

ORDINANCE NUMBER 2020-01

**GRANTING A SPECIAL USE PERMIT ON PROPERTY ZONED A-1 AGRICULTURAL FOR A KENNEL AND A VETERINARY ESTABLISHMENT FOR A 8.5 +/- ACRE PARCEL LOCATED AT THE NORTHEAST CORNER OF RIDGE ROAD AND BELL ROAD AND IDENTIFIED BY PARCEL IDENTIFICATION NUMBER 09-24-100-012 IN SEWARD TOWNSHIP**

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

WHEREAS, Section 7.01.D.27 of the Kendall County Zoning Ordinance permits the operation of kennels as a special use with certain restrictions in the A-1 Agricultural Zoning District; and

WHEREAS, Section 7.01.D.52 of the Kendall County Zoning Ordinance permits the operation of veterinary establishments as a special use with certain restriction in the A-1 Agricultural Zoning District; and

WHEREAS, the property which is the subject of this Ordinance has been, at all relevant times, and remains currently located within the A-1 Agricultural Zoning District and the portion of the property subject to the special use permit consists of approximately 8.5 acres located at the northeast corner of Ridge Road and Bell Road (PIN: 09-24-100-012) in Seward Township. The legal description for the subject property is set forth in Exhibit A attached hereto and incorporated by reference, and this property shall hereinafter be referred to as “the subject property.”; and

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

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

WHEREAS, on or about December 18, 2019, Petitioner’s representative filed a petition for special use permits allowing the operation of a kennel and a veterinary establishment at the subject property; and

WHEREAS, following due and proper notice by publication in the Kendall County Record on January 9, 2020, the Kendall County Zoning Board of Appeals conducted a public hearing on January 27, 2020, at 7:00 p.m., in the County Office Building at 111 W. Fox Street in Yorkville, at which the Petitioner’s representatives presented evidence, testimony, and exhibits in support of the requested special use permits and zero members of the public testified in favor or in opposition; and

WHEREAS, based on the evidence, testimony, and exhibits, the Kendall County Zoning Board of Appeals has made their Findings of Fact and recommended approval of the special use permits with conditions as set forth in the Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals, dated January 27, 2020, a true and correct copy of which is attached hereto as Exhibit B; and

WHEREAS, the Kendall County Planning, Building and Zoning Committee of the Kendall County Board has reviewed the testimony presented at the aforementioned public hearing and has considered the Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals, and has forwarded to the Kendall County Board a recommendation of approval of the requested special use permits with conditions; and

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

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

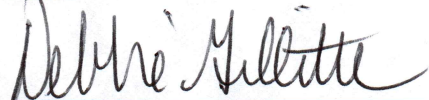
NOW, THEREFORE, BE IT ORDAINED, BY THE COUNTY BOARD OF KENDALL COUNTY, ILLINOIS, as follows:

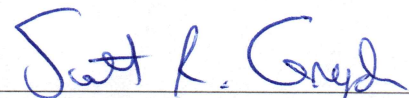
1. The Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals attached hereto as Exhibit B are hereby accepted and the Findings of Fact set forth therein are hereby adopted as the Findings of Fact and Conclusions of this Kendall County Board.
2. The Kendall County Board hereby grants approval of Petitioner's petition for a special use permit allowing the operation of a kennel and veterinary establishment on the subject property subject to the following conditions:
  - A. The site shall be developed substantially in accordance with the attached site plan attached hereto as Exhibit C, landscaping plan attached hereto as Exhibit D, and photometric plan attached hereto as Exhibit E.
  - B. Within sixty days (60) days of approval of this special use permit ordinance, the property owners shall convey land to Kendall County and Seward Township for Ridge Road and Bell Road right-of-way in the locations and depths shown on the Right-of-Way Plat of Dedication attached hereto as Exhibit F.
  - C. The use allowed by this special use permit shall be located a minimum of two hundred fifty feet (250') from the lot line of lots zoned residential or shown as Residential on the Land Resource Management Plan (LRMP) map and One Hundred Fifty Feet (150') from Lots Zoned Other Than Residential or Shown on the LRMP Map as non-residential.
  - D. Two (2) non-illuminated signs may be installed on the subject property in substantially the locations shown on the site plan (Exhibit C).
  - E. All vegetation and berms shall be installed within six (6) months of the opening of either the kennel or veterinary establishment at the subject property. The businesses shall be considered open on the date when the Kendall County Planning, Building and Zoning Department issues a certificate of occupancy for the building. Damaged or dead vegetation shall be replaced on a timeframe approved by the Kendall County Planning, Building and Zoning Department.
  - F. A maximum of eighty (80) dogs and twenty-five (25) cats may be kenneled on the subject property at any time.
  - G. All pets shall be indoors between the hours of sunset and sunrise except for the purposes of owners dropping-off and picking-up pets.
  - H. In the event that the kennel operations cease at the property, the veterinary business allowed by this special use permit may not board animals overnight except for medical treatment and observations.

