

State of Illinois
County of Kendall

Zoning Petition
#0209

ORDINANCE NUMBER 2002- 22

**GRANTING SPECIAL USE
LOCATED AT THE SOUTHEAST CORNER
OF ROTH & WOLF ROAD
LIBRA’S BROTHERS, INC.**

WHEREAS, Libra’s Brothers, Inc., owner and intended developer, filed a petition to amend a Special Use within the A-1 District, for property generally located at the southeast corner of Roth & Wolf Roads in Section 14 of Oswego Township; and

WHEREAS, said petition is for retail and wholesale agricultural nursery products with two (2) buildings and a fenced outdoor area as provided in Section 7.01.D.23 of the Kendall County Zoning Ordinance at the time of application; and

WHEREAS, said property is zoned A-1 Agricultural District; and

WHEREAS, said property is part of a parcel identified with the tax identification number 03-14-200-010 and is legally described as:

The Northeast Quarter of Section 14, Township 37 North, Range 8 East of the Third Principal Meridian and further described as Exhibit A here to and made part here of Oswego Township, Kendall County, Illinois; and

WHEREAS, all procedures required by the Kendall County Zoning Ordinance were followed including notice for public hearing, findings of fact, and recommendation by the Zoning Board of Appeals; and

WHEREAS, the Kendall County Board finds that said petition, along with the conditions specified in this ordinance, is in conformance with the provisions and intent of the Kendall County Zoning Ordinance.

THEREFORE, BE IT ORDAINED, that the Kendall County Board hereby grants approval of a special use zoning permit on for property legally described as:

The Northeast Quarter of Section 14, Township 37 North, Range 8 East of the Third Principal Meridian, in Oswego Township, Kendall County, Illinois; and

Said special use is hereby granted to allow for retail and wholesale agricultural nursery products with two (2) buildings and a fenced outdoor area in conformance with the Kendall County Zoning Ordinance and Building Codes, subject to the following conditions:

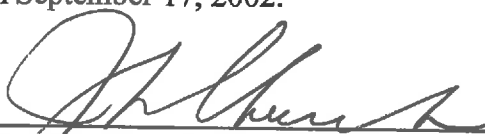
1. Outdoor storage is to occur only in the fenced-in area designated on the site plan. No equipment or materials shall be stored elsewhere on the property.

2. Approval is subject to the property being developed in substantial conformance with the site plan Exhibit “B” attached hereto and made a part hereof .
3. All parking areas shall be designed in conformance with Section 11 of the Kendall County Zoning Ordinance, including landscaping.
4. The special use is subject to all four (4) conditions requested by the Village of Oswego, prior to issuing a building permit, including:
 - a. Dedication of adequate roadway right-of-ways for Wolf Crossing (50’) Road and Roth Road (40’)
 - b. Establishment of adequate setbacks to accommodate future road improvements (20 feet from the property line, no parking in the front yard setbacks)
 - c. Storage of retail materials within an enclosed area
 - d. Negotiation of a pre-annexation agreement.
6. Final details regarding landscaping shall be reviewed and approved by the County as part of the review and approval of the required site development permit prior to development of the property. Landscaping will adhere to County visibility requirements regarding sight distance triangles near intersections of surrounding roadways and all ingress/egress points serving the site with access.
7. A thirty-foot sight line triangle shall be applied in the placement of all plantings.
8. Compliance with the stormwater management ordinance must be demonstrated prior to development of the property.
9. A ROW dedication of 50’ measured from the center road line of Wolf Crossings as well as a ROW dedication of 40’ from the center road line of Roth Road will be supplied along the corresponding frontage of the property and shall be submitted to the County for recording prior to the issuance of any permits.
10. The sign will be in conformance with A-1 sign regulations (no exterior lighting).
11. No retail sales of non-agricultural products shall be permitted on the site with the exception of such items as decorative stone, landscape timbers and similar landscape materials; and
12. Expansion of permitted agricultural activities shall not result in an amendment to the special use.
13. 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 September 17, 2002.



Attest:
Paul Anderson
Kendall County Clerk



John A. Church
Kendall County Board Chairman

LEGAL DESCRIPTION

The Southerly 470.0 feet (measured normally from the South Line) of that part of the East Half of the Northeast Quarter of Section 14, Township 37 North, Range 8 East of the Third Principal Meridian, described as follows: Commencing at the intersection of the center line of Oswego and Wolf's Crossing Road with a line drawn parallel with and 568 Feet West of the East Line of said Section 14 (measured at right angles to said East Line); Thence Westerly along the center line of said Road 150.6 Feet for the Point of Beginning; Thence South parallel with the East Line of said Section, 822 Feet to the North line of the South 45.31 Acres of the East Half of said Northeast Quarter of Section 14; Thence West along said North Line to the West Line of said East Half of the Northeast Quarter of Section 14; Thence North along said West Line to the center line of said Oswego and Wolf's Crossing Road; Thence Easterly along said center line to the Point of Beginning, in the Township of Oswego, Kendall County, Illinois.

