

ORDINANCE NUMBER 2012 - 23

GRANTING A SPECIAL USE FOR
1996 CANNONBALL TRAIL
SEMPER FI YARD SERVICES INC.

WHEREAS, Semper Fi Yard Services Inc. has filed a petition for a Special Use within the A-1 Agricultural Zoning District for a 5.2 acre property located on the east side of Cannonball Trail about 0.5 miles south of Galena Road, commonly known as 1996 Cannonball Trail (PIN# 02-15-101-003), in Bristol Township, and;

WHEREAS, said petition is to allow the operation of a landscape business and live in the house; and

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

WHEREAS, said property is legally described as:

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 10, TOWNSHIP 37 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN AND THAT PART OF THE NORTHWEST QUARTER OF SECTION 15 , TOWNSHIP AND RANGE AFORESAID DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER, THENCE SOUTHEASTERLY ALONG A LINE WHICH IF EXTENDED WOULD INTERSECT THE NORTHLY LINE OF THE FORMER LANDS OF CHARLES HUNT AT A POINT OF SAID NORTHERLY LINE WHICH IS 1551.80 FEET WESTERLY OF THE WEST LINE OF A TRACT OF LAND CONVEYED BY NELSON C. RIDER TO JERRY W. RIDER BY A WARRANTY DEED RECORDED NOVEMBER 29, 1911 IN BOOK 66 DEEDS, PAGE 25 AND DEPICTED IN THE PLAT BOOK 1 AT PAGE 62, A DISTANCE OF 938.61 FEET TO THE CENTER LINE OF CANNONBALL TRAIL, FOR A POINT OF BEGINNING , THENCE SOUTHEASTERLY ALONG THE LAST DESCRIBED COURSE EXTENDED, 447.72 FEET TO SAID NORTHERLY LINE; THENCE ESATERLY ALONG SAID NOTEHRLY LINE, WHICH FORMS AN ANGEL OF 160°49' 30" WITH THE LAST DESCRIBED COURSE, MEASURED CLOCKWISE THEREFROM, 296.83 FET; THENCE NORTHERLY AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE, 309.14 FEET; THENCE NORTHWESTERLY ALONG A LINE WHICH FORMS AN ANGLE OF 132°19'35" WITH THE LAST DESCRIBED COURSE, MEASURED CLOCKWISE THEREFROM, 386.56 FEET TO THE CENTER LINE OF CANNONBALL TRAIL; THENCE SOUTHWESTERLY ALONG SAID CENTER LINE TO THE POINT OF BEGINNING IN BRISTOL TOWNSHIP KENDALL COUNTY ILLINOIS AND CONTAINING 5.727 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 13.07.J of the Zoning Ordinance, and recommendation for approval by the Special Use Hearing Officer on October 1, 2012; and

WHEREAS, the findings of fact were approved as follows:

That the establishment, maintenance, and operation of the special use will not be detrimental to, or endanger, the public health, safety, morals, comfort, or general welfare. All equipment will be stored inside the structures and shall not be detrimental or endanger the public health, safety, morals,

comfort or general welfare.

*That the special use will not be injurious to the use and enjoyment of other properties 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 property surrounding this piece of land is farm land. The petitioners will still be using the property as a landscape business which is compatible with agricultural farming. The zoning classification within the general area is still agricultural.***

*That the establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district. **The special use permit requested is consistent with the existing zoning and uses within the district.***

*That adequate utilities, access roads, 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 adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets. **The site currently has two entrances at the north and south end of the property. The proposed special use will add minimal additional traffic to the site and will not cause congestion on Cannonball Trail.***

*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 building already exists and the petitioner is not requesting any variances.***

*That the special use is consistent with the spirit of the Land Resource Management Plan and other adopted County or municipal plans and policies. **This special use permit will be consistent with the County's LRMP and the City of Yorkville's future plan which calls for the property to be residential. The petitioners will live in the home and a landscape business will have the same equipment and hours of operation as the surrounding farms.***

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 landscape business in accordance to the submitted Site Plan included as "Exhibit A" attached hereto and incorporated herein subject to the following conditions:

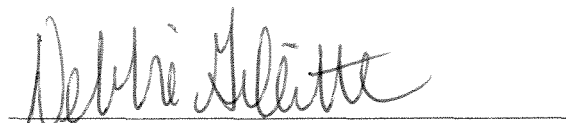
1. All equipment must be stored inside buildings at night.

2. Dedication of a 15' trail easement within sixty (60) days of the approval of the special use.
3. Plat of Dedication of 35' of right of way on the northwest side of the property within sixty (60) days of the approval of the special use. Please contact the Highway Department with any questions.
4. The current sign on Route 71 be permitted to be moved to this site and be lit.
5. Any existing or proposed storage of fuel, pesticides or other hazardous materials shall comply with any and all applicable codes and permit requirements including those required by the State Fire Marshall.

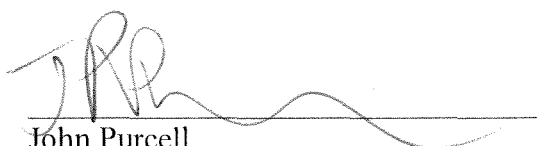
Failure to comply with the terms of this ordinance may be cited as a basis for amending or revoking this special use permit.

