wetlands on the property.

The kennel is located beyond the required setback to neighboring properties as defined in the Zoning Ordinance.

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

The adjacent properties are zoned A-1 and A-1 SU.

The County's future land use map calls for the area to be Commercial. The Village of Shorewood's future land use map calls for the area to be a mix of single- and multi-family residential.

Properties within one half (1/2) mile are zoned A-1, A-1 SU, and R-1.

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.

EcoCat submitted on December 13, 2022, and consultation was terminated.

A NRI application was submitted as part of the map amendment request. A NRI was prepared for the original special use permit. The LESA Score was 207 indicating a medium level of protection. NRI information was provided. A revised NRI was prepared for the proposed map amendment request showing a LESA Score of 180 indicating a low level of protection. This report was provided.

Seward Township was emailed information on January 26, 2024. The Seward Township Planning Commission met on February 5, 2024, and recommended approval of the proposal by a vote of three (3) in favor and zero (0) in opposition, with two (2) members absent. The Seward Township Board recommended approval of the proposal.

The Minooka Fire Protection District was emailed information on January 26, 2024. To date, no comments have been received.

The Village of Shorewood was emailed information on January 26, 2024. The Village of Shorewood submitted an email indicating they would like to annex the property when it becomes contiguous and wanted a restriction preventing uses not allowed in their B-3 Zoning District from occurring at the property. This email was included with the minutes from the ZPAC meeting. The Village of Shorewood submitted a second email on February 28, 2024, stating they would not object to the map amendment

and no annexation agreement had been negotiated, but they were concerned about auto and truck repair businesses operating on the B-3 zoned portion of the property. This email was provided.

ZPAC reviewed the proposal at their meeting on February 6, 2024. ZPAC reviewed this proposal at their meeting on February 6, 2024. The Petitioner's Engineer was agreeable to working the Highway Department regarding access from Ridge Road for the northern portion of the property. No additional points of access would come from Bell Road. The Petitioner's Engineer wanted to evaluate Shorewood's request for an annexation agreement. A letter was placed into the record from WBK Engineering noting no objections to the proposed driveway extension in the special use permit amendment application. ZPAC recommended approval of the proposal by a vote of nine (9) in favor and zero (0) in opposition, with one (1) member absent. The minutes of this meeting were provided.

The Kendall County Regional Planning Commission reviewed this proposal at their meeting on February 28, 2024. The Petitioner's Engineer explained the history of the property. He noted that the County granted access from Ridge Road approximately one quarter (1/4) of a mile north of Bell Road. He discussed the potential of annexation with Shorewood; he noted that Shorewood had no services available to the subject property. No end user had been identified for the portion of the property proposed for rezoning. The rezoning was intended to tie into the widening of Ridge Road. He also explained the description of the wet bottom detention ponds and the ponds may need to be evaluated in the future depending on future uses on the portion proposed for rezoning. The Kendall County Regional Planning Commission recommended approval of the proposal by a vote of nine (9) in favor and zero (0) in opposition, with one (1) member absent. The minutes of this meeting were provided.

The proposed findings of fact for the special use permit amendment were as follows:

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

Staff recommended 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. 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 existing 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.

Regarding the proposed map amendment, no specific type of business was listed as a proposed use of the site.

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.

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

The topographic survey 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.

The property fronts Bell Road and Ridge Road.

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

Lighting will be determined by specific uses of the site.

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 will be determined when the site is developed.

Noise control will be determined when the site is developed.

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

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.

The proposed findings of fact for the map amendment were as follows:

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.

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

Chairman Mohr asked if the property proposed for rezoning was owned by the same entity that owned the land for the kennel and veterinary. Mr. Asselmeier responded yes.

The Petitioner would either develop the B-3 zoned portion of the property as a commercial endeavor or would sell the property to a commercial end user.

Chairman Mohr asked if anyone had spoken against the proposal. Mr. Asselmeier responded no one had spoken against the proposal.

Chairman Mohr noted that the property would be flagged. Mr. Asselmeier said the rezoned portion of the property would have access to both Bell and Ridge Roads.

Chairman Mohr opened the public hearing at 7:43 p.m.

Chairman Mohr asked if there would be additional access points off of Bell Road. Emily Hoffman, Engineer for the Petitioner, said there will not be any new road cuts made off of Bell Road for the rezoned portion of the property.

Chairman Mohr adjourned the public hearing at 7:44 p.m.

Member LeCuyer made a motion, seconded by Member Thompson, to approve the findings of fact for

the amendment to the special use permit.

The votes were as follows:

Ayes (6): Cherry, Fox, LeCuyer, Mohr, Thompson, and Whitfield  
Nays (0): None  
Abstain (0): None  
Absent (1): Prodehl

The motion passed.

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

The votes were as follows:

Ayes (6): Cherry, Fox, LeCuyer, Mohr, Thompson, and Whitfield  
Nays (0): None  
Abstain (0): None  
Absent (1): Prodehl

The motion passed.

Member LeCuyer made a motion, seconded by Member Thompson to approve the findings of fact for the map amendment.

The votes were as follows:

Ayes (6): Cherry, Fox, LeCuyer, Mohr, Thompson, and Whitfield  
Nays (0): None  
Abstain (0): None  
Absent (1): Prodehl

The motion passed.

Member Whitfield made a motion, seconded by Member Fox, to recommend approval of the map amendment.

The votes were as follows:

Ayes (6): Cherry, Fox, LeCuyer, Mohr, Thompson, and Whitfield  
Nays (0): None  
Abstain (0): None  
Absent (1): Prodehl

The motion passed.

The proposals will go to the Planning, Building and Zoning Committee on March 11, 2024.



The Zoning Board of Appeals completed their review of Petitions 24-01 and 24-02 at 7:47 p.m.

**PUBLIC COMMENTS**

Mr. Asselmeier reported there were no Petitions for the April 1<sup>st</sup> hearing.

**ADJOURNMENT OF THE ZONING BOARD OF APPEALS**

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

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

The Zoning Board of Appeals meeting adjourned at 8:01 p.m.

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

Respectfully submitted by,  
Wanda A. Rolf  
Administrative Assistant

**Exhibits**

1. Memo on Petition 24-02 Dated February 29, 2024
2. Certificate of Publication and Certified Mail Receipts for Petition 24-02 (Not Included with Report but on file in Planning, Building and Zoning Office)





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**DEPARTMENT OF PLANNING, BUILDING & ZONING**

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**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. The LESA Score was 180 indicating a low level of protection. This report is included as Attachment 5.

## **ACTION SUMMARY**

### **SEWARD TOWNSHIP**

Seward Township was emailed information on January 26, 2024. The Seward Township Planning Commission met on February 5, 2024, and recommended approval of the proposal by a vote of three (3) in favor and zero (0) in opposition, with two (2) members absent. The Seward Township Board recommended approval of the proposal.

### **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. The Village of Shorewood submitted an email indicating they would like to annex the property when it becomes contiguous and wanted a restriction preventing uses not allowed in their B-3 Zoning District from occurring at the property. This email is attached to the ZPAC meeting minutes. The Village of Shorewood submitted a second email on February 28, 2024, stating they would not object to the map amendment and no annexation agreement had been negotiated, but they were concerned about auto and truck repair businesses operating on the B-3 zoned portion of the property. This email is included as Attachment 7.

### **ZPAC**

ZPAC reviewed this proposal at their meeting on February 6, 2024. The Petitioner's Engineer was agreeable to working the Highway Department regarding access from Ridge Road for the northern portion of the property. No additional points of access would come from Bell Road. The Petitioner's Engineer wanted to evaluate Shorewood's request for an annexation agreement. A letter was placed into the record from WBK Engineering noting no objections to the proposed driveway extension in the special use permit amendment application. ZPAC recommended approval of the proposal by a vote of nine (9) in favor and zero (0) in opposition, with one (1) member absent. The minutes of this meeting were included as Attachment 6.

### **RPC**

The Kendall County Regional Planning Commission reviewed this proposal at their meeting on February 28, 2024. The Petitioner's Engineer explained the history of the property. He noted that the County granted access from Ridge Road approximately one quarter (1/4) of a mile north of Bell Road. He discussed the potential of annexation with Shorewood; he noted that Shorewood had no services available to the subject property. No end user had been identified for the portion of the property proposed for rezoning. The rezoning was intended to tie into the widening of Ridge Road. He also explained the description of the wet bottom detention ponds and the ponds may need to be evaluated in the future depending on future uses on the portion proposed for rezoning. The Kendall County Regional Planning Commission recommended approval of the proposal by a vote of nine (9) in favor and zero (0) in opposition, with one (1) member absent. The minutes of this meeting were included as Attachment 8.

## **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
5. NRI Report
6. February 6, 2024, ZPAC Minutes (This Petition Only)
7. February 28, 2024, Email from the Village of Shorewood
8. February 28, 2024, Kendall County Regional Planning Commission Minutes (This Petition Only)



**DEPARTMENT OF PLANNING, BUILDING & ZONING**

111 West Fox Street • Yorkville, IL • 60560  
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**APPLICATION**

**PROJECT NAME** JADE RESTORATIONS REZONING **FILE #:** \_\_\_\_\_

<b>NAME OF APPLICANT</b> MS. DEB CHOW		
<b>CURRENT LANDOWNER/NAME(S)</b> JADE RESTORATION, INC.		
<b>SITE INFORMATION</b>		
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
<b>REQUESTED ACTION</b> (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.)
AMENDMENT TO A SPECIAL USE ( <input type="checkbox"/> Major; <input type="checkbox"/> Minor)		
<b><sup>1</sup>PRIMARY CONTACT</b> DEB CHOW	<b>PRIMARY CONTACT MAILING ADDRESS</b> [REDACTED]	<b>PRIMARY CONTACT EMAIL</b> [REDACTED]
<b>PRIMARY CONTACT PHONE #</b> [REDACTED]	<b>PRIMARY CONTACT FAX #</b> [REDACTED]	<b>PRIMARY CONTACT OTHER #</b> (Cell, etc.) [REDACTED]
<b><sup>2</sup>ENGINEER CONTACT</b> MICHAEL COOK	<b>ENGINEER MAILING ADDRESS</b> [REDACTED]	<b>ENGINEER EMAIL</b> [REDACTED]
<b>ENGINEER PHONE #</b> [REDACTED]	<b>ENGINEER FAX #</b> [REDACTED]	<b>ENGINEER OTHER #</b> (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.		
<b>SIGNATURE OF APPLICANT</b>	DocuSigned by: [REDACTED] 0FF65195D1CA42A...	<b>DATE</b> 1/22/2024

FEE PAID:\$ \_\_\_\_\_  
 CHECK #: \_\_\_\_\_

<sup>1</sup>Primary Contact will receive all correspondence from County

<sup>2</sup>Engineering 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

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

MAIL TAX BILL TO:  
Jade Restorations, Inc.  
~~18100 West Avenue~~  
Orland Park, IL 60467



THIS INSTRUMENT PREPARED BY:  
Attorney Thomas Osterberger  
Kavanagh Grumley Gordon, 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~~ [redacted] the following described real estate, to-wit

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

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

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

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



18009671 AY  
CS

1 of 1

3





# 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 [X] 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)

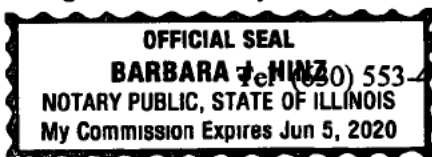
AFFIANT further states that   s   he makes this affidavit for the purpose of inducing the Recorder of Deeds of Kendall County, Illinois, to accept the attached deed for recording.

