

ORDINANCE NUMBER 2022- 19

**GRANTING A SPECIAL USE PERMIT FOR A GOVERNMENTAL BUILDING OR FACILITY
(GARAGE) AT 15759 ROUTE 47 AND IDENTIFIED BY PARCEL IDENTIFICATION
NUMBERS 08-21-300-002 AND 08-21-300-004 IN LISBON TOWNSHIP**

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

WHEREAS, Section 7:01.D.22 of the Kendall County Zoning Ordinance permits the placement of governmental buildings and facilities as a special use in the A-1 Agricultural Zoning District; and

WHEREAS, the property which is the subject of this Ordinance has been, at all relevant times, and remains currently located within the A-1 Agricultural Zoning District and consists of approximately 2.04 +/- acres located at 15759 Route 47 (PINs: 08-21-300-002 and 08-21-300-004), in Lisbon 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, the subject property is owned by Lisbon Township as represented by Joe Slivka and Kevin Kunkel; and

WHEREAS, on or about May 24, 2022, Petitioner’s representative filed a petition for a special use permit for the placement of a governmental building or facility, specifically a township garage, at the subject property; and

WHEREAS, following due and proper notice by publication in the Kendall County Record on June 9, 2022, the Kendall County Zoning Board of Appeals conducted a public hearing on June 27, 2022, at 7:00 p.m., in the County Board Room of the Kendall County Office Building at 111 W. Fox Street in Yorkville, at which the Petitioner and their representative presented evidence, testimony, and exhibits in support of the requested special use permit and zero members of the public testified in favor or in opposition to the request; and

WHEREAS, based on the evidence, testimony, and exhibits, the Kendall County Zoning Board of Appeals has made their findings of fact and recommended approval of the special use permit with conditions as set forth in the Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals, dated June 27, 2022, a true and correct copy of which is attached hereto as Exhibit B; and

WHEREAS, the Kendall County Planning, Building and Zoning Committee of the Kendall County Board has reviewed the testimony presented at the aforementioned public hearing and has considered the Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals, and has forwarded to the Kendall County Board a recommendation of approval of the requested special use permit; and

WHEREAS, the Kendall County Board has considered the recommendation of the Planning, Building and Zoning Committee and the Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals, and has determined that said petition is in conformance with the provisions and intent of the Kendall County Zoning Ordinance; and

WHEREAS, the special use permit 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

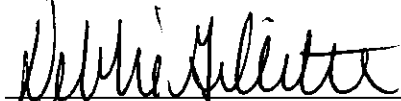
NOW, THEREFORE, BE IT ORDAINED, BY THE COUNTY BOARD OF KENDALL COUNTY, ILLINOIS, as follows:

1. The Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals attached hereto as Exhibit B is hereby accepted and the Findings of Fact set forth therein are hereby adopted as the Findings of Fact and Conclusions of this Kendall County Board.
2. The Kendall County Board hereby grants approval of Petitioner's petition for a special use permit for the placement of a governmental building or facility, specifically a township garage, on the subject property subject to the following conditions:
 - A. The site shall be developed substantially in accordance with the site plan attached hereto as Exhibit C and landscaping plan attached hereto as Exhibit D. Lisbon Township may demolish the one (1) story metal building shown on the site plan without seeking an amendment to this special use permit.
 - B. The botanicals shown on the landscaping plan attached hereto as Exhibit D shall be installed by June 30, 2024. This deadline may be extended upon approval by the Kendall County Planning, Building and Zoning Committee. Damaged or dead botanicals shall be replaced on a timeframe approved by the Kendall County Planning, Building and Zoning Department.
 - C. The seven thousand four hundred eighty-eight (7,488) square foot building shall be developed substantially in accordance with the elevations attached hereto as Exhibit E with a maximum building height of twenty-six feet (26'). On the elevations, South Elevation = East, West Elevation = South, North Elevation = West, and East Elevation = North.
 - D. Any structures constructed, installed, or demolished related to the use allowed by this special use permit on the property shall not be considered for agricultural purposes and must secure applicable building permits.
 - E. One (1) free standing monument sign may be installed in substantially the location shown on the site plan attached hereto as Exhibit C. The sign shall not be illuminated.
 - F. The trash enclosure shall be placed in substantially the location shown on the site plan attached hereto as Exhibit C, upon demolition of the one (1) story metal building. The enclosure shall be screened per the requirements of the Kendall County Zoning Ordinance. The property owners shall ensure that the site is kept free of litter and debris.
 - G. The owners of the uses allowed by this special use permit shall diligently monitor the property for leaks from equipment, vehicles, and materials parked and stored on the subject property and shall promptly clean up the site if leaks occur.
 - H. None of the vehicles or equipment parked or stored on the subject property related to the use allowed by the special use permit shall be considered agricultural vehicles or agricultural equipment.
 - I. The operators of the use allowed by this special use permit acknowledge and agree to follow Kendall County's Right to Farm Clause.
 - J. The property owner and operator of the use allowed by this special use permit shall follow all applicable Federal, State, and Local laws related to the operation of this type of use.
 - K. Failure to comply with one or more of the above conditions or restrictions could result in the amendment or revocation of the special use permit.

