

ORDINANCE NUMBER 2009 - 38

GRANTING AN A-1 SPECIAL USE
6139 Caton Farm Road
DAVIS

WHEREAS, Old Second National Bank Trust 8750- Frederick Davis has filed a petition for a Special Use within the A-1 Agricultural Zoning District for a 5 acre property located at 6139 Caton Farm Road, (PIN# 05-25-400-007), in Kendall Township; and

WHEREAS, said petition is to authorize agricultural implement sales and services to operate a motor repair business, known as Thanksgiving Farm Tractors and continued operation of 4 Seasons Landscaping which has been operating as a wholesale landscaping business without a special use; and

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

WHEREAS, said property is legally described as:

That part of the Southeast quarter of Section 25, Township 36 North, Range 7 East of the Third Principal Meridian described as follows: Commencing at the Southeast corner of said southeast quarter ; thence west, along the south line of said southeast quarter, 566.00 feet for the point of beginning; thence west along said south line, 614.0 feet; thence north, perpendicular to said south line, 354.72 feet; thence east, parallel with said south line, 614.0 feet; thence south, perpendicular to the last described course, 354.72 feet to the point of beginning in Kendall Township, Kendall County, Illinois and containing 5.000 acres.

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 October 27, 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 October 27, 2009 ZBA meeting:

1. Request to store their landscape equipment outside and would be willing to store it behind the metal shed.
2. Allow parking in the 5' side yard setback. (The existing gravel goes up to the lot line)
3. Allow 2 illuminated wall signs totaling 72 square feet.
4. Allow 3 signs on the property, 2 illuminated wall signs and a monument sign.
5. Allow one of the wall signs to be 48 square feet. (32 square feet is the allowable square footage in the Zoning Ordinance)

6. Allow display materials to be in the front yard setback no closer than 50' to the edge of the road.

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

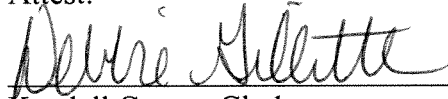
NOW, THEREFORE, BE IT ORDAINED, that the Kendall County Board hereby grants approval of a special use zoning permit to allow a special use agricultural implement sales and services to operate a motor repair business and continued operation of 4 Seasons landscaping and depicted on the site plan attached 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 signs.
3. Allow a gravel drive and parking lot with the exception of the handicapped stall. Handicapped parking stalls within the A-1 district shall be improved with a permanent, concrete, unit pavers or asphalt surface and shall also provide a hard surface to the entrance of the structure a minimum of 6 feet wide.
4. A display area of 75' x 100' is permitted in the front yard setback no closer than 50' from the roadway or 30' from the property line, no parking permitted in the front yard setback of 150' from the centerline of the roadway or 100' from the property line, whichever is greater.
5. Will need to meet the spacing standards for private access if there is a significant change in trip generation as determined by the Kendall County Highway Department.
6. Storage of landscape equipment and materials behind the metal shed.
7. No retail sales of landscaping.
8. Limit the uses to a total of 3 employees engaged in the implement sales and repair and a total of 12 employees for the landscape business.
9. Limit the hours the illuminated signs can be lit from 6am to 6pm.
10. Compliance with the USPEPA requirements for commercial automotive repair shops are required to effectively capture all wasted automotive fluids (i.e., in a holding tank for off-site reclamation or proper disposal). . . .as opposed to said fluids being allowed to enter a septic system (i.e., via shop floor drains, etc.).
11. The structure that is going to be used for the office for the agricultural equipment sales and repair area needs to be evaluated for life safety based upon the 2006 IBC chapter 34 existing structures by a State Licensed professional and that report reviewed by our office. Any deficiencies will need to be address prior to issuance of an occupancy permit. They also must obtain approval from the FPD and compliance achieved within 60 days of approval of the Special use.

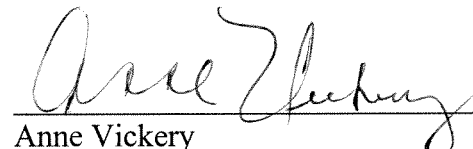
Failure to comply with the terms of this ordinance may be cited as a basis for amending or revoking this special use permit.

IN WITNESS OF, this ordinance has been enacted on November 17, 2009.

