

ORDINANCE # 2011 - 07

**GRANTING AN AMENDMENT TO RESCIND ORDINANCES 2001-13; 2004-09 & 2007-56
& AMEND AN EXISTING SPECIAL USE**

WHEREAS, Chris & Dave Demiduk has filed a petition for an amendment to an existing Special Use within the A-1 Agricultural Zoning District for a 6.55 acre property located at 5126 Stephens Road, (PIN #03-30-400-002 & 03-31-200-002), in Oswego Township;

WHEREAS, said petition is to amend their existing special use permit to expand the scope of their business to allow weddings/special events and construct a patio, chapel parking lot and an additional septic field; and

WHEREAS, the Zoning Board of Appeals previously granted variances per Case number 98-35 for the buildings to reduce the 100' front yard setback from the edge of the R.O.W. to 75 feet from Plainfield Road and 85 feet from Douglas road with a portico 60 feet from Douglas Road. ; and

WHEREAS, said property is zoned A-1 Special Use for a tea room, per Ordinances 01-13, 04-09 and 07-56; and

WHEREAS, said property is legally described as:

Parcel One:

That part of the Northeast $\frac{1}{4}$ of Section 31, Township 37 North, Range 8 East of the Third Principal Meridian, described as follows: Commencing at the Northeast corner of said Northeast $\frac{1}{4}$; thence North 89 degrees, 29 minutes, 30 seconds West along the North line of said Northeast $\frac{1}{4}$, 810.86 feet; thence South 00 degrees, 09 minutes, 13 seconds East 951.08 feet; thence South 89 degrees, 56 minutes, 47 seconds West perpendicular to the last described course 229.00 feet; thence North 00 degrees, 03 minutes, 13 seconds West perpendicular to the last described course 951.08 feet; thence North 89 degrees, 56 minutes, 47 seconds East perpendicular to the last described course 229.00 feet of the point of beginning, in the Township of Oswego, Kendall County, Illinois.

Parcel Two:

That part of the south East $\frac{1}{4}$ of Section 30 and part of the Northeast $\frac{1}{4}$ of Section 31, Township 37 North, Range 8 East of the Third Principal Meridian, described as follows; Beginning at the Southeast corner of said South East $\frac{1}{4}$ of Section 30; thence North 89 degrees, 29 minutes, 30 seconds West along the south line of said South East $\frac{1}{4}$, 810.86 feet; thence South 00 degrees, 03 minutes, 13 seconds East 1395.83 feet; thence South 89 degrees, 56 minutes, 47 seconds West perpendicular to the last described course 30.00 feet; thence North 00 degrees, 03 minutes, 13 seconds West perpendicular to the last described course 1426.13 feet; thence South 89 degrees, 29 minutes, 30 seconds East parallel with the aforesaid South line of the South East $\frac{1}{4}$ 840.07 feet to the East line of said South East $\frac{1}{4}$; thence South 01 degrees, 34 minutes, 18 seconds East along said East line 30.02 feet to the point of beginning, in the Township of Oswego, Kendall County, Illinois.

Parcel Three:

Easement for ingress and egress created by Warranty Deed dated March 21, 1978 and recorded March 22, 1978 as Document 78-1663 made by Stewart, et al, to Pauline Wackerlin for the benefit of Parcels One and Two over the southerly 49.50 feet of the Southwest ¼ of Section 29, in Township 37 North, Range 8 east of the Third Principal Meridian 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, and recommendation for approval by the Special Use Hearing Officer on February 28, 2011; and

WHEREAS, the Kendall County Zoning Administrator or its deputies have authorized a variance to allow for a gravel parking lot and gravel handicapped stalls per section 11.02.F.2 of the Zoning Ordinance; 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

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; and

NOW, THEREFORE, BE IT ORDAINED, that the Kendall County Board hereby repeals Kendall County Ordinance #01-13; #04-09 & #07-56 in its entirety and grants approval to amend their existing special use permit to expand the scope of their business to allow weddings/special events and construct a patio, chapel, parking lot and an additional septic field as indicated on the submitted Site Plan included as "Exhibit A" attached hereto and incorporated herein subject to the following conditions:

1. Review of all site plans by the County's Code Compliance Officer for compliance with the Americans with Disabilities Act accessibility provisions pertaining to the entire site.
2. Development and operation of the site in accordance with the site plan attached hereto and made a part hereof as Exhibit "A"; and
3. Parking for employees shall be in conformance with applicable Kendall County Ordinances.
4. Compliance with applicable building codes and securing of the required permits associated with any proposed remodeling, alteration, construction or expansion of existing or proposed structures on the premises.
5. The principal use of the property is for the retail sales of hand painted pottery including the following ancillary uses:
 - a) Pottery and art classes limited to a maximum of not more than 10 students at any one time;

