

ORDINANCE NUMBER 2009 -41

GRANTING AN AMENDMENT TO A SPECIAL USE TO

**Matthew Williams d/b/a Quintessence Lawn & Landscape Management, Inc.**

*WHEREAS*, Matthew Williams d/b/a Quintessence Lawn & Landscape Management, Inc. has an existing Special Use within the A-1 District for a 1.2 acre property located on the south side of Wolf Crossing Road, east of Roth Road, commonly known as 1116 Wolf Crossing Road, in Oswego Township; and

*WHEREAS*, said petition is to allow the operation of a Landscaping business pursuant to Section 7.01.D.17 (A-1 Special uses Permitted: Landscaping Business) 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*, Matthew Williams has requested an amendment to Ordinance 2009-34 for an extension to Condition #6 which states 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 to the Special Use granted in Ordinance 2009-34 for an extension ; and

*WHEREAS*, the modification to the existing Special Use does not modify the original intent, purpose, or need of the Special Use; and

WHEREAS, the proposed amendment was submitted to and reviewed by the Planning, Building,

& Zoning Department; and

WHEREAS, the requested amendment was forwarded to the Planning, Building & Zoning Committee for review; and

WHEREAS, the Planning, Building & Zoning Committee has found the proposed amendment to be consistent with the approved Special Use and will not modify the original intent, purpose, or need of the Special Use; and

WHEREAS, the Kendall County Board finds that said amendment is in conformance with the provisions and intent of the Kendall County Zoning Ordinance except those variances requested under conditions; and

WHEREAS, the restrictions and conditions of Ordinance 2009-34 granting a special use dated September 15, 2009, attached hereto and incorporated herein by reference as Group Exhibit "A", shall remain in full force and effect; 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 who 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

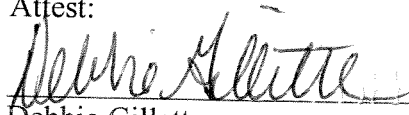
NOW, THEREFORE, BE IT ORDAINED, that the Kendall County Board hereby grants approval of a an amendment to Ordinance 2009-34 to permit an extension to Condition #6 of said ordinance, subject to the following conditions:

- 1) The required four foot fence shall be installed no later than April 1, 2010.

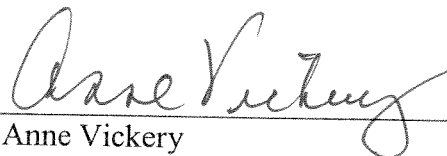
Failure to comply with the terms of this ordinance may be cited as a basis for amending or revoking this special use permit.

IN WITNESS OF, this ordinance has been enacted on December 15, 2009.

Attest:



Debbie Gillette  
Kendall County Clerk



Anne Vickery  
Kendall County Board Chairman