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**DEPARTMENT OF PLANNING, BUILDING & ZONING**

111 West Fox Street • Room 203

Yorkville, IL • 60560

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**Petition 20-27**

**81 Boulder Hill Pass, Oswego**

**Revocation of Special Use Permit for a Place of Worship**

**INTRODUCTION AND BACKGROUND**

On August 18, 2015, the Kendall County Board granted a special use permit for the operation of a place of worship at 81 Boulder Hill Pass, Oswego. Restriction 1 of the special use permit stated that the special use permit shall be for the Strong Tower of Refuge Ministries. Ordinance 2015-15, which granted the special use permit, is included as Attachment 1.

On October 16, 2020, the Planning, Building and Zoning Department conducted a visual inspection of the property and found no evidence of the Strong Tower of Refuge Ministries at the property.

On October 19, 2020, the Kendall County Planning, Building and Zoning Department sent a letter to the property owner asking if the place of worship was still in operation at the property and requesting that the special use permit be revoked if the church had vacated the space. On November 5, 2020, the owner of the property submitted a letter requesting that the special use permit be revoked. This request is included as part of the draft revocation ordinance.

The draft revocation ordinance is included as Attachment 2.

The subject property is zoned B-3. If the special use permit is revoked, the property will retain its B-3 zoning classification.

**RECOMMENDATION**

Staff recommends approval of the proposed special use permit revocation.

**ATTACHMENTS**

1. Ordinance 2015-15
2. Draft Revocation Ordinance

ORDINANCE NUMBER 2015 - 15

GRANTING A B-3 SPECIAL USE AT  
**81 BOULDER HILL PASS , MONTGOMERY**  
**TO OPERATE A PLACE OF WORSHIP**

WHEREAS, Rhonda Miller of Strong Tower of Refuge Ministries has filed a petition for a Special Use for a Place of Worship for a property located at 81 Boulder Hill Pass in the Boulder Hill Marketplace Shopping Center, (PIN # 03-05-401-003), in Oswego Township. The Place of Worship will occupy approximately 4,800 square feet in the end unit nearest to Boulder Hill Pass; and

WHEREAS, said property is currently zoned B-3 Highway Business; and

WHEREAS, said petition is to obtain a B-3 Special Use Permit to operate a Place of Worship for the Strong Tower of Refuge Ministries. This ministry is geared towards outreach, where they will be having services several days a week and providing workshops to help those in the community with various needs. Services will include Bible study, worship services, and other events; and

WHEREAS, said property is legally described as:

That portion of Section 5, Township 37 North, Range 8 East of the Third Principal Meridian, described as follows:

Commencing at the most Westerly corner of Boulder Hill, Kendall County, Illinois, Unit 1, said point being the point of intersection of the center line of Illinois State Highway No. 25 with the Southwesterly line of Boulder Hill Pass extended Northwesterly; thence S. 49° 13' 28" E. along said Southwesterly line 197.50 feet to a point of curvature; thence continuing along said Southwesterly line, being along a curve to the right, having a radius of 3171.60 feet, an arc distance of 52.50 feet to the point of beginning; thence continuing along said curve being along said Southwesterly line, an arc distance of 509.69 feet to a point of compound curvature thence continuing along said Southwesterly line, being along a curve to the right, having a radius of 731.25 feet, an arc distance of 182.71 feet to a point lying 200.72 feet Northwesterly of the Northeast corner of Boulder Hill, Kendall County, Illinois, Unit 9, (as measured along the last described curb); thence S. 64° 31' 02" W. 553.54 feet to a point lying 25 feet Northerly of the Northerly line of Hillstone Road (as measured at right angles thereto); thence S. 07° 23' 49" E. to said Northerly line; thence S. 82° 36' 11" W. along said Northerly line 75.00 feet to the Northwest corner of said Unit 9; thence N. 84° 57' 25" W. 119.46 feet to the Easterly line of the Burlington Northern Railroad right-of-way; thence Northerly along said Easterly line being along a curve to the left, having a radius of 1050.48 feet, an arc distance of 453.80 feet; thence N. 42° 36' 23" E. 201.40 feet to a point lying 250 feet Southeasterly of the center line of Illinois State Highway No 25 (as measured at right angles thereto);

thence N. 40° 46' 32" E. 249.56 feet to the point of beginning and containing 7.818 acres in Oswego 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 in accordance with Section 13.08.J of the Zoning Ordinance, including a recommendation for approval by the Special Use Hearing Officer on July 27, 2015; and

