

ORDINANCE NUMBER 2022-09

GRANTING A MAJOR AMENDMENT TO AN EXISTING SPECIAL USE PERMIT FOR A KENNEL GRANTED BY ORDINANCE 2019-33 BY CHANGING THE SITE PLAN AT 3601 PLAINFIELD ROAD AND IDENTIFIED BY PARCEL IDENTIFICATION NUMBER 03-28-100-004 IN OSWEGO TOWNSHIP

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

WHEREAS, Section 7.01.D.29 of the Kendall County Zoning Ordinance permits the operation of kennels as a special use with certain restrictions in the A-1 Agricultural Zoning District; and

WHEREAS, the property which is the subject of this Ordinance has been, at all relevant times, and remains currently located within the A-1 Agricultural Zoning District and consists of approximately 5.0 acres located at 3601 Plainfield Road (PIN: 03-28-100-004) in Oswego Township. The legal description for the subject property is set forth in Exhibit A attached hereto and incorporated by reference, and this property shall hereinafter be referred to as “the subject property.”; and

WHEREAS, on November 19, 2019, the Kendall County Board approved Ordinance 2019-33 which granted a special use permit for a kennel with conditions and applicable variances at the subject property; and

WHEREAS, conditions 2.A and 2.E of Ordinance 2019-33 required the subject property be developed substantially in accordance with an attached site plan; and

WHEREAS, the subject property is currently owned by John and Laura Gay and shall hereinafter be referred to as “Petitioner”; and

WHEREAS, on or about December 21, 2021, Petitioner’s representative filed a petition for a major amendment to an existing special use permit by deleting the site plan attached to Ordinance 2019-33 and replacing the site plan with a new, proposed site plan; and

WHEREAS, following due and proper notice by publication in the Kendall County Record on January 6, 2022, the Kendall County Zoning Board of Appeals initiated a public hearing on January 31, 2022, at 7:00 p.m., in the County Office Building at 111 W. Fox Street in Yorkville, and continued the public hearing to February 28, 2022, at 7:00 p.m., at the same location, at which the Petitioner’s attorney presented evidence, testimony, and exhibits in support of the requested major amendment to an existing special use permit and zero members of the public testified in favor or in opposition to the request; and

WHEREAS, based on the evidence, testimony, and exhibits, the Kendall County Zoning Board of Appeals has made their Findings of Fact and recommended approval of the major amendment to an existing special use permit with conditions as set forth in the Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals, dated February 28, 2022, a true and correct copy of which is attached hereto as Exhibit B; and

WHEREAS, the Kendall County Planning, Building and Zoning Committee of the Kendall County Board has reviewed the testimony presented at the aforementioned public hearing and has considered the Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals, and has forwarded to the Kendall

County Board a recommendation of approval of the requested major amendment to an existing special use permit with conditions; and

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

WHEREAS, this special use permit shall be treated as a covenant running with the land and is binding on the successors, heirs, and assigns as to the same special use conducted on the property; and

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

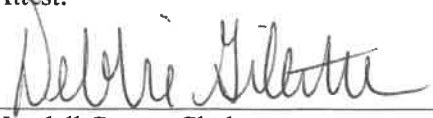
1. The Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals attached hereto as Exhibit B is hereby accepted and the Findings of Fact set forth therein are hereby adopted as the Findings of Fact and Conclusions of this Kendall County Board.
2. The Kendall County Board hereby grants approval of Petitioner's petition for a major amendment to an existing special use permit allowing the operation of a kennel on the subject property subject to the following conditions:
 - A. The site plan, security plan, landscaping plan, and lighting plan referenced as Exhibit C in Ordinance 2019-33 is replaced with the site plan attached hereto as Exhibit C, elevations attached hereto as Exhibit D, and landscaping plan attached hereto Exhibit E.
 - B. The vegetation and berm outlined in the landscaping plan attached hereto as Exhibit E shall be installed in the quantities outlined and described in the landscaping plan and shall be installed by June 1, 2022. The Planning, Building and Zoning Committee may extend this deadline upon the request of the property owner. Damaged or dead vegetation shall be replaced on a timeframe approved by the Planning, Building and Zoning Department.
 - C. The remaining conditions and restrictions contained in Ordinance 2019-33 shall remain effective.
 - D. Failure to comply with one or more of the above conditions or restrictions or the conditions and restrictions contained in Ordinance 2019-33 could result in the amendment or revocation of the special use permit.
 - E. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
3. This special use permit and major amendment to an existing special use permit shall be treated as a covenant running with the land and is binding on the successors, heirs, and assigns as to the same special use conducted on the property.
4. The Zoning Administrator and other appropriate County Officials are hereby authorized and directed to amend the Official Zoning Map of Kendall County to reflect this special use permit.

