

ORDINANCE NUMBER 2007 - 21

GRANTING A SPECIAL USE for
**OPERATION OF A RETAIL AND WHOLESALE SALES YARDS FOR
AGRICULTURAL PRODUCTS INCLUDING ITEMS NOT GROWN ON THE
PREMISES TO CHARLES RUSSELL JR., d/b/a CONTRARY MARY'S**

WHEREAS, Charles Russell Jr., d/b/a Contrary Mary's, has filed a petition for a Special Use within the A-1 Agricultural Zoning District for retail or wholesale goods for agricultural products including but not necessarily limited to fruits, vegetables, flowers, plants, etc. that are not grown on the premises pursuant to Section 7.01.D.25 of the Kendall County Zoning Ordinance for property on the north side of Route 52 – ¼ mile east of the Baker Forest Preserve, commonly known as 2735 Route 52 in Seward Township, as legally described in "Exhibit A"; and

WHEREAS, said petition is to allow the operation of a retail and wholesale landscaping business; 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; 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 special use zoning permit per section § 7.01.D.25 (A-1 Special Uses-Retail and Wholesale sales yards for agricultural products not grown on the premises) to permit the use indicated in the recitals section of this Ordinance subject to the following conditions:

- 1) The use and development of the subject property shall conform to the controlling site plan attached hereto as Exhibit "B".
- 2) Outdoor storage and displays of landscaping, pond kits, pond supplies, plant material, seeds, bulbs, garden ornaments, garden tools, pottery, books, bagged potting soil, bagged topsoil, bagged mulch, soil conditioners, bagged compost, bagged rock, firewood, shall be restricted to the hoop house and shade house areas identified within the cross hatched areas of the property as indicated on the controlling site plan. The balance of the hatched area will be limited to seasonal sales of live plant materials, trees, shrubs, Christmas trees and wreaths.
- 3) The number of employees permitted shall be limited to maybe a maximum of four (4), all of whom shall reside on the premises. If additional outside employees are added, provisions for handicapped bathroom facilities and additional of-street parking will be required.


- 4) The existing driveway aprons on the access drives serving this site shall be paved within 90 days of approval of the special use.
- 5) If the steel structure to the north of the house or any other accessory structures are converted to offices, showroom space, or is utilized to repair or maintain equipment or vehicles used in conjunction with the business, the affected buildings will need to be evaluated per the 2003 IBC and any and all required code requirements will need to be met and the necessary permits secured.
- 6) Recording of a restrictive covenant against the property committing all current and future owners to grant a 15 foot wide trail easement outside the existing or future R.O.W. along the north side of Route 52 shall be recorded with this ordinance within thirty (30) days of adoption of this Ordinance granting the Special Use. Dedication of said easement shall occur at such time as the County or its assignees requests such dedication for construction of said trail.

- 7) Filing of a permit and Inspection of the existing greenhouse to verify the installation of hardwired exit lights with battery back up lights on either end of the building and provide anti-siphon devices on the sill cocks within the greenhouse building has been completed per code requirements within thirty (30) days of adoption of this Ordinance granting 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 May 15, 2007.

Attest:



Paul Anderson
Kendall County Clerk



John A. Church
Kendall County Board Chairman

That part of the east 1400 feet of the Northwest quarter of Section 15, Township 35 North, Range 8 East of the Third Principal Meridian, more particularly described as follows: Commencing at the South quarter corner of Section 15, Township 35 North, Range 8 East of the Third Principal Meridian; thence North 01 degrees 26 minutes 00 seconds West, along the East line of the Southeast quarter of said Section 15, 2658.79 feet to the center of said Section 15; thence South 88 degrees 16 minutes 45 seconds West, along the South line of the Northwest quarter of said Section 15, 1400.00 feet to a point on the West line of East 1400 feet of the quarter of said Section 15, for the Point of Beginning; thence North 01 degrees 26 minutes 00 seconds West, along said West line, 614.96 feet, to a point on a line which is parallel to the South line of the Northwest quarter of said Section 15; thence North 88 degrees 45 seconds East, along said parallel line, 425.00 feet to a point on a line which is parallel to the West line of the East 1400 feet of the Northwest quarter of said Section 15; thence South 01 degrees 26 minutes 00 seconds East along said parallel line, 614.96 feet to a point on the South line of the Northwest Quarter of said Section 15 and 425.00 feet easterly of the Point of Beginning; thence South 88 degrees 16 minutes 45 seconds West, along said South line, 425.00 feet, returning to the Point of Beginning, all in Seward Township, Kendall County, Illinois.

