

ORDINANCE NUMBER 98-30

**MAP AMENDMENT & GRANTING SPECIAL USE
AURORA BLACKTOP, INC.
Rezone from M-2 and A-1 to M-3 Special Use for
Asphalt and Asphalt Products**

WHEREAS, Jerome E. Leifheit of Aurora Blacktop, Inc. did file a petition for a Map Amendment with a Special Use within an M-3 District, for property located at 1250 East Beecher Road in Section 8 of Bristol Township; and

WHEREAS, said property is identified with the tax identification number 02-08-100-003 and is legally described on the attached Exhibit A: Legal Description; and

WHEREAS, said property is currently zoned A-1 and M-2 with an existing asphalt plant; and

WHEREAS, the petitioner desires to replace the existing asphalt plant with a newer, more efficient asphalt plant in accordance with the current zoning requirements; 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 of the Kendall County Zoning Ordinance;

NOW, THEREFORE, BE IT ORDAINED, that the Kendall County Board hereby grants the following:

1. A zoning map amendment from M-2 and A-1 to M-3 on the tract of land at 1250 East Beecher Road and legally described on Exhibit A.
2. A Special Use Permit to produce asphalt and asphalt products.
3. Said Special Use Permit shall be in conformance with the Kendall County Zoning Ordinance, Building Codes, and the following conditions:
 - a. The existing asphalt plant shall be dismantled and inoperable within two (2) years after the date of this ordinance.
 - b. Only one (1) asphalt batch plant shall be running at production capacity at any given time.
 - c. Trees and/or evergreens shall be planted and maintained as a buffer on the north edge of the property in accordance with the approved landscape plan.
 - d. The storage tanks, as noted and signed by the petitioner on the approved Plat of Survey and Topographical Map, shall be moved to a location at least one hundred fifty (150) feet from Beecher Road within two (2) years after the date of this ordinance.
 - e. The private asphalt drive along the south edge of this tract, between Rob Roy

Creek and East Beecher Road, shall be paved within two (2) years after the date of this ordinance.


- f. The new asphalt batch plant shall be located within the area as noted and signed by the petitioner on the approved Plat of Survey and Topographical Map.
- g. Any future ancillary office for this business to be located on this site shall be located within the area as noted and signed by the petitioner on the approved Plat of Survey and Topographical Map.
- h. The petitioner shall prepare a Plat of Dedication for East Beecher Road to dedicate at least forty (40) from the centerline of said road.
- i. Said Plat of Dedication shall be to Bristol Township and its successors and assigns. Owners of said land shall not be responsible for the cost of or for removal of trees, fences, or other structures in said Dedication prior to any road widening project. Kendall County shall not be responsible for the cost of relocating, replacing or otherwise compensating owners for said trees, fences or other structures removed from said Dedication.
- j. The petitioner shall designate the eastern twenty-five (25) feet of the property, parallel to the eastern property line, as open space, as noted and signed by the petitioner on the approved Plat of Survey and Topographical Map.
- k. This special use ordinance shall be subject to review every five (5) years.

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 December 15, 1998.



John A. Church
Kendall County Board Chairman



Paul Anderson
Kendall County Clerk

EXHIBIT A: LEGAL DESCRIPTION

That part of the Northwest Quarter of Section 8, Township 37 North, Range 7 East of the Third Principal Meridian, described as follows: Commencing at the Northwest Corner of the said Northwest Quarter Section for the point of beginning; thence North 88°32'04" East along the North Line of said Quarter Section, 953.68 feet to a point in the center line branch of Rob Roy Creek; thence South 28°38'25" East along the said center line, 1134.39 feet; thence South 87°53'03" West, 1498.53 feet to a point in the West Line of said Quarter Section; thence North 00°01'23" East along the said West Line, 1026.52 feet to the point of beginning; all in the Township of Bristol, Kendall County, Illinois.