IN WITNESS OF, this ordinance has been enacted by a majority vote of the Kendall County Board and is effective this 15th day of March, 2022.


State of Illinois
County of Kendall

Zoning Petition
#22-04

Attest:



Kendall County Clerk
Debbie Gillette



Kendall County Board Chairman
Scott R. Gryder



Exhibit A

LEGAL DESCRIPTION

THAT PART OF THE NORTH HALF OF THE NORTH HALF OF SECTION 28, TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF THE NORTH HALF OF THE NORTH HALF OF SAID SECTION 28, THENCE EASTERLY ALONG THE SOUTH LINE OF SAID NORTH HALF OF THE NORTH HALF OF SAID SECTION 28, 1902.46 FEET TO A POINT IN THE EASTERLY RIGHT OF WAY OF PLAINFIELD ROAD FOR A POINT OF BEGINNING; THENCE NORTHWESTERLY ALONG THE EASTERLY RIGHT OF WAY LINE OF PLAINFIELD ROAD WHICH FORMS AN ANGLE OF 129 DEGREES 35 MINUTES 20 SECONDS TO THE LEFT FROM A PROLONGATION OF THE LAST DESCRIBED LINE, 354.51 FEET TO A POINT IN THE CENTER LINE OF MORGAN CREEK; THENCE NORTHEASTERLY ALONG SAID CENTER LINE OF MORGAN CREEK WHICH FORMS AN ANGLE OF 71 DEGREES 58 MINUTES 30 SECONDS WITH THE LAST DESCRIBED LINE, MEASURED FROM SOUTHEAST TO NORTHEAST, 131.19 FEET TO A POINT OF CURVATURE; THENCE SOUTHEASTERLY ALONG SAID CENTER LINE OF MORGAN CREEK BEING A CURVE TO THE RIGHT HAVING A RADIUS OF 150.00 FEET FOR AN ARC DISTANCE OF 100.42 FEET TO A POINT OF TANGENCY; THENCE SOUTHEASTERLY ALONG SAID CENTER LINE OF MORGAN CREEK, 933.39 FEET TO A POINT OF CURVATURE ; THENCE EASTERLY ALONG SAID CENTER LINE OF MORGAN CREEK BEING A CURVE TO THE LEFT HAVING A RADIUS OF 753.23 FEET FOR AN ARC DISTANCE OF 149.51 FEET TO A POINT OF TANGENCY; THENCE EASTERLY ALONG SAID CENTER LINE OF MORGAN CREEK 73.03 FEET; THENCE SOUTHERLY ALONG A LINE WHICH FORMS AN ANGLE OF 95 DEGREES 25 MINUTES 11 SECONDS MEASURED FROM WEST TO SOUTH WITH THE LAST DESCRIBED LINE, 20.00 FEET TO A POINT IN SAID SOUTH LINE OF THE NORTH HALF OF THE NORTH HALF OF SECTION 28, THENCE WESTERLY ALONG THE SAID SOUTH LINE OF THE NORTH HALF OF THE NORTH HALF OF SECTION 28, 1107.30 FEET TO THE POINT OF BEGINNING, ALL IN THE TOWNSHIP OF OSWEGO, KENDALL COUNTY, ILLINOIS.

Exhibit B

The Kendall County Zoning Board of Appeals approved the following Findings of Fact and Recommendation at their meeting on February 28, 2022, by a vote of five (5) in favor and zero (0) in opposition. Members Thompson and Whitfield were absent.

FINDINGS OF FACT-MAJOR AMENDMENT TO SPECIAL USE PERMIT

*That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. **Provided the Oswego Fire Protection District approves the new turnaround area and the Kendall County Highway Department approves the new access point, the operation of the special use will not be detrimental to the public health, safety, morals, comfort, or general welfare. The immediately adjacent properties are also zoned A-1. There are no existing structures on adjacent properties within one hundred feet (100') of the property line. Taking into account the residential properties to the west and southwest of the property, the proposed kennel location will be situated on the east end of the property, thereby well-exceeding the two hundred fifty foot (250') setback requirement from any residential district set forth in the Zoning Ordinance. In addition, the Petitioners have a waste management plan and have considered the impact of noise on surrounding properties. A six foot (6') tall fencing is planned around the outdoor play area. The Petitioners intend to follow the Kendall County Zoning Ordinance as it relates to having all pets inside by dusk.***

