

ORDINANCE NUMBER 2008 - 08-22

GRANTING A SPECIAL USE for  
**OPERATION OF A LANDSCAPING BUSINESS** to  
**ROB CURRAN, d/b/a CURRAN LANDSCAPING**

WHEREAS, Rob Curran, d/b/a Curran Landscaping, Inc., has filed a petition for a Special Use within the A-1 Agricultural Zoning District for the operation of a landscaping business pursuant to Section 7.01.D.17 of the Kendall County Zoning Ordinance for property located on the south side of Budd Road, approximately 1/2 mile east of Millbrook Road, commonly known as 14330A Budd Road (PIN# 04-15-200-005), in Fox Township, as legally described in "Exhibit A"; and

WHEREAS, said petition is to allow the operation of a landscaping; and

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 26, 2008; and

WHEREAS, the Kendall County Board finds that said petition is in conformance with the provisions and intent of the Kendall County Zoning Ordinance; 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 Business) to permit the use indicated in the recitals section of this Ordinance, subject to the following conditions:

1. The site shall be developed in accordance with the controlling site plan attached hereto as Exhibit "B";
2. A maximum of four (4) employees not residing on the property may report to the property.
3. 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.
4. Within ninety (90) days of approval of this Special Use, the first 100' of the shared driveway must be paved with asphalt beginning at the entrance onto Budd Road up to the proposed storage yard and parking area.
5. No storage of landscape waste, burning or composting of waste materials from landscaping operations shall be permitted on the premises;
6. Inspection of premises for compliance with applicable codes within thirty (30) days of the approval of this Special Use.
7. Storage and location of above ground fuel tanks shall comply with all applicable state and local codes and ordinances. Documentation of required permits shall be submitted to the

Planning, Building, and Zoning Department within thirty (30) days of the approval of this Special Use.

8. The occupancy of the existing residence on-site shall be limited to family members of the property owners
9. The Special Use shall be treated as a covenant running with the land is binding on the successors, heirs, and assigns as to the same Special Use conducted 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 June 3, 2008.

Attest:

  
\_\_\_\_\_  
John A. Church  
Kendall County Board Chairman

  
\_\_\_\_\_  
Renetta Mickelson  
Kendall County Clerk

# EXHIBIT

#     A      
DATE                     

## Legal Description

THAT PART OF THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 36 NORTH, RANGE 6 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE CENTER OF SAID SECTION 15; THENCE NORTH 0 DEGREES 3 MINUTES 33 SECONDS WEST ALONG THE WEST LINE OF SAID NORTHEAST QUARTER 373.56 FEET; THENCE NORTH 49 DEGREES 16 MINUTES 56 SECONDS EAST 707.69 FEET; THENCE NORTH 64 DEGREES 29 MINUTES 18 SECONDS WEST 66 FEET; THENCE NORTH 48 DEGREES 35 MINUTES 42 SECONDS EAST 238.91 FEET; THENCE NORTH 6 DEGREES 25 MINUTES 01 SECOND WEST 246.93 FEET TO THE CENTER LINE OF BUDD ROAD; THENCE NORTH 82 DEGREES 35 MINUTES 59 SECONDS EAST ALONG SAID CENTER LINE 40 FEET FOR THE POINT OF BEGINNING; THENCE SOUTH 6 DEGREES 25 MINUTES 01 SECOND EAST 246.93 FEET; THENCE SOUTH 7 DEGREES 11 MINUTES 59 SECONDS EAST 1077.32 FEET; THENCE NORTH 48 DEGREES 35 MINUTES 42 SECONDS EAST 5.67 FEET TO THE CENTER LINE OF BUDD ROAD; THENCE SOUTH 83 DEGREES 35 MINUTES 59 SECONDS WEST ALONG SAID CENTER LINE 312.66 FEET TO THE POINT OF BEGINNING, CONTAINING 6.012 ACRES, IN THE TOWNSHIP FOX, KENDALL COUNTY, ILLINOIS. EXCEPTING THEREFROM THE FOLLOWING: COMMENCING AT THE CENTER OF SAID SECTION 15; THENCE NORTH 0 DEGREES 3 MINUTES 33 SECONDS WEST ALONG THE WEST LINE OF SAID NORTHEAST QUARTER 373.56 FEET; THENCE NORTH 49 DEGREES 16 MINUTES 56 SECONDS EAST 707.69 FEET; THENCE NORTH 64 DEGREES 29 MINUTES 18 SECONDS WEST 66.00 FEET; THENCE NORTH 48 DEGREES 35 MINUTES 42 SECONDS EAST 238.91 FEET; THENCE NORTH 6 DEGREES 25 MINUTES 01 SECOND WEST 246.93 FEET TO THE CENTER LINE OF BUDD ROAD; THENCE NORTH 83 DEGREES 35 MINUTES 59 SECONDS EAST ALONG SAID CENTER LINE 40 FEET; THENCE SOUTH 6 DEGREES 25 MINUTES 01 SECOND EAST 246.93 FEET; THENCE SOUTH 7 DEGREES 11 MINUTES 59 SECONDS EAST ALONG SAID CENTER LINE 40 FEET; THENCE SOUTH 6 DEGREES 25 MINUTES 01 SECOND EAST 246.93 FEET; THENCE SOUTH 7 DEGREES 11 MINUTES 59 SECONDS WEST 405.98 FEET FOR THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 7 DEGREES 11 MINUTES 59 SECONDS WEST 362.16 FEET; THENCE SOUTH 82 DEGREES 49 MINUTES 01 SECOND EAST 242.00 FEET; THENCE NORTH 7 DEGREES 11 MINUTES 59 SECONDS EAST 362.16 FEET; THENCE SOUTH 82 DEGREES 49 MINUTES 01 SECOND WEST 242.00 FEET TO THE POINT OF BEGINNING, CONTAINING 2.012 ACRES, IN THE TOWNSHIP OF FOX, KENDALL COUNTY, ILLINOIS.