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

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

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

Chicago Title Insurance Company

By:

[REDACTED]

\_\_\_\_\_  
President

Attest:

[REDACTED]

\_\_\_\_\_  
Secretary



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## EXCLUSIONS FROM COVERAGE

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

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

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

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**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****Copyright American Land Title Association. All rights reserved.**

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## 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:

[Redacted 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:

  
[Redacted Name]

\_\_\_\_\_  
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

DocuSigned by:  
Deb Chow [REDACTED] 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)



[REDACTED]  
Notary Public



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

[www.kendallswcd.org](http://www.kendallswcd.org)

### NATURAL RESOURCE INFORMATION (NRI) REPORT APPLICATION

**Petitioner:** JADE RESTORATIONS, INC. **Contact Person:** MICHAEL COOK  
**Address:** [REDACTED] **City, State, Zip:** [REDACTED]  
**Phone Number:** ( ) [REDACTED] **Email:** [REDACTED]

Please select: How would you like to receive a copy of the NRI Report?  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>
<b>Total NRI Fee</b>	<b>\$ <u>501.00</u></b>

**NOTE:** Applications are due by the 1<sup>st</sup> 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:

[REDACTED]

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

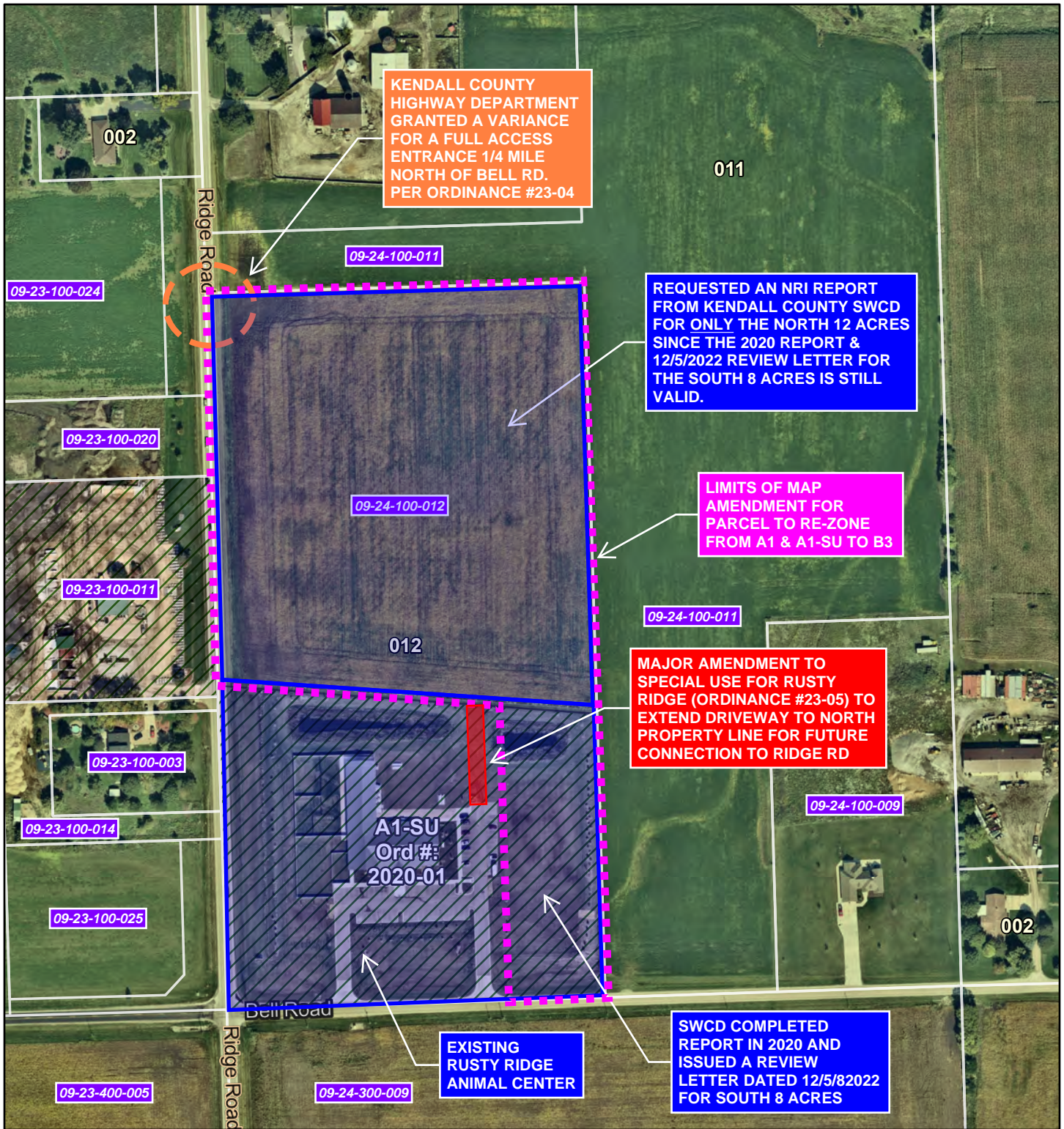
\$ 2.81

\$ 127.81

**TOTAL PAID****\$ 127.81**

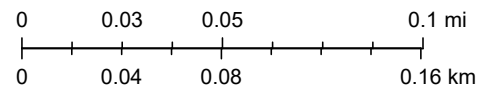
Illinois Department of Natural Resources  
 One Natural Resources Way  
 Springfield, IL 62702  
 217-785-5500  
[dnr.ecocat@illinois.gov](mailto:dnr.ecocat@illinois.gov)

# 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

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

# TOPOGRAPHIC SURVEY

### LEGAL DESCRIPTION

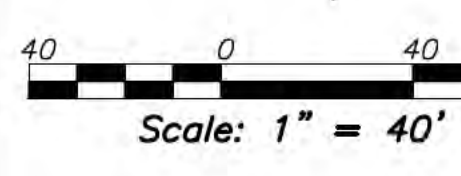
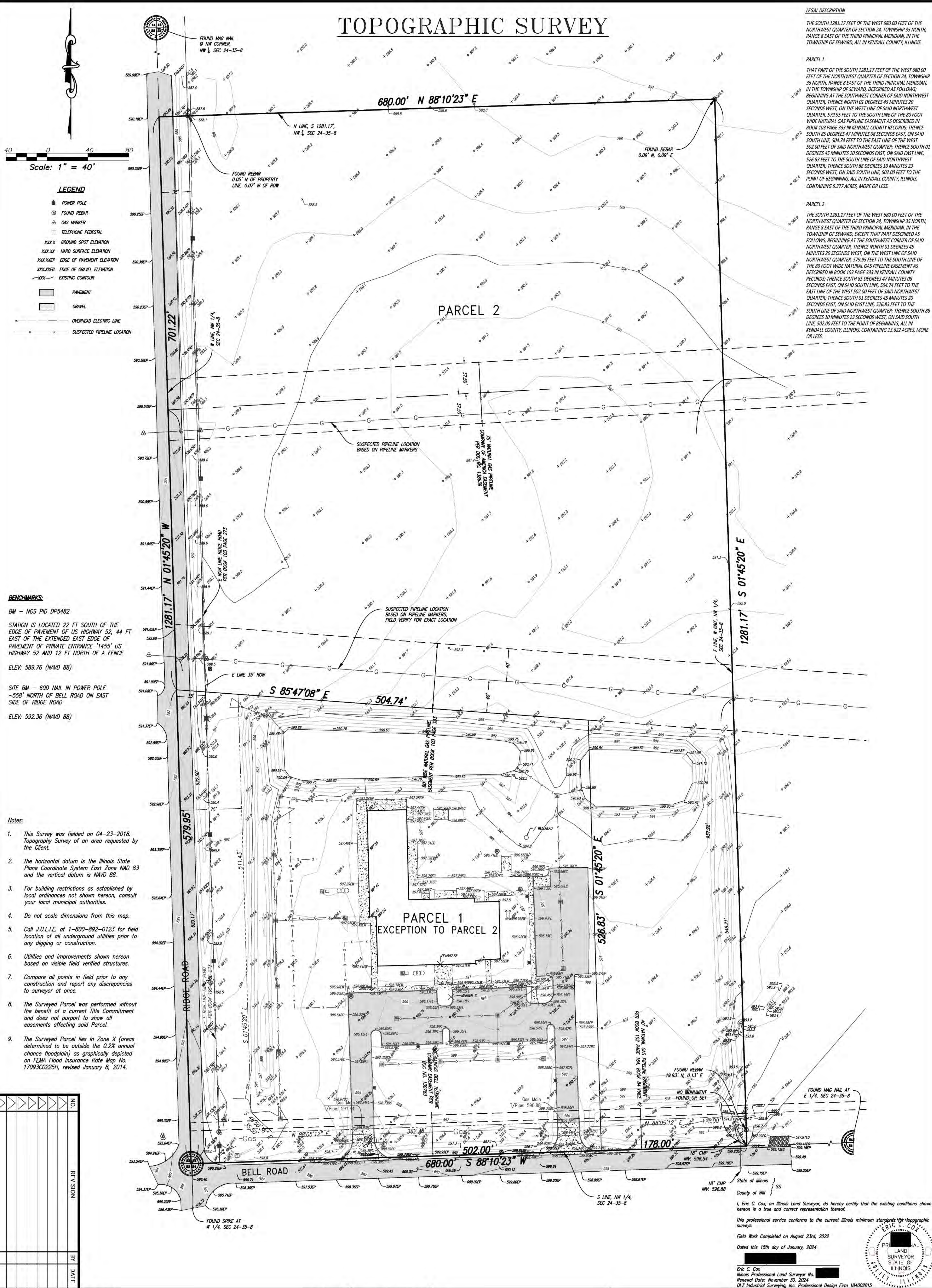
THE SOUTH 1281.17 FEET OF THE WEST 680.00 FEET OF THE NORTHWEST QUARTER OF SECTION 24, TOWNSHIP 35 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE TOWNSHIP OF SEWARD, ALL IN KENDALL COUNTY, ILLINOIS.

### 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, THENCE NORTH 01 DEGREES 45 MINUTES 20 SECONDS WEST, ON THE WEST LINE OF SAID NORTHWEST QUARTER, 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 WEST, 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 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 SAID NORTHWEST QUARTER, 579.95 FEET TO THE SOUTH LINE OF SAID NORTHWEST QUARTER, 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 WEST, 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.



- LEGEND**
- POWER POLE
  - FOUND REBAR
  - GAS MARKER
  - TELEPHONE PEDESTAL
  - XXXL GROUND SPOT ELEVATION
  - XXXXX HARD SURFACE ELEVATION
  - XXXXXX EDGE OF PAVEMENT ELEVATION
  - XXXXXXX EDGE OF GRAVEL ELEVATION
  - XXXXXX EXISTING CONTOUR
  - ▭ PAVEMENT
  - ▭ GRAVEL
  - - - OVERHEAD ELECTRIC LINE
  - - - SUSPECTED PIPELINE LOCATION

**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 - 60D 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 NAD 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.

NO.	REVISION	BY	DATE

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

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

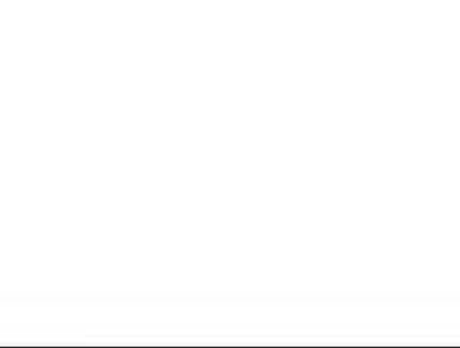
PROJECT NUMBER  
**1850-7044**

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



# ZONING PLAT

**LEGAL DESCRIPTION**

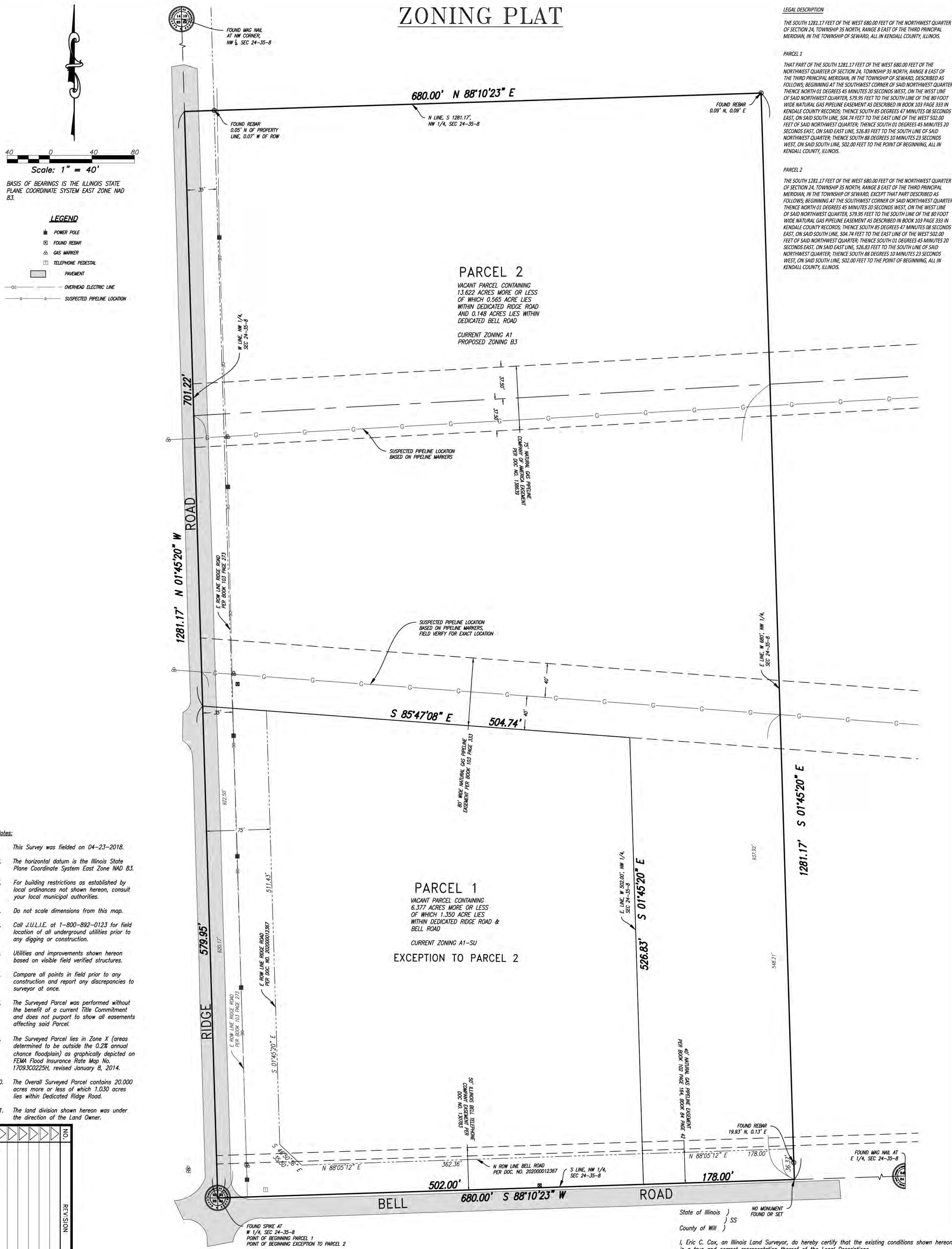
THE SOUTH 1281.17 FEET OF THE WEST 680.00 FEET OF THE NORTHWEST QUARTER OF SECTION 24, TOWNSHIP 35 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE TOWNSHIP OF SEWARD, ALL IN KENDALL COUNTY, ILLINOIS.

