

ORDINANCE NUMBER 2014 - 30

GRANTING AN A-1 SPECIAL USE FOR
CRITTER CARE VETERINARY SERVICES, LTD. AT 4287 ELDAMAIN ROAD

WHEREAS, Critter Care Veterinary Services, Ltd. has filed a petition for a Special Use within the A-1 Agricultural Zoning District for a 3.9 acre property located on the west side of Eldamain Road, 0.45 miles south of Route 34, commonly known as 4287 Eldamain Road, (PIN# 01-25-200-006), in Little Rock Township; and

WHEREAS, said property is currently zoned A-1 Agricultural; and

WHEREAS, said petition is to obtain an A-1 Special Use Permit to operate a veterinary establishment, but not including the boarding of animals except for overnight stays for medical treatment and observation; and

WHEREAS, said property is legally described as:

THAT PART OF THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 37 NORTH, RANGE 6 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER OF SAID SECTION; THENCE SOUTH 00°13'51" EAST ALONG THE EAST LINE OF SAID NORTHEAST QUARTER, 1380.50 FEET TO THE POINT OF BEGINNING; THENCE NORTH 86°11'51" WEST, 556.0 FEET; THENCE SOUTH 00°13'51" EAST, 702.99 FEET TO THE NORTH LINE OF A TRACT OF LAND CONVEYED TO KATHERYN AND PAUL KOWALSKI BY A WARRANTY DEED RECORDED FEBRUARY 13, 1981 AS DOCUMENT NO. 81-482 AT THE KENDALL COUNTY RECORDER'S OFFICE; THENCE SOUTH 87°03'47" EAST ALONG SAID NORTH LINE, 555.47 FEET TO SAID EAST LINE; THENCE NORTH 00°13'51" WEST ALONG SAID EAST LINE, 694.57 FEET TO THE POINT OF BEGINNING (EXCEPT THAT PART OF SAID NORTHEAST QUARTER, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER OF SAID SECTION, THENCE SOUTH 00°13'51" EAST ALONG THE EAST LINE OF SAID NORTHEAST QUARTER, 1773.20 FEET TO THE POINT OF BEGINNING; THENCE NORTH 00°13'51" WEST, 392.70 FEET; THENCE NORTH 86°11'51" WEST, 556.0 FEET; THENCE SOUTH 00°13'51" EAST 392.70 FEET; THENCE SOUTH 86°11'51" EAST 556.0 FEET TO THE POINT OF BEGINNING), IN LITTLE ROCK TOWNSHIP, KENDALL COUNTY, ILLINOIS.

WHEREAS, all procedures required by the Kendall County Zoning Ordinance were followed including notice for public hearing, preparation of the findings of fact in accordance with Section 13.08.J of the Zoning Ordinance, and recommendation for approval by the Special Use Hearing Officer on September 29, 2014; and

WHEREAS, the findings of fact were approved 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 proposed special use for continuation of the veterinary office and clinic that is currently located on Eldamain Road continues a

long agricultural use. It presents no change in the character of the neighborhood or use of the property and is beneficial to the large residential population needing critical animal care surrounding the area and potential boarding of animal.

*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. **There is adequate distance between the existing special use and the expansion thereof and surrounding properties. As is pointed out in the current LRMP of Kendall County in its Agricultural Easement Kendall County has a long and rich history in agriculture and it is a primary objective of the Kendall County LRMP to encourage and continue the expansion of agriculture and agricultural related uses.***

*That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. **There are no public utilities or development needs that in any way place a burden on local taxing districts or bodies or surrounding property owners. The subject property is served by Eldamain Road which is designated as a major collector and likely to be improved with a bridge over the Fox River in the near term. The business of the veterinary clinic as a destination business which is served well by being on a major artery such as Eldamain Road. There are adequate utilities on site, drainage is no problem given the large site and there are no new facilities that needed.***

*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 Hearing Officer. **The Special use conforms to all regulations of the Kendall County Agricultural Ordinance.***

*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. **The Special use requested is consistent with the LRMP, Agricultural Special use Ordinance and the trend in development along major corridors such as Eldamain Road in the area. The provision of quality veterinary care is as an asset to the agricultural and residential community in Kendall County. It encourages development by offering qualified veterinary services.***

WHEREAS, the Kendall County Board has considered the findings and recommendation of the Hearing Officer and finds that said petition is in conformance with the provisions and intent of the Kendall County Zoning Ordinance; and

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

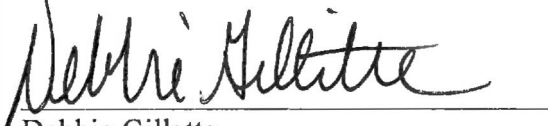
NOW, THEREFORE, BE IT ORDAINED, that the Kendall County Board hereby grants approval of a special use zoning permit to operate a veterinary establishment, but not including the boarding of animals except for overnight stays for medical treatment and observation in accordance to the submitted Site Plan included as "Exhibit A" attached hereto and incorporated herein subject to the following conditions:

1. Must apply for the change of occupancy within 60 days of approval.
2. This use does not qualify as being agriculturally exempt for building permits.