- I. The normal hours of operation for the businesses allowed by this special use permit shall be Monday through Friday from 6:00 a.m. until 7:00 p.m. and Saturday and Sunday from 7:00 a.m. until 7:00 p.m. The operator(s) of the business allowed by this special use permit may reduce these hours of operation. Pets experiencing medical emergencies at the kennel may be tended to outside the hours of operation. The veterinary establishment may be open beyond the hours of operation listed to handle medical emergencies.
  - J. The maximum combined number of employees for the businesses allowed by this special use permit shall be seventy (70), including the business owners.
  - K. Refuse shall be removed from the subject property at least one (1) time per week or as necessary to prevent litter or odors from emanating from the subject property.
  - L. Any construction on the property related to the businesses allowed by this special use permit shall not be considered as agricultural purposes and shall secure applicable permits.
  - M. The operator(s) of the businesses allowed by this special use permit may sell ancillary items related to their operations.
  - N. The operator(s) of the businesses allowed by this special use permit acknowledge and agree to follow Kendall County's Right to Farm Clause.
  - O. The operator(s) of the businesses allowed by this special use permit shall follow all applicable Federal, State, and Local laws related to the operation of these types of businesses.
  - P. Failure to comply with one or more of the above conditions or restrictions could result in the amendment or revocation of the special use permit.
  - Q. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
3. The Zoning Administrator and other appropriate County Officials are hereby authorized and directed to amend the Official Zoning Map of Kendall County to reflect these special use permits.

IN WITNESS OF, this ordinance has been enacted by a majority vote of the Kendall County Board and is effective this 18<sup>th</sup> day of February, 2020.

Attest:

  
\_\_\_\_\_  
Kendall County Clerk  
Debbie Gillette

  
\_\_\_\_\_  
Kendall County Board Chairman  
Scott R. Gryder



**DOGGY DAYCARE**  
**LEGAL DESCRIPTION**

PARCEL 1 (DEVELOPMENT PARCEL)

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

BEGINNING AT THE SOUTHWEST CORNER OF SAID NORTHWEST QUARTER, THENCE NORTH 01 DEGREES 45 MINUTES 20 SECONDS WEST, ON THE WEST LINE OF SAID NORTHWEST QUARTER, 579.95 FEET TO THE SOUTH LINE OF THE 800 FOOT WIDE NATURAL GAS PIPELINE EASEMENT AS DESCRIBED IN BOOK 103 P AGE 333 IN KENDALL COUNTY RECORDS; THENCE SOUTH 85 DEGREES 47 MINUTES 08 SECONDS EAST, ON SAID SOUTH LINE, 683.71 FEET TO THE EAST LINE OF THE WEST 680.00 FEET SAID NORTHWEST QUARTER; THENCE SOUTH 01 DEGREES 45 MINUTES 20 SECONDS EAST, ON SAID EAST LINE, 507.99 FEET TO THE SOUTH LINE OF SAID NORTHWEST QUARTER; THENCE SOUTH 88 DEGREES 10 MINUTES 23 SECONDS WEST, ON SAID SOUTH LINE, 680.00 FEET TO THE POINT OF BEGINNING, ALL IN KENDALL COUNTY, ILLINOIS.

