

ORDINANCE NUMBER 2007 - 33

**GRANTING A SPECIAL USE for
OPERATION OF A LANDSCAPING BUSINESS to
JIM HIVELY, d/b/a HIVELY LANDSCAPING, INC.**

WHEREAS, Jim Hively, d/b/a Hively 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 east side of Illinois State Route 71, approximately 1/3 mile south of Van Emmon Road, commonly known as 7842 Illinois State Route 71, in Oswego Township, as legally described in "Exhibit A"; and

WHEREAS, said petition is to allow the operation of a landscaping and snow removal 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; 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 and maintained in accordance with the controlling site and landscape plans attached hereto as Group Exhibit "B";
2. The hours of operation related to the landscape maintenance operation shall be limited to 6:30 a.m. to 7:00 p.m., Monday through Friday and between 9:00 a.m. and 4:00 p.m. on Saturdays. Snow plow operations shall not be subject to the limitations on the hours of operation but shall be conducted on an as needed basis only.
3. The occupancy of the existing residence on-site shall be limited to family members and companions or immediate family;
4. The maximum number of employees reporting to this facility shall be limited to 3 on-site clerical employees and 15 off-site employees;
5. All company vehicles and equipment used in conducting the business shall be stored in one or more of the existing buildings on the premises.
6. No additional exterior lighting other than the two existing yard lights shall be permitted;
7. Deliveries made to the site shall be limited between the hours of 8:00 a.m. through 4:00 p.m., Monday through Friday;

8. The operator shall be permitted to have one (1) six axel dump truck. The balance of the vehicles used in conjunction with the business will be limited to single axel dump trucks, pick-up trucks, bobcats, tractors and similar vehicles and equipment consistent with typical landscape maintenance operations.
9. Compliance with applicable building codes shall be verified prior to the issuance of an occupancy permit;
10. A review of operations will be conducted after the first year of operation to determine compliance with these conditions as set forth in this ordinance;
11. No storage of landscape waste, burning or composting of waste materials from landscaping operations shall be permitted on the premises;
12. All de-icing compounds and chemicals shall be stored inside one of the existing buildings;
13. All materials stored within the outdoor storage area identified as "landscape materials storage" on the controlling site plan shall be stored and maintained at a height that is below the top of the surrounding walls comprising the storage bins to minimize visibility from surrounding properties.
14. It is acknowledged that additional impervious surface area was added to the site prior to the granting of the Special Use which may or may not be affecting drainage on adjoining properties (Lot 70, 71 and Lot 161 in the Fields of Farm Colony Unit 3). To address this issue, an evaluation of the site and adjoining properties will be conducted with input from the county's stormwater engineer on or before June 29, 2007 to determine the extent of the impact, if any. The petitioner shall work with the adjoining property owners and if necessary develop an engineering plan for review and approval by the PBZ Department to address any related drainage issues associated with the additional impervious surface area. Any required improvements identified in said plan shall be completed at the petitioner's expense no later than June 19, 2008.

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 19, 2007.

Attest:



Paul Anderson
Kendall County Clerk


John A. Church
Kendall County Board Chairman

EXHIBIT "A"

LEGAL DESCRIPTION

THAT PART OF SECTION 35, TOWNSHIP 37 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWESTERLY CORNER OF LOT 13 OF PONDEROSA, UNIT TWO, OSWEGO TOWNSHIP, KENDALL COUNTY, ILLINOIS; THENCE EASTERLY ALONG THE SOUTHERLY LINE OF SAID UNIT TWO, 423.02 FEET TO AN ANGLE POINT THEREIN; THENCE EASTERLY ALONG SAID SOUTHERLY LINE AND SAID SOUTHERLY LINE EXTENDED, WHICH FORMS AN ANGLE OF 176 DEGREES 15 MINUTES 46 SECONDS WITH THE LAST DESCRIBED COURSE (MEASURED COUNTER-CLOCKWISE THEREFROM) 572.30 FEET TO THE CENTERLINE OF ILLINOIS STATE ROUTE NUMBER 71; THENCE SOUTHWESTERLY ALONG SAID CENTERLINE 854.0 FEET FOR THE POINT OF BEGINNING; THENCE SOUTHWESTERLY ALONG SAID CENTERLINE 360.0 FEET; THENCE SOUTHEASTERLY PERPENDICULAR TO SAID CENTERLINE 363.0 FEET; THENCE NORTHEASTERLY PARALLEL WITH SAID CENTERLINE 360.0 FEET; THENCE NORTHWESTERLY PERPENDICULAR TO SAID CENTERLINE 363.0 FEET TO THE POINT OF BEGINNING IN OSWEGO TOWNSHIP, KENDALL COUNTY, ILLINOIS.