**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, 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 KENDALE 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**

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 KENDALE 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.



- 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 hereon, consult your local municipal authorities.
  4. Do not scale dimensions from this map.
  5. Call J.U.L.L.I.E. at 1-800-892-0123 for field location of all underground utilities prior to any digging or construction.
  6. Utilities and improvements shown hereon 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 hereon was under the direction of the Land Owner.

NO.	REVISION	BY	DATE

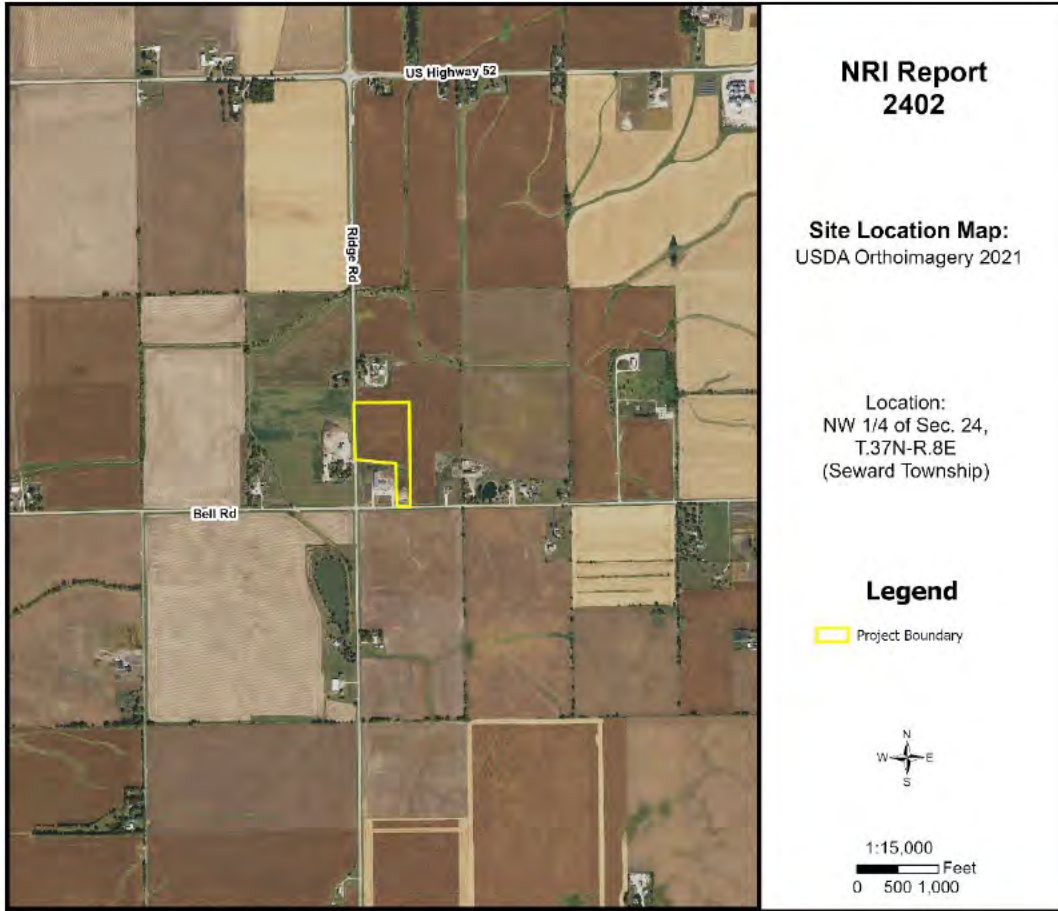
KENDALL COUNTY  
**JADE RESTORATIONS, INC**  
 ILLINOIS  
**BELL ROAD & RIDGE ROAD ZONING PLAT**

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

State of Illinois )  
 County of Will )  
 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. 012345  
 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

# NATURAL RESOURCE INFORMATION (NRI) REPORT: #2402



Feb.  
2024

Petitioner: Jade Restorations, Inc.

Contact: Michael Cook (Cook Engineering Group)

Prepared By:



7775A Route 47  
Yorkville, Illinois 60560  
Phone: (630) 553-5821 x3  
[www.kendallswcd.org](http://www.kendallswcd.org)

**KENDALL COUNTY SOIL AND WATER CONSERVATION DISTRICT  
NATURAL RESOURCE INFORMATION (NRI) REPORT**

Natural Resource Information Report Number	2402
Date District Board Reviews Application	February 2024
Applicant's Name	Jade Restorations, Inc.
Size of Parcel	(+/-) 12.00 acres
Current Zoning & Use	A-1 Agricultural; Cropland
Proposed Zoning & Use	B-3 Highway Business District; Commercial Property
Parcel Index Number(s)	09-24-100-012
Contact Person	Michael Cook (Cook Engineering Group)

Copies of this report or notification of the proposed land-use change was provided to:	Yes	No
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: *Alyse Olson* Position: *Resource Conservationist*

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## ***PURPOSE AND INTENT***

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The purpose of this report is to provide 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**  
**E-mail: [Alyse.Olson@il.nacdnet.net](mailto:Alyse.Olson@il.nacdnet.net)**

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## **EXECUTIVE SUMMARY**

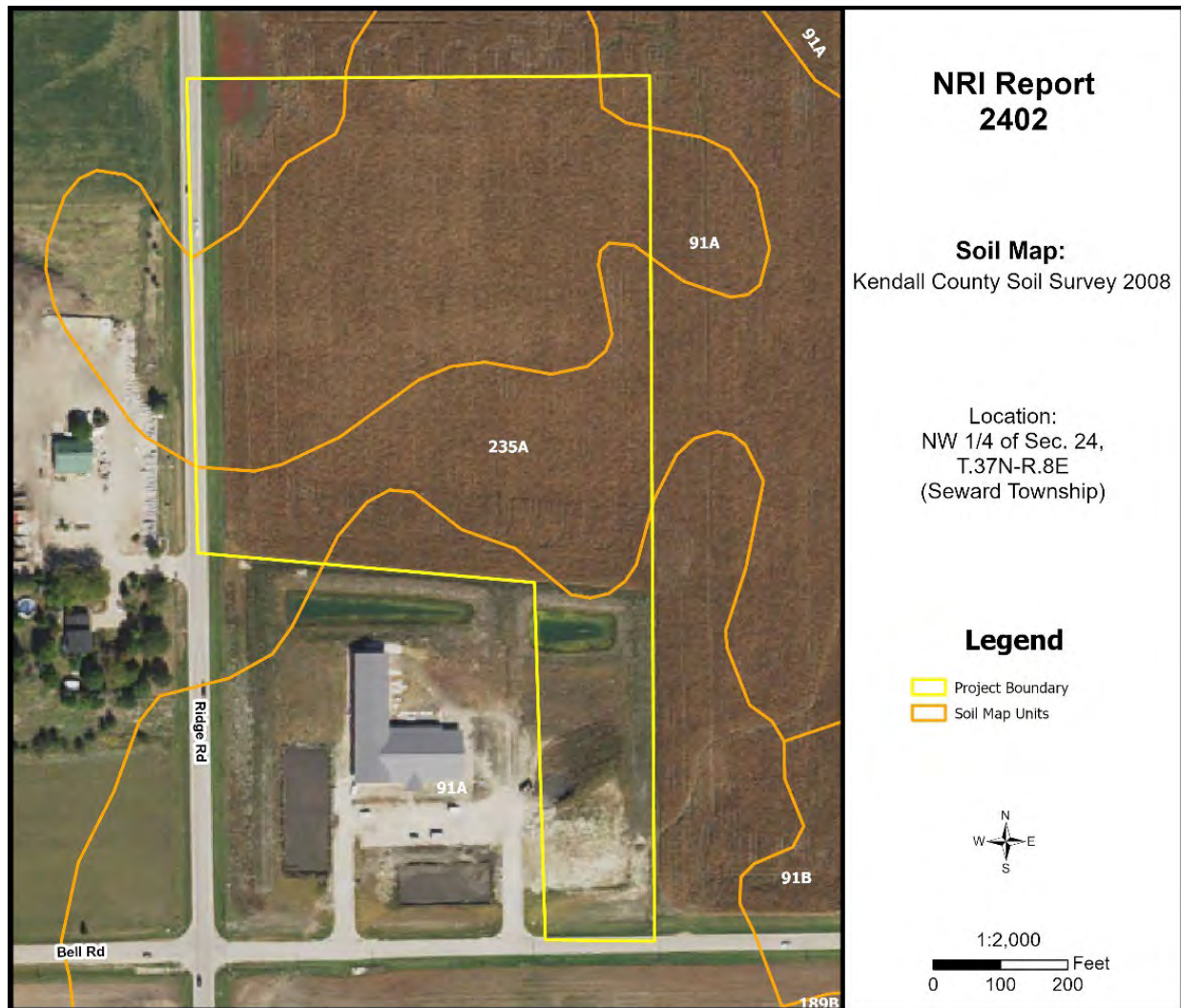
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Natural Resource Information Report Number	#2402
Petitioner	Jade Restorations, Inc.
Contact Person	Michael Cook (Cook Engineering Group)
County or Municipality the Petition is Filed With	Kendall County
Location of Parcel	Northwestern ¼ of Section 24, Township 35 North, Range 8 East (Seward Township) of the 3 <sup>rd</sup> Principal Meridian
Project or Subdivision Name	Jade Restorations, Inc.
Existing Zoning & Land Use	A-1 Agricultural; Cropland
Proposed Zoning & Land Use	B-3 Highway Business District; Commercial Property
Proposed Water Source	Private well
Proposed Type of Sewage Disposal System	Septic
Proposed Type of Storm Water Management	Wet basin
Size of Site	(+/-) 12.00 acres
Land Evaluation Site Assessment (LESA) Score	180 (Land Evaluation: 87; Site Assessment: 93)

**NATURAL RESOURCE CONSIDERATIONS**

**SOIL INFORMATION**

Based on information from the United States Department of Agriculture-Natural Resources Conservation Service (USDA-NRCS) 2008 Kendall County Soil Survey, this project area contains the soil types shown in Figure 1 and Table 1. Please note this does not replace the need for or results of onsite soil testing. If completed, please refer to onsite soil test results for planning/engineering purposes.



**Figure 1: Soil Map**

**Table 1: Soils Information**

Soil Type	Soil Name	Drainage Class	Hydrologic Group	Hydric Designation	Farmland Designation	Acres	% Area
91A	Swygert silty clay loam, 0-2% slopes	Somewhat Poorly Drained	C/D	Non-hydric with Hydric Inclusions	Prime Farmland	8.4	65.7%
235A	Bryce silty clay, 0-2% slopes	Poorly Drained	C/D	Hydric	Prime Farmland if Drained	4.4	34.3%



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

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

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

**Prime Farmland** – Prime farmland is land that has the best combination of physical and chemical characteristics for agricultural production. Prime farmland soils are an important resource to Kendall County and some of the most productive soils in the United States occur locally. Of the soils found onsite, both are designated as prime farmland or prime farmland if drained (91A Swygert silty clay loam and 235A Bryce silty clay).