*That the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The Zoning classification of property within the general area of the property in question shall be considered in determining consistency with this standard. The proposed use shall make adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open space and other improvements necessary to insure that the proposed use does not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a whole. **As noted in the previous finding, the proposed special use will be setback further than the required setback for residentially zoned properties. The Petitioners plan to install a fence and appropriate lighting. The Petitioners agreed to have animals indoors by sunset. The proposed of hours of operation will also prevent injury to neighboring land uses.***

*That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. **This is true. An existing curb cut is already located off of Plainfield Road at the subject property. The Petitioners will have to secure applicable permits related stormwater, drainage, well, septic systems, and the new driveway access.***

*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. **Kendall County previously granted a variance regarding distance to non-residentially zoned or use properties through Ordinance 2019-33 at this property. No variances are necessary for the proposed amendment and the special use would otherwise conform to the applicable regulations of the district.***

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

RECOMMENDATION

Approval subject to the following conditions and restrictions:

1. The site plan, security plan, landscaping plan, and lighting plan referenced as Exhibit C in Ordinance 2019-33 is replaced with the submitted site plan, elevations, and landscaping plan.
2. The vegetation and berm outlined in the landscaping plan shall be installed in the quantities outlined and described in the landscaping plan and shall be installed by June 1, 2022. The Planning, Building and Zoning Committee may extend this deadline upon the request of the property owner. Damaged or dead vegetation shall be replaced on a timeframe approved by the Planning, Building and Zoning Department.
3. The remaining conditions and restrictions contained in Ordinance 2019-33 shall remain effective.
4. Failure to comply with one or more of the above conditions or restrictions or the conditions and restrictions contained in Ordinance 2019-33 could result in the amendment or revocation of the special use permit.
5. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
6. This special use permit and major amendment to an existing special use permit shall be treated as a covenant running with the land and is binding on the successors, heirs, and assigns as to the same special use conducted on the property.

GENERAL NOTES

THE PETS HOME PET RESORT & SPA
3601 PLAINFIELD ROAD
OSWEGO, ILLINOIS 60543

Cell & Environmental Consultants, Inc.
1240 DDMT Road, Suite 200 - Naperville, IL 60563
630-963-0099 877-877-9028
www.cel.com



Table with 2 columns: NO, DATE

REVISION RECORD

REVISION RECORD

1. GENERAL NOTES

2. GENERAL NOTES

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6. GENERAL NOTES

7. GENERAL NOTES

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9. GENERAL NOTES

10. GENERAL NOTES

11. GENERAL NOTES

12. GENERAL NOTES

13. GENERAL NOTES

14. GENERAL NOTES

15. GENERAL NOTES



SITE DATA
 PIN: 03-28-10-04
 ADDRESS: HANFIELD ROAD
 OSWEGO, IL 60543
 GROSS AREA = 297,201 SF (4.73 ACRES)

FLOOD PLAIN NOTE
 THERE ARE NO PARTS OF THE SUBJECT PROPERTY THAT ARE IN THE FLOOD PLAIN PER FEMA FIRM PANEL: 170630008H EFFECTIVE DATE 7/19/2014.

