

ORDINANCE NUMBER 2009 - 25

GRANTING A R-3 SPECIAL USE

7275 ROUTE 34

JANELL COLLIER

WHEREAS, Janell Collier has filed a petition for a Special Use within the R-3 Single Family Residential Zoning District for a 0.9 acre property located at 7275 Route 34, (PIN# 02-14-452-003), in Bristol Township; and

WHEREAS, said petition is to allow for the operation of a specialty gift store pursuant to Section 8.08.B.2 of the Kendall County Zoning Ordinance; and

WHEREAS, said property is zoned R-3 for the Lynwood Subdivision; and

WHEREAS, said property is legally described as:

Lot 118 of Lynwood Subdivision, extension 6, in the Township of Bristol, 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 June 23, 2009; and

WHEREAS, the Kendall County Board finds that said petition is in conformance with the provisions and intent of the Kendall County Zoning Ordinance except the following variances approved at the June 23, 2009 ZBA meeting:

1. Allow parking in the front yard and side yard setbacks within 2 feet from the east side lot line and 10 feet from the current ROW line to the South; and
2. Allow a 40 square foot internally illuminated free-standing sign.

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, any change or modification to the Special Use that does not modify the original intent, purpose, or need for the Special Use, shall be submitted to and reviewed by the Planning, Building, & Zoning Department. Notice that a change or modification is sought shall be provided by the applicant in the manner provided in 55 ILCS 5/5-12009.5. Upon proper notice, the Planning, Building, & Zoning Department shall forward the request for change or modification to the Planning, Building & Zoning Committee. The Committee may return the matter to ZPAC and/or Plan Commission for further consideration and findings or forward the matter to the full County Board to grant, deny, or return the requested change or modification to the Committee for further

consideration and findings, 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 (retail shop or office 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 allow a special use for a retail gift shop and depicted on the site plan attached as "Exhibit A" hereto and incorporated herein subject to the following conditions:

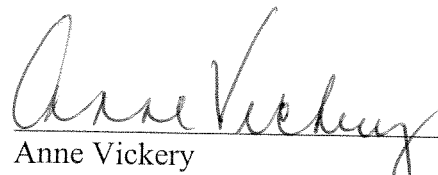
1. The Special Use shall be inspected yearly.
2. A permit shall be obtained for the sign.
3. There must be a minimum of 9 parking stalls including 1 handicapped stall.
4. No outside storage of any materials or outdoor display
5. No semi-truck deliveries are permitted
6. Off-street parking shall be provided in accordance with the provisions of Chapter 11 of the ordinance.
7. No more than 3 employees are allowed to work at one time.
8. The Health Department must verify the septic system is adequate for the proposed use.
9. The office or retail use shall not generate noise, vibration, glare, fumes, odors, or electrical interference beyond that which normally occurs in the R-3 district.
10. Expansion of the residential building, structure, or of any accessory building in which the office or retail use is operated may be permitted upon the submission of a site plan and accurate drawings showing all elevations of such proposed building or structure to the plan commission for its review and recommendation, and upon approval by the County Board. The current structures and any new structures must maintain a residential appearance and match the surrounding neighborhood architecture.
11. The standards are intended to ensure compatibility with other permitted uses and maintain the residential character of the surrounding residential uses.

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 July 21, 2009.

Attest:


