

ORDINANCE NUMBER 2015 - 116

GRANTING A MAJOR AMMENDMENT TO AN A-1 SPECIAL USE AT
3485 ROUTE 126, OSWEGO
TO REDUCE THE REQUIRED SETBACK FOR SALES DISPLAY
OF FARM AND LAWN EQUIPMENT

WHEREAS, Daniel Philip Koukol has filed a petition for a Major Amendment to an existing Special Use for a property located at 3485 Route 126 in Oswego, (PIN # 06-16-100-002 (south 18.6 acres) - partial, and 06-09-300-002 (north 80 acres) - partial), in Oswego Township; and

WHEREAS, Ordinance 97-06 granted an A-1 Special Use for a farm equipment sales and service business to Phillip, Betty & Dan Koukol; and

WHEREAS, the farm equipment business is commonly known as DK Trailer and Tractor; and

WHEREAS, said petition is to modify condition 3 in Ordinance 97-06 to reduce the setback from the Route 126 right-of-way for current sales display from 40 feet to 10 feet; and

WHEREAS, said property is legally described as:

That part of the Southwest Corner of Section 9 and that part of the Northwest Quarter of Section 16, Township 36 North, Range 8 East of the Third Principal Meridian described as follows: Beginning at the Northeast Corner of said Northwest Quarter; thence South 01° 40' 39" East, along the East Line of said Northwest Quarter, 466.05 feet to the centerline of Illinois State Route No. 126; thence South 80° 28' 31" West along said centerline, 320.0 feet; thence North 01° 40' 39" West, parallel with said East Line, 708.83 feet; thence Easterly to a point on the East line Southwest ¼ Section 9, point lying 199.09 feet North of the Point of Beginning, thence South 01° 36' 40" East, along said East Line, 199.09 feet to the point of beginning in Na-Au-Say Township, Kendall County, Illinois and containing 5.00 acres.

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, including a recommendation for approval by the Special Use Hearing Officer on July 27, 2015; and

WHEREAS, the findings of fact were approved by the Special Use Hearing Officer 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. A fence currently exists along the property line. Allowing the outdoor sales display to be within 10' of the right-of-way would be consistent with other permitted businesses in the County, and

would still provide for appropriate visibility along the drive-way.

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. Per the applicant, the setback for outdoor display was imposed original to provide separation from a planned home on the south side of Route 126. However, plans for that have since been dropped. A reduced setback should have no impact on adjacent agricultural uses or the adjacent ServPro of Kendall County restoration business.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. A gravel pad is already in place to accommodate the proposed outdoor display. All other facilities are already in place.

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. All other provisions of Ordinance 97-06 approving this Special Use shall remain in effect, as well as all other provisions of the Agricultural District unless modified in Ord. 97-06 or in this amendment to that 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. Since the Special Use is already in place, this criterion is not relevant to the amendment.

WHEREAS, the Kendall County Regional Planning Commission reviewed the request on July 22, 2015 and also recommended approval by a 6-0 vote; and

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

NOW, THEREFORE, BE IT ORDAINED, that the Kendall County Board hereby grants approval of a Major Amendment to Special Use Ordinance 97-06 (included as "Exhibit A" to reduce the minimum setback for current sales display (farm and landscape equipment, trailers, etc.) from forty feet (40') contained in the original Special Use Permit to ten feet (10'), subject to the following conditions:

1. This Major Amendment to Special Use 97-06 is granted for DK Trailer and Tractor only and shall run with the tenant. Any new business will be required to seek a new special use approval per the provisions of Ordinance 97-06, which states that the Special Use Permit shall not be transferred beyond the current owner.

2. The minimum 10 foot setback shall be measured from the right-of-way of Route 126. Should additional right-of-way be needed in the future, the location of the outdoor displays shall be adjusted to maintain a minimum 10 foot setback from the new right-of-way.
3. All conditions contained in the original Special Use Ordinance 97-06 still apply except for the reduction to a 10' setback for current sales display.

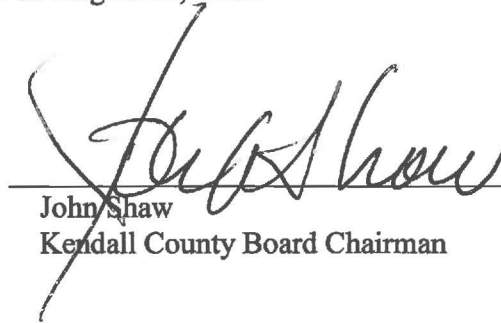
Failure to comply with the terms of this ordinance may be cited as a basis for amending or revoking this special use permit.