## Exhibit B

The Kendall County Zoning Board of Appeals approved the following Findings of Fact and Recommendation at their meeting on January 27, 2020, by a vote of six (6) in favor and zero (0) in opposition. Member Thompson was absent.

### **FINDINGS OF FACT-SPECIAL USE**

§ 13.08.J of the Zoning Ordinance outlines findings that the Zoning Board of Appeals must make in order recommend in favor of the applicant on special use permit applications.

*That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. **The operation of the special use will not be detrimental to the public health, safety, morals, comfort, or general welfare. The immediately adjacent properties are also zoned A-1 or A-1 with a special use permit. In addition, the site plan shows a six foot (6') tall fence around the outdoor play area. The proposed building will be soundproofed. The proposed landscaping and berming should also reduce noise coming from the property. The Petitioners intend to follow the Kendall County Zoning Ordinance as it relates to having all pets inside by dusk.***

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

*That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. **This is true. Adequate ingress and egress will be provided off of Bell Road. The Petitioners will have to secure applicable permits related to stormwater, well, and septic systems.***

*That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Zoning Board of Appeals. **True, the Petitioners are not requesting any variances.***

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

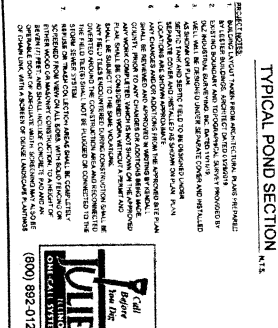
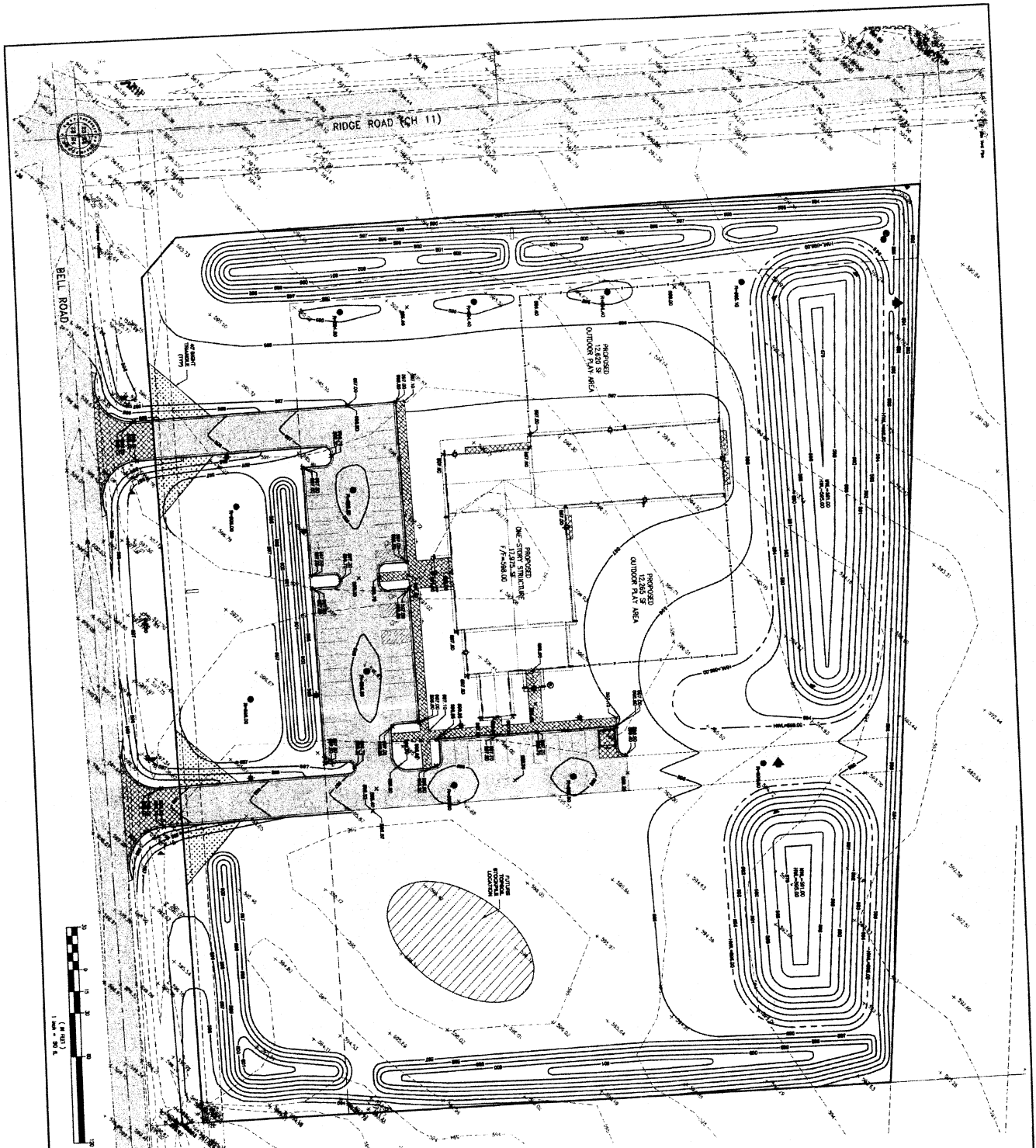
### **RECOMMENDATION**