**ZONING PLAT OF
PART OF THE NORTHEAST QUARTER OF SECTION 14, T37N-R8E, 3rd PM
OSWEGO TOWNSHIP KENDALL COUNTY ILLINOIS**

PIN 03-14-200-003
Marilyn E. Schultz
Zoning: A1

PIN 03-14-200-005
Oswego Prairie
Methodist Church
Zoning: A1

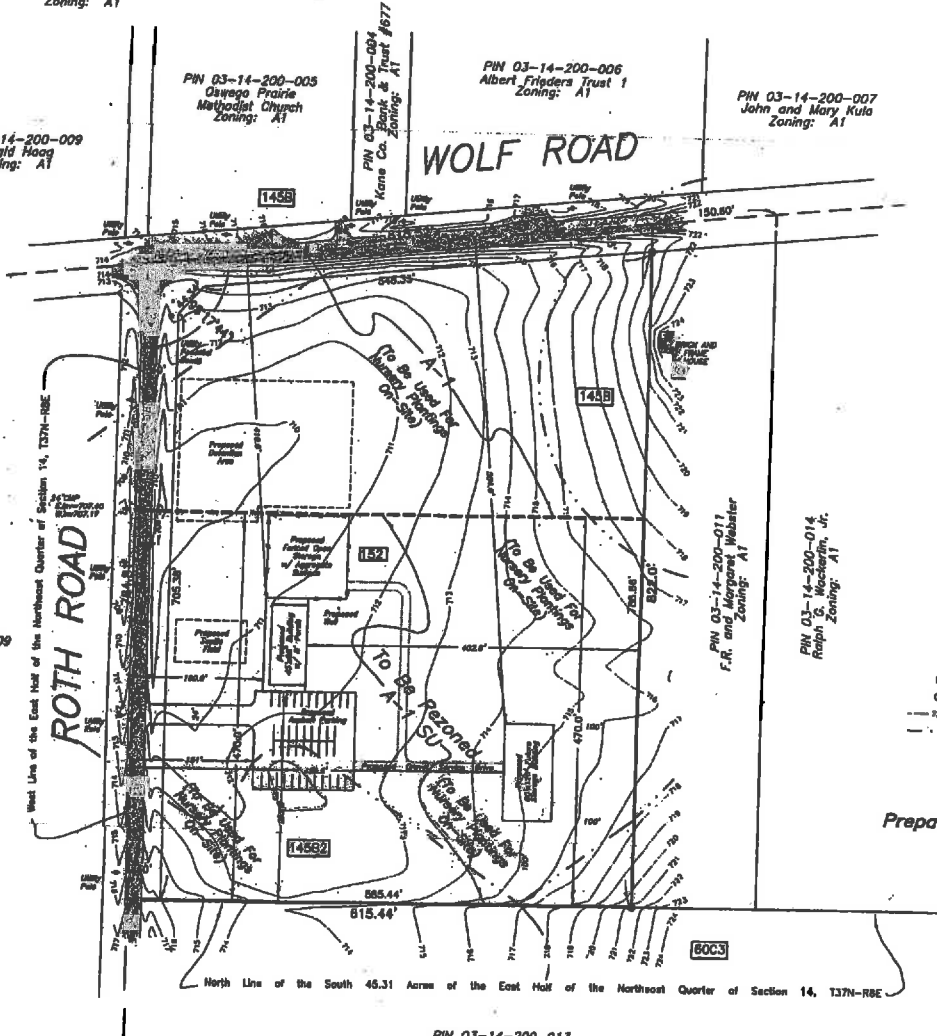
PIN 03-14-200-006
Albert Frigders Trust 1
Zoning: A1

PIN 03-14-200-007
John and Mary Kula
Zoning: A1

PIN 03-14-200-009
Dorothy Haag
Zoning: A1

PIN 03-14-200-004
Kane Co. Bank & Trust #677
Zoning: A1

PIN 03-14-200-009
Dorothy Haag
Zoning: A1



NOTE: Boundary information for the Subject Property is taken from a Plat of Survey by William M. Wingstedt (PLS#2675 dated September 14, 196

SCALE
1"=100'

- Indicates Iron Stake Found
- Indicates Iron Stake Set
- - - Indicates Contour Elevation
- Indicates Soils Boundary

Prepared: September 4, 2002

PIN 03-14-200-013
Rodney P. and Mary C. Beary Trusts
Zoning: A1

AREA TO BE REZONED:

6.642 Acres
(6.318 Acres Excluding Road)

PRESENT ZONING:

A1

PROPOSED ZONING:

A1-SU (Retail and Wholesale
Agricultural Nursery Products)

DEVELOPER:

Merritt Brothers, Inc.
5632 Lansdown Avenue
Naperville, Illinois 60564

LEGAL DESCRIPTION OF TRACT TO BE REZONED:

The Southern 470.0 feet (measured horizontally from the South Line) of that part of the East Half of the Northeast Quarter of Section 14, Township 37 North, Range 8 East of the Third Principal Meridian, described as follows: Commencing at the intersection of the center line of said Douglas and Wolf's Crossing Road with a line drawn parallel with and 568 Feet West of the center line of said Section 14 (measured at right angles to said East Line); Thence West along said center line of said Section 14 150.0 Feet to the Point of Beginning; Thence South parallel with the East Line of said Section 14 150.0 Feet to the North line of the South 45.31 Acres of the East Half of said Northeast Quarter of Section 14; Thence West along said North Line to the West Line of said East Half of the Northeast Quarter of Section 14; Thence North along said West Line to the center line of said Douglas and Wolf's Crossing Road; Thence East along said center line to the Point of Beginning, in the Township of Oswego, Kendall County, Illinois.

SOILS (From USCS Soils Map)

60C3	Loess Soils, 4 to 7% slopes, severely eroded
145B	Soybrook Silt Loam, 2 to 4% slopes
145B2	Soybrook Silt Loam, 2 to 4% slopes, eroded
152	Drummer Silty Clay Loam

Location Map (Not to Scale)