- L. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
- 3. This special use permit 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.
- 4. The Zoning Administrator and other appropriate County Officials are hereby authorized and directed to amend the Official Zoning Map of Kendall County to reflect this special use permit.

IN WITNESS OF, this ordinance has been enacted by a majority vote of the Kendall County Board and is effective this 19th day of July, 2022.

Attest:



Kendall County Clerk
Debbie Gillette



Kendall County Board Chairman
Scott R. Gryder

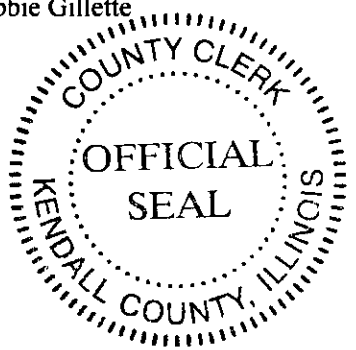


Exhibit A

PROPERTY LEGAL DESCRIPTION:

PARCEL 1:

A PART OF THE SOUTHWEST QUARTER OF SECTION NUMBER TWENTY ONE (21) OF TOWNSHIP THIRTY FIVE NORTH RANGE SEVEN (7) EAST OF THE THIRD PRINCIPAL MERIDIAN AND DESCRIBED AS FOLLOWS: COMMENCING AT THE QUARTER CORNER ON THE SOUTH LINE OF SECTION TWENTY ONE AND RUNNING THENCE NORTH 1357.3 FEET; THENCE WEST 83 FEET TO THE WEST LINE OF RIGHT OF WAY OF THE FOX AND ILLINOIS UNION RAILWAY AS PLACE OF BEGINNING; THENCE SOUTH ALONG SAID RIGHT OF WAY 264 FEET; THENCE WEST 165 FEET; THENCE NORTH 264 FEET; THENCE EAST 165 FEET TO PLACE OF BEGINNING, CONTAINING ONE ACRE OF LAND, MORE OR LESS.

AND ALSO

A PART OF THE SOUTHWEST QUARTER OF SECTION NUMBER TWENTY ONE (21) OF TOWNSHIP THIRTY FIVE NORTH RANGE SEVEN (7) EAST OF THE THIRD PRINCIPAL MERIDIAN AND DESCRIBED AS FOLLOWS: COMMENCING AT THE QUARTER CORNER ON THE SOUTH LINE OF SECTION TWENTY ONE AND RUNNING THENCE NORTH 1357.3 FEET; THENCE WEST 83 FEET TO THE WEST LINE OF RIGHT OF WAY OF THE FOX AND ILLINOIS UNION RAILWAY; THENCE WEST 165 FEET AS PLACE OF BEGINNING; THENCE SOUTH 264 FEET; THENCE WEST 6 FEET; THENCE NORTH 264 FEET; THENCE EAST 6 FEET TO THE PLACE OF BEGINNING.