EXHIBIT
 # A
 DATE

APR 15 2007

**ZONING PLAT OF
PART OF THE NORTHWEST QUARTER OF SECTION 15, T35N-R8E, 3rd PM
SEWARD TOWNSHIP KENDALL COUNTY ILLINOIS**



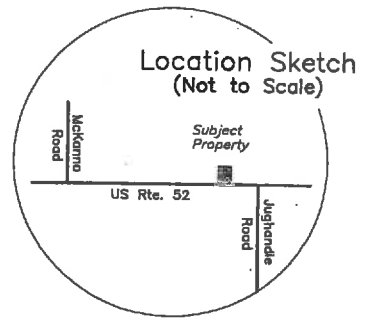
AREA TO BE REZONED:
6.0000 Acres
(5.6288 Acres Excluding Road)

PRESENT ZONING:
A1

PROPOSED ZONING:
A1-SU (Landscaping and
Greenhouse Wholesale and
Retail Sales)

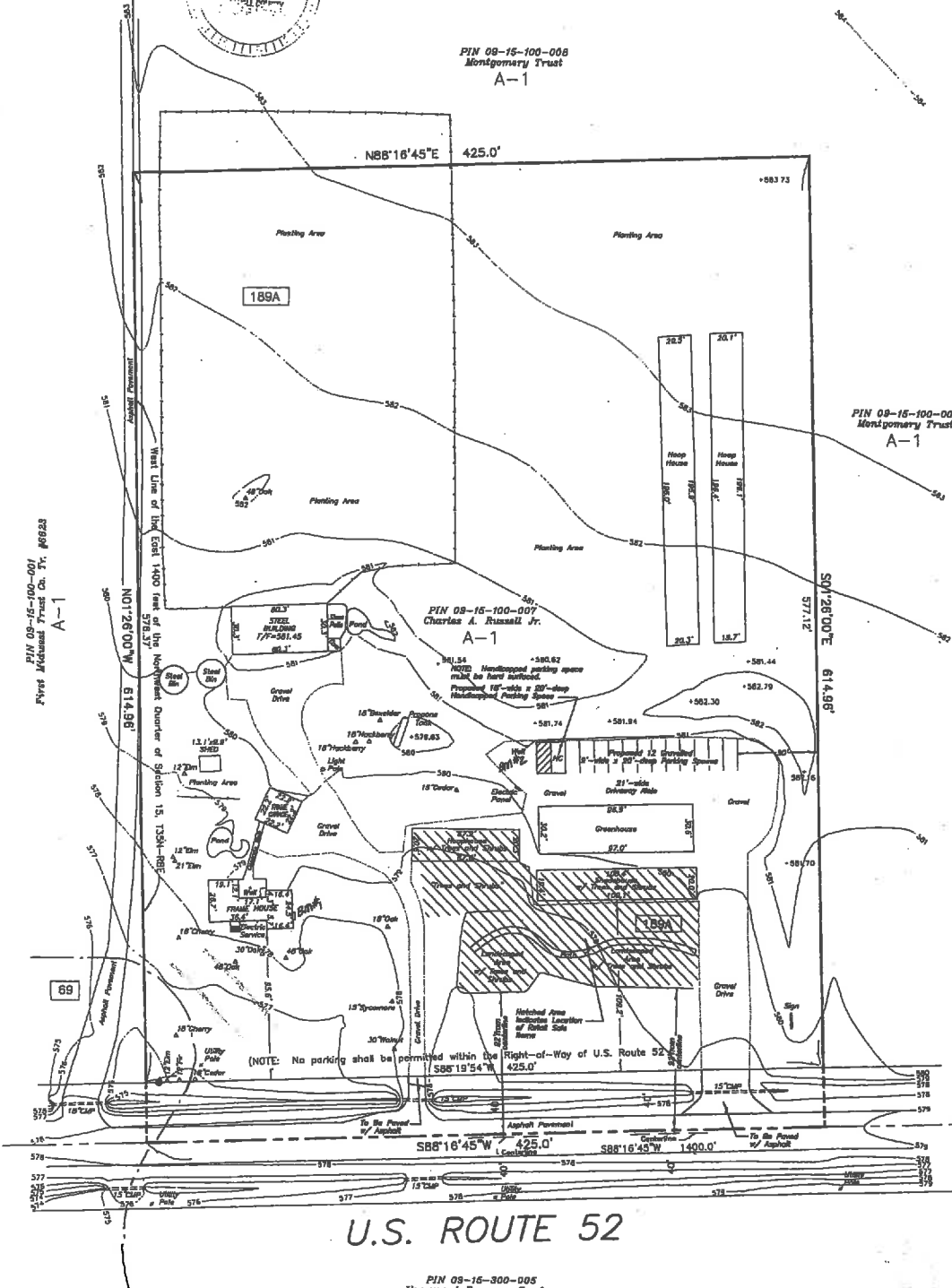
DEVELOPER:
Charles A. Russell Jr.
2735 Route 52
Minaoka, IL 60447