Attest:



Kendall County Clerk
Debbie Gillette



Anne Vickery
Kendall County Board Chairman

EXHIBIT A

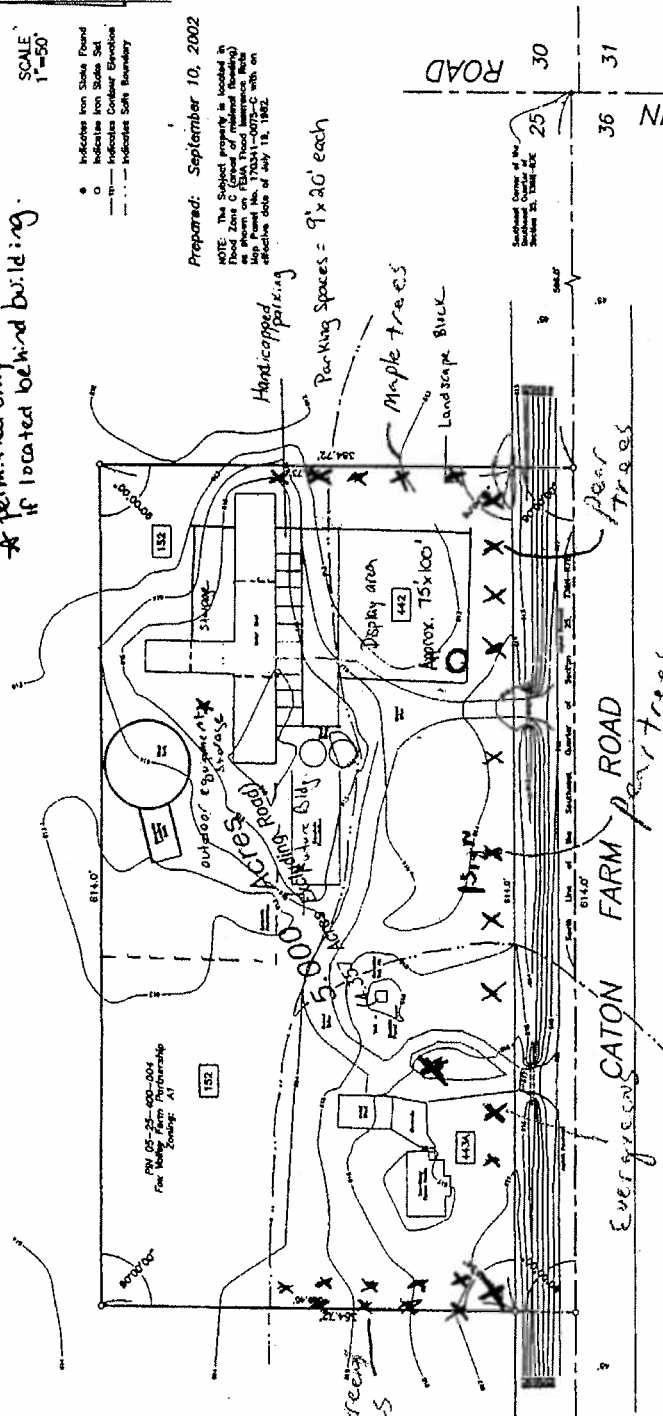
ZONING PLAT OF PART OF THE SOUTHEAST QUARTER OF SECTION 25, T36N-R7E, 3rd PM KENDALL TOWNSHIP KENDALL COUNTY ILLINOIS

* permitted only
if located behind building.

SCALE
1"=50'

- Indicates Iron Stake Placed from State Survey
- Indicates Corner Elevation
- Indicates Soft Boundary

Prepared: September 10, 2002
NOTE: The Subject property is located in Flood Zone C (Area of minimal flooding) as shown on the Flood Insurance Map No. 17031-007-C with an effective date of July 13, 1982.

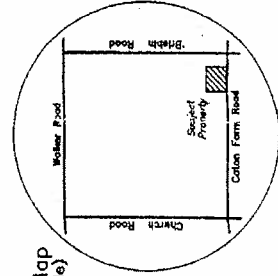


AREA TO BE REZONED:
5,000 Acres
(4,357 Acres Excluding Road)

PRESENT ZONING:
A1

PROPOSED ZONING:
A1 - SU

DEVELOPER:
Mr. Fred Davis
4 Seasons Landscaping
Yorkville, Illinois 60580



Location Map
(Not to Scale)

PK 05-76-300-003
Blow D. Homering
Zoning: A1

- SOILS (From USCS Soils Map)
- 132 Drummer Silty Clay Loam
 - 442 Mandelahn Silt Loam
 - 443A Borington Sil Loam, 0 to 2% slopes

LEGAL DESCRIPTION OF TRACT TO BE REZONED:

That part of the Southeast Quarter of Section 25, Township 36 North, Range 7 East of the Third Principal Meridian as described as follows: Commencing at the Southeast corner of the Southeast Quarter of Section 25, Township 36 North, Range 7 East, and thence South 568.0 feet to the point of beginning; thence West along said South Line, 814.0 feet; thence North, perpendicular to said South Line, 251.75 feet; thence East, parallel with said South Line, 14.0 feet; thence South, perpendicular to the East parallel with said South Line, 354.72 feet to the point of beginning in Kendall Township, Kendall County, Illinois and containing 5,000 acres.