

ORDINANCE NUMBER 2014 - 29

GRANTING A SPECIAL USE FOR
3485 ROUTE 126
FOR A CLEAN-UP RESTORATION SERVICE/ BUSINESS

WHEREAS, DTG Investments LLC, has filed a petition for a Special Use within the A-1 Agricultural Zoning District for a 5.93 acre property located on the north side of Route 126, 0.45 miles west of Schlapp Road, commonly known as 3485 Route 126 (PIN#06-09-400-005), in NaAuSay Township, and;

WHEREAS, said petition is to allow the operation of a clean-up restoration service/business; and

WHEREAS, petition #14-22 was approved on September 16, 2014 as Ordinance 2014-27 as the text amendment to allow such a use as a special use in the A-1 Agricultural district; and

WHEREAS, said property is currently zoned A-1 Agricultural with an existing Special Use for the operation of a landscape business; and

WHEREAS, the County Board of Kendall County, Illinois did grant the petitioner said request as Ordinance 2007-10 on March 20, 2007; and

WHEREAS, said property is legally described as:

THAT PART OF THE WEST ½ OF THE SOUTHEAST ¼ OF SECTION 9 AND PART OF THE WEST ½ OF THE NORTHEAST ¼ OF SECTION 16 ALL IN TOWNSHIP 36N, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING NORTHERLY OF THE CENTERLINE OF ILLINOIS ROUTE NO. 126 DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID SOUTHEAST ¼ OF SECTION 9; THENCE NORTH 01 DEGREES, 36 MINUTES, 40 SECONDS WEST ALONG THE WEST LINE OF SAID SOUTHEAST ¼, 260 FEET; THENCE NORTH 88 DEGREES, 44 MINUTES, 53 SECONDS EAST, 335 FEET; THENCE SOUTH 01 DEGREES, 39 MINUTES, 11 SECONDS EAST, 677.39 FEET TO THE CENTERLINE OF SAID ROAD; THENCE SOUTH 80 DEGREES, 28 MINUTES, 31 SECONDS, WEST ALONG SAID CENTERLINE, 338.17 FEET TO THE WEST LINE OF SAID NORTHEAST ¼; THENCE NORTH 01 DEGREES, 40 MINUTES, 39 SECONDS WEST ALONG SAID WEST LINE, 466.05 FEET TO THE POINT OF BEGINNING, IN THE TOWNSHIP OF NAAUSAY, 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 3, 2014 & on September 29, 2014; and

WHEREAS, the findings of fact were approved as follows (on both dates):

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 property was previously used for a landscaping business and this new use will be less noticeable as everything takes place inside the buildings including storage of the vehicles.

*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 site will not be modified in any way and is surrounded by farmland and a special use for ag implement sales next door to the east.***

*That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. **Nothing is being modified on this site and access already exists.***

*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. **Assuming the text amendment passes to allow this type of use in the A-1 district it will conform to all applicable regulations.***

*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 is consistent with the LRMP.***

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 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 clean-up restoration service/business in accordance to the submitted Site Plan included as "Exhibit A" attached hereto and incorporated herein subject to the following conditions:

1. Must meet all the conditions of the text amendment:
 - a. If zoned A-1 Agricultural the facility shall have direct access to a road designated as a major collector (or higher) on the County Land Resource Management Plan.
 - b. All commercial vehicles are to be stored inside an accessory structure when not in use unless outdoor storage is screened from adjacent and surrounding properties and screening and storage is shown on the approving site plan.
 - c. All operations are to take place inside an enclosed structure.
 - d. A waste management plan must be submitted and an exhibit to the approving ordinance. (Exhibit B)
 - e. A material management plan must be submitted including where items will be stored on site including but not limited to chemicals and belongings. (Exhibit C)
 - f. No materials that are brought in can be burned on this site.
 - g. All signage shall comply with the provisions of Section 12 of the Kendall County Zoning Ordinance (Sign Regulations).
 - h. Shall satisfy all requirements of the Kendall County Health Department and Building Department prior to the issuance of occupancy permits.

2. No outdoor storage except employee's cars.
3. No activity including parking or storage is permitted in the floodplain.
4. If any future expansion is proposed a major amendment to the special use will need to be filed.

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 7th day of October, 2014.