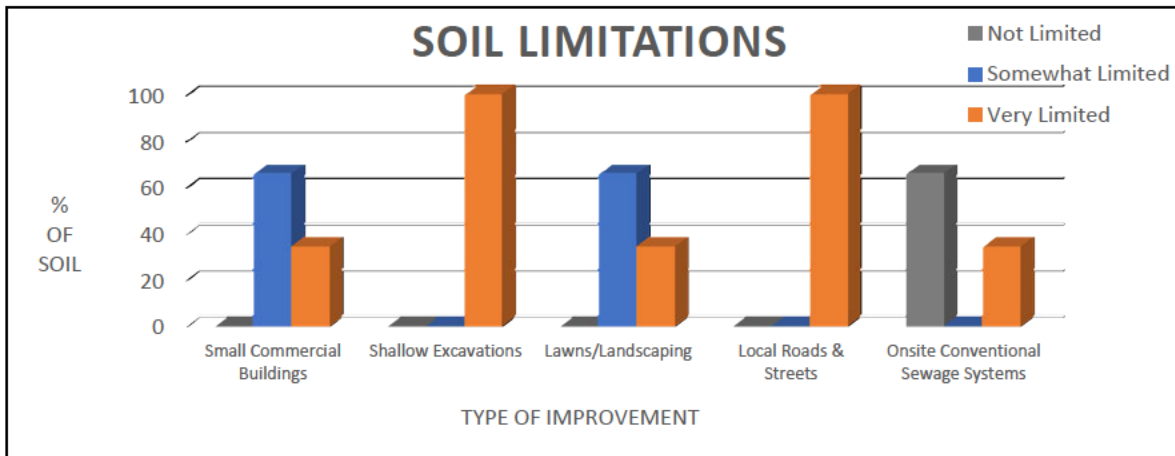
**Soil Limitations** – The USDA-NRCS Web Soil Survey rates the limitations of soils for dwellings, small commercial buildings, solar arrays, shallow excavations, lawns/landscaping, local roads and streets, etc. Soils have different properties which influence the development of building sites. The USDA-NRCS classifies soils as Not Limited, Somewhat Limited, and Very Limited. Soils that are Not Limited indicates that the soil has properties that are favorable for the specified use. They will perform well and will have low maintenance. Soils that are Somewhat Limited are moderately favorable, and their limitations can be overcome through special planning, design, or installation. Soils that are Very Limited have features that are unfavorable for the specified use, and their limitations cannot easily be overcome.

**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).

**Table 2:** Soil Limitations

Soil Type	Small Commercial Buildings	Shallow Excavations	Lawns/Landscaping	Local Roads & Streets	Onsite Conventional Sewage Systems
91A	Somewhat Limited	Very Limited	Somewhat Limited	Very Limited	Suitable
235A	Very Limited	Very Limited	Very Limited	Very Limited	Unsuitable: Wet



**Figure 2:** Soil Limitations

**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 **87**, indicating that the soils are 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 Site Assessment value is based on a 200-point scale and accounts for 2/3 of the total score. The Kendall County LESA Committee is responsible for this portion of the LESA system.
  - The Site Assessment score for this site is **93**.

The LESA Score for this site is 180 out of a possible 300, which indicates a low level of protection for the

proposed project site. Selecting the project site with the lowest total points will generally protect the best farmland located in the most viable areas and maintain and promote the agricultural industry in Kendall County.

#### **WETLANDS**

The U.S. Fish & Wildlife Service's National Wetlands Inventory map does not indicate the presence of wetland(s)/waters 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 Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Map (FIRM) for Kendall County, Community Panel No. 17093C0145H (effective date January 8, 2014) was reviewed to determine the presence of floodplain and floodway areas within the project site. According to the map, the site 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 as suspended sediment from areas undergoing development is a primary nonpoint source of water pollution. Please consult the *Illinois Urban Manual* (<https://illinoisurbanmanual.org/>) for appropriate best management practices.

#### **STORMWATER POLLUTION**

A National Pollutant Discharge Elimination System (NPDES) permit (Permit No. ILR10) from the Illinois Environmental Protection Agency (IEPA) is required for stormwater discharges from construction sites that will disturb 1 or more acres of land. Conditions of the NPDES ILR10 permit require the development and implementation of a Stormwater Pollution Prevention Plan (SWPPP) to reduce stormwater pollutants on the construction site before they can cause environmental issues.

**LAND USE FINDINGS:**

The Kendall County Soil and Water Conservation District (SWCD) Board has reviewed the proposed site plans for Jade Restorations, Inc. The petitioner is requesting a change in zoning from A-1 Agricultural to B-3 Highway Business District on one parcel (Parcel Index Number 09-24-100-012) to utilize the site as a commercial property. The parcel is in Section 24 of Seward Township (T.35N-R.8E) of the 3<sup>rd</sup> Principal Meridian in Kendall County, IL. This parcel contains 8 acres in the south portion that was previously reviewed by our office in 2020 (NRI Report 1913) and again in 2022 via a review letter. 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 soils should be preserved whenever feasible due to their highly productive qualities for growing agriculturally important grain and fiber crops in our community. Of the soils found onsite, 100% are designated as prime farmland or prime farmland if drained. A land evaluation (LE), which is a part of the Land Evaluation and Site Assessment (LESA), was conducted on this parcel. The soils on this parcel scored an 87 out of a possible 100 points indicating that the soils are well suited for agricultural uses. The total LESA score for this site is 180 out of a possible 300, which indicates a low level of protection for the proposed project site. Selecting the project site with the lowest total points will generally protect the best farmland located in the most viable areas and maintain and promote the agricultural industry in Kendall County.

Soils found on the project site are rated for specific uses and can have potential limitations 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 that the limitation 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 considered very limited for shallow excavations and local roads/streets and 34% are considered very limited for small commercial buildings and lawns/landscaping. The remaining soils are considered somewhat limited for these types of uses. Additionally, 34% of the soils are considered 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 the Upper Illinois River watershed and the Town of Seward - Aux Sable Creek sub watershed. This development should include a soil erosion and sediment control plan to be implemented during construction. It is critical to have vegetative cover during and after construction to protect the soil from erosion. Sediment may become a primary non-point source of pollution. Eroded soils during the construction phase can create unsafe conditions on roadways, degrade water quality, and destroy aquatic ecosystems lower in the watershed.

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

The information that is included in this Natural Resources Information Report is to assure that the 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).

  
SWCD Board Representative

2-12-24  
Date

# PARCEL LOCATION

Northwestern ¼ of Section 24, Township 35 North, Range 8 East (Seward Township). This parcel contains approximately 12.00 acres and is located on the east side of Ridge Road, north of Bell Road, and south of U.S. Highway 52. The parcel is within unincorporated Kendall County, IL.

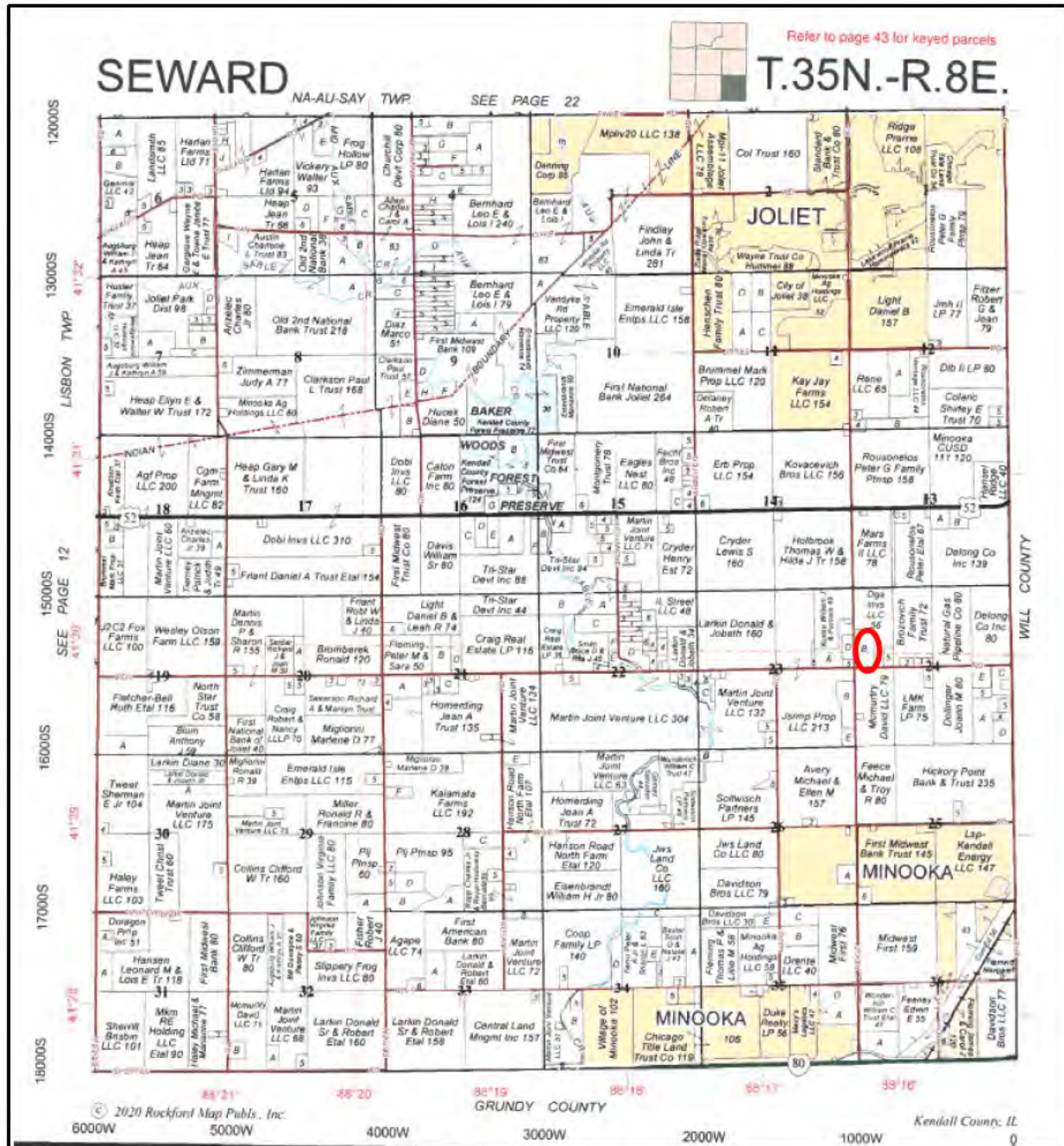


Figure 3: 2021 Plat Map

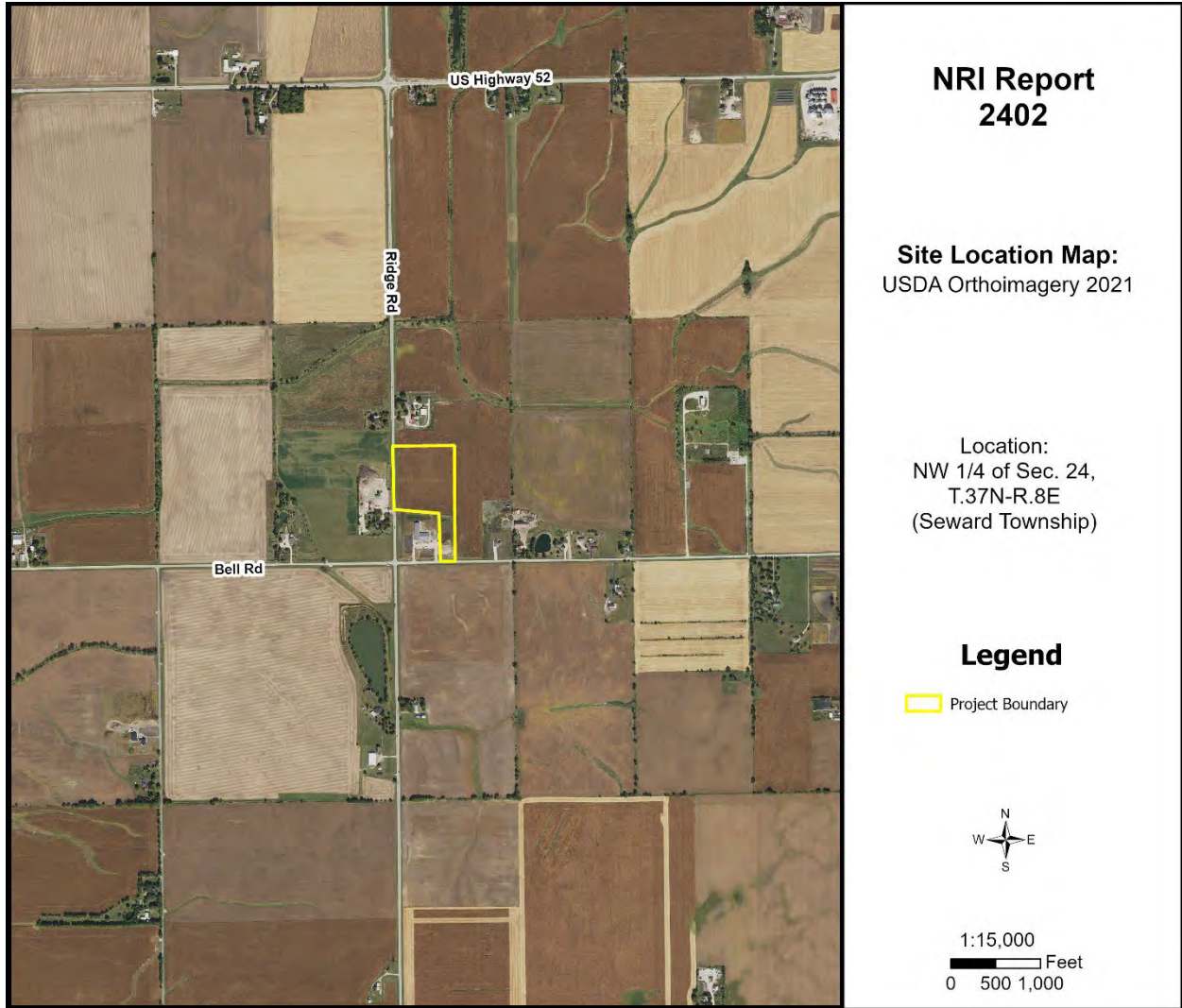


Figure 4: 2021 Aerial Map with NRI Project Boundary

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## **ARCHAEOLOGIC/CULTURAL RESOURCES INFORMATION**

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

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## ***ECOLOGICALLY SENSITIVE AREAS***

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### **WHAT IS BIOLOGICAL DIVERSITY AND WHY SHOULD IT BE CONSERVED?<sup>1</sup>**

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 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 wellbeing, 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 or ecologically sensitive areas 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 on or near the parcel in question (PIQ).**

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<sup>1</sup>Taken 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.

