

ORDINANCE NUMBER 2004 - 36

CONCEPT PLAN AND PRELIMINARY PLAT OF PLANNED SUBDIVISION APPROVAL
HENNEBERRY WOODS

WHEREAS, Moser Enterprises & Crestview Builders have petitioned Kendall County for approval of a map amendment, concept plan and preliminary plat for Henneberry Woods as required under the provisions of the RPD-2 (Residential Planned Development – Two) District ; and

WHEREAS, said petition did pertain to a tract of land approximately 594.39 acres in area, generally located at the southwest corner of Grove Road and Cherry Road (extended) in Sections 5, 6, and 7 of Na-Au-Say Township; and

WHEREAS, said property is legally described in Exhibit “A”; and

WHEREAS, the Kendall County Board concurred with the findings of the Zoning Board of Appeals in granting a zoning map amendment from A-1 to RPD-2 for the tract of the southwest corner of Grove Road and Cherry Road (extended) and legally described as above.

WHEREAS, the developer has proposed to develop the property as a Residential Planned Development and is required to submit a concept plan and preliminary plat demonstrating how the proposed development accomplishes the goals of the RPD-2 zoning district; and

WHEREAS, all procedures required by Sections 8.04 and 8.06 the Kendall County Zoning Ordinance and the requirements of the Kendall County Subdivision Control Ordinance were followed;

WHEREAS, the developer intends to develop the property in substantial conformance with the concept plan and preliminary plat attached hereto and made a part hereof as Group Exhibit “B”; and

WHEREAS, the developer has requested variances from Sections 8.03.K and 8.04.C of the Kendall County Zoning Ordinance to allow for a ten (10) foot side yard setback and to allow for several lots in the subdivision to exceed forty-five thousand (45,000) square feet; and

WHEREAS, the Kendall County Zoning Board of Appeals, after due notice to adjacent property owners and publication in the Kendall County Record, a newspaper of general circulation in Kendall County, conducted a public hearing on Tuesday, October 26, 2004 on the requested variances from the official controls of the Kendall County Zoning Ordinance; and

WHEREAS, the Kendall County Zoning Board of Appeals voted on October 26, 2004 to approve the requested variances from the official controls of the Kendall County Zoning Ordinance; and

WHEREAS, the developer has requested variances from Section 9.02.M and Exhibit "A" of the Kendall County Subdivision Control Ordinance; and

WHEREAS, the Planning, Building, and Zoning subcommittee of the Kendall County Board of Commissioners held a meeting on November 8, 2004 to consider said requested variances from Section 9.02.M and Exhibit "A" of the Kendall County Subdivision Control Ordinance; and

WHEREAS, the Planning, Building, and Zoning (PBZ) subcommittee of the Kendall County Board of Commissioners held a meeting on November 8, 2004 to consider said requested variances from Section 9.02.M and Exhibit "A" of the Kendall County Subdivision Control Ordinance; and

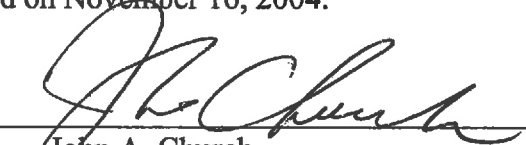
WHEREAS, said PBZ subcommittee voted 4-1 to approve said requested variances from Section 9.02.M and Exhibit "A" of the Kendall County Subdivision Control Ordinance; and;

WHEREAS, the developer intends to develop the property in substantial conformance with the concept plan and preliminary plat attached hereto and made a part hereof as Group Exhibit "B"; and

WHEREAS, the Planning, Building and Zoning Committee determined that the Concept Plan and Preliminary Plat did meet the intent or requirements of the RPD Zoning District and recommended approval of the concept plan and preliminary plat to the County Board;


NOW, THEREFORE, BE IT ORDAINED, that the Kendall County Board hereby approves a concept plan preliminary plat of subdivision for said tract of land entitled "Henneberry Woods".

IN WITNESS OF, this ordinance has been enacted on November 16, 2004.



