

ORDINANCE NUMBER 2008 - 39

RECINDING ORDINANCE #08-27

GRANTING AN AMENDMENT TO ORD. 96-12 AND GRANT

A SPECIAL USE for a **RIDING STABLE** to

CAMELOT FARM OSWEGO, LLC

WHEREAS, Camelot Farm Oswego, LLC, has filed a petition for a Special Use within the A-1 Agricultural Zoning District for the operation of a riding stable pursuant to Section 7.01.D.27 of the Kendall County Zoning Ordinance for property located on the west side of Chippewa Drive, commonly known as 55 Chippewa Drive, in Section 6 of NaAuSay Township which consists of 16.6 acres; and

WHEREAS, said property is identified with the tax identification number 06-06-251-007 and is legally described on the attached "Exhibit A": Legal Description; and

WHEREAS, a petition granting a special use was approved by the Kendall County Board on July 15, 2008, as Ordinance Number 08-27; and

WHEREAS, a petition granting a special use was approved by the Kendall County Board on August 20, 1996, as Ordinance Number 96-12 to allow agricultural labor housing on the property and reside in the 1 story frame house on the east side of the property and a house near the barns; and

WHEREAS, the petitioner would like to eliminate this special use for agricultural labor housing in the 1 story frame house; and has rezoned 1.3 acres of the property to R-3; and

WHEREAS, the petitioner wishes to continue the operation of a riding stable on the resulting 16.6 acre parcel which requires approval of a Special Use under the A-1 zoning district regulations; 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 June 24, 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

WHEREAS, the petitioner is requesting the total number of horses be a maximum of 64 (sixty-four) horses; 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

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

NOW, THEREFORE, BE IT ORDAINED, that the Kendall County Board hereby repeals Kendall County Ordinance #08-27 & Ordinance #96-12 in its entirety and grants approval of a special use zoning permit per section § 7.01.D.27 (A-1 Special Uses-Riding Stable) to permit the use indicated in the recitals section of this Ordinance and as indicated on the submitted Site Plan included as “Exhibit B” attached hereto and incorporated herein, subject to the following conditions:

1. A building permit be submitted for the new principal house meeting all applicable setbacks.
2. A site development permit for the new parking lot and moving the location of the riding arena.

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 16, 2008.

Attest:



Rennetta Mickelson
Kendall County Clerk



John A. Church
Kendall County Board Chairman

EXHIBIT A

Legal Description for Massimo Bianchini Tract to be an A-1 Special Use

That part of the Waish-Kee-Shaw Reservation described as follows: commencing at the northeast corner of Lot 20 in Na-Au-Say Woods, Unit 2, as depicted on a plat recorded May 14, 1991 as document no. 913133; thence westerly along the north line of said unit 2, a distance of 300.00 feet for a point of beginning; thence northerly, parallel with the west line of Chippewa Drive, 305.0 feet; thence easterly, parallel with said north line 300.00 feet to said east line; thence northerly along said east line, 454.02 feet; thence northerly along said east line, being along a tangential curve to the left, having a radius of 267.0 feet, an arc distance of 38.53 feet to the south line of Na-Au-Say Woods, as depicted on a plat recorded October 14, 1977 as document No. 890117; thence westerly along said south line, 1087.53 feet to the west line of said subdivision; thence southerly along said west line extended, which forms an angle $89^{\circ}28'25''$ with the last described course, measured clockwise therefrom, 797.31 feet to the northwest corner of lot 17 in said unit 2; thence easterly along a north line of said unit 2 which forms an angle of $90^{\circ}31'35''$ with the last described course, measured clockwise therefrom, 795.22 feet to the point of beginning in Na-Au-Say Township, Kendall County, Illinois and containing 17.900 acres as shown by the plat hereon drawn which is a correct representation of said survey.

Except that part of the Waish-Kee-Shaw Reservation described as follows: Beginning at the Southeast corner of Lot 9 in Na-Au-Say Woods Subdivision; thence westerly along the South line of said subdivision 269.65 feet; thence southerly along a line which forms an angle of $89^{\circ}06'33''$ with the last described course measured clockwise therefrom, 211.02 feet; thence easterly at right angles to the last described course 272.39 feet to the west line of Chippewa Drive; thence northerly along said west line 168.45 feet to a point of curvature; thence northerly along said west line, being along a tangential curve to the left having a radius of 267.0 feet an arc distance of 38.53 feet to the point of beginning in Na-Au-Say Township and containing 1.305 acres.

EXHIBIT B