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## ***SOILS INFORMATION***

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### **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 (not limited, somewhat limited, or very limited) 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 to complete the proposed activity successfully. Very limited indicates that the proposed activity will be more difficult and costly to do on that soil type than on a soil type with a somewhat limited or not limited 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.

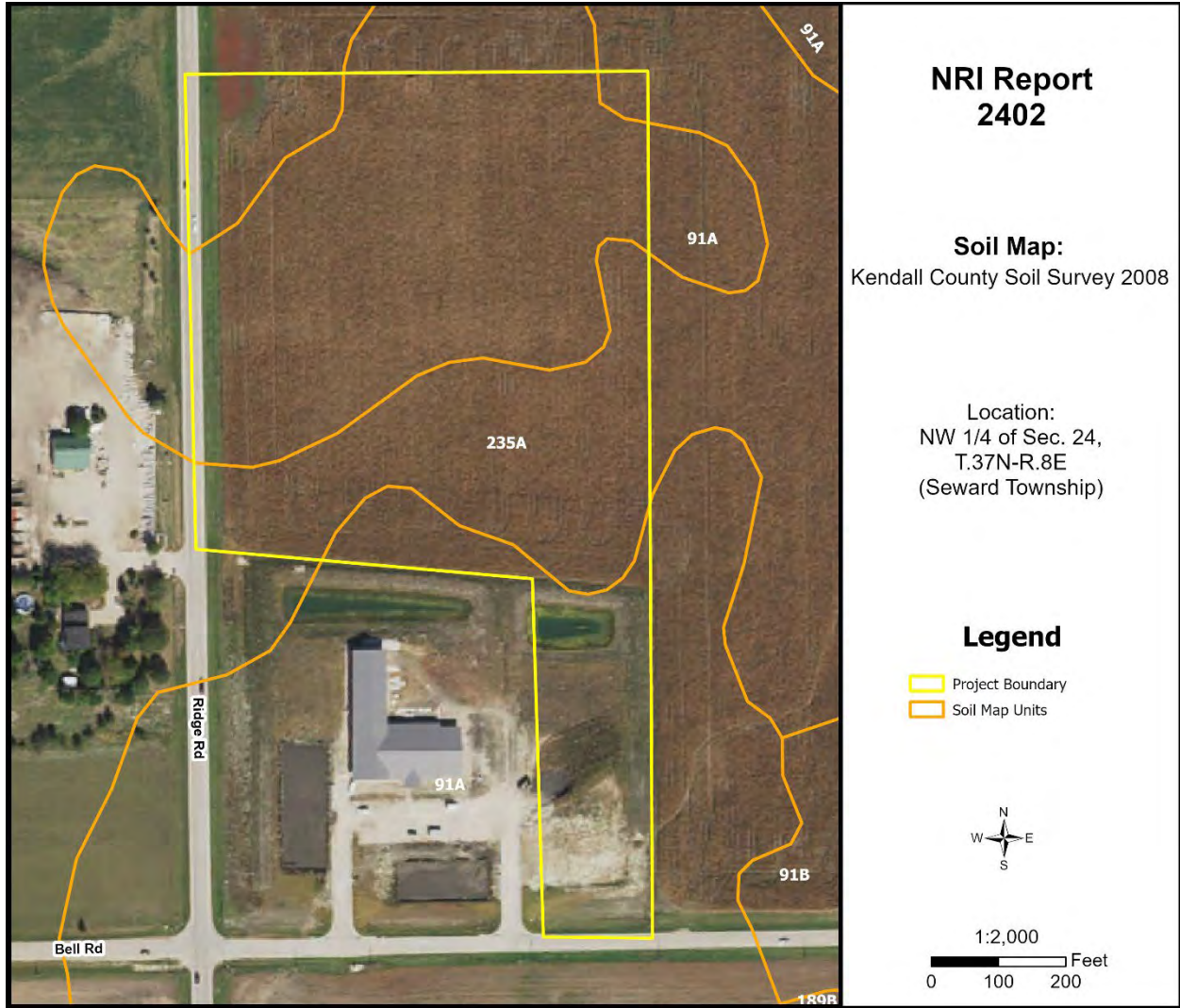


Figure 5: Soil Map

Table 3: Soil Map Unit Descriptions

Soil Type	Soil Name	Acres	Percent
91A	Swygert silty clay loam, 0-2% slopes	8.4	65.7%
235A	Bryce silty clay, 0-2% slopes	4.4	34.3%

Source: National Cooperative Soil Survey – USDA-NRCS

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## ***SOILS INTERPRETATIONS EXPLANATION***

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### **GENERAL – NONAGRICULTURAL**

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 not limited, somewhat limited, and very limited 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 unsuitable for all types of construction.

### **LIMITATIONS RATINGS**

- **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.
- **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.
- **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.

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## ***BUILDING LIMITATIONS***

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### **BUILDING ON POORLY SUITED OR UNSUITABLE SOILS**

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.

**Small Commercial Buildings** – 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 Conventional 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 4:** Building Limitations

Soil Type	Small Commercial Buildings	Shallow Excavations	Lawns & Landscaping	Local Roads & Streets	Onsite Conventional Sewage Systems*	Acres	%
91A	<b>Somewhat Limited:</b> Depth to saturated zone Shrink-swell	<b>Very Limited:</b> Depth to saturated zone Too clayey Dusty Unstable excavation walls Ponding	<b>Somewhat Limited:</b> Depth to saturated zone Dusty	<b>Very Limited:</b> Low strength Shrink-swell Depth to saturated zone Frost action Ponding	<b>Suitable/ Not Limited</b>	8.4	65.7%
235A	<b>Very Limited:</b> Ponding Depth to saturated zone Shrink-swell	<b>Very Limited:</b> Ponding Depth to saturated zone Too clayey Unstable excavation walls Dusty	<b>Very Limited:</b> Ponding Depth to saturated zone Too clayey Dusty Droughty	<b>Very Limited:</b> Ponding Depth to saturated zone Shrink-swell Frost action Low strength	<b>Unsuitable/ Very Limited: Wet</b>	4.4	34.3%
<b>% Very Limited</b>	<b>34.3%</b>	<b>100%</b>	<b>34.3%</b>	<b>100%</b>	<b>34.3%</b>		

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

Figure 6A: Map of Building Limitations - Small Commercial Buildings & Lawns/Landscaping



Figure 6B: Map of Building Limitations - Shallow Excavations & Local Roads/Streets





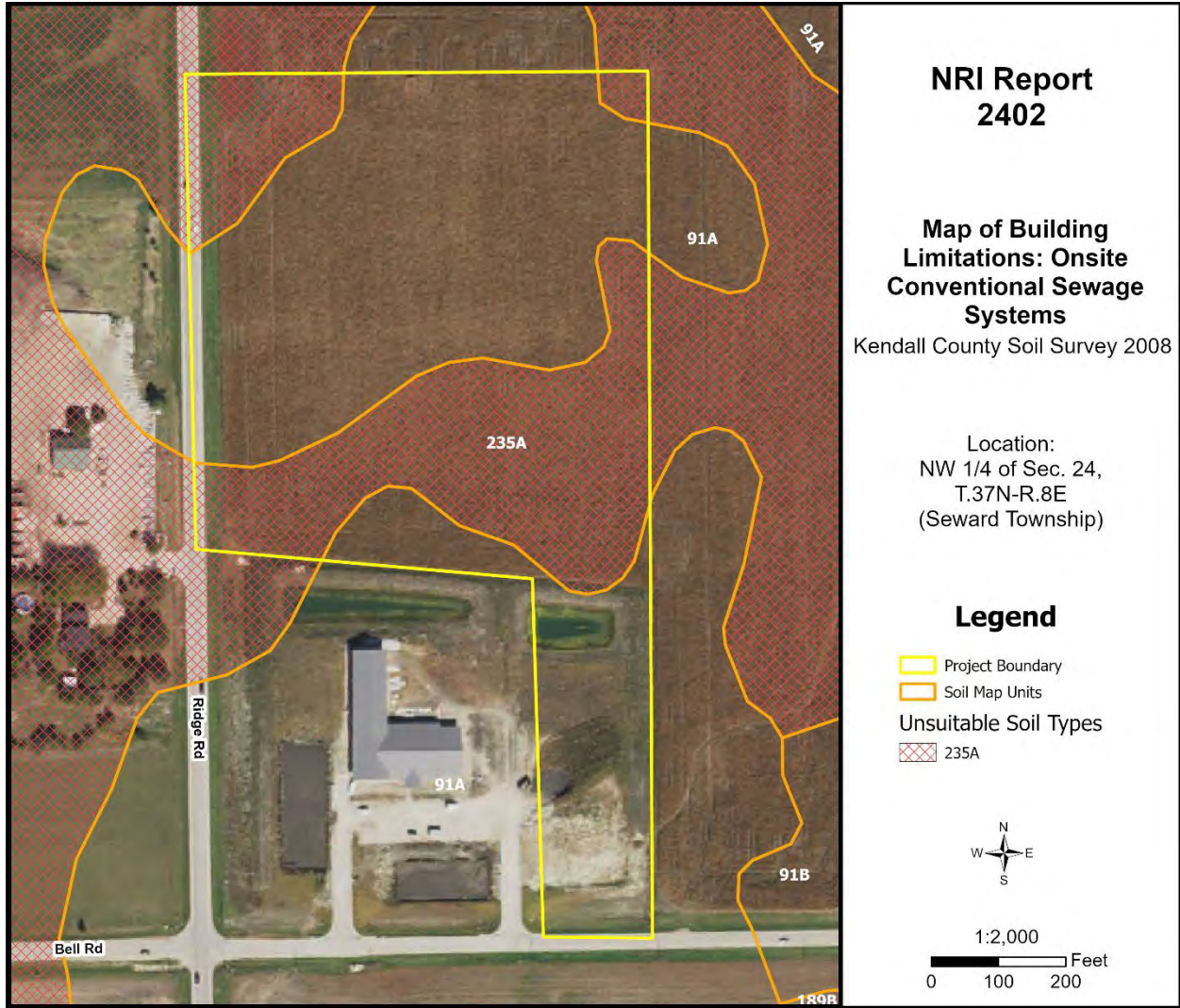


Figure 6C: Map of Building Limitations – Onsite Conventional Sewage Systems

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## **SOIL WATER FEATURES**

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Table 5, below, 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** – 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** – The portion of the year in which a water table, ponding, and/or flooding is most likely to be a concern.

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

**PONDING** – Ponding 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* if 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 5:** Water Features

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

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## **SOIL EROSION AND SEDIMENT CONTROL**

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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, and 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/diverting flow from exposed areas, storing flows, or limiting runoff from exposed areas
- Staging construction to keep disturbed areas to a minimum
- Establishing or maintaining temporary or permanent groundcover
- Retaining sediment on site
- Properly installing, inspecting, and maintaining control measures

Erosion control practices are useful controls only if they are properly located, installed, inspected, and maintained. Soil erosion and sedimentation control plans, including maintenance responsibilities, should be clearly communicated to all contractors working on the site.

The SWCD recommends an erosion and sediment control plan for all building sites, especially if there is a wetland or stream nearby. Additionally, a National Pollutant Discharge Elimination System (NPDES) permit (Permit No. ILR10) from the Illinois Environmental Protection Agency (IEPA) is required for stormwater discharges from construction sites that will disturb 1 or more acres of land. Conditions of the NPDES ILR10 permit require the development and implementation of a Stormwater Pollution Prevention Plan (SWPPP) to reduce stormwater pollutants on the construction site before they can cause environmental issues.

