

ORDINANCE NUMBER 2005 - 35

GRANTING SPECIAL USE  
10009 LEGION ROAD  
KRISTOPHER & KIMBERLY SPANIOL D/B/A K. S. DESIGN GROUP

WHEREAS, Kristopher & Kimberly Spaniol d/b/a K. S. Design Group, after notification of violation of Section 7.01.D.23 of the Kendall County Zoning Ordinance, filed a petition for a Special Use within the A-1 district, for property located at 10009 Legion Road in Kendall Township; and

WHEREAS, said petition is to allow the continued operation of a wholesale landscaping and landscaping materials business at the site, which is primarily used for the residential needs of the petitioners; and

WHEREAS, said property is zoned A-1 Agricultural and the request is allowable upon issuance of a Special Use Permit per Section 7.01.D.23 of the Kendall County Zoning Ordinance; and

WHEREAS, said property is legally described in Exhibit "A" attached hereto and incorporated herein; 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 for the use indicated in the recitals section of this Ordinance and as indicated on the submitted Site Plan and Landscape Plan included as Group Exhibit "B" attached hereto and incorporated herein, subject to the following conditions:

1. Review and approval of the required site development permit and/or final engineering by the PBZ Department and the county's consulting engineer.
2. There shall be no more than seven (7) semi-tractor trailer deliveries per year to the site.
3. The provisioning of sufficient right-of-way to effect a 45-foot ROW from the centerline of Legion Road and an additional 10-foot trail easement adjoining the ROW for a total width from the centerline of Legion Road of 55 feet. Said dedications shall be made within 90 days of the date of approval of the special use permit or prior to issuance of any building or site development permits for the site which ever occurs first.

State of Illinois  
County of Kendall

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#04-32

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 21, 2005.

Attest:



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Paul Anderson  
Kendall County Clerk



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John A. Church  
Kendall County Board Chairman

EXHIBIT "A"

# EXHIBIT

# A  
DATE 6-15-05

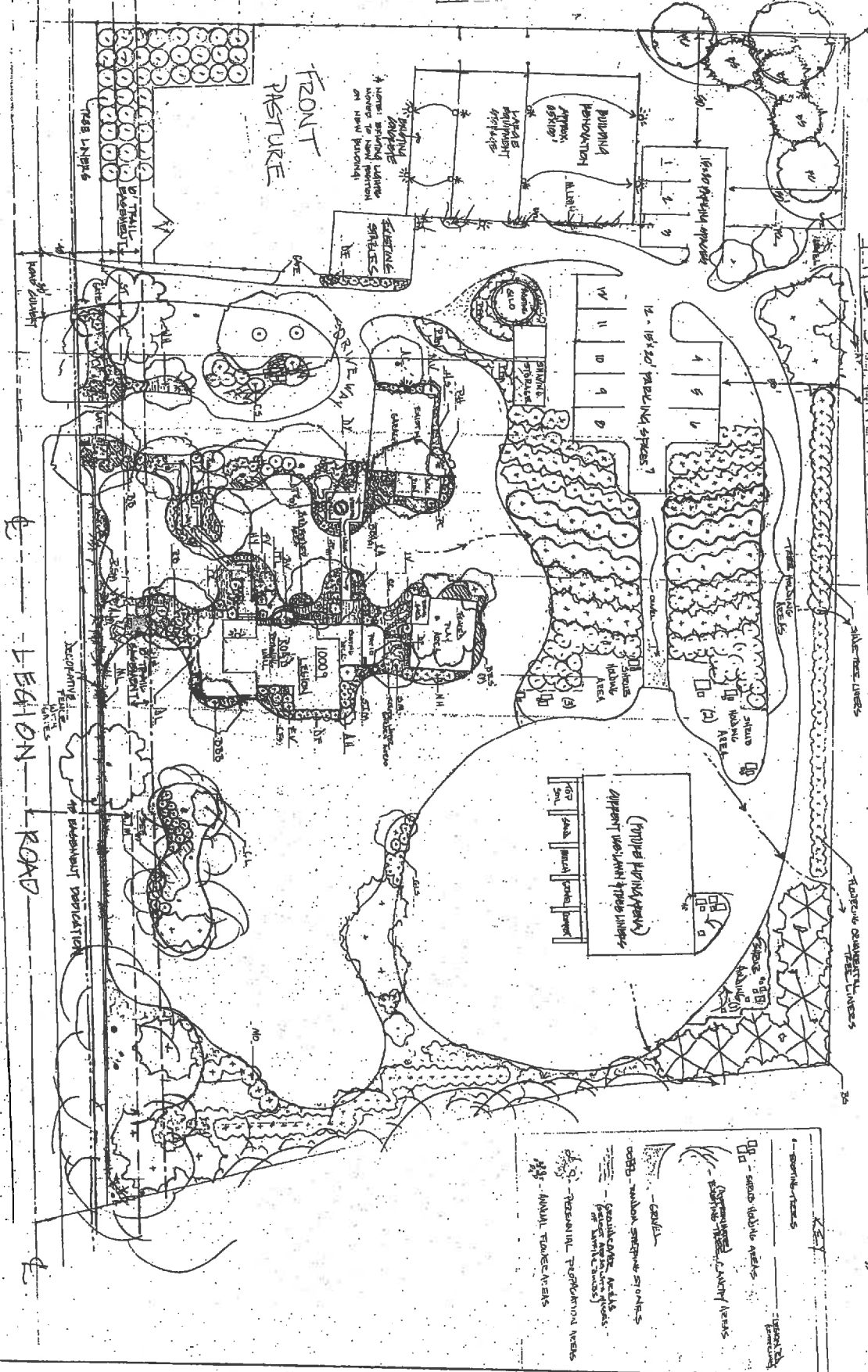
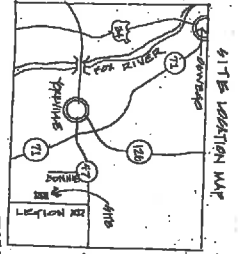
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That part of the E ½ of Section 8 and the W ½ of Section 9, T 36 N, R 7 E of the 3<sup>rd</sup> PM described as follows: Commencing at the westernmost corner of Willman's Resubdivision, thence SE'ly along the SW'ly line of Willman's Resubdivision and said SW'ly line extended 604.50'; thence SE'ly along a line forming an angle of 174° 00' 00" with the last described course (measured clockwise therefrom) 245.57' to the centerline of Legion Road for a point of beginning; thence NW'ly along the last extended SW'ly line, 104.42'; thence SW'ly along a line which forms an angle of 98° 25' 35" with the last described course, measured clockwise therefrom, 458.93'; thence SW'ly at right angles to the last described course, 362.50' to said centerline; thence NE'ly along said centerline 535.85' to the point of beginning in Kendall Township, Kendall County, Illinois.

# THE SPANIOD RESIDENCE CONCEPT PLAN

- PLANT MATERIAL LIST
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**EXHIBIT**  
 # Group B  
 DATE 6-15-05

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