

ORDINANCE NUMBER 2005 - 62

GRANTING SPECIAL USE
335 WILDEY ROAD
J. GUADALUPE ZERMENO

WHEREAS, J. Guadelupe Zermeno filed a petition for a Special Use within the A-1 district, for property located at 335 Wildey Road in Seward Township; and

WHEREAS, said petition is to allow materials storage and employee parking for a wholesale landscape 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:

That pt of the NE ¼ of Section 25, T 35 N, R 8 E of the 3rd PM described as follows: Commencing at the SE corner of the NE ¼ of said Section 25; thence S 89° 39' 00" W along the S line of the NE ¼ of said Section 25 for a distance of 1673.39' for a place of beginning; thence continuing intersection of the N line of Section 2, T and R aforesaid, with the center line of Illinois State Route No. 71; thence SW'ly along said center line, being a curve to the right with a radius of 3906.54', an arc distance of 1438.0' for the point of beginning; thence continuing S 89° 39' 00" W along the S line of the NE ¼ of said Section 25, for a distance of 298.50' to the SW corner of the E 120 acres of the NE ¼ of said Section 25; thence N 00° 00' 01" W along the W line of the E 120 acres of the NE ¼ of said Section 25 for a distance of 729.65'; thence N 89° 39' 00" E for a distance of 298.50'; thence S 00° 00' 01" E for a distance of 729.65' to a place of beginning, in Kendall County, Illinois, subject to easements, covenants, and restrictions of record.

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. Installation of employee bathroom facilities per the Kendall County Building Code within one hundred twenty (120) days of approval of this Ordinance.
2. Installation of the landscaping indicated on the site plan no later than June 1, 2006.
3. The petitioner is required to indicate one (1) handicapped-accessible parking space on the site plan and install said parking space with an impervious surface and, in all aspects, design said parking space in accordance with the regulations of the Americans with Disabilities Act and the Kendall County Building Code.

4. The petitioner agrees to dedicate, within ninety (90) days of approval of this Ordinance, additional right-of-way to affect a forty-five (45) foot right-of-way distance from the centerline of Wildey Road.
5. Within thirty (30) days of approval of this Ordinance, the petitioner will submit application materials for a site development permit and, as part of the application materials, the petitioner will indicate the location of any security lighting associated with the required employee parking area, as well as the species and spacing of required landscaping. As part of the site development review process, the County's contract civil engineer will review the submitted security lighting plan to insure that the lighting does not migrate off the property, and PBZ staff will review the landscaping plan.

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 December 20, 2005.

Attest:



Paul Anderson
Kendall County Clerk


John A. Church
Kendall County Board Chairman