PARCEL 2:

A PART OF THE SOUTHWEST QUARTER OF SECTION TWENTY-ONE (21), OF TOWNSHIP THIRTY-FIVE (35) NORTH, RANGE SEVEN (7), EAST OF THE THIRD PRINCIPAL MERIDIAN, AND DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHWEST QUARTER ON THE SOUTH LINE OF SECTION TWENTY-ONE (21), AND RUNNING THENCE NORTH ALONG THE CENTERLINE OF STATE HIGHWAY 47, 1327.3 FEET; THENCE WEST 83 FEET TO THE WEST LINE OF RIGHT OF WAY OF FOX AND ILLINOIS UNION RAILWAY AS PLACE OF BEGINNING; THENCE NORTH ALONG SAID RIGHT OF WAY 264 FEET; THENCE WEST 165 FEET; THENCE SOUTH 264 FEET; THENCE EAST 165 FEET TO THE PLACE OF BEGINNING AND CONTAINING ONE ACRE MORE OR LESS, SITUATED IN LISBON TOWNSHIP, KENDALL COUNTY, ILLINOIS.

Exhibit B

The Kendall County Zoning Board of Appeals approved the following Findings of Fact and Recommendation at their meeting on June 27, 2022 by a vote of five (5) in favor and zero (0) in opposition; Member Fox was absent.

FINDINGS OF FACT-SPECIAL USE PERMIT

*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. **Provided the site is developed in accordance with the submitted site plan and landscaping plan, the proposed use should not be detrimental or endanger the public health, safety, morals, comfort, or general welfare.***

*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. **The subject property is located along a four (4) lane highway with agricultural uses on all sides. Few residential uses are located in the vicinity. Provided the site is developed in accordance with the submitted site plan and landscaping plan, the proposed use will not be substantially injurious to neighboring properties and or adversely impact adjacent uses.***

*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, points of ingress/egress, drainage, and other necessary facilities have been or will be provided.***

*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 Zoning Board of Appeals. **This is true; no variances are needed.***

*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 proposal is consistent with a goal found on page 9-20 of the Kendall County Land Resource Management Plan call for "Mutually supportive, non-adversarial team of municipal, township, school, park, county, and other governments working toward the benefit of everyone in Kendall County."** Also, land next to an arterial highway is a logical location for a township highway facility.*

RECOMMENDATION

Approval subject to the following conditions and restrictions:

1. The site shall be developed substantially in accordance with the site plan and landscaping plan. Lisbon Township may demolish the one (1) story metal building shown on the site plan without seeking an amendment to this special use permit.
2. The botanicals shown on the landscaping plan shall be installed by June 30, 2024. This deadline may be extended upon approval by the Kendall County Planning, Building and Zoning Committee. Damaged or dead botanicals shall be replaced on a timeframe approved by the Kendall County Planning, Building and Zoning Department.
3. The seven thousand four hundred eighty-eight (7,488) square foot building shall be developed substantially in accordance with the elevations with a maximum building height of twenty-six feet (26'). On the elevations, South Elevation = East, West Elevation = South, North Elevation = West, and East Elevation = North.

4. Any structures constructed, installed, or demolished related to the use allowed by this special use permit on the property shall not be considered for agricultural purposes and must secure applicable building permits.
5. One (1) free standing monument sign may be installed in substantially the location shown on the site plan. The sign shall not be illuminated.
6. The trash enclosure shall be placed in substantially the location shown on the site plan, upon demolition of the one (1) story metal building. The enclosure shall be screened per the requirements of the Kendall County Zoning Ordinance. The property owners shall ensure that the site is kept free of litter and debris.
7. The owners of the uses allowed by this special use permit shall diligently monitor the property for leaks from equipment, vehicles, and materials parked and stored on the subject property and shall promptly clean up the site if leaks occur.
8. None of the vehicles or equipment parked or stored on the subject property related to the use allowed by the special use permit shall be considered agricultural vehicles or agricultural equipment.
9. The operators of the use allowed by this special use permit acknowledge and agree to follow Kendall County's Right to Farm Clause.
10. The property owner and operator of the use allowed by this special use permit shall follow all applicable Federal, State, and Local laws related to the operation of this type of use.
11. Failure to comply with one or more of the above conditions or restrictions could result in the amendment or revocation of the special use permit.
12. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
13. This special use permit 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.