REVISION RECORD

| NO. | DATE | DESCRIPTION |
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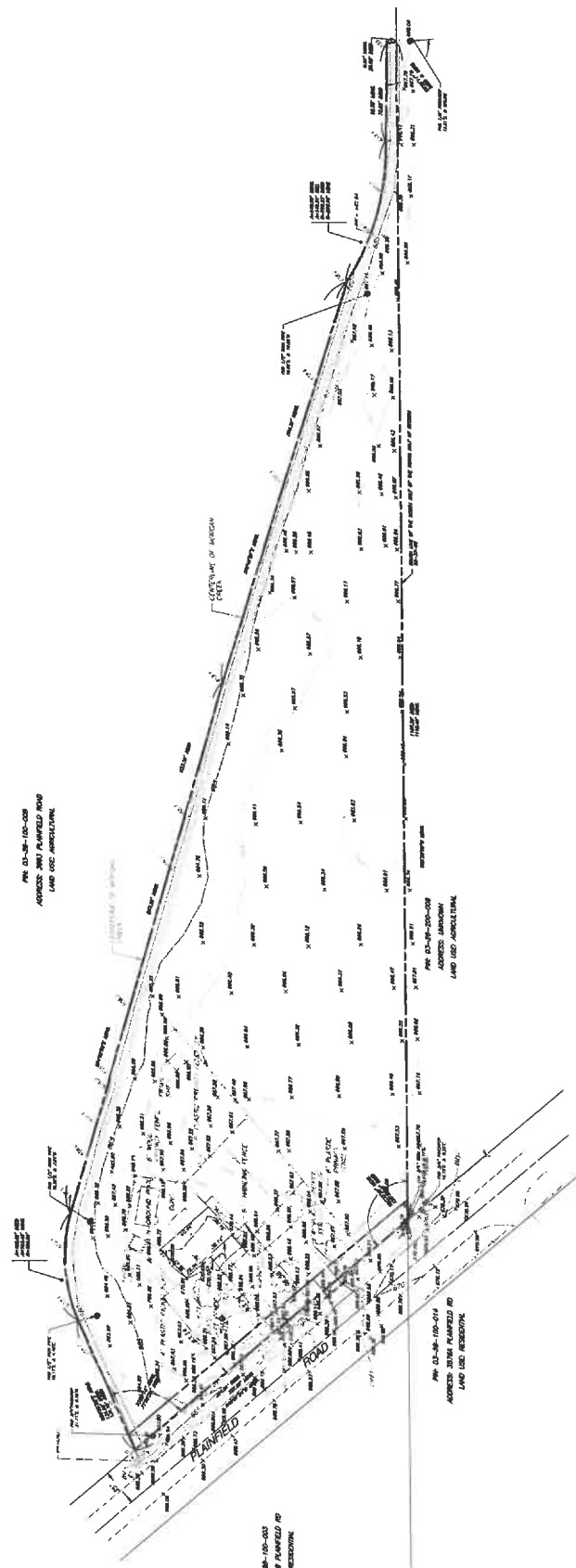
C&E
 Civil & Environmental Consultants, Inc.
 1250 East Main Road, Suite 200 - Naperville, IL 60563
 630-450-0000 • 630-450-0000

LUNBLAD CONSTRUCTION CO. OF JOLIET, INC
 THE PETS HOME PET RESORT & SPA
 3601 PLAINFIELD ROAD
 OSWEGO, ILLINOIS 60543

TOPOGRAPHIC EXHIBIT

| | |
|--------------|-----------------------|
| DATE: | 01/17/2022 (DRAWN BY) |
| DRAWN BY: | T. J. GIBSON |
| PROJECT NO.: | 170630008H |
| SCALE: | AS SHOWN |

C200
 SHEET 4 OF 10



- REFERENCE:**
1. ALL DATA FROM THIS TOPOGRAPHIC EXHIBIT IS BASED UPON THE DATA PROVIDED BY THE CLIENT AND THE INFORMATION OBTAINED FROM THE FIELD SURVEY.
 2. THE BOUNDARIES SHOWN HEREON ARE BASED UPON THE DATA PROVIDED BY THE CLIENT AND THE INFORMATION OBTAINED FROM THE FIELD SURVEY.
 3. UNDERGROUND UTILITY INFORMATION SHOWN HEREON IS BASED UPON FIELD OBSERVATIONS.



- MEASUREMENT PLAN NOTES:**
1. REFER TO THE ARCHITECTURAL PLANS FOR BUILDING/PORCH DIMENSIONS, PRIMARY FENCE DETAILS, ETC.)
 2. UNLESS OTHERWISE NOTED, ALL DIMENSIONS ARE TO FACE/RIGHT LINES.
 3. UNLESS OTHERWISE NOTED, ALL DIMENSIONS ARE TO FACE/RIGHT LINES.
 4. A PROPOSED WOOD TRASH ENCLOSURE HAS BEEN LOCATED ADJACENT TO THE BUILDING. SEE ARCHITECTURAL PLANS FOR DETAILS.

