ORDINANCE # 2012 - 02

GRANTING AN AMENDMENT TO ORDINANCE 2000-46 & GRANT A SPECIAL USE AT
12219 ILLINOIS ROUTE 47
ELBURN COOPERATIVE COMPANY

WHEREAS, Elburn Cooperative Company has filed a petition for a Special Use within the A-1 Agricultural Zoning District for a 14.93 acre property located at 12219 Illinois Route 47, (PINs #08-04-100-004, #08-04-100-009 & #08-04-100-011), in Lisbon Township;

WHEREAS, said petition is to amend their existing special use permit to expand their special use to the newly acquired 10 acres of property and expand their fertilizer operation and also have grain storage; and

WHEREAS, the Zoning Board of Appeals previously granted a variance per Case number 95-11 for the far north building to reduce the 100’ front yard setback from the edge of the R.O.W. to 44 feet from Route 47; and

WHEREAS, 4.93 acres of the property was zoned A-1 Special Use for current operations to be carried out on site and allow two wall mounted signs totaling 168 square feet, per Ordinance 00-46; and

WHEREAS, 10 acres of the property is zoned A-1 Special Use after the 1974 Countywide Zoning Change; and

WHEREAS, said 14.93 acre property is legally described as:

That part of the Northwest Quarter of Section 4, Township 35 North, Range 7 East of the Third Principal meridian described as follows: Beginning at a point in the Westerly Right-of-Way Line of the Public Service Company that is 1018.57 feet (measured along said Westerly Right-of-Way of said Public Company) Southerly from the North Line of Section 4, said point being the point of intersection of the centerline of a creek extending in a Northwesterly and Southeasterly direction through said Northwest Quarter with the Westerly Right-of-Way line of said Public Service Company; thence Southerly, along said Westerly Right-of-Way line, 768.88 feet to a Southeasterly corner of a tract designated as Parcel Tow and described in a Quit Claim Deed to Elburn Cooperative Company recorded as Document 200200009902 on April 25, 2002; thence continuing Southerly, along said Westerly Right-of-Way Line, 240.0 feet; thence Westerly, perpendicular to the last described course, 513.62 feet; thence Northerly, parallel with said Westerly Right-of-Way Line, 1628.43 feet to the centerline of said creek; thence Southeasterly, along the centerline of said creek, 825.57 feet to the point of beginning. Lisbon Township, 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 on February 27, 2012; 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 Zoning Board of Appeals on February 27, 2012 to approve the requested variance from the Kendall County Zoning Ordinance to allow for a drive aisle to encroach into the 150’ front yard setback from the centerline of the road to be reduced to 94.5’ from the centerline of the roadway; and

WHEREAS, the Kendall County Board has considered the findings and recommendation of the Hearing Officer and finds that said petition is in conformance with the provisions and intent of the Kendall County Zoning Ordinance; and

WHEREAS, this special use shall be treated as a covenant running with the land and is binding on the successors, heirs, and assigns of the property owner as to the same special use conducted on the property; and

NOW, THEREFORE, BE IT ORDAINED, that the Kendall County Board hereby repeals Kendall County Ordinance #00-46 in its entirety and grants approval of a special use zoning permit to amend their existing special use permit to expand their special use to the newly acquired 10 acres of property and expand their fertilizer operation and also have grain storage as indicated on the submitted Site Plan included as “Exhibit A” attached hereto and incorporated herein and the sign elevations attached hereto and made a part of hereof as Exhibit “B” and the stormwater narrative attached hereto and made a part of hereof as Exhibit “C” and the drainage, grading and erosion control plan attached hereto and made a part of hereof as Exhibit “D” subject to the following conditions:

1. Signage for the special use shall be limited to only the two signs requested in 2000, one to be located in the area shown in the digital rendering labeled “North elevation,” and the other to be located in the area shown in the digital rendering labeled “South elevation.”

2. The signs shall be a maximum of area of 168 square feet total between the two signs.

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 by the Kendall County Board this 20th day of March, 2012.

Attest:

Debbie Gillette
Kendall County Clerk

John Purcell
Kendall County Board Chairman

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STORMWATER NARRATIVE

This property and facility expansion are zoned and utilized for agricultural purposes which are exempt from meeting the stormwater detention requirements listed in the Kendall County Stormwater Ordinance. Despite being exempt, the Elburn Co-op agrees to provide some detention, soil erosion control, and B.M.P. aspects into the proposed improvements. There are not off-site areas that are tributary to the site. The Natural Resources Conservation Service and U.S. Fish and Wildlife Service wetland maps both show that wetlands are not present on the property. In addition, there are no floodplain areas on-site or associated with the creek at the north end of the property. Copies the wetland and floodplain maps are attached for reference.

The 12’ storm sewer has been provided to convey low flow and nuisance flows. Any excess flow will utilize localized depressions at the drainage structures and the overland swale which will provide some detention and filtration of the excess flows. Calculations have been provided to show that the swale has the capacity to handle the entire tributary flow for a 100 year storm event. The proposed overland swale will provide some detention during larger storm events. Although the pre and post discharge rates have not been evaluated for comparison or the total detention volume calculated, the peak flowrates have been calculated and the capacity of the overflow pop points have been evaluated. Those calculations are attached for review.

As part of the improvements, the Elburn Co-op is proposing to regrade the south bank of the existing ditch in order to repair erosion areas and to better stabilize the embankment. Disturbed areas within the existing ditch will be restored with an IDOT class 2 seed mix and erosion control blanket.