

ORDINANCE NUMBER 2007 - 16

GRANTING A CONDITIONAL USE
JOSEPH MILLER AND PHYLLIS ETHERIDGE

WHEREAS, Joseph Miller and Phyllis Etheridge filed a petition for a Conditional Use within the A-1 district, for property located at 15205 Jughandle Road in Seward Township; and

WHEREAS, said petition requested the ability to allow for the issuance of two (2) building permits in the A-1 Agricultural zoning district to allow for the construction of two (2) single-family homes as provided in Section 7.01.E.2 of the Kendall County Zoning Ordinance; and

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

WHEREAS, said property is legally described as follows:

That part of the E 20.00 acres of the S 36.35 acres of the N ½ of the NW ¼ of Section 22 (and lying S of the S line of the N 43.65 acres of the said NW ¼); described as lying S of the following described "line": Beginning at a point 200.00' S of the S line of the N 43.65 acres of said NW ¼, being on the E line of the said S line 900.00', thence N'ly parallel with the said E line 120.00', thence, thence W'ly parallel with the said S line 210.0', thence S'ly parallel with the said E line 346.32', thence E'ly parallel with the said S line 211.7', to a point 50.0' N of the S line of the N ½ of the said NW ¼, thence W'ly along a line parallel with said S line 559.34' to a point of termination, being on the W line of the E 20.0 acres of the S 36.35 acres of the N ½ of the said NW ¼, all in T 35 N, R 8 E of the 3rd Principal Meridian, Seward Township, Kendall County, Illinois containing 10.0 acres more or less.

That part of the E 20.00 acres of the S 36.35 acres of the N ½ of the NW ¼ of Section 22 (and lying S of the S line of the N 43.65 acres of the said NW ¼); described as lying N of the following described "line": Beginning at a point 200.00' S of the S line of the N 43.65 acres of said NW ¼, being on the E line of the said S line 900.00', thence N'ly parallel with the said E line 120.00', thence, thence W'ly parallel with the said S line 210.0', thence S'ly parallel with the said E line 346.32', thence E'ly parallel with the said S line 211.7', thence S'ly parallel with the said E line 211.7', to a point 50.0' N of the S line of the N ½ of the said NW ¼, thence W'ly along a line parallel with said S line 559.34' to a point of termination, being on the W line of the E 20.0 acres of the S 36.35 acres of the N ½ of the said NW ¼, and 50' N of the S line of the N ½ of the said NW ¼, all in T 35 N, R 8 E of the 3rd Principal Meridian, Seward Township, Kendall County, Illinois containing 10.0 acres more or less.

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 Zoning Board of Appeals; and

WHEREAS, the Kendall County Planning, Building, and Zoning Committee recommends the awarding of one (1) A-1 conditional use building permit for this parcel, due to the high percentage of the subject parcel within the floodway of the Aux Sable Creek; and

WHEREAS, the petitioners, at the October 5, 2006 regular meeting of the Kendall County Planning, Building, and Zoning Committee, withdrew their request for the second A-1 conditional use building permit based on the recommendation of that Committee; and

WHEREAS, the Kendall County Board finds that said petition is in conformance with the provisions and intent of the Kendall County Zoning Ordinance.

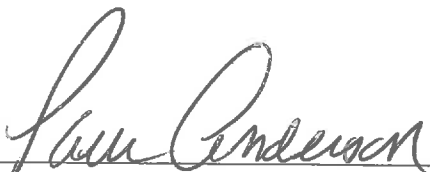
NOW, THEREFORE, BE IT ORDAINED, that the Kendall County Board hereby grants approval of a Conditional Use in the A-1 Agricultural zoning district to permit the development of one (1) single family home on the 4.53 acre portion of the property legally described above and graphically portrayed as "Parcel 1" in Exhibit "A" attached to and incorporated within, subject to the following conditions:

1. No structures of any kind can be placed inside the floodway of the Aux Sable Creek.
2. No fill can be placed inside the floodway portion of this property for the purpose of constructing a building of any kind.
3. Prior to issuance of any building permits, the applicant will need to demonstrate that they are able to create a parcel that contains sufficient buildable area outside the floodway and flood plain in order to construct a single family residence that complies with all applicable setback requirements of the A-1 Zoning district and that can accommodate the necessary well and septic required to supply the property with potable water supply and sanitary waste disposal facilities. The parcel shall also comply with all other applicable requirements of the Kendall County Zoning Ordinance.
4. The building permit shall not be exempt from required code compliance inspections, and must demonstrate the ability to place an individual septic treatment system and individual water well on the parcel.