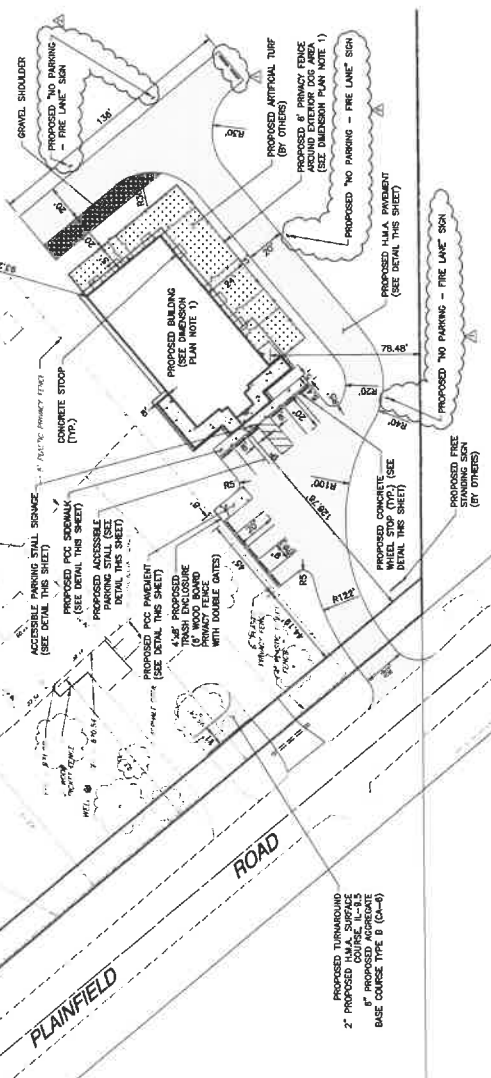
SITA DATA

| | |
|--|-------------------------|
| GRASS BOUNDARY | 207,901 S.F. (4.779 AC) |
| NET BOUNDARY | 202,778 S.F. (4.682 AC) |
| P.I.A. | 03-03-0000A |
| EXISTING OBVIOUS AREA | 10,709 S.F. 0.24% |
| EXISTING IMPERVIOUS AREA | 10,709 S.F. 0.24% |
| AGGREGATE IMPERVIOUS AREA | 31,944 S.F. |
| EXISTING + PROPOSED | 42,653 S.F. |
| DISTURBED AREA | 86,571 S.F. (1.97 AC) |
| PARKING SPACES | 10 SPACES |
| REGULAR SPACES | 10 SPACES |
| TOTAL SPACES | 10 SPACES |
| PARKING PROVIDED | 10 SPACES |
| REGULAR SPACES | 10 SPACES |
| TOTAL SPACES PROVIDED | 10 SPACES |
| EXTENSION FENCED IN DOGS AREA ADJACENT TO BUILDING | 3,226 S.F. |

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 City & Environmental Consultants, Inc.
 1230 East Dixon Road, Suite 200 - Naperville, IL 60563
 830-663-0025 • 877-943-0205
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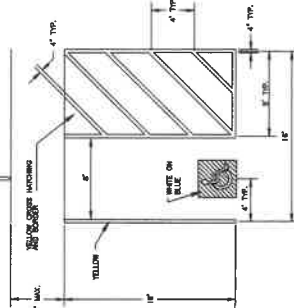
C400
 DIMENSION PLAN
 DATE: 01/17/2022
 DRAWN BY: M.J.
 CHECKED BY: T.L.D.
 PROJECT NO: 17-07-CR030-BV
 SHEET NO: 17-07-CR030-BV-01



| TOTAL OFF STREET PARKING SPACES REQUIRED PER # OF OFF STREET PARKING SPACES REQUIRED | REGUL. MIN. # OF SPACES REQUIRED |
|--|----------------------------------|
| 1 TO 20 | 1 |
| 21 TO 50 | 2 |
| 51 TO 75 | 3 |
| 76 TO 100 | 4 |
| 101 TO 150 | 5 |
| 151 TO 200 | 6 |
| 201 TO 300 | 7 |
| 301 TO 500 | 8 |
| 501 TO 1000 | 9 |
| OVER 1000 | 10 |

2% OF TOTAL NUMBER OF SPACES SHALL BE ACCESSIBLE UNLESS OTHERWISE NOTED.