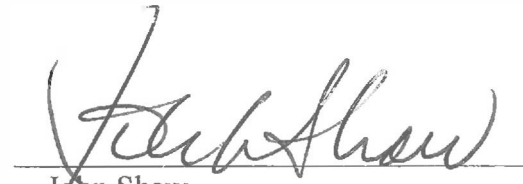
Failure to comply with the terms of this ordinance may be cited as a basis for amending or revoking this special use permit.

IN WITNESS OF, this ordinance has been enacted on October 21st, 2014.

Attest:



Debbie Gillette
Kendall County Clerk



John Shaw
Kendall County Board Chairman

DEVELOPER:
Kim K. Peterson, Trustee
4235 Eldamain Road
Plain, Illinois 60545

AREA TO BE REZONED:
169,791 Sq.Ft. = 3.8979 Acres

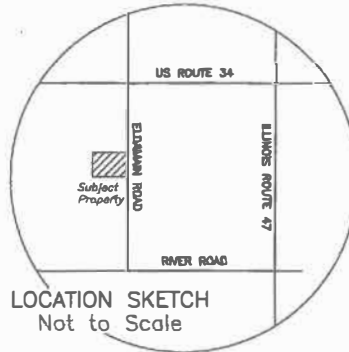
PRESENT ZONING:
A-1 (Agricultural District)

PROPOSED ZONING:
A1-SU (Agricultural District - Special Use)

P.I.N.
01-25-200-004
01-25-200-006

ZONING PLAT OF
PART OF THE NORTHEAST QUARTER OF SECTION 25, T37N-R6E, 3rd PM
LITTLE ROCK TOWNSHIP KENDALL COUNTY ILLINOIS

