ORDINANCE NUMBER 2017 - 10

GRANTING A SPECIAL USE PERMIT FOR
THE OPERATION OF A GRAIN STORAGE BUSINESS ON THE PROPERTY
IDENTIFIED BY PARCEL IDENTIFICATION NUMBER 08-16-400-007, ALSO
KNOWN AS 14676 ROUTE 47 (THE SOUTHEAST CORNER OF THE INTERSECTION
OF ILLINOIS ROUTE 47 AND U.S. 52) IN LISBON TOWNSHIP

WHEREAS, CHS, Inc. on behalf of property owner NGH Farms, LLC has filed a petition for a Special Use within the A-1 Agricultural Zoning District for a 26.5 acre property located on the southeast corner of the intersection of Illinois Route 47 and U.S. 52, commonly known as 14676 Route 47 (PIN# 08-16-400-007), in Lisbon Township, and;

WHEREAS, said petition is to allow the operation of a grain storage business; and

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

WHEREAS, said property is legally described as:

LOT NUMBER SEVEN, BEING THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION SIXTEEN (16), TOWNSHIP 35 NORTH, RANGE SEVEN (7) EAST OF THE THIRD PRINCIPAL MERIDIAN EXCEPTING THEREFROM THE TRACT OF LAND CONVEYED TO THE PEOPLE OF THE STATE OF ILLINOIS FOR ROAD PURPOSES AND THE PORTIONS CONVEYED TO THE ILLINOIS DEPARTMENT OF TRANSPORTATION FOR ROAD PURPOSES AND ALSO EXCEPTING THEREFROM THAT PART BEING DESCRIBED BY COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 16;
THENCE NORTH 00 DEGREES 45 MINUTES 32 SECONDS WEST, A DISTANCE OF 1320.00 FEET TO THE POINT OF BEGINNING;
THENCE ALONG THE NORTH LINE OF THE SOUTH HALF OF SAID SOUTHEAST QUARTER OF SECTION 16, SOUTH 88 DEGREES 01 MINUTES 45 SECONDS WEST, A DISTANCE OF 1614.15 FEET;
THENCE NORTH 00 DEGREES 45 MINUTES 32 SECONDS WEST, A DISTANCE OF 1243.14 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF U.S. 52 PER CONVEYANCE FILED FOR RECORD MAY 3, 1933 IN BOOK 86, PAGE 182 AS MONUMENTED AND OCCUPIED;
THENCE ALONG SAID RIGHT OF WAY LINE, NORTH 88 DEGREES 06 MINUTES 12 SECONDS EAST, A DISTANCE OF 358.34 FEET TO A POINT OF INTERSECTION WITH SAID INDIAN BOUNDARY LINE AND SAID EAST LINE OF SECTION 16;
THENCE ALONG SAID EAST LINE OF SECTION 16, SOUTH 00 DEGREES 45 MINUTES, 32 SECONDS EAST, A DISTANCE OF 882.26 FEET TO THE POINT OF BEGINNING, ALL IN 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 in accordance with Section 13.08.J of the Zoning Ordinance, and recommendation for approval by the Special Use Hearing Officer on July 31, 2017; and
WHEREAS, the findings of fact were approved as follows:

That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. **The proposed business allowed by the special use permit is an agricultural related operation using agricultural structures already onsite. Provided the new shelter is constructed to code, no threats to the public health and safety are anticipated. Traffic backups on south bound Illinois Route 47 could occur if the turn lane is not installed on a timely basis.**

That the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The Zoning classification of property within the general area of the property in question shall be considered in determining consistency with this standard. The proposed use shall make adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open space and other improvements necessary to insure that the proposed use does not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a whole. **CHS is leasing the paved area only from the petitioners. The proposed use will not change the existing use of the property greatly; the use will be a more intense grain storage operation in an agricultural area. The proposed use fits in with other agricultural uses in the area.**