IN WITNESS OF, this ordinance has been enacted on August 18, 2015.

Attest:



Debbie Gillette
Kendall County Clerk



John Shaw
Kendall County Board Chairman

EXHIBIT "A"

State of Illinois
County of Kendall

Petition #9630
Phillip, Betty & Dan Koukol

*pt 06-16-100-002
pt 06-09-300-052*

ORDINANCE 97-06

**GRANTING A SPECIAL USE PERMIT
KOUKOL TRACK
3485-A Route 126**

WHEREAS, the County Board, Zoning Board of Appeals, Regional Planning Commission have held all required meetings and Public Hearing and considered the application of Phillip, Betty & Dan Koukol, filed as Special Use Petition #9630, requesting to be allowed to operate a farm equipment sales and service business on the following described property:

That part of the Southwest Corner of Section 9 and that part of the Northwest Quarter of Section 16, Township 36 North, Range 8 East of the Third Principal Meridian described as follows: Beginning at the Northeast Corner of said Northwest Quarter; thence South 01° 40' 39" East, along the East Line of said Northwest Quarter, 466.05 feet to the centerline of Illinois State Route No. 126; thence South 80° 28' 31" West along said centerline, 320.0 feet; thence North 01° 40' 39" West, parallel with said East Line, 708.83 feet; thence North 88° 19' 21" East, perpendicular to the last described course, 317.23 feet to the East Line of said Southwest Quarter of Section 9; thence South 01° 36' 40" East, along said East Line, 199.09 feet to the point of beginning in Na-Au-Say Township, Kendall County, Illinois and containing 5.000 acres.

NOW THEREFORE, BE IT ORDAINED that the County Board does hereby approve the amended zoning from A-1 to A-1 Special Use in order to allow the Petitioner to operate an Agricultural Farm Sales and Service business on the property herein described and that said Special Use Permit hereby issued shall include the following terms and conditions:

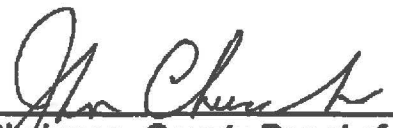
1. That the Site Drawing of Phillip D. Young, Land Surveyor, dated October 28, 1996 is approved and incorporated as part of this Special Use Permit and made a part hereof as Exhibit "A".
2. The Zoning Administrator shall decide whether any proposed construction of a new building or other expansion of the business shall require a revised Special Use Permit.

3. A 40 foot setback from the Route 126 right-of-way and side property line is required for the current sales display.
4. A screening plan of landscaping and fencing along the east edge of the property shall be submitted for a approval to the Zoning Administrator within a month of the granting of this ordinance.
5. The Special Use Permit shall be limited to repair and sale of farm and lawn equipment.
6. Operating hours are limited to 7:00 a.m. to 6:00 p.m. on Monday through Saturday.
7. All inoperable equipment and parts shall be stored inside existing buildings. Only operable, for sale farm and lawn equipment may be stored and displayed outside.
8. Said Special Use Permit shall be subject to an annual review by the Zoning Administrator.
9. The owner has volunteered a covenant stating that the Special Use Permit shall not be transferred beyond the current owner.

IN WITNESS WHEREOF, this Ordinance has been enacted the 18th day of March, 1997.