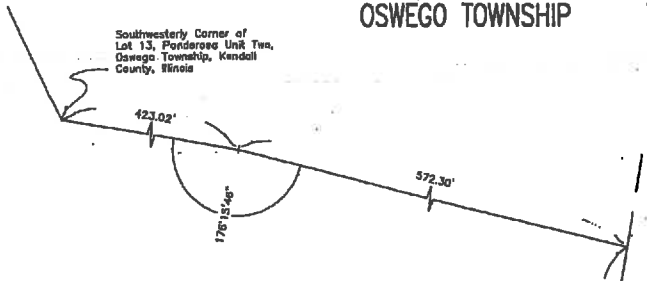
Commonly known as: 7842 State Route 71, Yorkville, Illinois 60560

Permanent Index Number(s): 03-43-300-013

MAR 9 2007
KENDALL COUNTY

**ZONING PLAT OF
PART OF THE SOUTHWEST QUARTER OF SECTION 35, T37N-R7E, 3rd PM
OSWEGO TOWNSHIP KENDALL COUNTY ILLINOIS**

Southwesterly Corner of
Lot 13, Ponderosa Unit Two,
Oswego Township, Kendall
County, Illinois



NOTES:

- 1) Hours of Operation: Landscaping operations may be conducted on site between 6:30 am and 7:00 pm Monday through Friday and between 8:00 am and 4:00 pm on Saturday. Snowplowing may be conducted on an "as needed" basis, without regard to the above hours.
- 2) Residents on Site: Family members and companions or immediate family.
- 3) Number of Employees: 3 on-site clerical employees and a maximum of 15 landscaping operation employees.
- 4) Deliveries limited to 8:00 am to 4:00 pm Monday through Friday.
- 5) No burning or composting of landscape materials on site.

AREA TO BE REZONED:

3.0000 Acres
(2.5868 Acres Excluding Road)

PRESENT ZONING:

A1

PROPOSED ZONING:

A1-SU (Landscaping Business)

P.I.N.

