

ORDINANCE NUMBER 2009 - 34

GRANTING A SPECIAL USE for a
LANDSCAPING AND SNOW REMOVAL OPERATION to
MATTHEW WILLIAMS, d/b/a QUINTESSENCE LAWN & LANDSCAPE
MANAGEMENT

WHEREAS, Matthew Williams, d/b/a Quintessence Lawn & Landscape Management has filed a petition for a Special Use within the A-1 Agricultural Zoning District for a 1.2 acre property located on the south side of Wolf Crossing Road, approximately 600' east of Roth Road, commonly known as 1116 Wolf Crossing Road (PIN #03-14-200-016), in Oswego Township; and

WHEREAS, said petition is to allow the operation of a Landscaping Operation pursuant to Section 7.01.D.17 of the Kendall County Zoning Ordinance; and

WHEREAS, said property is legally described as:

THAT PART OF THE EAST ½ OF THE NORTHEAST ¼ OF SECTION 14, TOWNSHIP 37 NORTH, RANGE 8, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE CENTER LINE OF THE OSWEGO AND WOLF'S CROSSING ROAD WITH A LINE DRAWN PARALLEL WITH AND 568 FEET WEST OF THE EAST LINE OF SAID SECTION 14 (MEASURED AT RIGHT ANGLES TO SAID EAST LINE); THENCE WESTERLY ALONG THE CENTER LINE OF SAID ROAD 150.6 FEET; THENCE SOUTH PARALLEL WITH THE EAST LINE OF SAID SECTION 822 FEET TO THE NORTH LINE OF THE SOUTH 45.31 ACRES OF THE EAST ½ OF SAID NORTHEAST ¼ OF SECTION 14; THENCE EAST ALONG SAID NORTH LINE 150 FEET TO A LINE DRAWN SOUTH PARALLEL WITH THE EAST LINE OF SAID NORTHEAST ¼ FROM THE POINT OF BEGINNING; THENCE NORTH ALONG SAID PARALLEL LINE 836.7 FEET TO THE POINT OF BEGINNING, EXCEPT THAT PART THEREOF LYING SOUTH OF A LINE DRAWN FROM A POINT ON THE WEST LINE THEREOF THAT IS 502.0 FEET NORTH OF THE SOUTHWEST CORNER THEREOF TO A POINT ON THE EAST LINE THEREOF THAT IS 510.7 FEET NORTH THE SOUTHEAST CORNER THEREOF, ALL BEING IN THE TOWNSHIP OF OSWEGO, KENDALL COUNTY, ILLINOIS

WHEREAS, the Kendall County Regional Plan Commission has recommended approval for the following on June 24, 2009:

1. The required amount of parking stalls to be provided on the property shall consist of seven parking stalls
2. Existing gravel parking area instead of a hard surface however within sixty (60) days after the hiring of an on-site handicapped employee, the petitioner shall provide a hard-surfaced handicapped parking stall with a hard surface walkway to the principal

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 August 25, 2009; and

WHEREAS, the Kendall County Board finds that said petition is in conformance with the provisions and intent of the Kendall County Zoning except the following variances approved at the August 25, 2009 ZBA meeting:

1. To allow the parking of one vehicle to encroach into the required 150' front yard setback by 50'.

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 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 per section § 7.01.D.17 (A-1 Special Uses – Landscaping Operations) to permit the use indicated in the recitals section of this Ordinance and as indicated on the submitted Site Plan included as Exhibit “A” attached hereto and incorporated herein, subject to the following conditions:

1. Dedication of a 20' trail easement on the south side of Wolf Crossing road, 60' from the centerline of said roadway, within 120 days of the approval date of this special use. The County shall incur all cost for the development of said trail.
2. Number of outside employees shall be limited to five
3. Number of trucks shall be limited to three with not more than one of these trucks being a one-ton truck.
4. Within sixty (60) days after the hiring of an on-site handicapped employee, the petitioner will install a handicapped-accessible restroom facility per the standards of the Kendall County Building Code, provide for a hard-surfaced handicapped parking stall, and make the structure in which the handicapped employee will be working fully in compliance with the accessibility requirements of the Americans with Disabilities Act.
5. Existing structure must comply with all applicable commercial codes. Change of

State of Illinois
County of Kendall

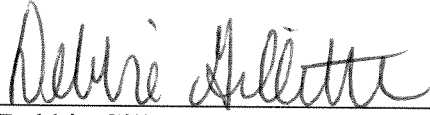
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- Occupancy permit shall be applied for within ninety (90) days of the approval of this use.
6. Construction of a four foot fence along the front portion of the property to provide adequate screening within sixty (60) days of the approval of the special use.
 7. No yard waste shall be permitted to be burned unless it is generated on the property

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 September 15, 2009.

Attest:



Debbie Gillette
Kendall County Clerk



Anne Vickery
Kendall County Board Chairman

EXHIBIT "A"

Section 14, Township 37 North, Range 8 East
 ginning at the intersection of the center
 e drawn parallel with and 568 feet West of the
 to said East line); thence Westerly along the
 lel with the East line of said Section 822

East half of said Northeast quarter of Section
 e drawn South parallel with the East line of
 ace North along said parallel line 836.7 feet
 endoll County, Illinois.