John A. Church
Kendall County Board Chairman

Attest:



Paul Anderson
Kendall County Clerk

LEGAL DESCRIPTION

Parcel One – Henneberry Parcel

06-05-300-001

06-05-400-001

06-06-400-001

part of 06-06-400-001

06-07-200-001

THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 36 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING WEST OF THE CENTER LINE OF GROVE ROAD, IN KENDALL COUNTY, ILLINOIS, EXCEPTING THEREFROM THAT PART OF THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 36 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF THE WAISH-KEE-SHAW RESERVATION; THENCE NORTHERLY, ALONG THE EAST LINE OF THE WAISH-KEE-SHAW RESERVATION, 1737.98 FEET TO ITS POINT OF INTERSECTION WITH THE NORTH LINE OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 5, FOR A POINT OF BEGINNING; THENCE NORTHERLY, ALONG SAID EAST LINE 111.84 FEET TO AN EXISTING FENCE; THENCE EASTERLY, ALONG SAID EXISTING FENCE LINE, WHICH FORMS AN ANGLE OF 89 DEGREES 36 MINUTES 07 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURED COUNTERCLOCKWISE, THEREFROM, 2324.21 FEET, TO THE CENTERLINE OF GROVE ROAD; THENCE SOUTHWESTERLY, ALONG SAID CENTERLINE, 51.80 FEET, TO AN INTERSECTION WITH THE NORTH LINE OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 5; THENCE WESTERLY ALONG SAID NORTH LINE, 2296.96 FEET, TO THE POINT OF BEGINNING, IN KENDALL COUNTY, ILLINOIS.

AND

THAT PART OF THE WAISH-KEE-SHAW RESERVATION IN SECTIONS 5, 6, 7 AND 8, TOWNSHIP 36 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID RESERVATION; THENCE NORTH, ALONG THE EAST LINE THEREOF 49.38 CHAINS, TO THE NORTH LINE OF THE SOUTH HALF OF SAID RESERVATION; THENCE WEST, ALONG SAID NORTH LINE 87.98 CHAINS, TO A POINT 10 CHAINS EAST OF THE WEST LINE OF SAID RESERVATION; THENCE SOUTH, PARALLEL WITH THE WEST LINE OF SAID RESERVATION, 18.653 CHAINS; THENCE WEST PARALLEL WITH THE NORTH LINE OF THE SOUTH HALF OF SAID RESERVATION, 10 CHAINS; THENCE SOUTH, ALONG SAID WEST LINE 23.907 CHAINS; THENCE EAST, PARALLEL WITH THE NORTH LINE OF THE SOUTH HALF OF SAID RESERVATION, 31.497 CHAINS; THENCE SOUTH, PARALLEL WITH THE WEST LINE OF SAID RESERVATION, 6.33 CHAINS, TO THE SOUTH LINE OF SAID RESERVATION; THENCE EAST, ALONG THE SOUTH LINE OF SAID RESERVATION, TO THE POINT OF BEGINNING, IN KENDALL COUNTY, ILLINOIS.

AND
LOTS 1, 2, 3, 12, 13 AND 14, IN TOWNSENDS' SUBDIVISION OF THE NORTH HALF OF
FRACTIONAL SECTION 7, TOWNSHIP 36 NORTH, RANGE 8 EAST OF THE THIRD
PRINCIPAL MERIDIAN, IN THE TOWNSHIP OF NA-AU-SAY, KENDALL COUNTY,
ILLINOIS.

LEGAL DESCRIPTION

06-05-400-004

06-08-200-001

THAT PART OF THE SOUTH HALF OF SECTION 5 AND PART OF THE NORTHEAST QUARTER OF SECTION 8, TOWNSHIP 36 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID NORTHEAST QUARTER; THENCE NORTHERLY, ALONG THE WEST LINE OF SAID NORTHEAST QUARTER, 479.16 FEET, TO THE CENTER LINE OF GROVE ROAD, FOR A POINT OF BEGINNING; THENCE NORTHERLY, ALONG SAID WEST LINE 1738.67 FEET, TO THE SOUTH LINE OF THE FORMER WAISH-KEE-SHAW RESERVATION; THENCE EASTERLY, ALONG SAID SOUTH LINE, 137.70 FEET, TO THE SOUTHEAST CORNER THEREOF; THENCE NORTHERLY, ALONG THE EAST LINE OF SAID RESERVATION 691.68 FEET; THENCE EASTERLY, ALONG A LINE WHICH FORMS AN ANGLE OF $81^{\circ}-25'-00''$, WITH THE LAST DESCRIBED COURSE, MEASURED COUNTER-CLOCKWISE THEREFROM, 435.60 FEET; THENCE SOUTHERLY ALONG A LINE FORMING AN ANGLE OF $11^{\circ}-51'-00''$, WITH THE LAST DESCRIBED COURSE, MEASURED COUNTER-CLOCKWISE THEREFROM, 854.0 FEET; THENCE WESTERLY, AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE, 25.0 FEET; THENCE SOUTHERLY, PARALLEL WITH THE SAID WEST LINE, 713.98 FEET, TO THE CENTER LINE OF GROVE ROAD; THENCE SOUTHWESTERLY, ALONG SAID CENTER LINE, 904.60 FEET, TO THE POINT OF BEGINNING IN NA-AU-SAY TOWNSHIP, KENDALL COUNTY, ILLINOIS.