Attest:



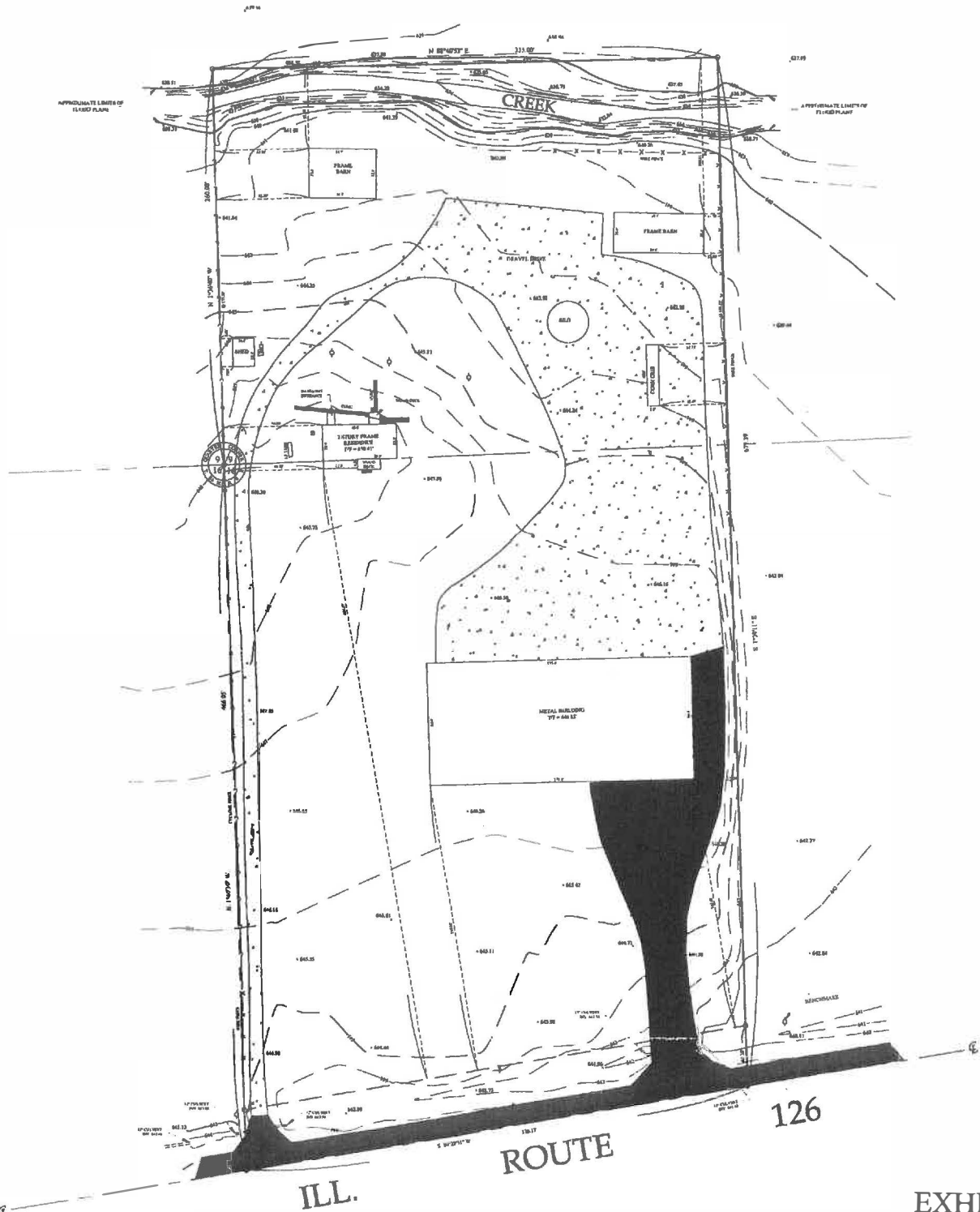
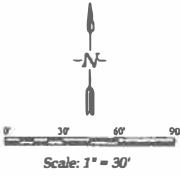
Debbie Gillette
Kendall County Clerk