Approval with the following conditions and restrictions:

1. The site shall be developed substantially in accordance with the submitted site plan, landscaping plan, and photometric plan.
2. Within sixty days (60) days of approval of this special use permit ordinance, the property owners shall convey land to Kendall County and Seward Township for Ridge Road and Bell Road right-of-way in the locations and depths shown on the Right-of-Way Plat of Dedication.

3. The use allowed by this special use permit shall be located a minimum of two hundred fifty feet (250') from the lot line of lots zoned residential or shown as Residential on the Land Resource Management Plan (LRMP) map and One Hundred Fifty Feet (150') from Lots Zoned Other Than Residential or Shown on the LRMP Map as non-residential.
4. Two (2) non-illuminated signs may be installed on the subject property in substantially the locations shown on the site plan.
5. All vegetation and berms shall be installed within six (6) months of the opening of either the kennel or veterinary establishment at the subject property. The businesses shall be considered open on the date when the Kendall County Planning, Building and Zoning Department issues a certificate of occupancy for the building. Damaged or dead vegetation shall be replaced on a timeframe approved by the Kendall County Planning, Building and Zoning Department.
6. A maximum of eighty (80) dogs and twenty-five (25) cats may be kenneled on the subject property at any time.
7. All pets shall be indoors between the hours of sunset and sunrise except for the purposes of owners dropping-off and picking-up pets.
8. In the event that the kennel operations cease at the property, the veterinary business allowed by this special use permit may not board animals overnight except for medical treatment and observations.
9. The normal hours of operation for the businesses allowed by this special use permit shall be Monday through Friday from 6:00 a.m. until 7:00 p.m. and Saturday and Sunday from 7:00 a.m. until 7:00 p.m. The operator(s) of the business allowed by this special use permit may reduce these hours of operation. Pets experiencing medical emergencies at the kennel may be tended to outside the hours of operation. The veterinary establishment may be open beyond the hours of operation listed to handle medical emergencies.
10. The maximum combined number of employees for the businesses allowed by this special use permit shall be seventy (70), including the business owners.
11. Refuse shall be removed from the subject property at least one (1) time per week or as necessary to prevent litter or odors from emanating from the subject property.
12. Any construction on the property related to the businesses allowed by this special use permit shall not be considered as agricultural purposes and shall secure applicable permits.
13. The operator(s) of the businesses allowed by this special use permit may sell ancillary items related to their operations.
14. The operator(s) of the businesses allowed by this special use permit acknowledge and agree to follow Kendall County's Right to Farm Clause.
15. The operator(s) of the businesses allowed by this special use permit shall follow all applicable Federal, State, and Local laws related to the operation of these types of businesses.
16. Failure to comply with one or more of the above conditions or restrictions could result in the amendment or revocation of the special use permit.
17. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.