NOTE: Boundary Survey and Legal Description taken from Plat of Survey by Craig L. Duy (PLS#3359) of Smith Engineering, 759 John Street, Yorkville, Illinois 60560, dated October 11, 2002.



SOILS (From USCS Soils Map)

- 189A Martinton Silt Loam, 0 to 2% slopes
- 89 Milford Silty Clay Loam



South Line of the Northwest Quarter of Section 15, T35N-R8E

East Line of the Northwest Quarter of Section 15, T35N-R8E

East Line of the Southwest Quarter of Section 15, T35N-R8E

U.S. ROUTE 52

PIN 09-15-300-005
Homewood Beverage Co. Inc.
R-1

EXHIBIT

B
DATE _____

LEGAL DESCRIPTION OF TRACT TO BE REZONED:

That part of the East 1400 feet of the Northwest Quarter of Section 15, Township 35 North, Range 8 East, of the Third Principal Meridian, more particularly described as follows: Commencing at the South Quarter corner of Section 15, Township 35 North, Range 8 East, of the Third Principal Meridian; thence N01°26'00"W, along the East Line of the Southwest Quarter of said Section 15, 2658.79 feet to the center of said Section 15; thence S88°16'45"W, along the South Line of the Northwest Quarter of said Section 15, 1400.00 feet to a point on the West Line of the East 1400 feet of the Northwest Quarter of said Section 15, for the Point of Beginning; thence N01°26'00"W, along said West Line, 614.96 feet, to a point on a line which is parallel to the South Line of the Northwest Quarter of said Section 15, thence N88°16'45"E, along said parallel line, 425.00 feet to a point on a line which is parallel to the West Line of the East 1400 feet of the Northwest Quarter of said Section 15; thence S01°26'00"E, along said parallel line, 614.96 feet to a point on the South Line of the Northwest Quarter of said Section 15 and 425.00 feet Easterly of the Point of Beginning; thence S88°16'45"W, along said South Line, 425.00 feet, returning to the Point of Beginning, all in Seward Township, Kendall County, Illinois, containing 6.0 acres more or less.

SCALE
1"=50'

- Indicates Iron Stake Found
- Indicates Iron Stake Set
- Indicates Line of Fence
- 586— Indicates Contour Elevation
- Indicates Soils Boundary

BENCHMARKS -- (NGVD29)

- BM#1 - Top of Foundation of East Side of Residence.
Elevation = 580.31
- BM#2 - Top of Well Cap 40' North of Northwest Corner of Greenhouse.
Elevation = 581.91

South Quarter Corner of Section 15, T35N-R8E	15	15
	22	22

May 10, 2007

JOB NO.	07004
JOB NAME	RUSSELL
DWG FILE	07004D

Phillip D. Young and Associates, Inc.
LAND SURVEYING - TOPOGRAPHIC MAPPING - Lic.#184-002775

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