**Table 6:** Soil Erosion Potential

<b>Soil Type</b>	<b>Slope</b>	<b>Rating</b>	<b>Acreage</b>	<b>Percent of Project Area</b>
91A	0-2%	Slight	8.4	65.7%
235A	0-2%	Slight	4.4	34.3%

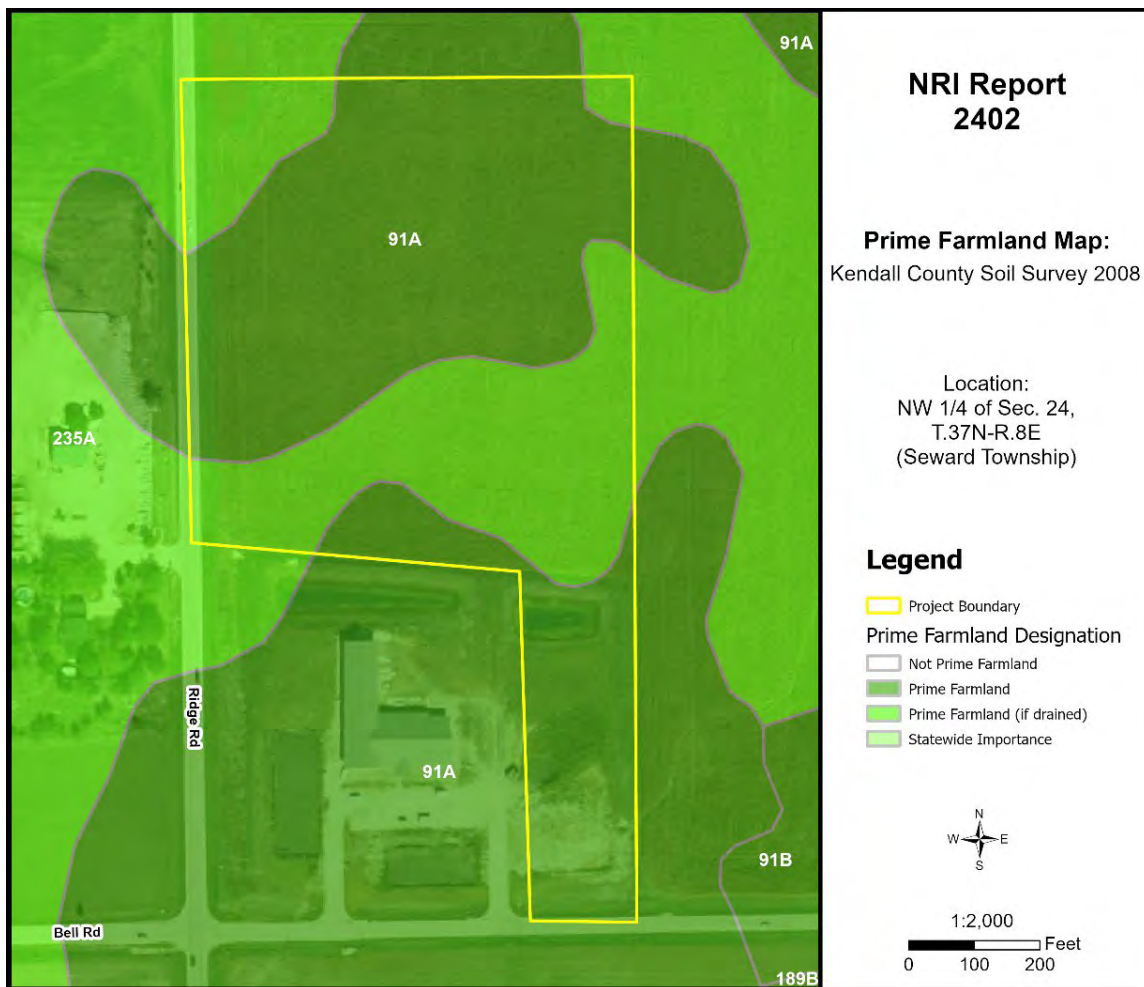
## ***PRIME FARMLAND SOILS***

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 soil map units on the parcel reflect the determination that urban or built-up land on prime farmland soils is not prime farmland.

**Table 7:** Prime Farmland Soils

Soil Type	Prime Designation	Acreage	Percent
91A	Prime Farmland	8.4	65.7%
235A	Prime Farmland (if drained)	4.4	34.3%
<b>% Prime Farmland</b>	<b>100%</b>		



**Figure 7:** Map of Prime Farmland Soils

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## **LAND EVALUATION AND SITE ASSESSMENT (LESA)**

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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 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. 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 value group is a predetermined value based upon prime farmland designation. The Kendall County LESA Committee is responsible for this portion of the LESA system.

**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 (SA) 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 8A:** Land Evaluation Computation

<b>Soil Type</b>	<b>Value Group</b>	<b>Relative Value</b>	<b>Acres*</b>	<b>Product (Relative Value x Acres)</b>
91A	3	87	8.4	730.8
235A	3	87	4.4	382.8
			<b>12.8</b>	<b>1,113.6</b>
<b>LE Calculation</b>			(Product of relative value / Total Acres) 1,113.6 / 12.8 = 87	
<b>LE Score</b>			<b>LE = 87</b>	

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

The Land Evaluation score for this site is 87, indicating that this site is designated as land that is well suited for agricultural uses considering the Land Evaluation score is above 80.

**Table 8B:** Site Assessment Computation

<b>A.</b>	<b>Agricultural Land Uses</b>	<b>Points</b>
	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)	15
	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>B.</b>	<b>Compatibility / Impact on Uses</b>	
	1. Distance from city or village limits. (20-10-0)	0
	2. Consistency of proposed use with County Land Resource Management Concept Plan and/or municipal comprehensive land use plan. (20-10-0)	0
	3. Compatibility of agricultural and non-agricultural uses. (15-7-0)	7
<b>C.</b>	<b>Existence of Infrastructure</b>	
	1. Availability of public sewage system. (10-8-6-0)	8
	2. Availability of public water system. (10-8-6-0)	8
	3. Transportation systems. (15-7-0)	7
	4. Distance from fire protection service. (10-8-6-2-0)	8
	<b>Site Assessment Score:</b>	<b>93</b>

**Land Evaluation Value: 87 + Site Assessment Value: 93 = LESA Score: 180**

**Table 9:** LESA Score Summary

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

**The LESA Score for this site is 180 which indicates a low level of protection for the proposed project site.** Selecting the project site with the lowest total points will generally protect the best farmland located in the most viable areas and maintain and promote the agricultural industry in Kendall County.

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## ***LAND USE PLANS***

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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 Kendall County Planning, Building & Zoning for information regarding their comprehensive land use plan and map.

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## ***DRAINAGE, RUNOFF, AND FLOOD INFORMATION***

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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.

Flood Insurance Rate Maps (FIRMs), produced by the Federal Emergency Management Agency (FEMA), 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 floodplain location. The FIRM map has three (3) zones. Zone A includes the 100-year flood (1% annual chance flood), Zone B or Zone X (shaded) is the 100 to 500-year flood (between limits of the 1% and the 0.2% annual chance flood), and Zone C or Zone X (unshaded) is outside the floodplain (outside the 0.2% annual chance flood).

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 maps stress that the recurrence of flooding is merely statistical. 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 IDNR-OWR 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 drainage ways, 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. Development on hydric soils can contribute to the loss of water storage within the soil and the potential for increased flooding in the area.

**This parcel is on minimal topography (slopes 0 to 2%) and at an elevation of approximately 588'-598' above sea level. The lowest point is at the northwest corner, and the highest point is at the southeast of the site. According to the FEMA Flood Map (Figure 8), the parcel does not contain areas of floodplain or floodway. It is mapped as Zone X, an area of minimal flood hazard determined to be outside of the 0.2% annual chance floodplain.**

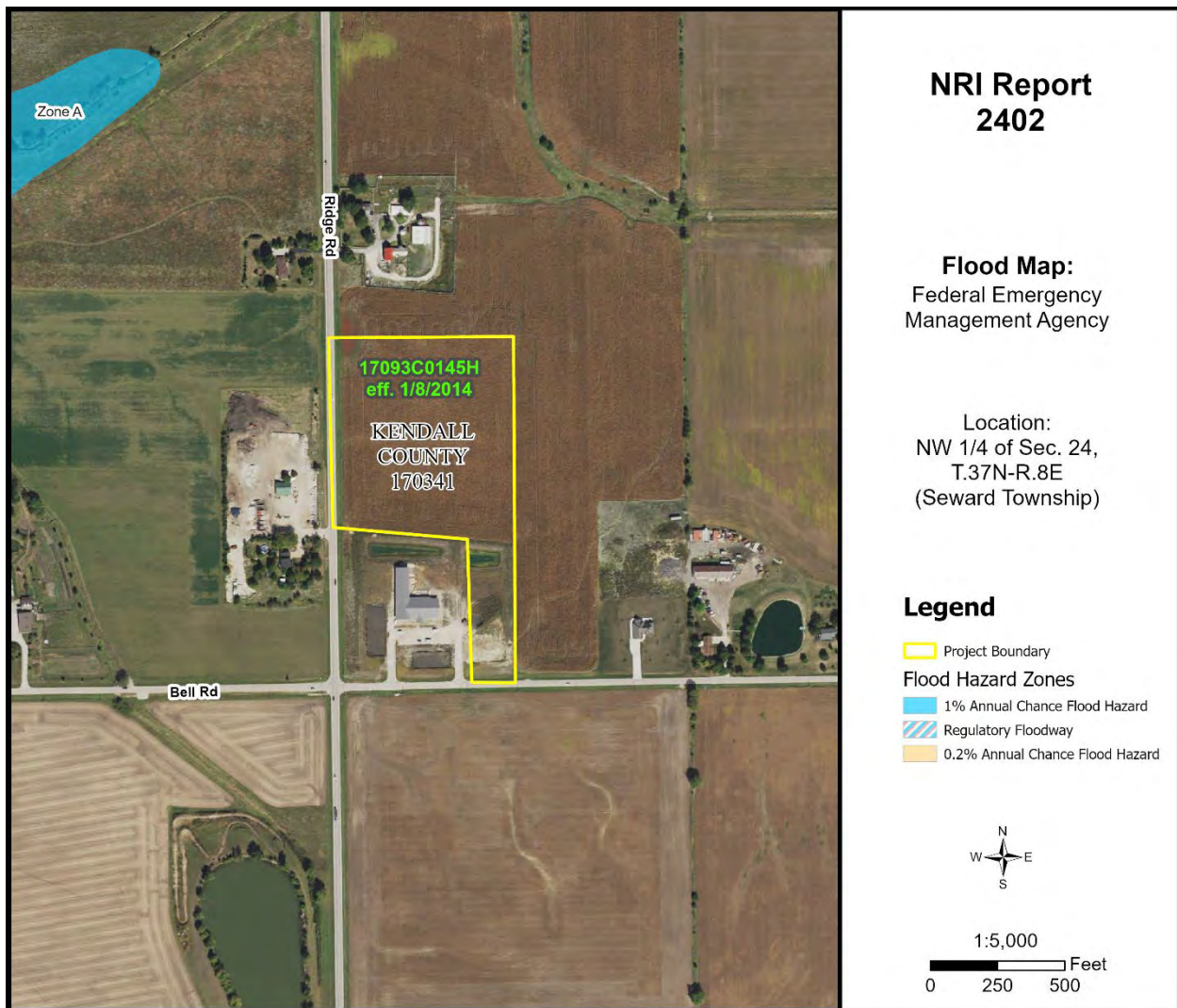


Figure 8: Flood Map

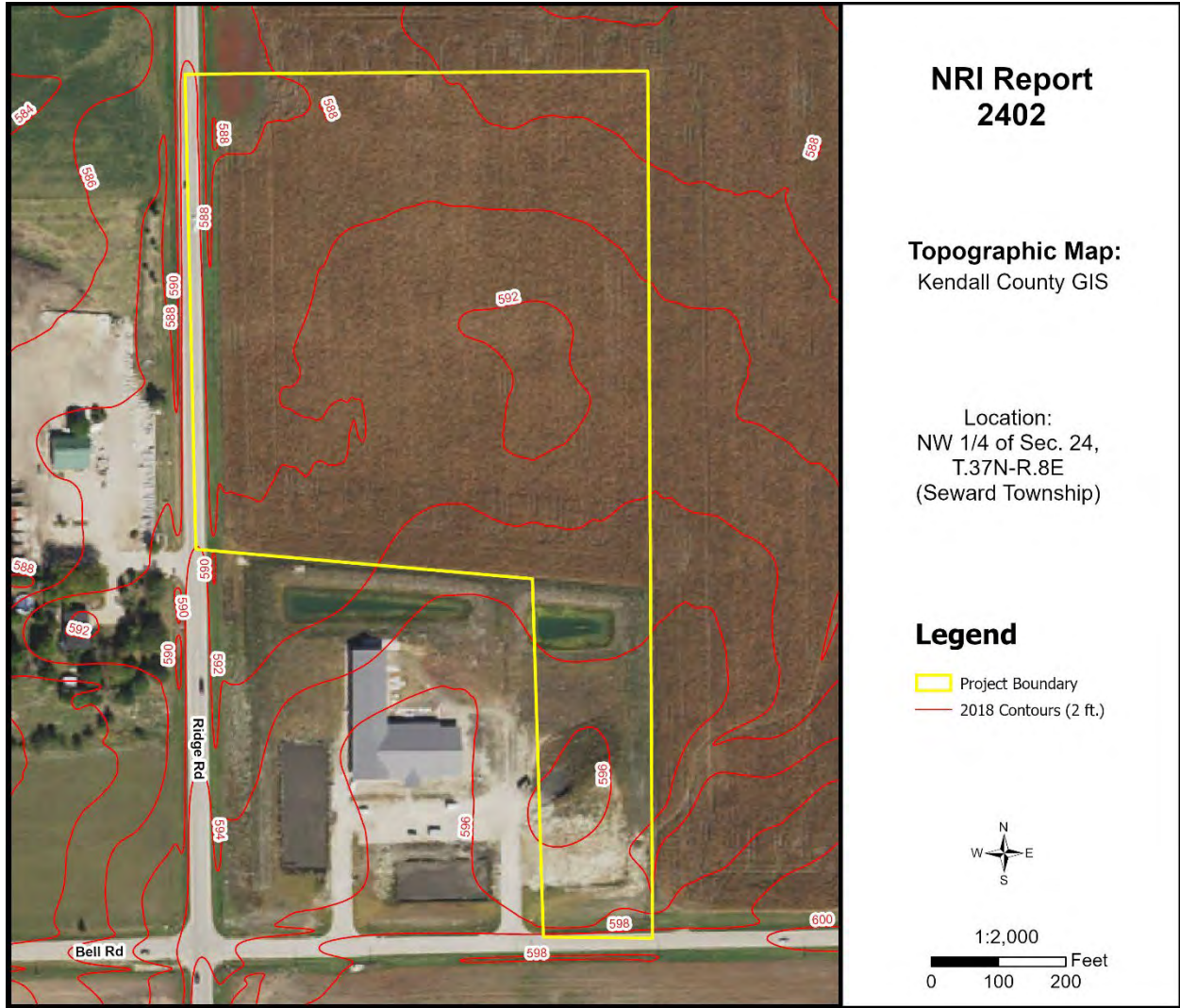


Figure 9: Topographic Map

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## **WATERSHED PLANS**

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### **WATERSHED AND SUB WATERSHED 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 pollutants 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 the implications of their activities, implementing practices recommended in watershed plans, and educating others about their watershed.