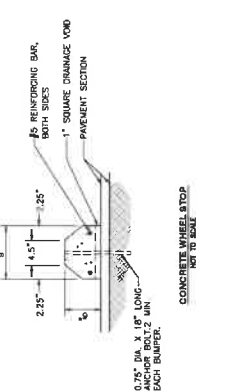
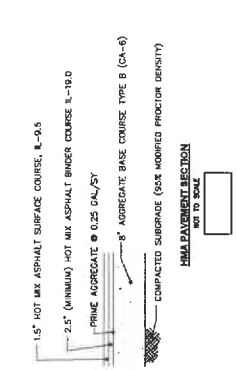
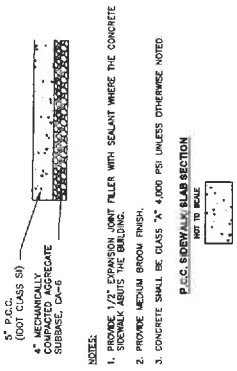
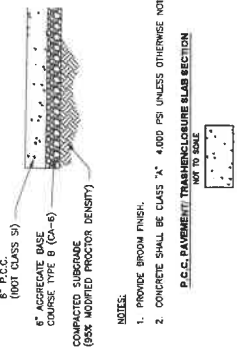
- MIN. FOR LANDSCAPING BARRIER STALLS:**
1. SIGNS SHALL BE VERTICALLY MOUNTED ON A POST ON A CONCRETE FOUNDATION. THE SIGN SHALL BE AT LEAST 18" HIGH FROM THE GROUND AND SET AT AN ANGLE OF 45 DEGREES FROM THE FACE OF A PARKING SPACE AND SET A MINIMUM OF FIVE (5) FEET FROM THE FINISHED GRADE TO THE BOTTOM OF THE SIGN.
 2. UNPAVED PARKING SPACES SHALL ALSO OBTAIN THE SIGNS.
 3. PARKING SPACES RESERVED FOR PERSONS WITH HANDICAPS AND ACCESSIBLE PASSENGER LOADING ZONES THAT SERVE A PARTICULAR BUSINESS SHALL BE OF THE SHORTEST POSSIBLE DIMENSIONS. SIGNAGE SHALL BE OF THE SHORTEST POSSIBLE DIMENSIONS. SIGNAGE SHALL BE OF THE SHORTEST POSSIBLE DIMENSIONS. SIGNAGE SHALL BE OF THE SHORTEST POSSIBLE DIMENSIONS. SIGNAGE SHALL BE OF THE SHORTEST POSSIBLE DIMENSIONS.
 4. IN EXISTING PARKING STRUCTURES OR LOTS THAT DO NOT SERVE A PARTICULAR BUSINESS, PARKING SPACES FOR PERSONS WITH HANDICAPS AND ACCESSIBLE PASSENGER LOADING ZONES SHALL BE OF THE SHORTEST POSSIBLE DIMENSIONS. SIGNAGE SHALL BE OF THE SHORTEST POSSIBLE DIMENSIONS.



ACCESSIBLE PARKING SPACE MARKINGS



- ACCESSIBLE PARKING STALL SIGNAGE**
- RESERVED PARKING
- 250 FINE
- ACCESSIBLE



- NOTES:**
1. PROVIDE BROOK FINISH.
 2. CONCRETE SHALL BE CLASS "X" 4,000 PSI UNLESS OTHERWISE NOTED.

- NOTES:**
1. PROVIDE 1/2" EXPANSION JOINT FILLER WITH SEALANT WHERE THE CONCRETE MEETS THE BUILDING.
 2. PROVIDE MEDIUM BROOK FINISH.
 3. CONCRETE SHALL BE CLASS "X" 4,000 PSI UNLESS OTHERWISE NOTED.

- NOTES:**
1. PROVIDE 1/2" EXPANSION JOINT FILLER WITH SEALANT WHERE THE CONCRETE MEETS THE BUILDING.
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 2. PROVIDE MEDIUM BROOK FINISH.
 3. CONCRETE SHALL BE CLASS "X" 4,000 PSI UNLESS OTHERWISE NOTED.

