

**ORDINANCE NUMBER 2006 - 38**

**GRANTING SPECIAL USE  
15423 RIDGE ROAD  
COUNTRYSIDE LANDSCAPE SUPPLY**

WHEREAS, Robert and Sydney Kunke, d/b/a Countryside Landscape Supply, filed a petition for a Special Use within the A-1 district, for property located at 15423 Ridge Road in Seward Township; and

WHEREAS, said petition is to allow for the continued usage of the parcel for a retail landscape supply business; and

WHEREAS, said property is zoned A-1 Agricultural and the request is allowable upon issuance of a Special Use Permit per § 7.01.D.25 of the Kendall County Zoning Ordinance; and

WHEREAS, said property is legally described as follows:

*The N 130.00' of the S 955.00' of the E 390.00' of the NE ¼ of Section 23, T 35 N, R 8 E of the 3<sup>rd</sup> Principal Meridian, Kendall County, Illinois*

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 for the use indicated in the recitals section of this Ordinance and as indicated on the submitted Site Plan included as Exhibit "A" attached hereto and incorporated herein, subject to the following conditions:

1. Within one hundred twenty (120) days from adoption of the Special Use ordinance by the County Board, the petitioner will effect a parcel division separating the special use parcel from the residential use parcel (with separate ownership), execute a cross-access easement between the residential use and the special use, and merge the remaining residue of the parcels into one parcel of record.
2. Within one hundred twenty (120) days from adoption of the Special Use ordinance by the County Board, the petitioner will install a handicapped-accessible restroom facility.
3. Within one hundred twenty (120) days from adoption of the Special Use ordinance by the County Board, the petitioner will enter into an agreement with the County stipulating that, upon request by the County or other political jurisdiction that may govern the subject

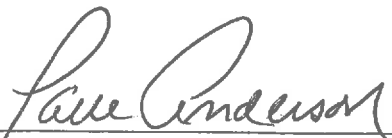
property, the petitioner (or successors and assigns) will grant and record a dedication of land totaling 36 feet, 6 inches for eventual construction of the road improvements for the "WIKADUKE Trail", as well as an additional 30 foot dedication adjacent to and west of said dedication for placement of the WIKADUKE Trail landscape, trail, and utility easement, as called for in the WIKADUKE Trail Plan Ordinance adopted by the County Board on July 19, 2005. It is understood by this contractual arrangement that the placement of the signage and the landscape materials display area can not encroach onto the existing right-of-way of Ridge Road. Pending the recording of said dedication and easement, petitioner (or successors and assigns) shall have the right to the continued use of the underlying property. It is further understood that there will be no compensation paid to the petitioner (or successors and assigns) for the granting of the aforementioned dedications nor for the removal of the signage or landscape materials display area from the area to be so dedicated.

4. Within one hundred twenty (120) days from adoption of the Special Use ordinance by the County Board, the petitioner will formally dedicate the 20-foot landscape easement along the north and west sides of the subject parcel.
5. Upon submission to the County of a residential development proposal adjacent to either the north or west property line of the subject parcel, the County will notify the petitioner (or successors and assigns) that a landscape buffer will need to be installed inside the northern and western landscape easement indicated on the attached site plan. The petitioner has sixty (60) growing season days from said notification by the County to install the required landscaping buffer. In the event said notification is granted after October 1 of any calendar year, the sixty-day time period starts with next year's growing season, and must be installed not later than July 1 of that year.
6. The petitioner agrees to notify the County whenever temporary signage is requested, in order to secure a temporary sign permit per Section 12.14 of the Zoning Ordinance.
7. The petitioner is advised that any lighted signage on the property – either permanent or temporary – requires an amendment to this Special Use permit.


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 20, 2006.

Attest:



Paul Anderson

  
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John A. Church  
Kendall County Board Chairman

State of Illinois  
County of Kendall

Zoning Petition  
#05-10

Kendall County Clerk

8. Within one hundred twenty (120) days from adoption of the Special Use ordinance by the County Board, the petitioner will formally dedicate the 75-foot ROW dedication for the WIKADUKE Trail, the 30-foot WIKADUKE Trail landscape, trail, and utility easement; and the 20-foot landscape easement along the north and west sides of the subject parcel.



# PLAT OF SURVEY

MORRISON SURVEYING CO., INC.  
3605 N. State Route 47 Suite G, Morris, Illinois 60450-8217  
Phone (815) 942-2820 of FAX (815) 941-2820



LEGAL DESCRIPTION PARCEL NO. 1  
THE NORTH 180.00 FEET OF THE SOUTH 635.00 FEET  
OF THE EAST 302.5 FEET OF THE NORTHEAST QUARTER  
OF SECTION 23, TOWNSHIP 35 NORTH, RANGE 8 EAST  
OF THE THIRD PRINCIPAL MERIDIAN, KENDALL COUNTY,  
ILLINOIS.

LEGAL DESCRIPTION PARCEL NO. 2  
THE SOUTH 825.00 FEET OF THE EAST 390.00 FEET  
(EXCEPT THE NORTH 180.00 FEET OF THE SOUTH  
635.00 FEET OF THE EAST 302.5 FEET) OF THE  
NORTHEAST QUARTER OF SECTION 23, TOWNSHIP  
35 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL  
MERIDIAN, KENDALL COUNTY, ILLINOIS.

LEGAL DESCRIPTION PARCEL NO. 3  
THE NORTH 130.00 FEET OF THE SOUTH 955.00  
FEET OF THE EAST 390.00 FEET OF THE NORTH-  
EAST QUARTER OF SECTION 23, TOWNSHIP 35  
NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL  
MERIDIAN, KENDALL COUNTY, ILLINOIS.