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

**This parcel is located within the Upper Illinois River watershed and the Town of Seward - Aux Sable Creek sub watershed (HUC 12 – 071200050104). The Town of Seward - Aux Sable Creek sub watershed comprises 19,574 acres of Kendall County.**

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## **WETLAND INFORMATION**

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### **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 National Wetlands Inventory, which is the most comprehensive inventory to date. The National 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 National 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."*

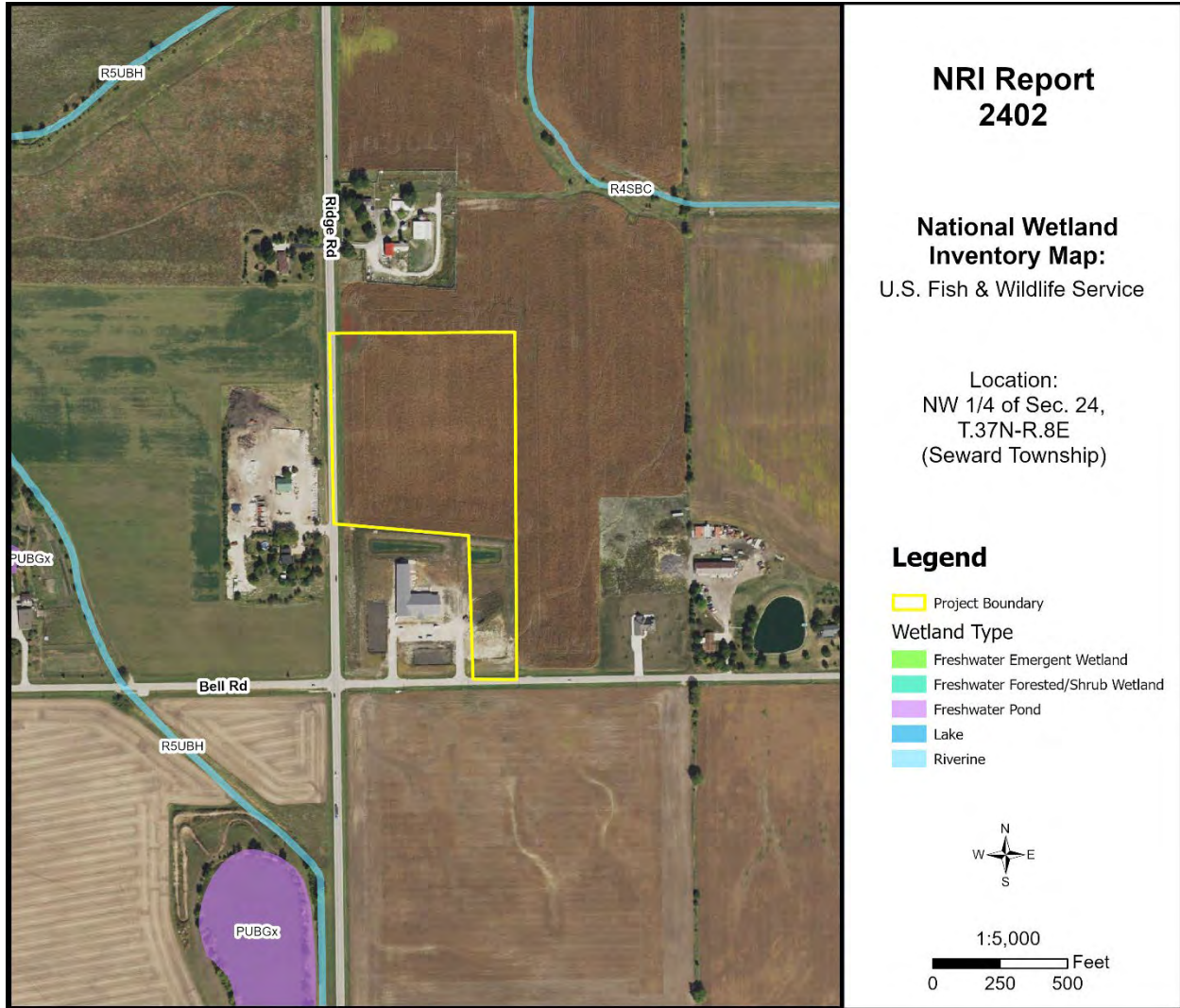


Figure 10: Wetland Map

Office maps indicate that mapped wetlands/waters are not present on the parcel in question (PIQ). To determine the presence of wetlands, 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.

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## **HYDRIC SOILS**

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Soils information gives another indication of flooding potential. The soils map on the following 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 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 the areas that drained through the tile (ranging from less than one acre to many square miles.)

For an intense land use, 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 10:** Hydric Soils

<b>Soil Types</b>	<b>Drainage Class</b>	<b>Hydric Designation</b>	<b>Hydric Inclusions Likely</b>	<b>Hydric Rating %</b>	<b>Acres</b>	<b>% Area</b>
91A	Somewhat Poorly Drained	Non-Hydric	Yes	2%	8.4	65.7%
235A	Poorly Drained	Hydric	N/A	97%	4.4	34.3%

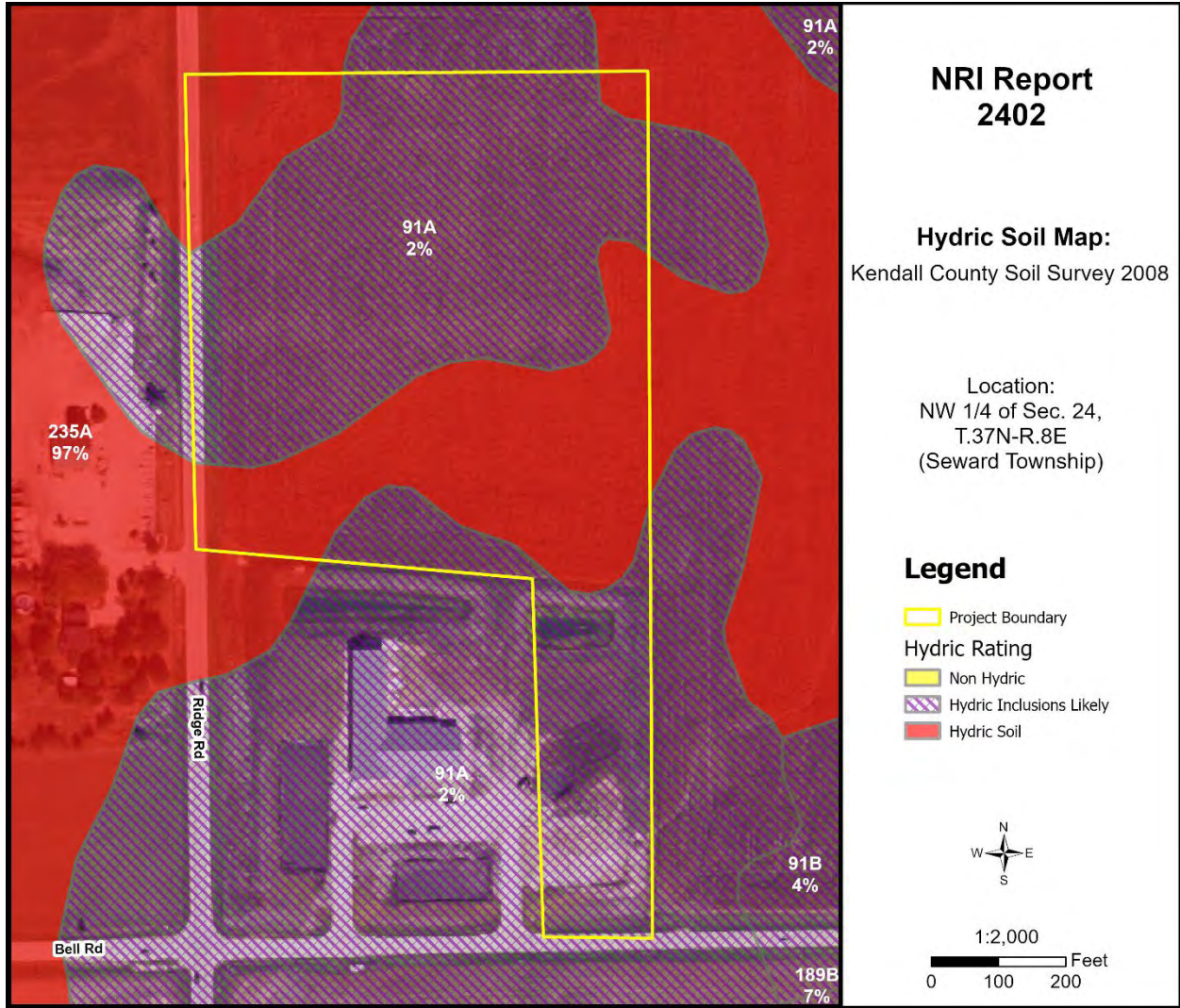


Figure 11: Hydric Soil Map



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## **WETLAND AND FLOODPLAIN REGULATIONS**

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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 floodway 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, floodplain or floodway subject to State or Federal regulatory jurisdiction should apply for agency approvals.

### **REGULATORY AGENCIES**

- **Wetland or U.S. Waters:** U.S. Army Corps of Engineers, Chicago District, 231 South LaSalle Street, Suite 1500, Chicago, IL 60604. Phone: (312) 846-5530
- **Floodplains:** Illinois Department of Natural Resources - Office of Water Resources, One Natural Resources Way, Springfield, IL 62702-1270. Phone: (217) 782-6302
- **Water Quality/Erosion Control:** Illinois Environmental Protection Agency, 1021 North Grand Avenue East, P.O. Box 19276, Springfield, IL 62794-9276. Phone: (217) 782-3397

### **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 Waters 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 Harbors Appropriation Act of 1899 or Section 404 of the Clean Water Act are subject to fines ranging up to \$16,000 per day of violation, with a maximum cap of \$187,500 in any single enforcement action, as well as criminal enforcement.**

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## **GLOSSARY**

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**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.

**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 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 pink or 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 uses 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.

**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 (USDA Natural Resources Conservation 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.

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

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

Present:

Matt Asselmeier – PBZ Department  
Meagan Briganti – GIS Department  
David Guritz – Forest Preserve (Arrived at 9:08 a.m.)  
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  
Seth Wormley – PBZ Committee Chair

Absent:

Greg Chismark – WBK Engineering, LLC

Audience:

Mike Cook, Tim O'Brien, Steve Gengler, and Isabelle Bohanek

**PETITIONS**

**Petitions 24-01 and 24-02 Deb Chow on Behalf of Jade Restorations, Inc.**

Mr. Asselmeier summarized the request.

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

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.

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 application materials, aerial showing the proposed changes, topographic survey, plat showing the proposed rezoning, the proposed site plan, Ordinance 2020-01, and Ordinance 2023-05 were provided.

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.

The property is located at 949 Bell Road, Minooka.

The property is approximately twenty (20) acres in total with approximately eight point five (8.5) acres in the original special use area and approximately six point three (6.3) acres in the proposed special use area.

The property is currently used as a kennel, veterinary, and agricultural.

The property is zoned A-1 with a special use permit.

The County's future land use map calls for the property to be Commercial. The Village of Shorewood's future land use map calls for the property to be Community Commercial.

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

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

There are no floodplains or wetlands on the property.

The kennel is located beyond the required setback to neighboring properties as defined in the Zoning Ordinance.

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

The adjacent properties are zoned A-1 and A-1 SU.

The County's future land use map calls for the area to be Commercial. The Village of Shorewood's future land use map calls for the area to be a mix of single- and multi-family residential.

Properties within one half (1/2) mile are zoned A-1, A-1 SU, and R-1.

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.

EcoCat submitted on December 13, 2022, and consultation was terminated.