**TYPICAL CONCRETE PAVEMENT SECTION**

DESCRIPTION	THICKNESS	UNIT WEIGHT	VOLUME	WEIGHT
CONCRETE	4" (0.33)	145	1.33	192.75
BASE	4" (0.33)	120	1.33	159.60
SUBGRADE	4" (0.33)	120	1.33	159.60
<b>TOTAL</b>	<b>12" (1.00)</b>		<b>4.00</b>	<b>511.95</b>

**TYPICAL PAVEMENT SECTION (HMA)**

DESCRIPTION	THICKNESS	UNIT WEIGHT	VOLUME	WEIGHT
HMA	4" (0.33)	145	1.33	192.75
BASE	4" (0.33)	120	1.33	159.60
SUBGRADE	4" (0.33)	120	1.33	159.60
<b>TOTAL</b>	<b>12" (1.00)</b>		<b>4.00</b>	<b>511.95</b>

**PROPOSED DEVELOPMENT VOLUME SHEET SUMMARY**

STATION	AREA	PERCENTAGE	VOLUME	CUMULATIVE VOLUME
0+00	1.00	100%	1.00	1.00
0+10	1.00	100%	2.00	2.00
0+20	1.00	100%	3.00	3.00
0+30	1.00	100%	4.00	4.00
0+40	1.00	100%	5.00	5.00
0+50	1.00	100%	6.00	6.00
0+60	1.00	100%	7.00	7.00
0+70	1.00	100%	8.00	8.00
0+80	1.00	100%	9.00	9.00
0+90	1.00	100%	10.00	10.00
<b>TOTAL</b>	<b>10.00</b>	<b>100%</b>	<b>10.00</b>	<b>10.00</b>

1. ALL HMA SURFACE COURSE SHALL BE 1.5" MINIMUM.
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9. ALL HMA SURFACE COURSE SHALL BE 1.5" MINIMUM.
10. ALL HMA SURFACE COURSE SHALL BE 1.5" MINIMUM.

**COOK ENGINEERING GROUP**  
 Civil Engineering & Land Development Consulting  
 26316 Mapleview Drive  
 Skokie, IL 60076  
 815.577.1707 T 815.577.2965 F  
 www.cookengr.com

