

ORDINANCE NUMBER 2024- 08

**MAJOR AMENDMENT TO A SPECIAL USE PERMIT FOR A KENNEL AND VETERINARY ESTABLISHMENT GRANTED BY ORDINANCE 2020-01 AND AMENDMED BY ORDINANCE 2023-05 BY CHANGING THE SITE PLAN, LANDSCAPING PLAN, AND PHOTOMETRIC PLAN AT 949 BELL ROAD, MINOOKA (PART OF PIN: 09-24-100-012) IN SEWARD TOWNSHIP**

WHEREAS, Section 13:08 of the Kendall County Zoning Ordinance permits the Kendall County Board to approve amendments to existing special use permits and provides the procedure through which amendments to existing special use permits are granted; 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 8.5 more or less acres located at the southwest corner of 949 Bell Road, Minooka (Part of PIN: 09-24-100-012) in Seward Township. The legal description for the area proposed for major amendment to an existing special use permit is set forth in Exhibit A attached hereto and incorporated by reference, and the area proposed for map amendment shall hereinafter be referred to as “the subject property”; and

WHEREAS, on or about February 18, 2020, the subject property was granted a special use permit for a kennel and veterinary establishment by the County Board through Ordinance 2020-01; and

WHEREAS, on or about February 21, 2023, a major amendment to the special use permit granted by Ordinance 2020-01 was approved by the County Board through Ordinance 2023-05; and

WHEREAS, the subject property is currently owned by Jade Restorations, Inc. as represented by Deb Chow and shall hereinafter be referred to as “Petitioner”; and

WHEREAS, on or about January 22, 2024, Petitioner’s representative filed a petition for a Map Amendment rezoning a portion the subject property from A-1 Agricultural District and A-1 Agricultural District with a Special Use Permit to B-3 Highway Business District and application for a major amendment to the existing special use permit by amending the site plan, landscaping plan, and photometric plan; and

WHEREAS, following due and proper notice by publication in the Kendall County Record on February 8, 2024, due and proper notification to the Village of Shorewood on or about February 7, 2024, due and proper notification to Seward Township on or about February 9, 2024, and due and proper notification to all property owners of record of properties located within seven hundred fifty feet of the subject property at least fifteen days prior to the hearing, the Kendall County Zoning Board of Appeals conducted a public hearing on March 4, 2024, at 7:00 p.m., in the County Office Building at 111 W. Fox Street in Yorkville, at which the Petitioner’s representative 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 or asked question of the requested major amendment to an existing special use permit; 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 March 4, 2024, 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

*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 at the subject property subject to the following conditions and restrictions:
  - A. 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:

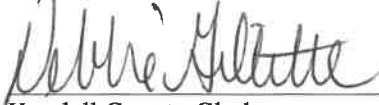
“The site shall be developed substantially in accordance with the site plan attached hereto as Exhibit C. The landscaping plan and photometric plan attached to Ordinance 2023-05 shall remain valid except on those portions of the property not zoned A-1.”
  - B. The remaining conditions and restrictions contained in Ordinance 2020-01 and Ordinance 2023-05 shall remain valid and effective.
  - C. 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.
  - D. 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.
  - E. 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.
3. The Zoning Administrator and other appropriate County Officials are hereby authorized and directed to amend the Official Zoning Map of Kendall County to reflect this Map Amendment.

*IN WITNESS OF*, this ordinance has been enacted by a majority vote of the Kendall County Board and is effective this 20<sup>th</sup> day of March, 2024.

State of Illinois  
County of Kendall

Zoning Petition  
#24-01

Attest:



Kendall County Clerk  
Debbie Gillette



Kendall County Board Chairman  
Matt Kellogg



## **Exhibit A - LEGAL DESCRIPTION**

### **PARCEL 1 (RUSTY RIDGE ANIMAL CENTER)**

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

BEGINNING AT THE SOUTHWEST CORNER OF SAID NORTHWEST QUARTER, THENCE NORTH 01 DEGREES 45 MINUTES 20 SECONDS WEST, ON THE WEST LINE OF SAID NORTHWEST QUARTER, 579.95 FEET TO THE SOUTH LINE OF THE 80 FOOT WIDE NATURAL GAS PIPELINE EASEMENT AS DESCRIBED IN BOOK 103 PAGE 333 IN KENDALL COUNTY RECORDS; THENCE SOUTH 85 DEGREES 47 MINUTES 08 SECONDS EAST, ON SAID SOUTH LINE, 504.74 FEET TO THE EAST LINE OF THE WEST 502.00 FEET OF SAID NORTHWEST QUARTER; THENCE SOUTH 01 DEGREES 45 MINUTES 20 SECONDS EAST, ON SAID EAST LINE, 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

## Exhibit B

The Kendall County Zoning Board of Appeals held a public hearing on the Petition 24-01 on March 4, 2024. Zero (0) members of the public, other than the Petitioner's Engineer, testified in favor or in opposition to the request. On the same date, the Kendall County Zoning Board of Appeals issued the following findings of fact and recommendation by a vote of six (6) in favor and zero (0) in opposition. Member Prodehl was absent.

### FINDINGS OF FACT

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

*That the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The Zoning classification of property within the general area of the property in question shall be considered in determining consistency with this standard. The proposed use shall make adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open space and other improvements necessary to insure that the proposed use does not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a whole. None of the lighting or landscaping installed at the site will be removed as part of this proposal. No evidence has been provided showing the that use of the property as a kennel and veterinary establishment has negatively impacted property values or was injurious neighboring land uses.*

*That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. This is true. Adequate ingress and egress has been provided off of Bell Road and the new driveway will help with traffic circulation when the northern portion of the property is commercially developed. The development of the site was in compliance with a County issued stormwater permit which included the proposed driveway extension.*

*That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Zoning Board of Appeals. This is true. The Petitioners are not proposing any changes related to the operation of the business allowed by the previously approved special use permit. Other than the driveway addition and rezoning of the land to the east, no other changes are proposed to physical layout of the site.*

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

### RECOMMENDATION

Approval Subject to the Following Conditions:

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 submitted 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.