03-43-300-013

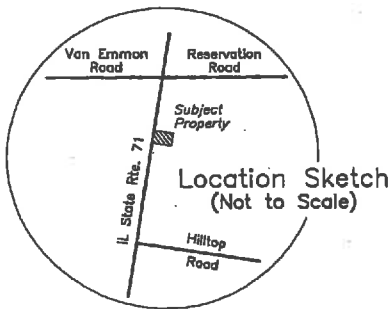
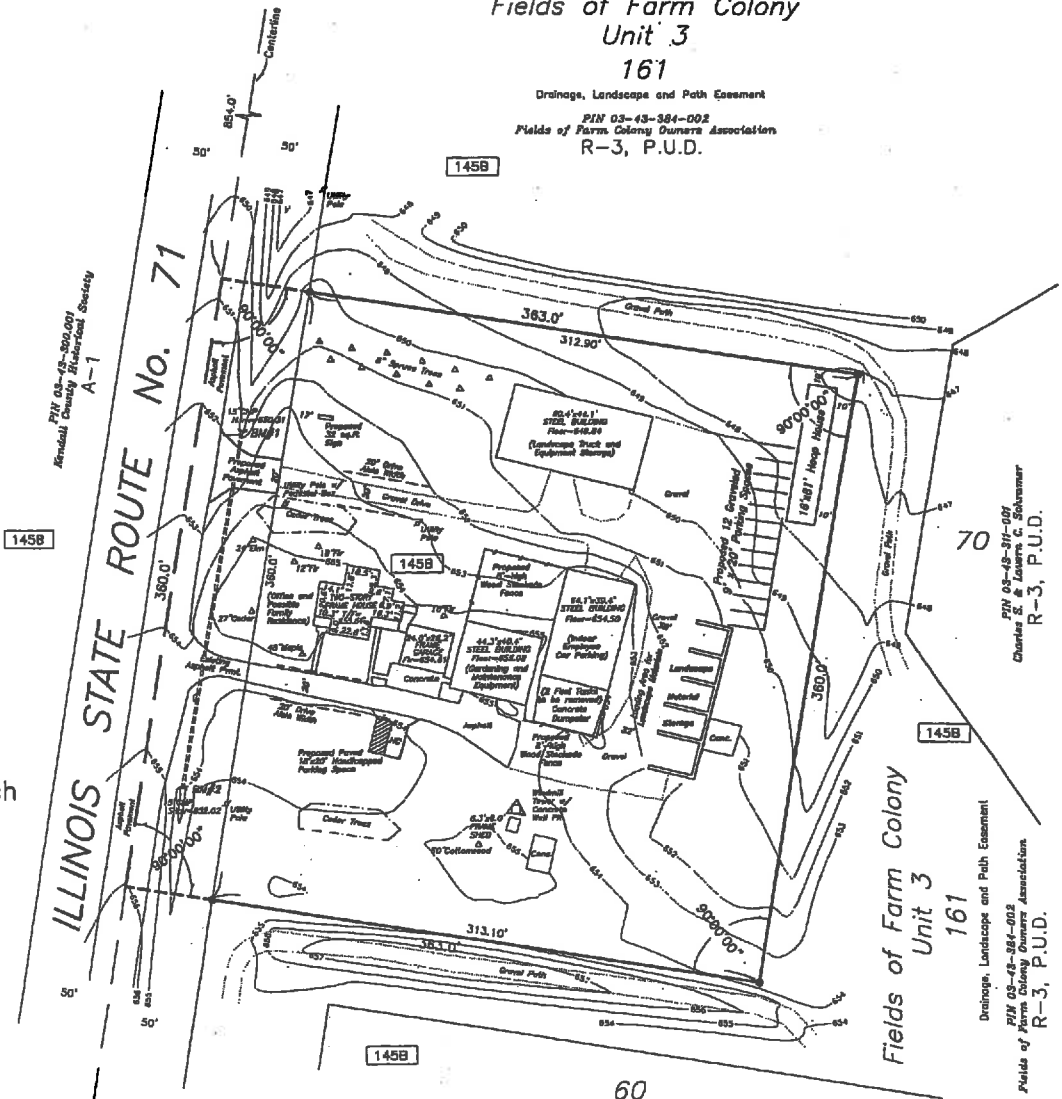
DEVELOPER:

James and Sandra Hively
7842 Illinois State Route 71
Yorkville, Illinois 60560

NOTE: Boundary Survey and Legal Description taken from Plat of Survey by Michael Ensalaco (PLS#2768) of Arrow Todd Surveying, 1661 Aucutt Road, Montgomery, Illinois 60538, dated May 22, 2006.

**Fields of Farm Colony
Unit 3
161**

Drainage, Landscape and Path Easement
PIN 03-43-384-002
Fields of Farm Colony Owners Association
R-3, P.U.D.



SOILS (From USCS Soils Map)

145B Proctor Silt Loam, 2 to 4% slopes

Group Exhibit "B" 1 of 2

LEGAL DESCRIPTION OF TRACT TO BE REZONED:

That part of Section 35, Township 37 North, Range 7 East of the Third Principal Meridian described as follows: Commencing at the Southwesterly Corner of Lot 13 of Ponderosa, Unit Two, Oswego Township, Kendall County, Illinois; thence Easterly, along the Southerly Line of said Unit Two, 423.02 feet to an angle point therein; thence Easterly, along said Southerly Line and said Southerly Line extended, which forms an angle of 176°15'46" with the last described course (measured counter-clockwise therefrom), 572.30 feet to the centerline of Illinois State Route No. 71; thence Southwesterly, along said centerline, 854.0 feet for the point of beginning; thence Southwesterly, along said centerline, 360.0 feet; thence Southeasterly, perpendicular to said centerline, 363.0 feet; thence Northeasterly, parallel with said centerline, 360.0 feet; thence Northwesterly, perpendicular to said centerline, 363.0 feet to the point of beginning in Oswego Township, Kendall County, Illinois.

SCALE
1"=50'

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

BENCHMARKS -- (NGVD29)

- BM#1 - Top of Northerly Concrete Headwall along the East Side of IL Rte No. 71
Elevation = 651.94
- BM#2 - Top of Southerly Concrete Headwall along the East Side of IL Rte No. 71
Elevation = 653.97

June 14, 2007

JOB NO.	07013
JOB NAME	ATTY. KRAMER
DWG FILE	07013E

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

1107B South Bridge Street
Yorkville, Illinois 60560
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