**PREPARED FOR:** BILLYMAYOR CONSTRUCTION  
**17441 S BOND AVE STE 300**  
**CHICAGO, IL 60628**

**DATE:** 2/10/2010  
**SCALE:** 1" = 30'

**DESIGNED BY:** BSH  
**CHECKED BY:** MOC  
**DATE:** 1/22/2010

**SHEET:** 2 of 2

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

**REVISION DESCRIPTION**

#	DATE	DESCRIPTION
1	12/04/09	PER INTERNAL REVIEW
2	12/04/09	FOR CLIENT REVIEW
3	12/04/09	FOR SUBMITTAL

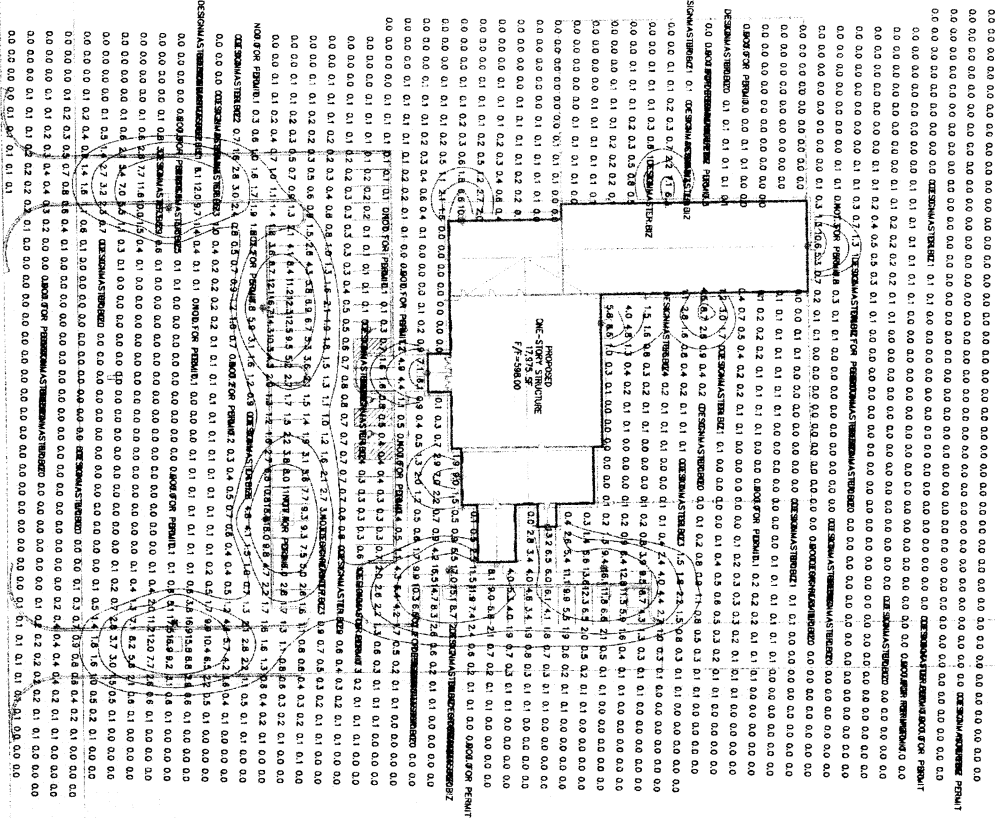
**COOK ENGINEERING GROUP**



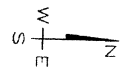


RIDGE ROAD (CH 11)

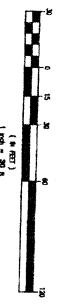
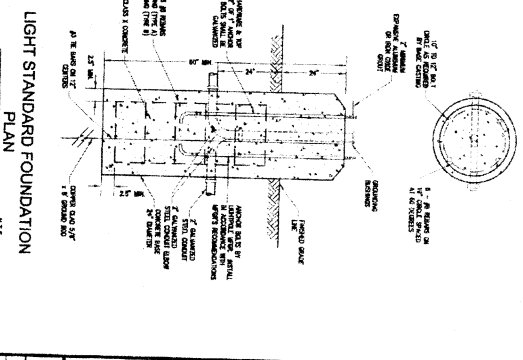
BELL ROAD



LUMINAIRE SCHEDULE			
SYMBOL	QTY	MANUFACTURER/TYPE	WATTAGE
1	6	1' x 4' HOUSING	28.50
2	1	POLE	20
3	1	WALL	5500



GENERAL PHOTOMETRIC SCHEDULE	
MANUAL	0.0
MINIMUM	0.0
MAXIMUM	1.00
PERCENTAGE TO MANUAL	100.0 / 100.0
AGREE TO MANUAL	0.0 / 0.0



DATE	12/19/09
DESIGNED BY	BKH
CHECKED BY	NDC
SCALE	1" = 10'
SHEET	1 of 1

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

NO.	DATE	REVISION DESCRIPTION
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		

**COOK ENGINEERING GROUP**  
 Civil Engineering & Land Development Consulting  
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 www.cookengr.com