Walters Buildings

100 Walters & Sons, Corp.
Attn: Engineering
1100 S. Main Street
Muncie, IN 47302
www.waltersbuildings.com

REVISIONS

TOWNSHIP
Township Building

PROJECT
723104 Storage

LOCATION
Muncie, IN

SALES REP / DEALER
Johnnie Baker

DRAWN BY
Taylor Z

ESTIMATED BY

LAST MAILED BY
DATE

SCALE
1/8" = 1'-0"

JOB NUMBER
P74-078

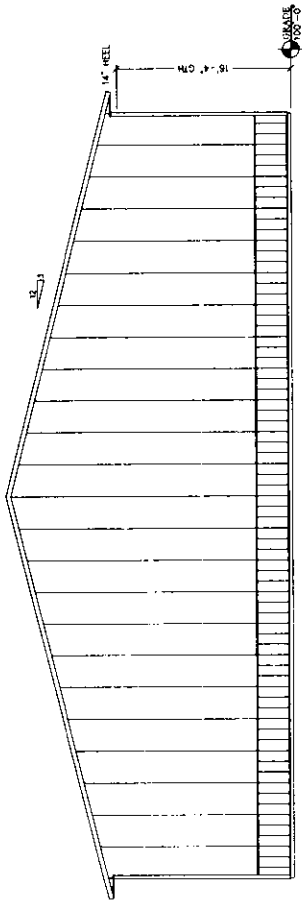
SHEET NUMBER

A2

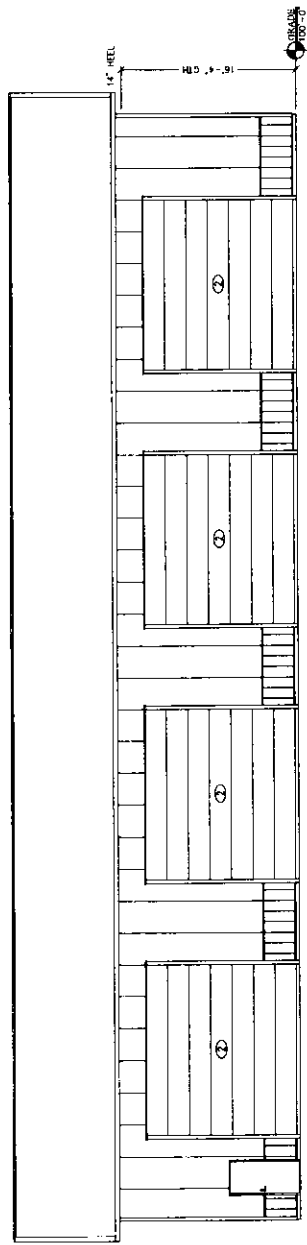
DOOR & WINDOW SCHEDULE

TAG	TYPE	QUANTITY
①	3'-6" WALKDOOR w/ LEVER LOCKSET & DEADBOLT	2
②	16'-4" OVERHEAD DOOR OPENING	4

DATE: _____
 CUSTOMER SIGNATURE: _____
 I UNDERSTAND THAT CHANGES MAY BE NECESSARY PER CODE OR STRUCTURAL REQUIREMENTS.
 ALL DRAWINGS ARE INTELLECTUAL PROPERTY OF WALTERS BUILDINGS UNTIL SOLD.



① WEST END ELEVATION
 A2 SCALE: 1/8" = 1'-0"



② SOUTH SIDE ELEVATION
 A2 SCALE: 1/8" = 1'-0"



Walters Buildings
 Jack Walters & Sons, Co.
 10000 N. Lincoln Ave.
 Chicago, IL 60642
 Phone: 773.439.1200
 www.waltersbuildings.com

