

ORDINANCE NUMBER 2016 - 12

GRANTING A SPECIAL USE AT
7225 CATON FARM ROAD IN KENDALL TOWNSHIP
TO OPERATE A LANDSCAPING BUSINESS

WHEREAS, Chris and Megan Jensen have filed a petition for a Special Use within the A-1 Agricultural Zoning District for a 7.58 acre property located on the north side of Caton Farm Road, 0.20 miles west of Church Road, commonly known as 7225 Caton Farm Road (PIN# 05-26-400-004; Pt PIN# 05-26-400-005), in Kendall Township; and

WHEREAS, said property is legally described as:

PARCEL ONE

THE SOUTH 660.00 FEET OF THE WEST 330.00 FEET OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 26, TOWNSHIP 36 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE TOWNSHIP OF KENDALL, KENDALL COUNTY, ILLINOIS, (EXCEPTING THEREFROM THAT PART DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF THE EAST HALF OF SAID SOUTHEAST QUARTER; THENCE EASTERLY ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER, 215.0 FEET FOR A POINT OF BEGINNING; THENCE CONTINUING EASTERLY ALONG SAID SOUTH LINE, 115.0 FEET TO THE EAST LINE OF THE WEST 330.00 FEET OF THE EAST HALF OF SAID SOUTHEAST QUARTER; THENCE NORTHERLY ALONG SAID EAST LINE, 393.39 FEET; THENCE SOUTHWESTERLY, 274.98 FEET TO A POINT THAT IS 144.55 FEET NORTH OF THE POINT OF BEGINNING ON A LINE DRAWN PARALLEL WITH THE EAST LINE OF THE WEST 330.00 FEET OF SAID SOUTHEAST QUARTER; THENCE SOUTHERLY ALONG SAID PARALLEL LINE, 144.55 FEET TO THE POINT OF BEGINNING).

PARCEL TWO

THE SOUTH 1056.01 FEET (EXCEPTING THEREFROM THE SOUTH 660.00 FEET) OF THE WEST 330.00 FEET OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 26, TOWNSHIP 36 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE TOWNSHIP OF KENDALL, KENDALL COUNTY, ILLINOIS.

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

WHEREAS, said petition is to obtain a Special Use Permit to operate a landscaping business; and

WHEREAS, the proposed landscaping business meets the requirements set forth in section 7.01 D.28; and

WHEREAS, all special use 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 a recommendation by the Special Use Hearing Officer on August 1, 2016; 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 petitioner has indicated, and a condition has been recommended, that no landscape waste will be brought back to

the property and will be disposed of off-site. No outdoor storage of any kind will occur on the property including vehicles, equipment, and landscape materials. This has been added as a condition. Landscaping operations are a consistent special use within the Agricultural Zoning District.

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. All equipment and vehicles associated with the landscaping business will be kept within a proposed 16,000sf building. The petitioner has stated that berming will be constructed and landscaping will be provided on the property to provide additional screening.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. No new points access roads or points of ingress and egress are being provided as they are not necessary for the requested use. A stormwater management permit will be required as part of the development of the property.

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 petitioners will be working with the Health Department to ensure all potential septic system upgrades for the existing house will comply with Health Department guidelines. A building permit will be required for the construction of the 16,000sf structure on the property. Only those uses that are typically found in landscaping operations will be permitted on the property and no other uses that are not allowed either by right or by special use are strictly prohibited. The type of equipment used in the landscaping operation will be limited and subject to approval as part of the special use permit.

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. This special use is consistent with the LRMP as it somewhat compatible with rural residential development. The residential characteristics of the property are being maintained since the operators of the business will live on site.

WHEREAS, the Kendall County Board has considered the findings and recommendation of the Special Use 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.

NOW, THEREFORE, BE IT ORDAINED, that the Kendall County Board hereby grants approval of a special use permit to operate a landscaping business in accordance to the submitted plan included as "Exhibit A" attached hereto and incorporated herein subject to the following conditions:

1. All vehicles, equipment and materials associated with a landscaping business shall be stored entirely within an enclosed structure.
2. A maximum of five (5) employees not residing on the property are permitted to report to the site.
3. No landscape waste generated off the subject property may be burned on the subject property.
4. A building permit shall be applied for and approved prior to the construction of the proposed

building.


5. All required site development permits shall be applied for and approved prior to start of construction.
6. No retail or wholesale sales shall occur on the property.
7. Signage shall be limited to one (1) non-illuminated free-standing ground mounted sign subject to the requirements of Section 12 of the Zoning Ordinance and shall require a building permit.
8. Equipment permitted to be stored on site shall include only the following, or similar replacement:
 - a) 4 track loaders (Volvo MCT 125)
 - b) 3 mini excavators (Bobcat 435)
 - c) 3 wheel loaders (CAT 924)
 - d) 4 excavators (John Deere 135, John Deere 245, CAT 345)
 - e) 1 dozer (CAT D4)

This condition shall not restrict service trucks and vehicles associated with the landscaping operation.

9. The granting of this special use is only for a landscaping operation and for those activities typically associated with a landscaping operation. Any other uses on the property not considered to be permitted by right or by approved special use permit are prohibited.

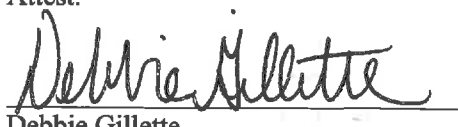
Failure to comply with the terms of this ordinance may be cited as a basis for amending or revoking this special use permit.

IN WITNESS OF, this Ordinance has been enacted by the Kendall County Board this 16th day of August, 2016.



John A. Shaw
Kendall County Board Chairman

Attest:



Debbie Gillette
Kendall County Clerk