- b) Retail sales of accessory items sold as decorative elements used to enhance the display and presentation of the hand-painted pottery being offered for sale;
 - c) Use of the rear (southern) 1,056 square feet of the overall 2,652 square foot structure identified as "Tea Room" on the controlling site plan, as a meeting room for private gatherings, limited to not more than 24 persons at any one time and including the accessory sales and preparation of food items limited to sandwiches, soups and salads for consumption on the premises.
 - d) Seasonal sales of agricultural products such as pumpkins or other similar agricultural products grown on the premises;
 - e) Permitted to hold special events/ weddings on site with a maximum number limited to 100 persons at any one time
6. Except as otherwise provided for in condition #5 above, no goods produced off-site, other than pottery and earthenware, may be sold on the premises; and
7. Sales of pottery and earthenware on-site may only take place in the existing house; and
8. A private driveway leading to Stephens Road at least twelve (12) feet in width, which may remain paved with gravel at the discretion of the property owner, and which is otherwise in conformance with Kendall County Private Road Standards, shall be maintained by the property owner; and
9. No food for the weddings/special events will be made in the existing kitchen unless inspected to do so.

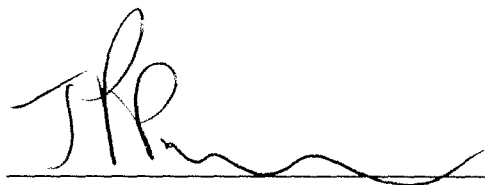
Failure to comply with the terms of this ordinance may be cited as a basis for amending or revoking this special use permit.

IN WITNESS OF, this ordinance has been enacted on March 15, 2011.

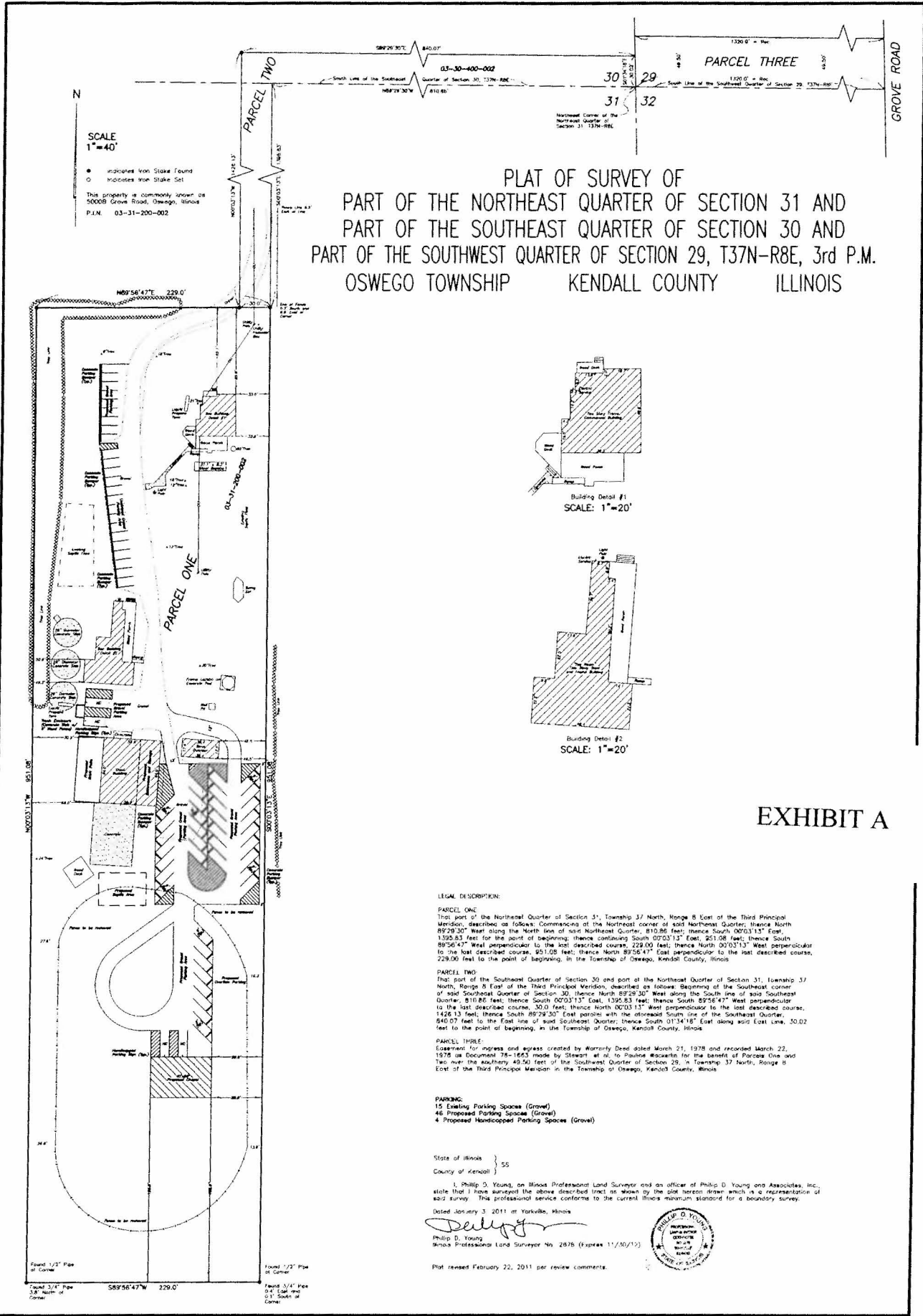
Attest:



