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 3rd 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:

John A. Church
Kendall County Board Chairman

Paul Anderson
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.
LEGAL DESCRIPTION PARCEL NO. 1
THE NORTH 180.00 FEET OF THE SOUTH 360.00 FEET
OF THE EAST 360.00 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 260.00 FEET OF THE EAST 360.00 FEET
(CONTENT THE NORTH 180.00 FEET OF THE SOUTH
360.00 FEET OF THE EAST 360.00 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 825.00
FEET OF THE EAST 360.00 FEET OF THE NORTHEAST
EAST QUARTER OF SECTION 23, TOWNSHIP 35
NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL
MERIDIAN, KENDALL COUNTY, ILLINOIS.

PARCEL 1 54,400 sq.ft. 1.25 ACRES
PARCEL 2 127,200 sq.ft. 3.14 ACRES
PARCEL 3 107,700 sq.ft. 2.50 ACRES
TOTAL = 372,100 sq.ft. 8.90 ACRES

LEGAL DESCRIPTION FOR SPECIAL USE PARCEL:
THE SOUTH 360.00 FEET OF THE SOUTH 360.00
FEET OF THE WEST 310.00 FEET OF THE EAST
360.00 FEET OF THE NORTHEAST QUARTER
OF SECTION 23, TOWNSHIP 35 NORTH, RANGE 8 EAST
OF THE THIRD PRINCIPAL MERIDIAN, IN KENDALL
COUNTY, ILLINOIS.

DATE: 6-20-06

EXHIBIT

ORDERED BY: COUNTRYSIDE LANDSCAPE SUPPLI
SCALE: 1" = 50 ORDER NO. 2710