Kendall County Clerk
Debbie Gillette


Anne Vickery
Kendall County Board Chairman



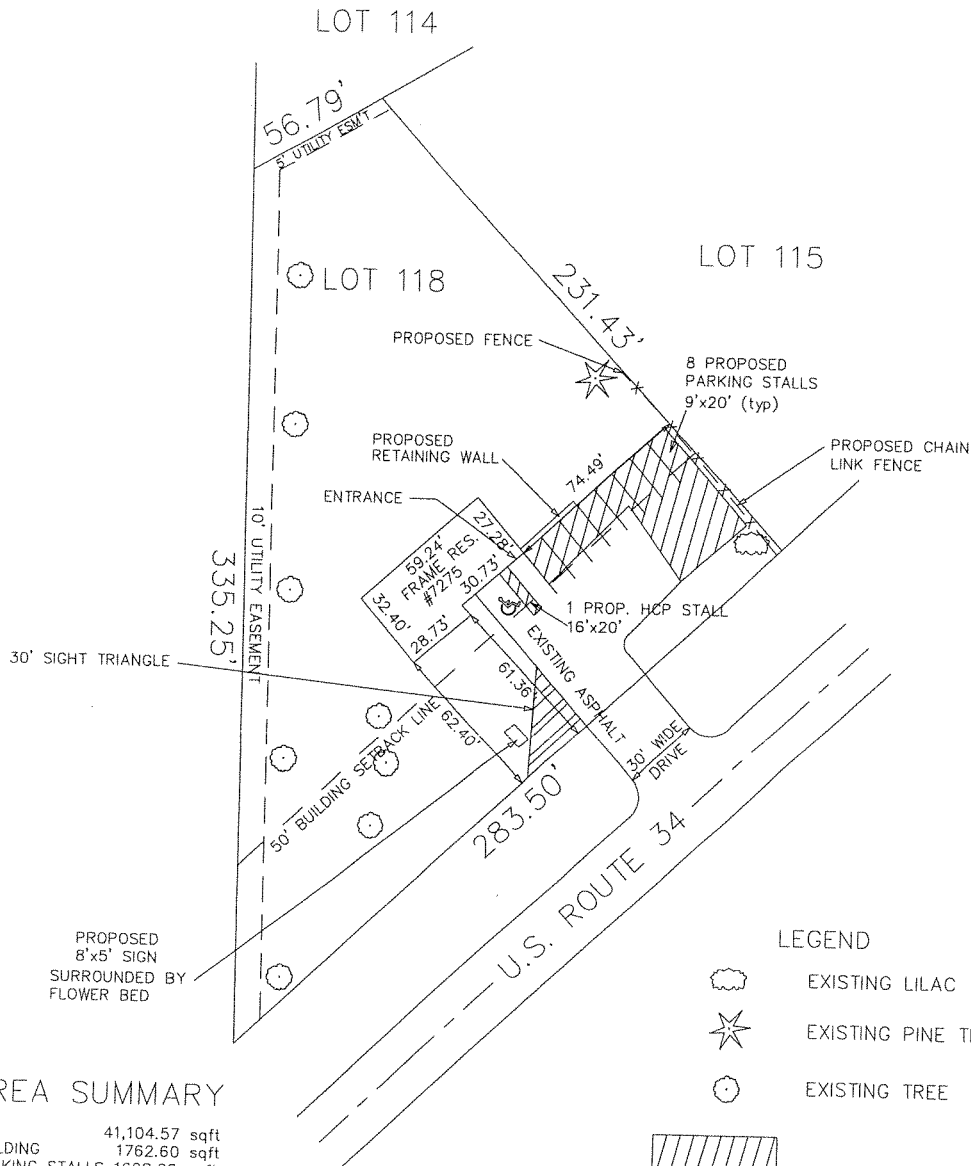
ZONING SKETCH

MORRISON SURVEYING CO., INC.
2710 N. Illinois Route 47, Morris, Illinois 60460-3633
Phone (815) 942-2620 FAX (815) 941-2620



LOT 118 OF LYNWOOD SUBDIVISION, EXTENSION 6, IN THE TOWNSHIP OF BRISTOL,
KENDALL COUNTY, ILLINOIS.

EXHIBIT A



- LEGEND**
- EXISTING LILAC
 - EXISTING PINE TREE
 - EXISTING TREE
 - PROPOSED ASPHALT
 - EASEMENT LINE
 - SETBACK LINE

AREA SUMMARY

LOT 41,104.57 sqft
 BUILDING 1762.60 sqft
 PARKING STALLS 1628.00 sqft

State of Illinois }
County of Grundy } s.s.

We, MORRISON SURVEYING CO INC., (PDF License #184-003915) do hereby certify that we have surveyed the property described in the caption to the plat hereon drawn and that this professional service conforms to the current Illinois minimum standards for a boundary survey. All dimensions are in feet and decimal parts of a foot and are correct at a temperature of 68 degrees fahrenheit. Dimensions shown on buildings are to the outside of buildings. Given under my hand and seal at Morris, Illinois.

Date: 05/06/09



Compare All Dimensions Before Building And Report Any Discrepancies At Once. For Building lines, Easements and other restrictions not shown hereon refer to your Deed, Title Policy, Zoning ordinance, ETC...

ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 35-3735 License Expires 11/30/08

ORDERED BY: JANELL COLLIER
SCALE: 1" = 40' ORDER NO. 3172