Debbie Gillette
Kendall County Clerk



John Purcell
Kendall County Board Chairman



**PLAT OF SURVEY OF
 PART OF THE NORTHEAST QUARTER OF SECTION 31 AND
 PART OF THE SOUTHEAST QUARTER OF SECTION 30 AND
 PART OF THE SOUTHWEST QUARTER OF SECTION 29, T37N-R8E, 3rd P.M.
 OSWEGO TOWNSHIP KENDALL COUNTY ILLINOIS**

SCALE
1"=40'
 ● indicates Iron Stake Found
 ○ indicates Iron Stake Set
 This property is commonly known as
 50008 Grove Road, Oswego, Illinois
 P.M. 03-31-200-002

Building Detail #1
SCALE: 1"=20'

Building Detail #2
SCALE: 1"=20'

EXHIBIT A

LEGAL DESCRIPTION:

PARCEL ONE:
 That part of the Northeast Quarter of Section 31, Township 37 North, Range 8 East of the Third Principal Meridian, described as follows: Commencing at the Northeast corner of said Northeast Quarter; thence North 89°29'30" West along the North line of said Northeast Quarter, 810.86 feet; thence South 00°03'13" East, 1326.63 feet for the point of beginning; thence continuing South 00°03'13" East, 251.08 feet; thence South 89°56'47" West perpendicular to the last described course, 229.00 feet; thence North 00°03'13" West perpendicular to the last described course, 851.03 feet; thence North 89°56'47" East perpendicular to the last described course, 229.00 feet to the point of beginning, in the Township of Oswego, Kendall County, Illinois.

PARCEL TWO:
 That part of the Southeast Quarter of Section 30 and part of the Northeast Quarter of Section 31, Township 37 North, Range 8 East of the Third Principal Meridian, described as follows: Beginning at the Southeast corner of said Southeast Quarter of Section 30; thence North 89°29'30" West along the South line of said Southeast Quarter, 810.86 feet; thence South 00°03'13" East, 1326.63 feet; thence South 89°56'47" West perpendicular to the last described course, 30.00 feet; thence North 00°03'13" West perpendicular to the last described course, 1426.13 feet; thence South 89°29'30" East parallel with the aforesaid South line of the Southeast Quarter, 840.07 feet to the East line of said Southeast Quarter; thence South 01°34'18" East along said East line, 30.02 feet to the point of beginning, in the Township of Oswego, Kendall County, Illinois.

PARCEL THREE:
 Easement for ingress and egress created by Warranty Deed dated March 21, 1978 and recorded March 22, 1978 as Document 78-1863 made by Stewart et al. to Phyllis Maccanite for the benefit of Parcel One and two over the southerly 49.50 feet of the Southwest Quarter of Section 29, in Township 37 North, Range 8 East of the Third Principal Meridian in the Township of Oswego, Kendall County, Illinois.

- PARKING:**
 15 Existing Parking Spaces (Gravel)
 46 Proposed Parking Spaces (Gravel)
 4 Proposed Handicapped Parking Spaces (Gravel)

State of Illinois } 55
 County of Kendall }

I, Phillip D. Young, an Illinois Professional Land Surveyor and an officer of Phillip D. Young and Associates, Inc., state that I have surveyed the above described tract as shown by the plat hereon drawn which is a representation of said survey. This professional service conforms to the current Illinois minimum standard for a boundary survey.

Dated January 3, 2011 at Yorkville, Illinois

Phillip D. Young
 Phillip D. Young
 Illinois Professional Land Surveyor No. 2876 (Expires 11/30/15)



Plat revised February 22, 2011 per review comments.

JOB NO.	10082
JOB NAME	OSWEGO
DWG FILE	10082.dwg
REVISION DATE	

Phillip D. Young and Associates, Inc.
 LAND SURVEYING - TOPOGRAPHIC MAPPING - Lic.#184-002775

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