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 March 20, 2007.

Attest:



Paul Anderson
Kendall County Clerk



John A. Church
Kendall County Board Chairman

SAM KOVACEVICH, JR.
09-22-100-009

FOUND IR @ 0.06 E & ON LINE
5718 5717 5716 5715 5714 5713 5712

ALX SABLE CREEK

PARCEL 1
4.35± ACRES

JOYCE GROTE L
09-22-20

PARCEL 2
3.00± ACRES

PARCEL 3
12.99± ACRES

DAVID & GAYLE MURLEY
09-22-100-006 007

ALBERT & PAMELA GEGENHEIMER
09-22-100-009

571.0 +/-

584.0 +/-

EXISTING POND
POND VOLUME: 68,854 CU FT

571.0 +/-

564.0 +/-

PROPOSED POND
POND VOLUME PROVIDED: 186,615 CU FT
FILL VOLUME AROUND 3 RESIDENCES: 108,952 CU FT
COMPENSATORY VOLUME REQUIRED: 151,429 60 FT

TEBRIDGE ENGINEERING
11400 N. JOURNAL ROAD, MINOOKA, IL 60150

PREPARED FOR:
MILLER & ETHERIDGE
15205 JUGHANDLE ROAD, MINOOKA, IL

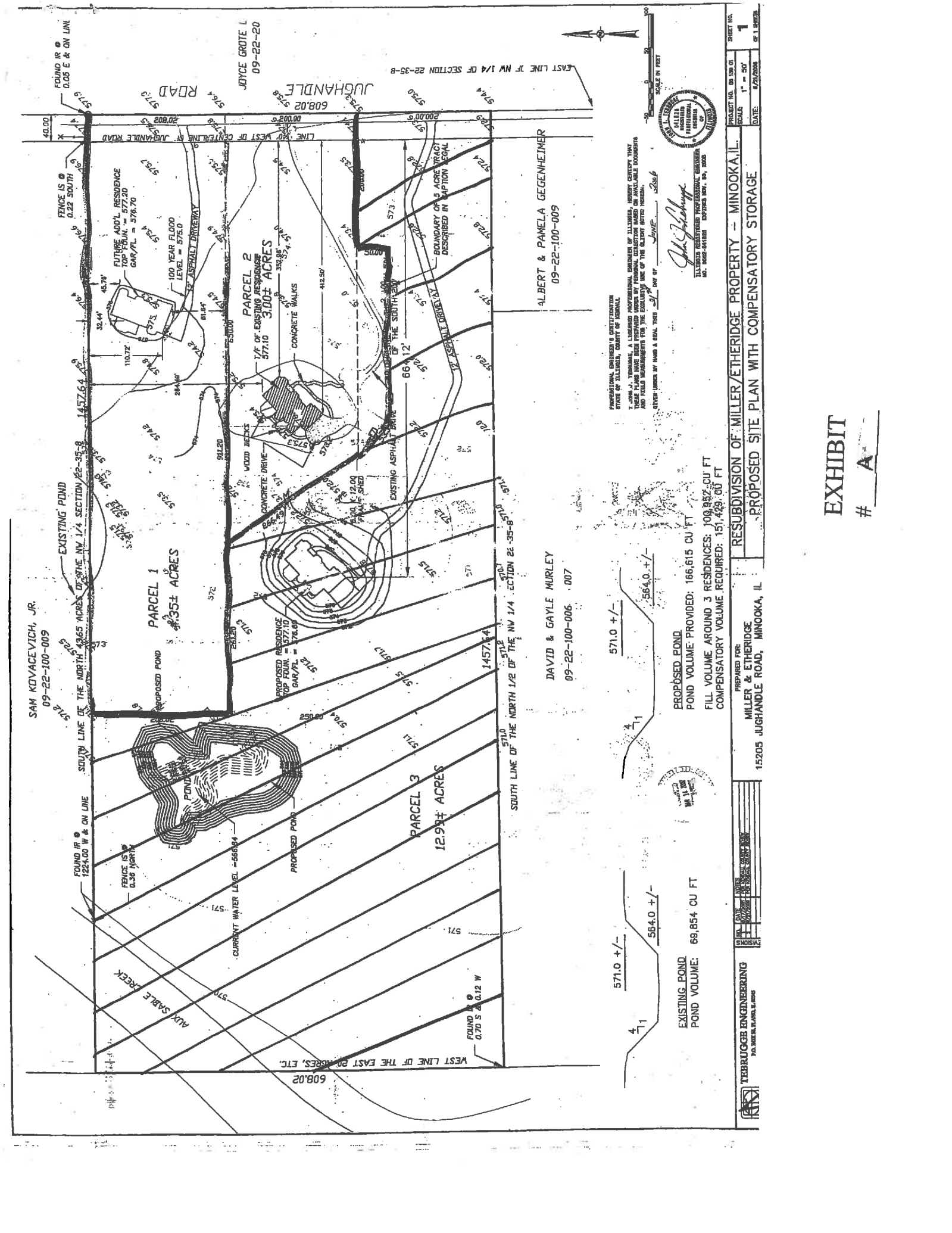
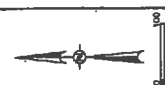
RESUBDIVISION OF MILLER/ETHERIDGE PROPERTY - MINOOKA, IL
PROPOSED SITE PLAN WITH COMPENSATORY STORAGE