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A0.00

Exterior Rendering

Project No. 2153
Date: 12/13/2021
Issued for Permit

**NEW PET BOARDING FACILITY for:
THE PETS HOME PET RESORT and SPA
3601 PLAINFIELD, OSWEGO, ILLINOIS 60543**

gelyons@gregorye.com

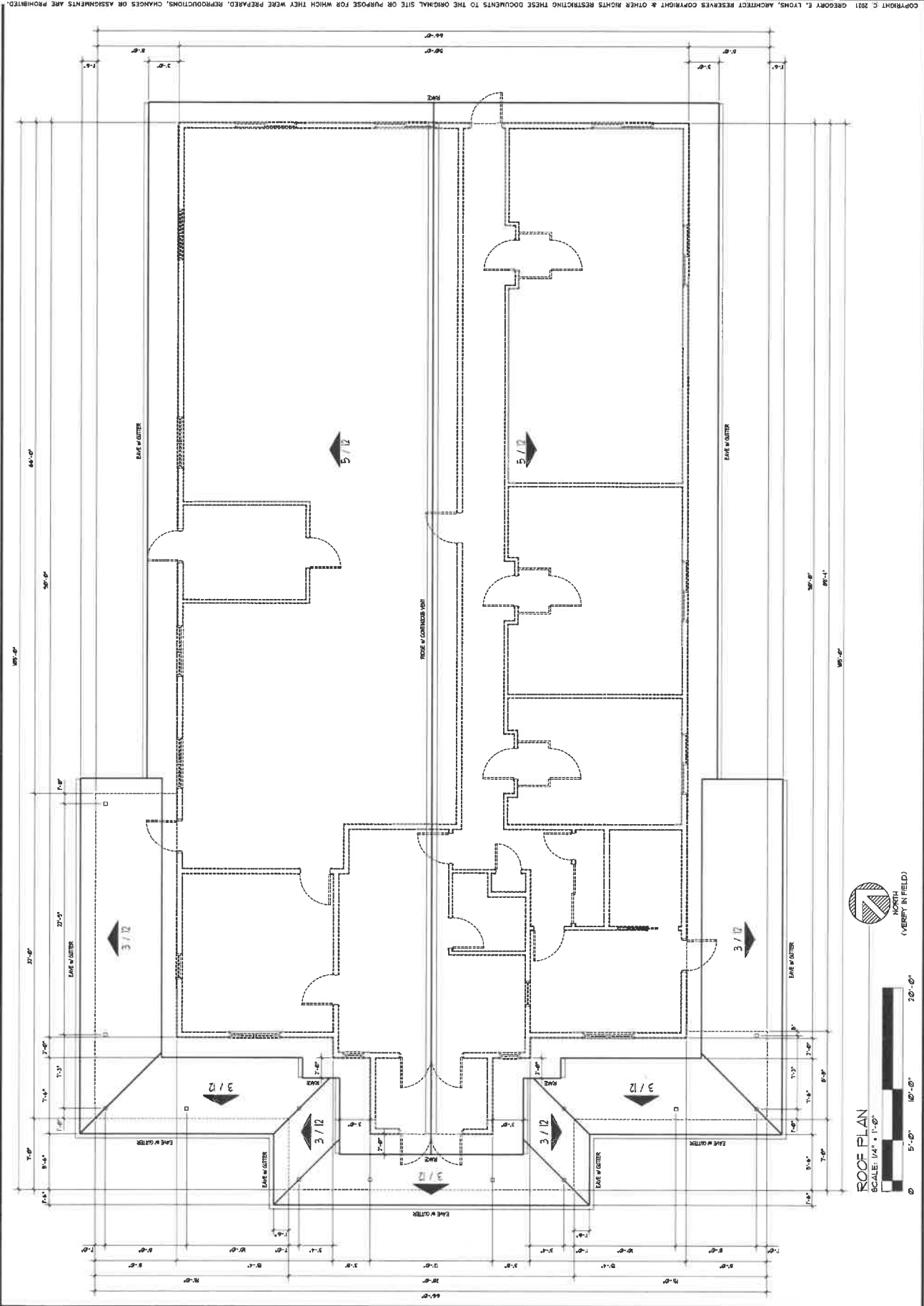
Gregory E. Lyons, Architect
1000 N. 1st St., Suite 100
Oswego, IL 60543
618-341-1224
618-341-0205
618-341-8888

REGOY & LYONS, ARCHITECT
 3601 PLAINFIELD, OSWEGO, ILLINOIS 60543
 TEL: 630-331-1278
 FAX: 630-331-1279
 WWW: WWW.REGOYANDLYONS.COM