WHEREAS, the findings of fact were approved by the Special Use Hearing Officer 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. **We believe the presence of Strong Tower of Refuge Ministries would help improve the public health, safety, comfort and general welfare of the Boulder Hill area.***

*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. **Drawing more visitors to the shopping center will likely enhance traffic to other businesses like the nearby restaurant. The large existing parking lot should be able to handle increased use generated by Strong Tower Ministries operation. An occupied shopping center is typically better maintained, and generally enhances property values 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. **This is an existing shopping/professional center therefore all these considerations are already in place.***

*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. **The proposed use will comply with all County regulations.***

*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. **This special use permit will be consistent with the uses in the strip center.***

WHEREAS, the Kendall County Regional Planning Commission reviewed the request on July 22, 2015 and also recommended approval by a 6-0 vote; 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


NOW, THEREFORE, BE IT ORDAINED, that the Kendall County Board hereby grants approval of a special use zoning permit to operate a place of worship in accordance to the submitted Description included as "Exhibit A" and incorporated herein subject to the following conditions:

1. This special use is granted for Strong Tower of Refuge Ministries only and shall run with the tenant. Any new Place of Worship will be required to seek a new special use approval.

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 August 18, 2015.

Attest:

  
\_\_\_\_\_  
Debbie Gillette  
Kendall County Clerk

  
\_\_\_\_\_  
John Shaw  
Kendall County Board Chairman

**Exhibit "A"**

**Strong Tower of Refuge Ministries**

100 Rocky Way # 15  
Montgomery, IL 60538  
Founder & Senior Pastor Rhonda Miller



May 12, 2015

Department of Building & Planning

Dear Planning Committee,

Strong Tower of Refuge Ministries was incorporated in 2003. We are a non for profit organization seeking a special use permit for our ministry in the city of Montgomery. Our ministry is geared towards outreach, where we will be having service several days a week, and providing workshop to help those in the community with various needs.

The services we want to offer our community will be held 81 boulder Hill Pass, in Montgomery IL Our Church will offer Tuesday night Bible study, Thursday night Workshop, and Sunday morning Worship Service, as well as other events. I would like to thank you in advance you're your consideration.

Warm regards,

*Pastor Rhonda Miller*  
Pastor Rhonda Miller



**ORDINANCE NUMBER 2020-\_\_\_\_\_**

**REVOKING A SPECIAL USE PERMIT FOR A PLACE OF WORSHIP GRANTED BY  
ORDINANCE 2015-15 AT 81 BOULDER HILL PASS (PIN: 03-05-401-003)  
IN OSWEGO TOWNSHIP**

WHEREAS, Section 13:08 of the Kendall County Zoning Ordinance permits the Kendall County Board to issue special use permits and place conditions on special use permits and provides the procedure through which special use permits are granted; and

WHEREAS, Section 13:08.F of the Kendall County Zoning Ordinance allows a special use permit holder to request revocation of said special use by written request to the County Board; and

WHEREAS, pursuant to Section 13:08.F of the Kendall County Zoning Ordinance, no public hearing is required for an owner-initiated revocation; and

WHEREAS, the property which is the subject of this Ordinance has been, at all relevant times, and remains currently located within the B-3 Highway Business District and consists of approximately 7.8 acres and is identified by Parcel Identification Number 03-05-401-003 in Oswego Township. The legal description for the subject property is set forth in Exhibit A attached hereto and incorporated by reference, and this property shall hereinafter be referred to as “the subject property”; and

WHEREAS, Rhonda Miller petitioned Kendall County in the manner required by law and the ordinance of Kendall County, Illinois for obtaining a special use permit for the operation of a place of worship in the portion of subject property addressed as 81 Boulder Hill Pass in 2015; and

WHEREAS, the Kendall County Board granted a special use permit through Ordinance 2015-15 at the portion of the subject property addressed as 81 Boulder Hill Pass on August 18, 2015, for the operation of a place of worship; and

WHEREAS, Condition #1 of Ordinance 2015-15 requires that the special use permit be restricted to the Strong Tower of Refuge Ministries only and that any new place of worship wishing to locate in 81 Boulder Hill Pass obtain a new special use permit; and

WHEREAS, Boulder Hill Property, LLC, as represented by Sunny Simon, is the owner of record of the subject property and shall hereinafter be referred to as “The Petitioner”; and