SHEET NO. 1
SCALE 1" = 50'
DATE: 6/29/2008



THIS DRAWING IS THE PROPERTY OF MILLER & ETHERIDGE ENGINEERS, P.C. ANY REPRODUCTION OR DISTRIBUTION OF THIS DRAWING WITHOUT THE WRITTEN CONSENT OF MILLER & ETHERIDGE ENGINEERS, P.C. IS STRICTLY PROHIBITED. THE USER OF THIS DRAWING AGREES TO HOLD MILLER & ETHERIDGE ENGINEERS, P.C. HARMLESS FROM AND AGAINST ALL LIABILITY, INCLUDING REASONABLE ATTORNEY'S FEES, FOR ANY AND ALL DAMAGES, LOSSES, AND EXPENSES, INCLUDING REASONABLE ATTORNEY'S FEES, THAT MAY BE INCURRED BY MILLER & ETHERIDGE ENGINEERS, P.C. IN CONNECTION WITH THE USE OF THIS DRAWING. THE USER OF THIS DRAWING AGREES TO HOLD MILLER & ETHERIDGE ENGINEERS, P.C. HARMLESS FROM AND AGAINST ALL LIABILITY, INCLUDING REASONABLE ATTORNEY'S FEES, FOR ANY AND ALL DAMAGES, LOSSES, AND EXPENSES, INCLUDING REASONABLE ATTORNEY'S FEES, THAT MAY BE INCURRED BY MILLER & ETHERIDGE ENGINEERS, P.C. IN CONNECTION WITH THE USE OF THIS DRAWING.

EXHIBIT # A



EXISTING POND

PROPOSED POND

PROPOSED POND

PROPOSED POND

PROPOSED POND

PROPOSED POND

PROPOSED POND

PROPOSED POND

PROPOSED POND

PROPOSED POND

PROPOSED POND

PROPOSED POND

PROPOSED POND

PROPOSED POND

PROPOSED POND

PROPOSED POND

PROPOSED POND

PROPOSED POND