NEW PET BOARDING FACILITY for:
THE PETS HOME PET RESORT and SPA
 3601 PLAINFIELD, OSWEGO, ILLINOIS 60543

Project no. 2151
 July 12/12/2021
 Issued for Permit

A1.02
 Roof Plan



| NO. | DATE | DESCRIPTION |
|-----|------|-----------------|
| 1 | | REVISION RECORD |

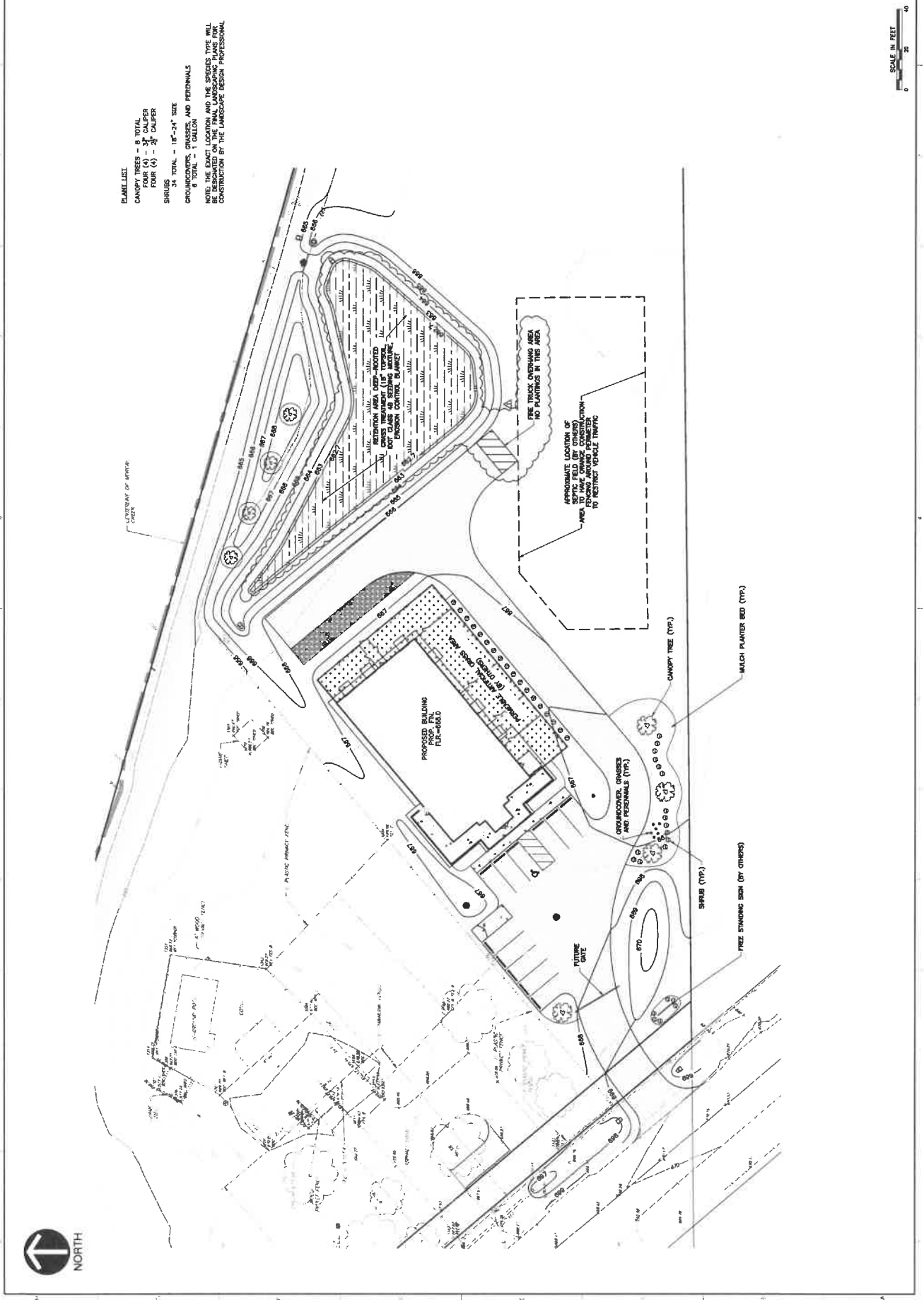
Civil & Environmental Consultants, Inc.
 1230 East Dahl Road, Suite 200 - Naperville, IL 60563
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 www.cenr.com



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THE PETS HOME PET RESORT & SPA
 3601 PLAINFIELD ROAD
 OSWEGO, ILLINOIS 60543

| DATE | BY | DESCRIPTION |
|------------|----------|-------------|
| 11/19/2022 | James H. | AS BUILT |
| 11/19/2022 | James H. | PROJECT |
| 11/19/2022 | James H. | DATE |

LANDSCAPING PLAN
 LS-1.0
 SCALE: 1" = 20' FEET



PLANT LIST
 CHAMPY TREES - 6 TOTAL
 FOUR (4) - 2" CALIBER
 TWO (2) - 3" CALIBER
 SHRUBS - 34 TOTAL - 18" - 24" SIZE
 GROUNDCOVERS, GRASSES, AND PERENNIALS - 6 TOTAL - 1 GALLON

NOTE: THE EXACT LOCATION AND THE SPECIES TYPE WILL BE DETERMINED BY THE LANDSCAPE DESIGN PROFESSIONAL CONSTRUCTION BY THE LANDSCAPE DESIGN PROFESSIONAL.

EMARK E

