

ORDINANCE NO. 12-49

***An Ordinance Zoning and Granting Certain Special Uses
for Property Commonly Known as Pampered Pet Services Resort & Spa, Inc.,
with an Address of 14N837 Illinois Route 25***

WHEREAS, the Village of East Dundee, an Illinois home rule municipal corporation located in Kane and Cook counties (the "Village"), has been requested in a written petition signed by Pampered Pet Services Resort & Spa, Inc., (the "Owner") that upon annexation, certain property located on the east side of Illinois Route 25 and legally described in Section 1 of this Ordinance (the "Property"), be zoned B-3, General Service Business District, and granted certain special use permits in accordance with the plan as defined herein; and

WHEREAS, a public hearing was held before the Planning and Zoning Commission, after due notice as provided by law; and

WHEREAS, the Board of Trustees has considered the evidence, including but not limited to that presented at the public hearing to the Planning and Zoning Commission, and believe the zoning classification and the special use permits set forth below will be in the best interests of the Village.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of East Dundee as follows:

SECTION 1: The following legally described territory (the "Property") shall be zoned B-3, General Service Business District, pursuant to the terms of the East Dundee Zoning Chapter:

That part of the northeast quarter of Section 35 and part of the northwest quarter of Section 36, Township 42 north, Range 8 east of the Third Principal Meridian, described as follows: commencing at the intersection of the southerly line, extended westerly, of Fox River Bluffs Unit No. 5, being a subdivision of part of said Sections 35 and 36, with the easterly right of way line of State Route 25, as conveyed to the State Department of Public Works and buildings by warranty deed recorded January 29, 1968, as document 1106610; thence northerly, along said easterly right of way line, a distance of 179.36 feet for the place of beginning; thence easterly, along a line which forms an angle of 92 degrees 42 minutes 35 seconds to the right with the prolongation of the last described course, a distance of 349.83 feet to the westerly line; extended southerly of Lot 8 in Fox River Bluffs Unit No. 3, as aforesaid; thence northerly, along said westerly line, extended southerly, a distance of 217.98 feet to a point on said westerly line, extended southerly, that is 68.86 feet southerly of the southwest corner of Lot 8 in said Fox River Bluffs Unit No. 3; thence westerly along a line that if extended westerly, would intersect the center line of State Route 25 at a point 49.34 feet southerly of, measured along said center line, extended westerly, of Lot 3 in Fox River Bluffs Unit No. 3, a distance of 349.48 feet to the easterly right of way line of State Route 25, as aforesaid, thence southerly, along said easterly right of

way line, a distance of 217.86 feet to the place of beginning; in the township of Dundee, Kane County, Illinois.

SECTION 2: The Board of Trustees hereby makes the following findings of fact with respect to the requested special use permits in accordance with the plan consisting of eight pages, consisting of sheet numbers C1 through C8, job number 100002, prepared by Vanderstappen Surveying and Engineering, Incorporated dated January 22, 2010, with a latest revision date of May 3, 2010 (the "Plan") and attached hereto:

1. The uses permitted by the exceptions are necessary or desirable and are appropriate with respect to the primary purpose of the development;

Each of the planned development, veterinary clinic and animal hospital with kennels and pet crematory special uses will be consistent with existing uses in the area insofar as the trend of growth and development on the relevant portion of Illinois Route 25 is retail and serving the public with services. These proposed special uses are consistent with the Village's Comprehensive Plan. The veterinary clinic, animal hospital, kennels and pet crematory will serve pet enthusiasts. It is the Board of Trustees belief that the Village and surrounding community is underserved with respect to the services contemplated by such facilities and services proposed to be offered in the petition. These proposed uses are desirable and would serve the community and would be an amenity to the community. The pet resort and spa planned unit development, animal hospital and kennel uses are appropriately located on a state route utilized by commuters and is reasonably proximate to residential neighborhoods to enable them to utilize such services as well.

2. The uses permitted by the exception are not of such a nature or so located as to exercise a detrimental influence on the surrounding neighborhood;

Due to development around the Property in the past decade, the pet resort and spa, veterinary clinic and animal hospital special uses on the Property are appropriate for the commercial corridor on Illinois Route 25, which would be utilized by patrons of these special uses rather than access coming through residential neighborhoods which would avoid excessive traffic coming through any residential neighborhood to the Property and will not have an adverse or detrimental influence or impact on the surrounding neighborhoods given the location and placement of buildings and structures on the Plan.

3. Not more than 20% of the ground area or of the gross floor area of the development shall be devoted to the uses permitted by the exception;

The Board of Trustees is of the opinion that this standard has been met. The proposed special uses are subject to and are to be in accordance with the Plan and helps the Village to insure that this requirement is met. Based on witness testimony, it is hereby determined that the proposed uses will not exceed 20% of the ground area of the development as provided for in the Plan.

4. In an industrial planned development, the additional uses allowed by exception shall conform with the performance standards of the district in which the development is located;

This criteria is inapplicable insofar as there is no request for an industrial planned development.

5. The use exceptions so allowed are reflected by the appropriate zoning district symbols and so recorded on the zoning district map;

The Village's zoning map will be amended to reflect such uses upon any approval by the Board of Trustees.

6. The special uses will not be 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;

While the special uses are of a more intense nature than permitted uses, the anticipated distance between the buildings and the property lines as set forth in the Plan lead this Board of Trustees to believe that the proposed special uses will not be injurious to the use and enjoyment of other property in the nearby vicinity. In addition, Village ordinances of a general nature shall remain in effect. No convincing testimony was provided which would demonstrate that property values in any neighborhood proximate to the Property would be impaired or substantially diminished.