OWNER
 Township
 Building

PROJECT
 T23104 Storage

LOCATION
 Minooka, IL

SALES REP / DEALER
 Johnnie Baker

DRAWN BY
 Taylor Z

ESTIMATED BY

LAST NAYED BY
 TZE/EMR ON 10/20/22

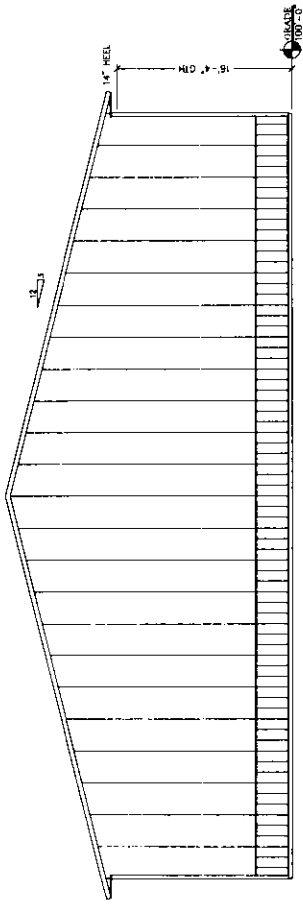
SCALE
 1/8" = 1'-0"

JOB NUMBER
 P74-078

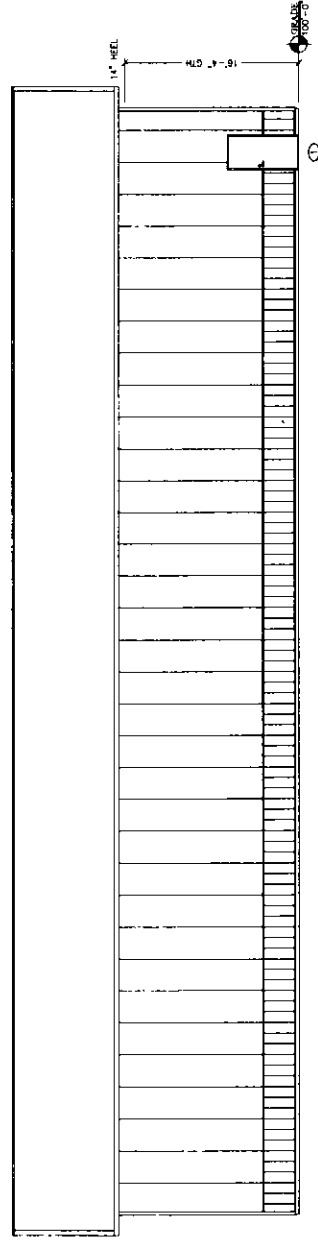
SHEET NUMBER
 A2.1

DOOR & WINDOW SCHEDULE		
TAG	TYPE	QUANTITY
1	3'-6" x 8" WALKDOOR w/ LEVER LOCKSET & DEADBOLT	2
2	16'-1/4" OVERHEAD DOOR OPENING	4

EXHIBIT 10.10.11 REVISED THE PRELIMINARY DRAWINGS
 CUSTOMER SIGNATURE _____ DATE _____
 IT IS UNDERSTOOD AND THAT CHANGES MAY BE NECESSARY PER GRADE OR STRUCTURAL REQUIREMENTS
 ALL DRAWINGS ARE INTELLECTUAL PROPERTY OF WALTERS BUILDINGS UNLESS OTHERWISE NOTED