WHEREAS, following visual inspection of the exterior of the subject property, on October 19, 2020, the Kendall County Planning, Building and Zoning Department mailed a letter to The Petitioner requesting confirmation that the Strong Tower of Refuge Ministries was still a tenant at the subject property; and

WHEREAS, The Petitioner no longer desires the special use permit and has stated in a letter as provided in attached Exhibit “B” that they voluntarily request that Kendall County revoke the special use permit on the above-referenced property; and

NOW, THEREFORE, BE IT ORDAINED, BY THE COUNTY BOARD OF KENDALL COUNTY, ILLINOIS, as follows:

1. The Kendall County Board hereby revokes the special use permit for a public of worship granted by Ordinance 2015-15.

2. The Zoning Administrator and other appropriate County Officials are hereby authorized and directed to amend the Official Zoning Map of Kendall County to reflect the revocation of the special use permit granted by Ordinance 2015-15.

*IN WITNESS OF*, this ordinance has been enacted by a majority vote of the Kendall County Board and is effective this 19<sup>th</sup> day of January, 2021.

Attest:

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Kendall County Clerk  
Debbie Gillette

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Kendall County Board Chairman  
Scott R. Gryder

Exhibit A

That portion of Section 5, Township 37 North, Range 8 East of the Third Principal Meridian, described as follows:

Commencing at the most Westerly corner of Boulder Hill, Kendall County, Illinois, Unit 1, said point being the point of intersection of the center line of Illinois State Highway No. 25 with the Southwesterly line of Boulder Hill Pass extended Northwesterly; thence S.  $49^{\circ} 13' 28''$  E. along said Southwesterly line 197.50 feet to a point of curvature; thence continuing along said Southwesterly line, being along a curve to the right, having a radius of 3171.60 feet, an arc distance of 52.50 feet to the point of beginning; thence continuing along said curve being along said Southwesterly line, an arc distance of 509.69 feet to a point of compound curvature thence continuing along said Southwesterly line, being along a curve to the right, having a radius of 731.25 feet, an arc distance of 182.71 feet to a point lying 200.72 feet Northwesterly of the Northeast corner of Boulder Hill, Kendall County, Illinois, Unit 9, (as measured along the last described curb); thence S.  $64^{\circ} 31' 02''$  W. 553.54 feet to a point lying 25 feet Northerly of the Northerly line of Hillstone Road (as measured at right angles thereto); thence S.  $07^{\circ} 23' 49''$  E. to said Northerly line; thence S.  $82^{\circ} 36' 11''$  W. along said Northerly line 75.00 feet to the Northwest corner of said Unit 9; thence N.  $84^{\circ} 57' 25''$  W. 119.46 feet to the Easterly line of the Burlington Northern Railroad right-of-way; thence Northerly along said Easterly line being along a curve to the left, having a radius of 1050.48 feet, an arc distance of 453.80 feet; thence N.  $42^{\circ} 36' 23''$  E. 201.40 feet to a point lying 250 feet Southeasterly of the center line of Illinois State Highway No 25 (as measured at right angles thereto); thence N.  $40^{\circ} 46' 32''$  E. 249.56 feet to the point of beginning and containing 7.818 acres in Oswego Township, Kendall County, Illinois.



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KENDALL COUNTY  
PLANNING, BUILDING  
& ZONING


Month Day, Year

Kendall County  
Planning, Building and Zoning  
Attn: Matthew H. Asselmeier  
111 West Fox Street Room 203  
Yorkville, IL 60560-1498  
Phone: 630-553-4139 Fax: 630.553.4179

I, Sunny Simon am the owner at 81 Boulder Hill Pass, Montgomery, IL  
(First & Last Name) (Address of property)



On August 18, 2015, the property was granted a special use (Ordinance 2015-15). The special use granted in 2015 was granted for the operation of a place of worship at 81 Boulder Hill Pass

Pursuant to Section 13:08.F of the Kendall County Zoning Ordinance, I hereby voluntarily request that Kendall County revoke my special use on the above-referenced property. By signing below, I acknowledge that no public hearing shall be conducted for revocation of the special use. I understand that the requested revocation shall not become effective unless and until approved by a majority vote of the Kendall County Board. By signing below, I hereby waive my right to a public hearing and formally request the above-referenced special use be removed from my property.

  
(Signature)

11/2/2020  
(Date)

Sunny Simon  
(Printed Name)

Attest:   
Notary Public 



NEW OSWEGO CURRENCY EXCHANGE, INC.