

ORDINANCE NUMBER 2015 - 03

GRANTING SPECIAL USE FOR THE OWNERS AT
655 WOOLLEY ROAD, OSWEGO 60543
SYBERT LANDSCAPING

WHEREAS, Andrew & Audra Sybert have filed a petition for a Special Use within the A-1 Agricultural Zoning District for a 3.14 acre property located on the north side of Woolley Road, 0.15 miles west of Stewart Road, commonly known as 655 Woolley Road, Oswego, (PIN# 03-24-100-019), in Oswego 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 landscape business with outdoor storage of vehicles, equipment and bulk materials associated with a landscape business; and

WHEREAS, said property is legally described as:

THAT PART OF THE EAST ½ OF THE NORTHWEST ¼ OF SECTION 24, TOWNSHIP 37 NORTH, RANGE 8, EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE EAST ½ OF SAID NORTHWEST ¼; THENCE NORTH 89 DEGREES 39 MINUTES 30 SECONDS WEST ALONG THE SOUTH LINE OF SAID NORTHWEST ¼, 726 FEET FOR THE POINT OF BEGINNING; THENCE NORTH PARALLEL WITH THE EAST LINE OF SAID NORTHWEST ¼, 895.00 FEET; THENCE NORTH 89 DEGREES 39 MINUTES 30 SECONDS WEST PARALLEL WITH THE SOUTH LINE OF SAID NORTHWEST ¼, 152.80 FEET; THENCE SOUTH 0 DEGREES 02 MINUTES 00 SECONDS WEST 895.00 FEET TO THE SOUTH LINE OF SAID NORTHWEST ¼; THENCE SOUTH 89 DEGREES 39 MINUTES 30 SECONDS EAST ALONG SAID SOUTH LINE, 153.32 FEET TO THE POINT OF BEGINNING; IN THE TOWNSHIP OF OSWEGO, 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 February 2, 2015; 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 current uses of the subject

property include a residence; an amusement rides business and outdoor storage. The special use permit will allow for a landscaping business to operate on the subject property. Considering the existing uses, the special use will be detrimental to and endanger the public health, safety, morals, comfort or general welfare. This is a 3 acre property and in an area that is quasi-residential use and this use will right next to a residential area. The current property does not comply with not being detrimental.

*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 subject property is surrounded by farmland and property used both as a residence and as a commercial business. The petitioners will be using the property as a residence and as a landscaping business which is compatible with agricultural farming. The zoning classification with the general area is still agricultural.***

*That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. **All the utilities, access roads and drainage already exist for this site.***

*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 buildings already exist and the petitioner is 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. **This special use permit will not be consistent with the County's LRMP in that the subject property will be used in a more intense nature with the surrounding properties.***

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 run with the owners, Andrew & Audra Sybert at 655 Woolley Road, Oswego; and

WHEREAS, if Andrew & Audra Sybert were to move out of the home the special use would dissolve at that time; and

NOW, THEREFORE, BE IT ORDAINED, that the Kendall County Board hereby grants approval of a special use zoning permit to operate a landscape business with outdoor storage of vehicles,

equipment and bulk materials associated with a landscape business in accordance to the submitted Site Plan included as "Exhibit A" attached hereto and incorporated herein subject to the following conditions:

1. No landscape waste generated off the property can be burned on this site.
2. No loading or unloading of landscape equipment between the hours of 7pm and 6am.
3. No retail sales/business allowed on site.
4. Restrict the amount of landscape waste that could be stored on site at any one time on the ground (stored in the bins upfront closest to the house) to 15 yards of landscape waste including what is in the bed of the trucks. The 15 yards must be removed within 1 week.
5. The solid fence must be installed within 6 months of the approval date of the special use. Before any outside storage is permitted, the fence also must be erected.
6. A maximum of 9 of employees.

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 17th day of February, 2015.

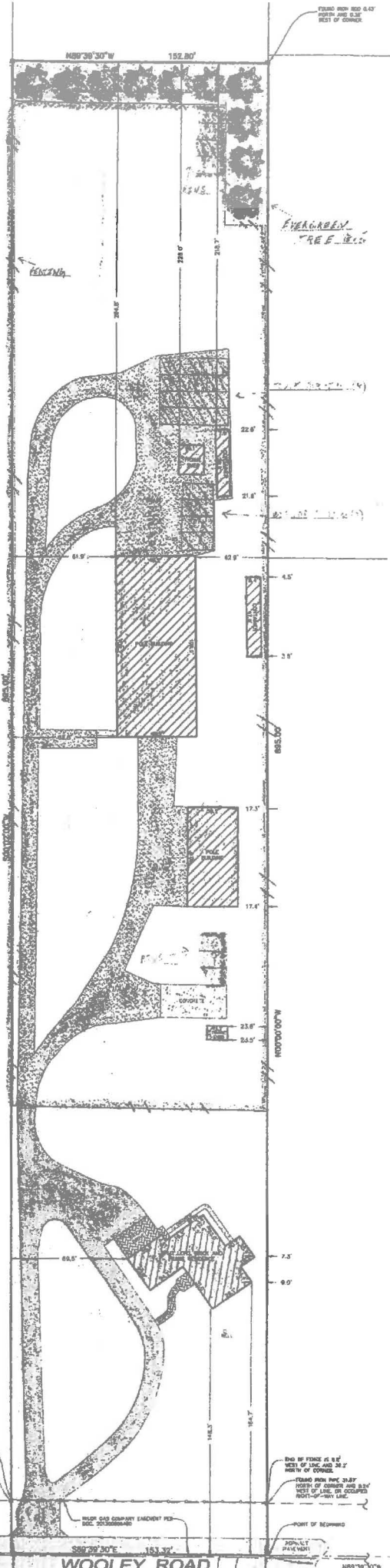
Attest:



Debbie Gillette
Kendall County Clerk



John Shaw
Kendall County Board Chairman



THAT PART OF THE EAST 1/2 OF THE NORTHWEST 1/4 OF SECTION 24, TOWNSHIP 37 NORTH, RANGE 8, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF THE EAST 1/2 OF SAID NORTHWEST 1/4; THENCE NORTH 89 DEGREES 39 MINUTES 30 SECONDS WEST ALONG THE SOUTH LINE OF SAID NORTHWEST 1/4, 728.0 FEET FOR THE POINT OF BEGINNING; THENCE NORTH PARALLEL WITH THE EAST LINE OF THE SAID NORTHWEST 1/4, 895.0 FEET; THENCE NORTH 89 DEGREES 39 MINUTES 30 SECONDS WEST PARALLEL WITH THE SOUTH LINE OF SAID NORTHWEST 1/4, 132.80 FEET; THENCE SOUTH 0 DEGREES 02 MINUTES 00 SECONDS WEST 895.0 FEET TO THE SOUTH LINE OF SAID NORTHWEST 1/4; THENCE SOUTH 89 DEGREES 39 MINUTES 30 SECONDS EAST ALONG SAID SOUTH LINE, 133.32 FEET TO THE POINT OF BEGINNING, IN THE TOWNSHIP OF OSWEGO, KENDALL COUNTY, ILLINOIS.

AREA = 130,967 S.F. = 3.145 ACRES
 AREA IN RIGHT-OF-WAY (AS OCCUPIED) = 5,059 S.F. = 0.116 ACRES
 NET AREA = 131,928 S.F. = 3.029 ACRES

EXHIBIT A

LEGEND

- SET 1/2" IRON ROD
 - △ SET 1/2" IRON NAIL
 - FOUND 3/4" IRON PIPE
 - FOUND 1/2" IRON ROD
 - ▲ FOUND IRON NAIL
- BOUNDARY LINE
 - - - EASEMENT LINE
 - · - · - OCCUPIED RIGHT-OF-WAY LINE
 - · - · - EXISTING LOT LINE
 - · - · - CENTER LINE
 - · - · - FENCE LINE

ABBREVIATIONS

- N = NORTH
- S = SOUTH
- E = EAST
- W = WEST
- ATT = ATTACHED
- CONC. = CONCRETE
- BT = BITUMENOUS CONCRETE
- M = MEASURED GARAGE
- A = RECORDED OR PLATTER DIVISION
- D = DIMENSION PER BOOK
- S.F. = SQUARE FEET

NOTES

- 1.) COMPARE ALL DIMENSIONS SHOWN HEREON PRIOR TO ANY CONSTRUCTION AND REPORT ANY DISCREPANCIES TO THE SURVEYOR AT ONCE.
- 2.) NO UTILITIES ARE SHOWN HEREON. THERE MAY BE SUBSURFACE UTILITIES ON THIS PROPERTY. CALL THE APPROPRIATE UTILITY LOCATING SERVICE PRIOR TO ANY CONSTRUCTION.
- 3.) ONLY THOSE EASEMENTS WHICH THE SURVEYOR HAS KNOWLEDGE OF ARE SHOWN HEREON. THERE MAY BE OTHER EASEMENTS WHICH AFFECT THIS PROPERTY. REFER TO YOUR TITLE COMMITMENT FOR THE LOCATION AND PURPOSE OF ANY EASEMENTS.
- 4.) MEASURED DIMENSIONS ARE SHOWN HEREON UNLESS OTHERWISE NOTED.

STEWART ROAD



CERTIFICATION

STATE OF ILLINOIS }
 COUNTY OF KENDALL } SS

I, WILLIAM H. JAGER, AN ILLINOIS PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THIS SURVEY WAS MADE BY ME OR BY PERSONS UNDER MY DIRECT SUPERVISION. THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

GIVEN UNDER MY HAND AND SEAL AT NEWARK, ILLINOIS THIS 5th DAY OF JANUARY, 2015.

William H. Jager
 WILLIAM H. JAGER
 ILLINOIS PROFESSIONAL LAND SURVEYOR #035-003301
 MY LICENSE EXPIRES NOVEMBER 30, 2016

END OF FENCE 25.4' NORTH OF CORNER AND 0.2' EAST OF LINE.
 FOUND IRON ROD 21.6" NORTH OF CORNER AND 0.2' WEST OF LINE, OR OCCUPIED RIGHT-OF-WAY LINE.
 HIGH-OF-WAY LINE (AS OCCUPIED)
 HIGH-OF-WAY LINE (AS OCCUPIED)
 END OF FENCE 25.4' NORTH OF CORNER AND 0.2' WEST OF LINE.
 FOUND IRON ROD 21.6" NORTH OF CORNER AND 0.2' WEST OF LINE, OR OCCUPIED RIGHT-OF-WAY LINE.
 END OF FENCE 25.4' NORTH OF CORNER AND 0.2' WEST OF LINE.
 FOUND IRON ROD 21.6" NORTH OF CORNER AND 0.2' WEST OF LINE, OR OCCUPIED RIGHT-OF-WAY LINE.
 POINT OF BEGINNING
 FULLY PAVED
 389°29'30"E 153.32'
 889°39'30"W 728.00'

WOOLLEY ROAD