1 EAST END ELEVATION
 A2.1 SCALE: 1/8" = 1'-0"



2 NORTH SIDE ELEVATION
 A2.1 SCALE: 1/8" = 1'-0"

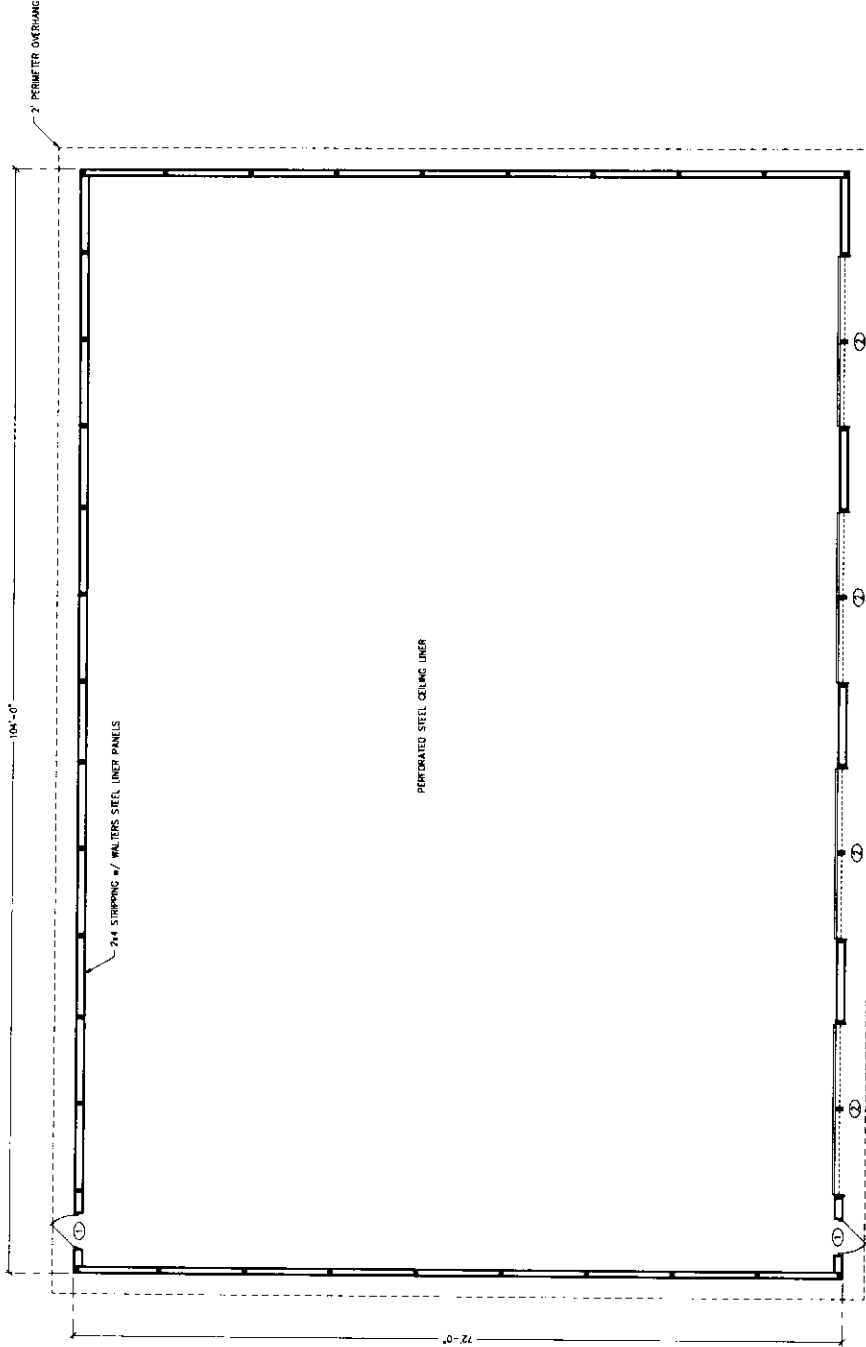


Walters Buildings
 Alex Walters & Sons, Inc.
 1000 N. Main Street
 Alton, IL 62001
 (618) 242-7800
 www.waltersbuildings.com

OWNER Township Building	PROJECT ZZA104 Storage	LOCATION Nimbus, IL	SALES REP / DEALER Johnnie Baker	DRAWN BY Tosker Z	ESTIMATED BY	LAST SAVED BY TEPLEN ON 5/10/20	SCALE 1/8" = 1'-0"	JOB NUMBER P74-078	SHEET NUMBER A3
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DOOR & WINDOW SCHEDULE		
TAG	TYPE	QUANTITY
①	3'-6" x 8' WALKDOOR w/ LEVER LOCKSET & DOORBOLT	2
②	16'-0" OVERHEAD DOOR OPENING	4

Exhibit E, Page 3 REVIEWED THE PRELIMINARY DRAWINGS
 CUSTOMER SIGNATURE _____ DATE _____
 I UNDERSTAND THAT CHANGES MAY BE NECESSARY PER CODE OR STRUCTURAL REQUIREMENTS
 ALL DRAWINGS ARE INTELLECTUAL PROPERTY OF WALTERS BUILDINGS UNTIL SOLD



1 FRAMING PLAN
 A3 / SCALE: 1/8" = 1'-0"