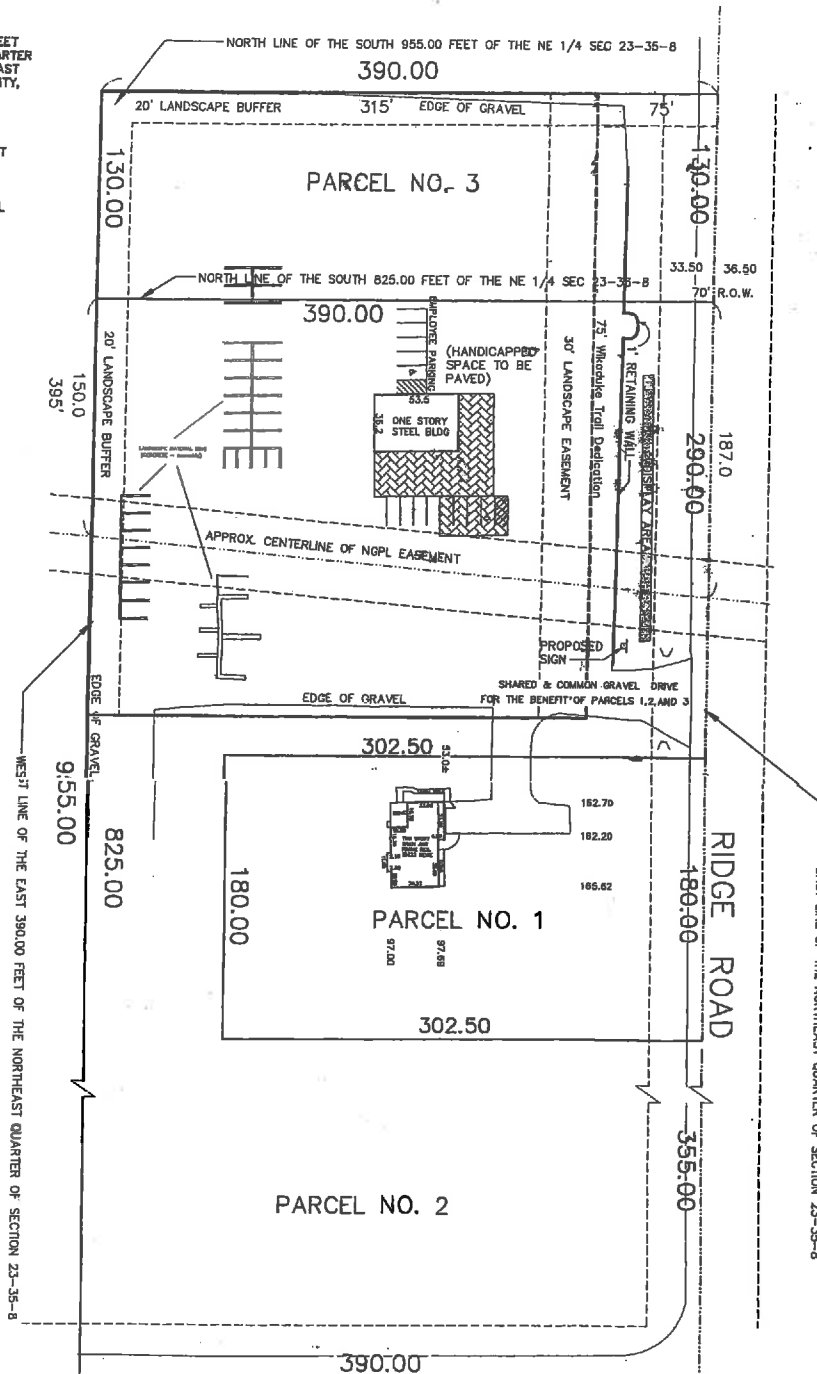
PARCEL 1 54,450 sq.ft. 1.25 ACRES

PARCEL 2 267,300 sq.ft. 6.14 ACRES

PARCEL 3 50,700 sq.ft. 1.18 ACRES

TOTAL = 372,450 sq.ft. 8.55 ACRES

LEGAL DESCRIPTION FOR SPECIAL USE PARCEL:  
THE NORTH 305.00 FEET OF THE SOUTH 865.00  
FEET OF THE WEST 315.00 FEET OF THE EAST  
390.00 FEET OF THE NORTHEAST QUARTER OF  
SECTION 23, TOWNSHIP 35 NORTH, RANGE 8 EAST  
OF THE THIRD PRINCIPAL MERIDIAN, IN KENDALL  
COUNTY, ILLINOIS.

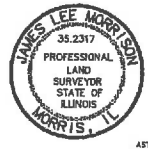


# EXHIBIT

# A  
DATE 6-20-06

State of Illinois }  
County of Grundy } s.s.  
We, MORRISON SURVEYING CO INC., (PDF License #184-003915) do hereby certify  
that a land survey has been made under our supervision of the above described  
property and that the plat hereon shown is a correct representation of said  
survey. Distances are given in feet and decimal parts thereof.  
Given under my hand and seal at Morris, Illinois. Date: 12/2/05

J.P. Morrison  
ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 35-2317  
Compare All Dimensions Before Building And Report Any Discrepancies At Once.  
In Building Lines, Easements and other restrictions not shown hereon refer  
to your Deed, Title Policy, Zoning ordinances, ETC...



REVISIONS: REV 1 2/20/06, REV2 4/18/06  
AS BUILT GRADES:  
IMPROVEMENTS LOCATED:  
ORDERED BY: COUNTRYSIDE LANDSCAPE SUPPL  
SCALE: 1 = 50 ORDER NO. 2710