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. **Adequate utilities are onsite. If construction on Illinois Route 47 is delayed, traffic congestion could arise if the left turn lane on south bound Illinois Route 47 is not installed in a timely manner. After the installation of the turning lane, no access issues are foreseen. The petitioners agreed to a construction restriction regarding the placement of the proposed shelter building in relation to the waterway onsite.**

That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Hearing Officer. **True, the special use shall conform to the applicable regulations of the district.**

That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. **True, the proposed use is consistent with agricultural uses outlined in the Land Resource Management Plan because of the nature of the proposed business and building allowed by the special use permit; 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 as to the same special use conducted on the property; and

NOW, THEREFORE, BE IT ORDAINED, the Kendall County Board hereby grants approval of a special use zoning permit to operate a grain storage business in accordance to the submitted Site Plan included as “Exhibits A-1, A-2 and A-3” attached hereto and incorporated herein subject to the following conditions:

1. A building permit shall be secured for the new shelter shown on “Exhibit A-3”. The building shall not qualify for agricultural exemption.

2. The new building shown on “Exhibit A-3” shall be elevated to at least one foot (1’) above the calculated one hundred (100) year event water surface elevation.

3. Containers shall not remain outdoors on the property overnight except in the case of mechanical breakdown of trucks or trailers. In the event of mechanical breakdown of trucks or trailers, the owners of the business allowed by this special use permit shall remove the impacted containers within two (2) business days.

4. Containers shall not be stacked or racked.

5. Containers shall not be separated from chassis except for temporary repair or emergency and for no longer than two (2) business days.

6. No containers shall be stored within the required setbacks.

7. No parking of vehicles shall occur within the required setbacks.

8. The business allowed by this special use permit shall secure certificates of occupancy for all structures existing and planned for the site prior to the commencement of operations.

9. The owners of the business allowed by this special use permit may install a thirty-two (32) square foot illuminated sign on the property.

10. The owners of the business allowed by this special use permit may install a six foot by seventeen foot (6’X17’) illuminated sign on the leg tower.

11. The business allowed by this special use permit shall comply with all applicable Federal, State and Local laws related to the operation of this type of business.
12. Failure to comply with the above restrictions and conditions shall be interpreted as a violation of the Zoning Ordinance of Kendall County and could result in the revocation of the special use permit or other legal actions.

13. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

IN WITNESS OF, this ordinance has been enacted on August 15, 2017.

Attest:

Debbie Gillette
Kendall County Clerk

Scott R. Gryder
Kendall County Board Chairman
Lot Number Six, being the north half of the southeast quarter of section sixteen (16) Township 5 North, Range Seven (7) East, are parts of the city of Lebanon, Cook County, Illinois, as shown on the Plan of Lots for the Land Ventured in Registration No. 170Q3C0125G, recorded in the Office of the Recorder of Deeds of Cook County, Illinois, and also described therein. The east line of section sixteen (16), as shown on the Plan of Lots for the Land Ventured in Registration No. 170Q3C0125G, is the line of the south half of said southeast quarter of section sixteen (16), as shown on the Plan of Lots for the Land Ventured in Registration No. 170Q3C0125G, as recorded in the Office of the Recorder of Deeds of Cook County, Illinois.

The north line of the south half of said southeast quarter of section sixteen (16), as shown on the Plan of Lots for the Land Ventured in Registration No. 170Q3C0125G, is the line of the north half of said north quarter of section sixteen (16), as shown on the Plan of Lots for the Land Ventured in Registration No. 170Q3C0125G, as recorded in the Office of the Recorder of Deeds of Cook County, Illinois.

The west line of the north half of said north quarter of section sixteen (16), as shown on the Plan of Lots for the Land Ventured in Registration No. 170Q3C0125G, is the line of the west half of said west quarter of section sixteen (16), as shown on the Plan of Lots for the Land Ventured in Registration No. 170Q3C0125G, as recorded in the Office of the Recorder of Deeds of Cook County, Illinois.