7. The establishment of the special uses will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;

Insofar as the anticipated facilities as depicted on the Plan, with direct access from Illinois Route 25, the testimony reflects that in no way will the normal, orderly development and improvement of surrounding property be impeded.

8. Adequate utilities, access roads, drainage or necessary facilities have been or will be provided;

The Plan for the Property on which the special uses are requested has or will provide for the extension of sanitary sewer and potable water mains to and past the Property. Insofar as the Property is situated on Illinois Route 25, an adequate access road is in place for each of the special uses. The Board of Trustees believes that the testimony reflects that drainage will be handled in accordance with all applicable standards. No testimony was provided that any of the proposed utilities, means of access or drainage facilities will be deficient in any manner and instead reflect that they will meet or exceed Village ordinances.

9. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets;

Judging from the evidence provided by the petitioner at the hearing and the personal knowledge of the Board of Trustees relative to the Property, it is our conclusion that adequate measures are in place to minimize traffic congestion as shown on the Plan and that there will not be a peak level of activity so as to avoid any increase of traffic during weekday "rush hours" when commuter traffic is at its peak.

10. The special uses 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 President and Board of Trustees at such time a plan is submitted to the Village.

Based on staff and consultants' input, the information presented to the Board of Trustees and the testimony at the public hearing, the special uses otherwise conform to the regulations of the B-3, General Service Business District, in all respects as set forth in the Plan.

The Board of Trustees also adopts the findings of fact adopted by the Commission.

SECTION 3: The following special uses, subject to the conditions and restrictions imposed herein and in the Annexation Agreement, are hereby granted for the Property:

- a. Planned unit development in accordance with the Plan; and
- b. Veterinary clinic and animal hospital with kennels in accordance with the Plan; and
- c. Pet crematorium as an accessory use in accordance with the Plan; and
- d. With respect to the pet crematorium set forth in Subsection 3c herein, a waiver is hereby granted from Section 157.247, Development Initiation and Completion Period, of the East Dundee Zoning Chapter to extend the required establishment of the pet crematorium from one year to 20 years. In the event the pet crematorium is not established within such time frame the Owner may still submit a written request to the Village Board pursuant to Section 157.247(B) of the East Dundee Zoning Chapter.

SECTION 4: All other requirements set forth in the East Dundee Zoning Chapter, as would be required by any owner of property zoned in the same manner as the Property, shall be complied with, except as otherwise provided in the Annexation Agreement between the Village and the Owner.

SECTION 5: If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

SECTION 6: All ordinances or parts of ordinances in conflict herewith are hereby repealed, to the extent of such conflict.

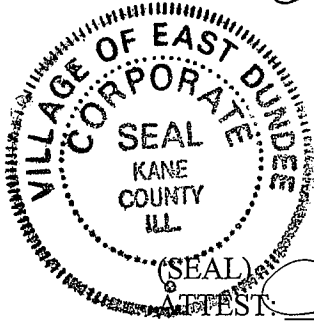
SECTION 7: This Ordinance shall be in full force and effect upon its passage, approval and publication in pamphlet form (which publication is hereby authorized) as provided by law.

Ayes: 7 - Justices Ruffalo, Gorman, Lynam, Miller, VanOstenbridge, Skidmore,
and Pres. Bartels

Nays: 0

Absent: 0

Abstain: 0



APPROVED:

Jerald Bartels
Village President Jerald Bartels

Jennifer Rehberg
Village Clerk Jennifer Rehberg

Passed: 6/30/12

Approved: 6/30/12

Published: 7/7/12

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CERTIFICATION

I, JENNIFER REHBERG, do hereby certify that I am the duly appointed, acting and qualified Clerk of the Village of East Dundee, Kane County, Illinois, and that as such Clerk, I am the keeper of the records and minutes and proceedings of the President and Board of Trustees of said Village.

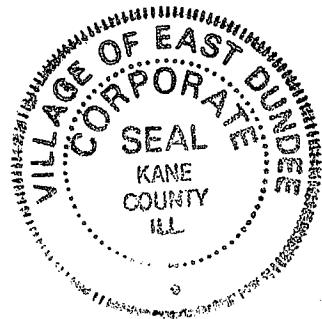
I do hereby further certify that at a regular meeting of the President and Board of Trustees of the Village of East Dundee, held on the 30th day of June, 2012, the foregoing Ordinance entitled *An Ordinance Zoning and Granting Certain Special Uses for Property Commonly Known as Pampered Pet Services Resort & Spa, Inc., with an Address of 14N837 Illinois Route 25*, was duly passed by the President and Board of Trustees of the Village of East Dundee.

The pamphlet form of Ordinance No 12-49, including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the East Dundee Village Hall, 120 Barrington Avenue, East Dundee, IL, commencing on the 7th day of July, 2012, and continuing for at least 10 days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the Village Clerk.

I do further certify that the original, of which the attached is a true and correct copy, is entrusted to me as the Clerk of said Village for safekeeping, and that I am the lawful custodian and keeper of the same.

IN WITNESS WHEREOF, I have affixed my name as Clerk and caused the seal of said Village to be affixed hereto this 7th day of July, 2012.

(SEAL)



Jennifer Rehberg
Jennifer Rehberg, Village Clerk
Village of East Dundee,
Kane County, Illinois