24 19
25 30

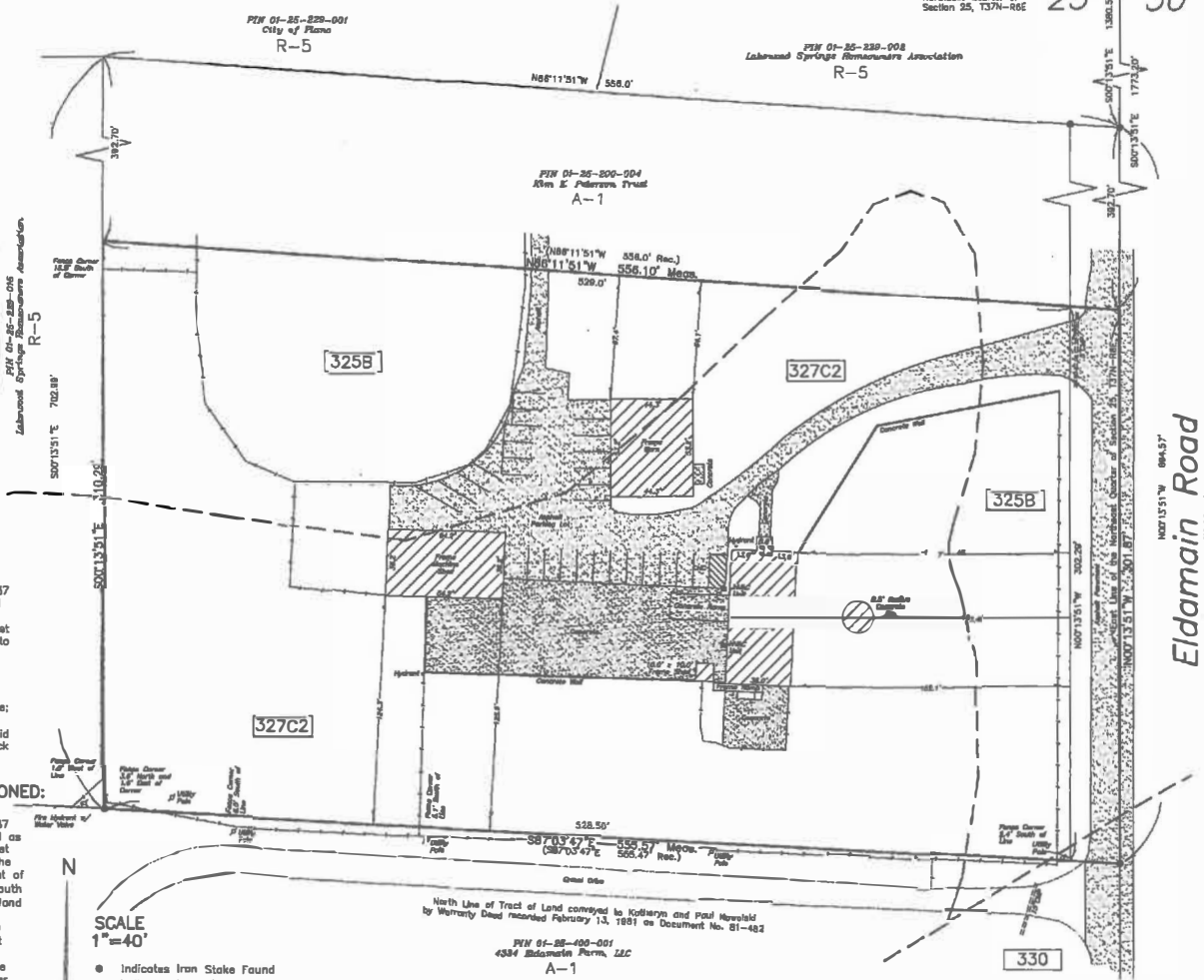


LEGAL DESCRIPTION OF PARENT TRACT:

That Part of the Northeast Quarter of Section 25, Township 37 North, Range 6 East of the Third Principal Meridian, described as follows: Commencing at the Northeast Corner of said Northeast Quarter of said Section; thence South 00°13'51" East along the East Line of said Northeast Quarter, 1380.50 feet to the point of beginning; thence North 86°11'51" West, 556.0 feet; thence South 00°13'51" East, 702.99 feet to the North Line of a tract of land conveyed to Kathryn and Paul Kowalski by a Warranty Deed recorded February 13, 1981 as Document No. 81-482 at the Kendall County Recorder's Office; thence South 87°03'47" East along said North Line, 555.47 feet to said East Line; thence North 00°13'51" West along said East Line, 694.57 feet to the point of beginning, in Little Rock Township, Kendall County, Illinois.

LEGAL DESCRIPTION OF TRACT TO BE REZONED:

That Part of the Northeast Quarter of Section 25, Township 37 North, Range 6 East of the Third Principal Meridian, described as follows: Commencing at the Northeast Corner of said Northeast Quarter of said Section; thence South 00°13'51" East along the East Line of said Northeast Quarter, 1380.50 feet to the point of beginning; thence North 86°11'51" West, 556.0 feet; thence South 00°13'51" East, 702.99 feet to the North Line of a tract of land conveyed to Kathryn and Paul Kowalski by a Warranty Deed recorded February 13, 1981 as Document No. 81-482 at the Kendall County Recorder's Office; thence South 87°03'47" East along said North Line, 555.47 feet to said East Line; thence North 00°13'51" West along said East Line, 694.57 feet to the point of beginning (EXCEPT that part of said Northeast Quarter, described as follows: Commencing at the Northeast Corner of said Northeast Quarter of said Section; thence South 00°13'51" East along the East Line of said Northeast Quarter, 1773.20 feet to the point of beginning; thence North 00°13'51" West, 392.70 feet; thence North 86°11'51" West, 556.0 feet; thence South 00°13'51" East 392.70 feet; thence South 86°11'51" East, 556.0 feet to the point of beginning), in Little Rock Township, Kendall County, Illinois.



SCALE
1"=40'

- Indicates Iron Stake Found
- Indicates Iron Stake Set
- Indicates Line of Fence
- - - Indicates Soils Boundary

NOTE: This property is commonly known as 4287 Eldamain Road.

NOTE: 24 Regular Parking Spaces and 1 Handicapped Parking Space (9.0' x 17.0' Typical Size)

Soil Type (USDA/SCS - Kendall County, 1978)

325B	Dresden Silt Loam, 2%-4% slopes
327C2	Fox Silt Loam, 4%-7% slopes, eroded
330	Peatone Silty Clay Loam

EXHIBIT A

October 13, 2014

1107B South Bridge Street
 Yorkville, Illinois 60560
 Telephone (630)553-1580
 Phillip D. Young and Associates, Inc.
 LAND SURVEYING - TOPOGRAPHIC MAPPING - Lic.#184-002775
 14145
 JOB NO. RTY. KRAMER
 DWG FILE 14145