The south line of the west half of said west quarter of section sixteen (16), as shown on the Plan of Lots for the Land Ventured in Registration No. 170Q3C0125G, is the line of the north half of said south quarter of section sixteen (16), as shown on the Plan of Lots for the Land Ventured in Registration No. 170Q3C0125G, as recorded in the Office of the Recorder of Deeds of Cook County, Illinois.

The east line of the north half of said north quarter of section sixteen (16), as shown on the Plan of Lots for the Land Ventured in Registration No. 170Q3C0125G, is the line of the west half of said northeast quarter of section sixteen (16), as shown on the Plan of Lots for the Land Ventured in Registration No. 170Q3C0125G, as recorded in the Office of the Recorder of Deeds of Cook County, Illinois.

The north line of the west half of said northeast quarter of section sixteen (16), as shown on the Plan of Lots for the Land Ventured in Registration No. 170Q3C0125G, is the line of the north half of said northwest quarter of section sixteen (16), as shown on the Plan of Lots for the Land Ventured in Registration No. 170Q3C0125G, as recorded in the Office of the Recorder of Deeds of Cook County, Illinois.

The west line of the north half of said northwest quarter of section sixteen (16), as shown on the Plan of Lots for the Land Ventured in Registration No. 170Q3C0125G, is the line of the west half of said southwest quarter of section sixteen (16), as shown on the Plan of Lots for the Land Ventured in Registration No. 170Q3C0125G, as recorded in the Office of the Recorder of Deeds of Cook County, Illinois.

The south line of the west half of said southwest quarter of section sixteen (16), as shown on the Plan of Lots for the Land Ventured in Registration No. 170Q3C0125G, is the line of the south half of said northwest quarter of section sixteen (16), as shown on the Plan of Lots for the Land Ventured in Registration No. 170Q3C0125G, as recorded in the Office of the Recorder of Deeds of Cook County, Illinois.

The east line of the south half of said northwest quarter of section sixteen (16), as shown on the Plan of Lots for the Land Ventured in Registration No. 170Q3C0125G, is the line of the west half of said southeast quarter of section sixteen (16), as shown on the Plan of Lots for the Land Ventured in Registration No. 170Q3C0125G, as recorded in the Office of the Recorder of Deeds of Cook County, Illinois.

Owner/Developer:

High Farms LLC.

G.O. GATOL & T. HAMMAN
13535 CHICAGO ROAD
NEWARK, IL 60541

GENERAL NOTES:

1) Property is not located within a flood zone as shown on FEMA Zone Map B500.

2) According to the Illinois Inventory Maps, there is no wetlands inventory in the area.

3) This property does not have any wetlands areas.
BOUNDARY SURVEY

STATE OF ILLINOIS
COUNTY OF KENDALL

THIS SURVEY WAS COMPLETED BY RB & ASSOCIATES CONSULTING, INC. FOR LEASING PURPOSES ONLY AT THIS TIME.

SURVEYOR CERTIFICATE

STATE OF ILLINOIS
COUNTY OF KENDALL

I, [SURVEYOR NAME], an Illinois Professional Land Surveyor, hereby certify that the boundary description herein is true and accurate to the best of my knowledge and belief. I have been employed by [LEASING PARTY NAME] to perform this survey for the purpose of leasing purposes. This survey was completed on [DATE].

[SURVEYOR SIGNATURE]

June 2017

GENERAL NOTES:

1) THERE WERE NO RANGES SET AT THE CORNERS OF THIS PARCEL.

SURVEY WAS FOR LEASING PURPOSES ONLY AT THIS TIME.

STATE OF ILLINOIS
COUNTY OF KENDALL

I, [SURVEYOR NAME], an Illinois Professional Land Surveyor, hereby certify that the boundary description herein is true and accurate to the best of my knowledge and belief. I have been employed by [LEASING PARTY NAME] to perform this survey for the purpose of leasing purposes. This survey was completed on [DATE].

[SURVEYOR SIGNATURE]

June 2017

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[SURVEYOR SIGNATURE]

June 2017

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