A NRI application was submitted as part of the map amendment request. A NRI was prepared for the original special use permit. The LESA Score was 207 indicating a medium level of protection. NRI information was provided.

Seward Township was emailed information on January 26, 2024. The Seward Township Planning Commission met on February 5, 2024, and recommended approval of the proposal by a vote of three (3) in favor and zero (0) in opposition, with two (2) members absent.

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

The Village of Shorewood was emailed information on January 26, 2024. The Village of Shorewood submitted an email indicating they would like to annex the property when it becomes contiguous and wanted a restriction preventing uses not allowed in their B-3 Zoning District from occurring at the property.

The proposed findings of fact for the special use permit amendment were as follows:

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

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

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.

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

The topographic survey 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.

The property fronts Bell Road and Ridge Road.

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

Lighting will be determined by specific uses of the site.

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 will be determined when the site is developed.

Noise control will be determined when the site is developed.

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

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.

The proposed findings of fact for the map amendment were as follows:

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.

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

Staff recommended 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. 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 existing 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.

Mr. Guritz arrived at this time (9:08 a.m.).

Mike Cook, Engineer for the Petitioner, provided a history of the development of the property. He explained why the driveway was not included in the 2023 amendment. He discussed the access issued by the Highway Department located approximately one quarter (1/4) of a mile north of Bell Road on Ridge Road. He stated that map amendment was occurring to get the property's zoning inline with the County's plans.

Mr. Klaas explained the access variance on Ridge Road. He asked if the Petitioner would oppose placing the access immediately north of the Petitioner's property. Mr. Cook said that two (2) owners were involved in the area; he would like to get planning approved. Mr. Cook was agreeable to working with the Highway Department on access from Ridge Road.

Mr. Klaas asked if the driveway from the kennel/veterinary property would provide access to the northern portion of the property. Mr. Cook responded yes. There would not be additional access from Bell Road.

Mr. Asselmeier stated WBK Engineering submitted a letter dated January 30, 2024, stating that they had no objections to the proposal. This email was provided. The proposed driveway was accounted for in the original special use permit in 2020.

Chairman Wormley asked if the Petitioner was concerned about the proposed annexation agreement. Mr. Cook said that the Petitioner needed to review a specific proposal. The Petitioner would like to remain in the unincorporated area because Shorewood did not have any services near the subject property.

Mr. Holdiman made a motion, seconded by Mr. Klaas, to recommend approval of the proposed special use permit amendment with the conditions proposed by Staff and the proposed map amendment.

The votes were follows:

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

The motion passed.

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

**PUBLIC COMMENT**

None

**ADJOURNMENT**

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

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

The ZPAC, at 9:28 a.m., adjourned.

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

Enc.



January 30, 2024

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

Subject: Fur-Ever Friends, Bell & Ridge Roads (WBK Project No. 19-102L)

Dear Mr. Asselmeier:

WBK Engineering, LLC has reviewed the submitted documents for the subject project. We received the following information:

- Major Amendment Exhibit prepared by Cook Engineering dated January 18, 2024 and received January 23, 2024.

We find that stormwater management provisions have been constructed for the extension of asphalt pavement as depicted on the document submitted and have no objection to the approval of this amendment of construction of the proposed asphalt pavement.

The applicant's design professionals are responsible for performing and checking all design computations, dimensions, details, and specifications in accordance with all applicable codes and regulations, and obtaining all permits necessary to complete this work. In no way does this review relieve applicant's design professionals of their duties to comply with the law and any applicable codes and regulations, nor does it relieve the Contractors in any way from their sole responsibility for the quality and workmanship of the work and for strict compliance with the permitted plans and specifications.

Please contact us at 630-443-7755 if you have any questions regarding this review.

Sincerely,



WBK Engineering, LLC

**Matt Asselmeier**

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**From:** Engel\_Natalie <nengel@shorewoodil.gov>  
**Sent:** Tuesday, February 6, 2024 8:16 AM  
**To:** Matt Asselmeier  
**Cc:** Seth Wormley; Christina Burns  
**Subject:** RE: [External]RE: Trail Question

Hi Matt,

I was planning to attend but something came up.

I'm going to send Isabelle Bohanek from our office to listen and take notes. She's wonderful but not a planner so she will really just be learning more about the proposal.

I haven't had an opportunity to discuss the proposal with our board but don't expect there to be much concern. We would like them to annex upon contiguity and would prefer that they don't do any uses that wouldn't be allowed in our B-3 district. I can get you something formal once I know more.

Natalie

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**From:** Matt Asselmeier <masselmeier@kendallcountyil.gov>  
**Sent:** Monday, February 5, 2024 3:30 PM  
**To:** Engel\_Natalie <nengel@shorewoodil.gov>  
**Cc:** Seth Wormley <swormley@kendallcountyil.gov>; Christina Burns <cburns@kendallcountyil.gov>  
**Subject:** RE: [External]RE: Trail Question

**CAUTION:** This email originated from outside of the organization. Do not click on links or open attachments unless you recognize the sender, can confirm their contact information, were expecting the communication, and know the content is safe.

Natalie:

Is Shorewood planning to send someone to the February 6<sup>th</sup> Kendall County ZPAC meeting?

Thanks,

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

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**From:** Engel\_Natalie <nengel@shorewoodil.gov>  
**Sent:** Wednesday, January 24, 2024 11:23 AM

**Matt Asselmeier**

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**From:** Engel\_Natalie <nengel@shorewoodil.gov>  
**Sent:** Wednesday, February 28, 2024 11:05 AM  
**To:** Matt Asselmeier  
**Cc:** Christina Burns; Seth Wormley  
**Subject:** RE: [External]RE: Trail Question

Hi Matt,

We have not negotiated an annexation agreement and are not planning to push the issue.

We have been chatting with Deb Chow about her plans. The one that concerns us is auto & truck repair. Is that a permitted use or would it need a public hearing?

Sorry for the delay in getting back to you. We've been without a planner for a couple of weeks and I've fallen behind.

Natalie

---

**From:** Matt Asselmeier <masselmeier@kendallcountyil.gov>  
**Sent:** Wednesday, February 28, 2024 11:02 AM  
**To:** Engel\_Natalie <nengel@shorewoodil.gov>  
**Cc:** Christina Burns <cburns@kendallcountyil.gov>; Seth Wormley <swormley@kendallcountyil.gov>  
**Subject:** RE: [External]RE: Trail Question

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Natalie:

Was an annexation agreement negotiated between this Petitioner and the Village of Shorewood?

Seward Township has said that they will not object to the map amendment.

Does Shorewood have any objections if the County advances these proposals to the County Board in March, pending the outcomes of tonight's Planning Commission meeting and Monday's Zoning Board of Appeals hearing?

Thanks,

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Attachment 8, Page 1  
**KENDALL COUNTY**  
**REGIONAL PLANNING COMMISSION**

*Kendall County Office Building*  
*Rooms 209 and 210*  
*111 W. Fox Street, Yorkville, Illinois*

**Unapproved - Meeting Minutes of February 28, 2024 - 7:00 p.m.**

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

**ROLL CALL**

**Members Present:** Bill Ashton, Eric Bernacki, Dave Hamman, Karin McCarthy-Lange, Larry Nelson, Ruben Rodriguez, Bob Stewart, Claire Wilson, and Seth Wormley

**Members Absent:** Tom Casey

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

**Others Present:** Dan Kramer, Tyler Arbeen, Gerald Johnson, Mike Cook, and Deb Chow

**PETITIONS**

**Petitions 24-01 and 24-02 Deb Chow on Behalf of Jade Restorations, Inc.**

Mr. Asselmeier summarized the requests.

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. 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 area proposed for rezoning is described as Parcel 2 on the zoning plat.

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 application materials, aerial showing the proposed changes, topographic survey, plat showing the proposed rezoning, the proposed site plan, Ordinance 2020-01, and Ordinance 2023-05 were provided.

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.

The property is located at 949 Bell Road, Minooka.

The property is approximately twenty (20) acres in total with approximately eight point five (8.5) acres in the original special use area and approximately six point three (6.3) acres in the proposed special use area.

The property is currently used as a kennel, veterinary, and agricultural.

The property is zoned A-1 with a special use permit.

The County's future land use map calls for the property to be Commercial. The Village of Shorewood's future land use map calls for the property to be Community Commercial.

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

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

There are no floodplains or wetlands on the property.

The kennel is located beyond the required setback to neighboring properties as defined in the Zoning Ordinance.

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

The adjacent properties are zoned A-1 and A-1 SU.

The County's future land use map calls for the area to be Commercial. The Village of Shorewood's future land use map calls for the area to be a mix of single- and multi-family residential.

Properties within one half (1/2) mile are zoned A-1, A-1 SU, and R-1.

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.

EcoCat submitted on December 13, 2022, and consultation was terminated.

A NRI application was submitted as part of the map amendment request. A NRI was prepared for the original special use permit. The LESA Score was 207 indicating a medium level of protection. NRI information was provided. A revised NRI was prepared for the proposed map amendment request showing a LESA Score of 180 indicating a low level of protection. This report was provided.

Seward Township was emailed information on January 26, 2024. The Seward Township Planning Commission met on February 5, 2024, and recommended approval of the proposal by a vote of three (3) in favor and zero (0) in opposition, with two (2) members absent. The Seward Township Board recommended approval of the proposals.

The Minooka Fire Protection District was emailed information on January 26, 2024. No comments were received.

The Village of Shorewood was emailed information on January 26, 2024. The Village of Shorewood submitted an email indicating they would like to annex the property when it becomes contiguous and wanted a restriction preventing uses not allowed in their B-3 Zoning District from occurring at the property. This email was included with the minutes from the ZPAC meeting. The Village of Shorewood submitted a second email on February 28, 2024, stating they would not objection to the map amendment and no annexation agreement had been negotiated, but they were concerned about auto and truck repair businesses operating on the B-3 zoned portion of the property.

ZPAC reviewed the proposal at their meeting on February 6, 2024. ZPAC reviewed this proposal at their meeting on February 6, 2024. The Petitioner's Engineer was agreeable to working the Highway Department regarding access from Ridge Road for the northern portion of the property. No additional points of access would come from Bell Road. The Petitioner's Engineer wanted to evaluate Shorewood's request for an annexation agreement. A letter was placed into the record from WBK Engineering noting no objections to the proposed driveway extension in the special use permit amendment application. ZPAC recommended approval of the proposal by a vote of nine (9) in favor and zero (0) in opposition, with one (1) member absent. The minutes of this meeting were provided.

The proposed findings of fact for the special use permit amendment were as follows:

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

Staff recommended 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. 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 existing 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.

Regarding the proposed map amendment, no specific type of business was listed as a proposed use of the site.

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.

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

The topographic survey 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.

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

Lighting will be determined by specific uses of the site.

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 will be determined when the site is developed.

Noise control will be determined when the site is developed.

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

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.

The proposed findings of fact for the map amendment were as follows:

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.

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

Mike Cook, Engineer for the Petitioner, explained the history of the site and explained the need for the driveway connection. He noted that the County granted access from Ridge Road approximately one quarter (1/4) of a mile north of Bell Road. He discussed the potential of annexation with Shorewood; he noted that Shorewood had no services available to the subject property. No end user had been identified for the portion of the property proposed for rezoning. The rezoning was intended to tie into the widening of Ridge Road.

Mr. Cook explained the description of the wet bottom detention ponds. The ponds may need to be examined depending on future uses on the portion proposed for rezoning.

Mr. Asselmeier noted that Shorewood reviewed Kendall County's zoning regulations and had concerns about a truck and auto repair facility going onto the property. Motor vehicle service and repair are permitted uses in the B-3 District.

Mr. Cook noted that the map amendment request was consistent with the County's plan.

Member Nelson made a motion, seconded by Member Wormley, to recommend approval of the major amendment to an existing special use permit and approval of the map amendment.

The votes were as follows:

Ayes (9): Ashton, Bernacki, Hamman, McCarthy-Lange, Rodriguez, Nelson, Stewart, Wilson, and Wormley

Nays (0): None

Absent (1): Casey

Abstain (0): None

The proposals go to the Kendall County Zoning Board of Appeals on March 4, 2024.

**CITIZENS TO BE HEARD/PUBLIC COMMENT**

None

**OTHER BUSINESS/ANNOUNCEMENTS**

Mr. Asselmeier reported there were no Petitions for the March meeting.

**ADJOURNMENT**

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



The Kendall County Regional Planning Commission meeting adjourned at 7:45 p.m.

Respectfully submitted by,  
Matthew H. Asselmeier, Director

Encs.

**KENDALL COUNTY  
REGIONAL PLANNING COMMISSION  
FEBRUARY 28, 2024**

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

NAME	ADDRESS (OPTIONAL)	EMAIL ADDRESS (OPTIONAL)
Don Kim	File 23-35, rd 	
Geoff Jensen		
		
MIKE COOK	24-01 & 24-02 949 BELL RD	

**Matt Asselmeier**

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**From:** Engel\_Natalie <nengel@shorewoodil.gov>  
**Sent:** Wednesday, February 28, 2024 11:05 AM  
**To:** Matt Asselmeier  
**Cc:** Christina Burns; Seth Wormley  
**Subject:** RE: [External]RE: Trail Question

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