John Shaw
Kendall County Board Chairman

PLAT OF TOPOGRAPHY

THAT PART OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 16 AND THAT PART OF THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 16 LYING NORTHEASTLY OF THE CENTER LINE OF ILLINOIS ROUTE 126 ALL IN TOWNSHIP 16 NORTH RANGE 1 EAST OF THE THIRD PRINCIPAL MERIDIAN BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER OF SECTION 16, THENCE NORTH 1 DEGREE 34 MINUTES 40 SECONDS WEST ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER, 260.00 FEET; THENCE NORTH 89 DEGREES 04 MINUTES 51 SECONDS EAST, 315.00 FEET; THENCE SOUTH 1 DEGREE 34 MINUTES 11 SECONDS EAST, 677.30 FEET TO THE CENTER LINE OF SAID ROUTE 126; THENCE SOUTH 80 DEGREES 31 MINUTES 31 SECONDS WEST ALONG SAID CENTER LINE, 138.17 FEET TO THE WEST LINE OF SAID NORTHEAST QUARTER, THENCE NORTH 1 DEGREE 41 MINUTES 39 SECONDS WEST, ALONG SAID WEST LINE, 466.00 FEET TO THE POINT OF BEGINNING, IN THE TOWNSHIP OF NA-AUGAY, KENDALL COUNTY, ILLINOIS



SURVEYOR'S CERTIFICATE

STATE OF ILLINOIS
 COUNTY OF KENDALL

THIS IS TO CERTIFY TO STEVE AND BEAN FREEMAN, THAT I, DONALD D. BAUER, AN ILLINOIS PROFESSIONAL LAND SURVEYOR IN AFORESAID COUNTY AND STATE, HAVE COMPLETED A PLAT OF TOPOGRAPHY ON THE GROUND OF THE PROPERTY DESCRIBED TO THE CLIENT APPLICABLE ILLINOIS PROFESSIONAL LAND SURVEYOR ASSOCIATION STANDARDS AND THAT THE PLAT HEREON DRAWN REPRESENTS THE FACTS FOUND AT THE TIME OF THE SURVEY. ASSUMPTIONS AND OR SETBACKS SHOWN ARE EITHER THOSE DERIVED ON THE RECORDED SUBDIVISION PLAT OR THOSE PROVIDED TO US BY OTHER DOCUMENTATION.

ON BE UNDER MY HAND AND SEAL AT PLANO, ILLINOIS THIS 12th DAY OF FEBRUARY, 2007

Donald D. Bauer
 ILLINOIS PROFESSIONAL LAND SURVEYOR #2352
 REGISTRATION EXPIRES 12/31/2009

REFERS TO A CURRENT TITLE INSURANCE POLICY FOR ENCUMBRANCES NOT PROVIDED. THIS DRAWING IS THE PROPERTY OF R B & ASSOCIATES LAND SURVEYORS, INC. AND SHALL NOT BE USED FOR ANY OTHER PURPOSES THAN SET FORTH WITHOUT THE WRITTEN CONSENT OF AN AUTHORIZED AGENT OF R B & ASSOCIATES LAND SURVEYORS, INC.



- LEGEND:**
- CONTOUR LINES
 - POWER POLE
 - ☐ TELEPHONE BOX
 - ⊠ TRANSFORMER
 - WELL
 - ▲ SPOT ELEVATION
 - EDGE OF PAVEMENT

BENCH MARK:
 IS SPICHT POWER POLE AT SOUTHEAST CORNER OF OUR PROPERTY
 ELEV = 462.16

BRIDGE DECK:
 TOP OF BRIDGE DECK OVER CREEK
 210' TO EAST ELEV = 432.39
 ACCORDING TO BOTH CIVIL VERT PLANS. FLOOD LEVEL AT CIVIL VERT 210' TO EAST IS 462.71. END SECTION IS ELEVATION 438.24

126

ROUTE

ILL.

EXHIBIT A

**R B & ASSOCIATES
 LAND SURVEYORS, INC.**
 4 West Main Street
 Plano, Illinois 60545
 (830) 583-7482
 DESIGN FIRM NO. 184-004475

EXHIBIT B

Waste Management Plan

1) All debris from operating a business, including any debris that is brought back from a job site, will be disposed of by a commercial garbage company that will remove it on an as needed basis. The garbage will be stored in a dumpster until it is removed.

EXHIBIT C

Material Management Plan

2) If there are any household items brought back to the facility, they will be stored inside. If any chemicals are used, they will be used inside of the building and they will also be stored inside.