IN WITNESS OF, this ordinance has been enacted on October 16, 2012.

Attest:



Debbie Gillette
Kendall County Clerk



John Purcell
Kendall County Board Chairman

ANCES IN FEET AND DECIMAL PARTS THEREOF. NO
INS TO BE ASSUMED FROM SCALING.

YOUR DESCRIPTION AND SITE MARKINGS WITH THIS PLAT
ONCE REPORT ANY DISCREPANCIES WHICH YOU MAY FIND.

USE BUILDING LINE RESTRICTIONS OR EASEMENTS SHOWN ON
DED SUBDIVISION PLAT ARE SHOWN HEREON UNLESS THE
TIONS ORDERED TO BE SURVEYED CONTAINS A PROPER
TION OF THE REQUIRED BUILDING LINES OR EASEMENTS.

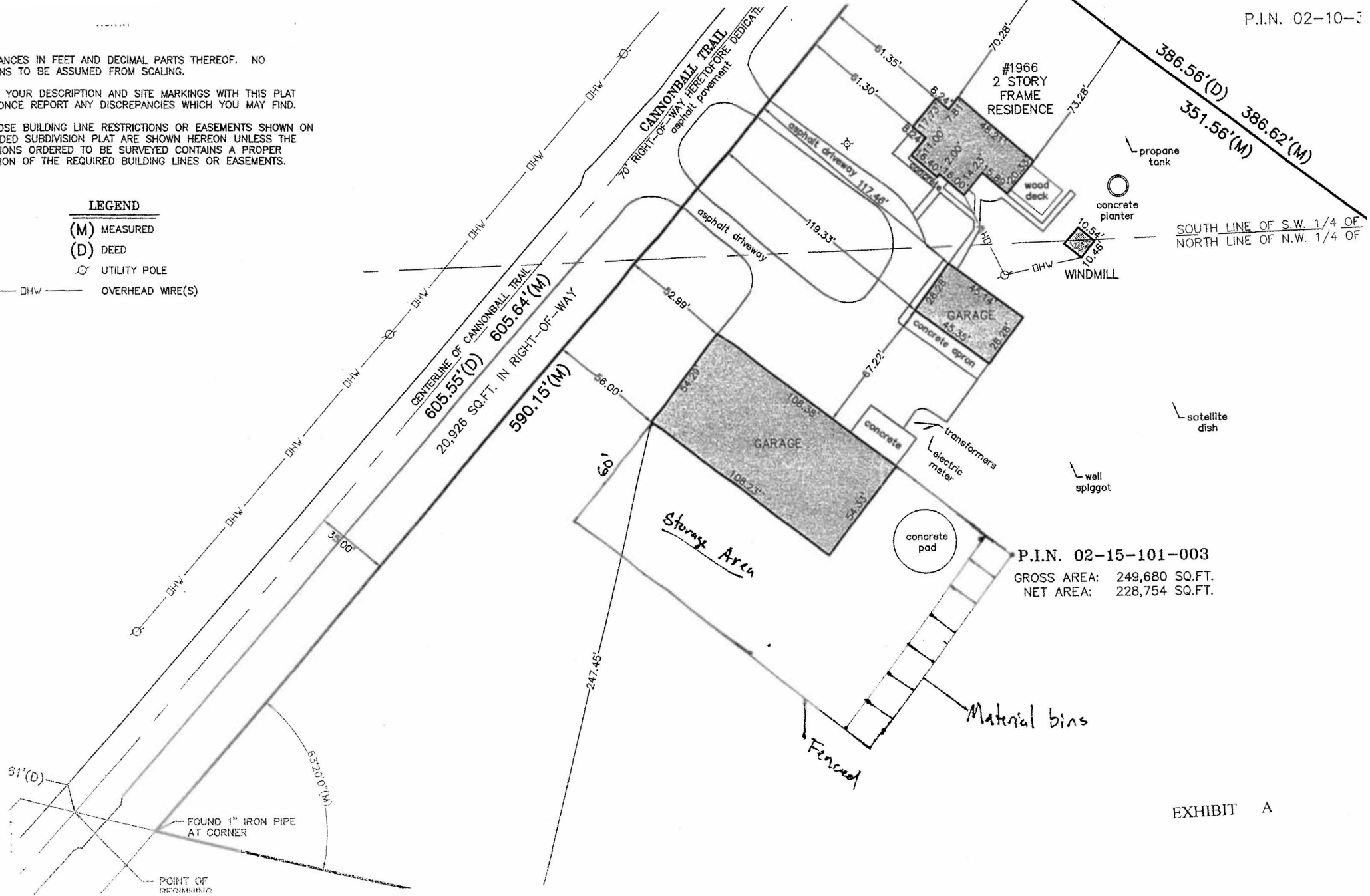
LEGEND

(M) MEASURED

(D) DEED

○ UTILITY POLE

— DHW — OVERHEAD WIRE(S)



P.I.N. 02-15-101-003
GROSS AREA: 249,680 SQ.FT.
NET AREA: 228,754 SQ.FT.

EXHIBIT A