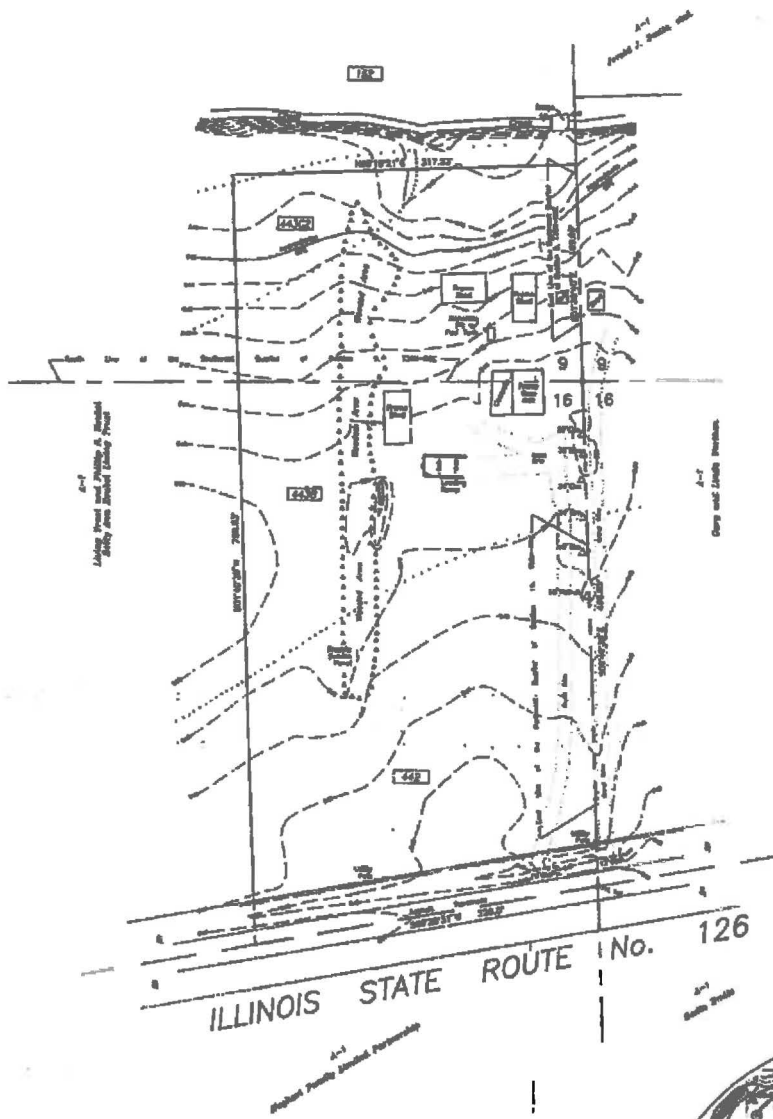
ATTEST:


County Clerk


Chairman, County Board of
Kendall County, Illinois

ZONING PLAT OF
PART OF THE SOUTHWEST QUARTER OF SECTION 9, T36N-R8E, 3rd PM and
PART OF THE NORTHWEST QUARTER OF SECTION 16, T36N-R8E, 3rd PM
NA-AU-SAY TOWNSHIP KENDALL COUNTY ILLINOIS

EXHIBIT 'A'
ORDINANCE #97-



N

SCALE
1"=50'

October 28, 1996

Division Return to Approximately 1005/70000

Area: 5.000 Acres
(4.709 Acres Excluding Road)

Present Zoning: A-1

Proposed Zoning: A-1 SU

Owner: Dan Koukol
1690 Collins Road
Oswego, Illinois 60543

- Site - BCI Classification**
- R-1 Residential Single-Family Lots
 - R-2 Residential Medium Density, 45-75' slopes, wooded
 - R-3 Residential Medium Density, 25-45' slopes
 - R-4 Residential Single-Family Lots

NOTE: Base Flood Elevation (BFE) shown to approximate and has been obtained from Flood Insurance Rate Map Community Flood No. 17042-0100-C with an effective date of July 15, 1995. This is an unnumbered Zone of Risk on detailed BFE elevation.

LEGAL DESCRIPTION OF TRACT TO BE REZONED:
 That part of the Southwest Quarter of Section 9 and that part of the Northwest Quarter of Section 16, Township 36 North, Range 8 East of the Third Principal Meridian described as follows: Beginning at the Northwest Corner of said Southwest Quarter, thence South 0°00'00" East, along the East line of said Southwest Quarter, 480.00 feet to the southeast corner of said Southwest Quarter, thence South 89°59'57" West, along said southeast corner, 200.00 feet; thence North 0°00'00" West, parallel with said East line, 700.00 feet; thence North 89°59'57" East, perpendicular to the last described corner, 217.34 feet to the West line of said Southwest Quarter of Section 9; thence South 89°59'57" East, along said West line, 160.00 feet to the point of beginning in North-South Township, Kendall County, Illinois and containing 5.000 acres.



Location Sketch (not to scale)

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| JOB NO. | 96149 | Phillip D. Young and Associates, Inc. LAND SURVEYING — TOPOGRAPHIC MAPPING | 1107B South Bridge Street Yorkville, Illinois 60580 Telephone (630)553-1580 |
| JOB NAME | KOUKOL | | |
| DWG FILE | 96149 | | |