

ORDINANCE NUMBER 2024- 18

MAJOR AMENDMENT TO A SPECIAL USE PERMIT FOR A GOVERNMENTAL BUILDING AND FACILITY GRANTED BY ORDINANCE 2009-31 BY CHANGING THE SITE PLAN AT 14719 O'BRIEN ROAD, MINOOKA (PIN: 09-17-400-005) IN SEWARD TOWNSHIP

WHEREAS, Section 13:08 of the Kendall County Zoning Ordinance permits the Kendall County Board to approve amendments to existing special use permits and provides the procedure through which amendments to existing special use permits are granted; 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 5 more or less acres located at 14719 O'Brien Road, Minooka (PIN: 09-17-400-005) in Seward Township. The legal description for the area proposed for major amendment to an existing special use permit is set forth in Exhibit A attached hereto and incorporated by reference and shall hereinafter be referred to as "the subject property"; and

WHEREAS, on or about August 18, 2009, the subject property was granted a special use permit for a governmental building and facility by the County Board through Ordinance 2009-31; and

WHEREAS, the subject property is currently owned by Seward Township as represented by Tim O'Brien and shall hereinafter be referred to as "Petitioner"; and

WHEREAS, on or about April 23, 2024, Petitioner's representative filed a petition for a major amendment to an existing special use permit by amending the site plan; and

WHEREAS, following due and proper notice by publication in the Kendall County Record on May 2, 2024, and due and proper notification to Seward Township on or about April 26, 2024, and due and proper notification to all property owners of record of properties located within seven hundred fifty feet of the subject property on or about April 26, 2024, the Kendall County Zoning Board of Appeals conducted a public hearing on May 28, 2024, at 7:00 p.m., in the County Office Building at 111 W. Fox Street in Yorkville, at which the Petitioner's representative presented evidence, testimony, and exhibits in support of the requested major amendment to an existing special use permit and zero members of the public testified in favor or in opposition or asked question of the requested major amendment to an existing special use permit; 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 major amendment to an existing special use permit with conditions as set forth in the Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals, dated May 28, 2024, 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 major amendment to an existing 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

State of Illinois
County of Kendall

Zoning Petition
#24-09

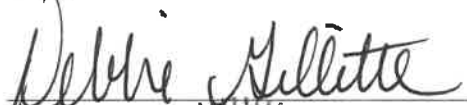
Appeals, and has determined that said petition is in conformance with the provisions and intent of the Kendall County Zoning Ordinance; and

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 major amendment to an existing special use permit at the subject property subject to the following conditions and restrictions:
 - A. The site plan attached as Group Exhibit A of Ordinance 2009-31 is hereby amended to include the site plan attached hereto as Exhibit C.
 - B. None of the buildings or structures allowed by this major amendment to an existing special use permit shall be considered agricultural structures and must secure applicable permits.
 - C. The remaining conditions and restrictions contained in Ordinance 2009-31 shall remain valid and effective.
 - D. The use allowed by this major amendment to an existing special use permit shall follow all applicable federal, state, and local laws.
 - E. 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.
 - F. If one or more of the above conditions or restrictions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
3. These major amendments to an existing special use permit shall be treated as covenants running with the land and are 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 major amendment to an existing special use permit.

IN WITNESS OF, this ordinance has been enacted by a majority vote of the Kendall County Board and is effective this 18th day of June, 2024.

Attest:


Kendall County Clerk
Debbie Gillette


Kendall County Board Chairman
Matt Kellogg

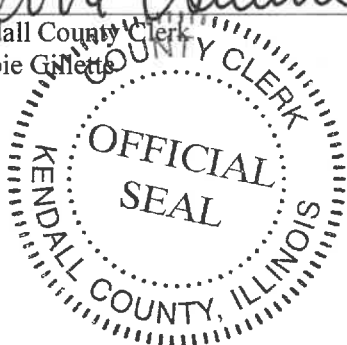


Exhibit A

Legal Description

THE SOUTH 360 FEET OF THE EAST 605 FEET OF THE NORTH HALF OF THE SOUTHEAST QUARTER
OF SECTION 17, IN TOWNSHIP 35 NORTH, AND IN RANGE 8 EAST OF THE THIRD PRINCIPAL
MERIDIAN IN KENDALL COUNTY, ILLINOIS

PIN: 09-17-400-005

Exhibit B

The Kendall County Zoning Board of Appeals held a public hearing on the Petition 24-09 on May 28, 2024. On the same date, the Kendall County Zoning Board of Appeals issued the following findings of fact and recommendation by a vote of seven (7) in favor and zero (0) in opposition.

FINDINGS OF FACT

*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 expansion will improve the public health, safety, comfort, and general welfare because the new building will allow the township to do its work inside a new facility.***

*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 existing use has been in place since 2009. The adjacent land uses are agricultural and the construction of a maintenance building will not injury the use and enjoyment of neighboring land owners.***

*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 true except for drainage. Drainage concerns can be addressed through a stormwater permit.***

*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.***

*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. **Seward Township has used the subject property for public/institutional purposes since 2009. Accordingly, allowing the Township expand its facilities is consistent with a goal found on Page 9-20 of the Kendall County Land Resource Management Plan which calls for “mutually supportive, non-adversarial team of municipal, township, . . . county, and other governments working toward the benefit of everyone in Kendall County.”***

RECOMMENDATION

Approval subject to the following conditions and restrictions:

1. The site plan attached as Group Exhibit A of Ordinance 2009-31 is hereby amended to include the site plan submitted on May 28, 2024.
2. None of the buildings or structures allowed by this major amendment to an existing special use permit shall be considered agricultural structures and must secure applicable permits.
3. The remaining conditions and restrictions contained in Ordinance 2009-31 shall remain valid and effective.
4. The use allowed by this major amendment to an existing special use permit shall follow all applicable federal, state, and local laws.
5. 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.

6. If one or more of the above conditions or restrictions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
7. These major amendments to an existing special use permit shall be treated as covenants running with the land and are binding on the successors, heirs, and assigns as to the same special uses conducted on the property.

STATE OF ILLINOIS
COUNTY OF WILL

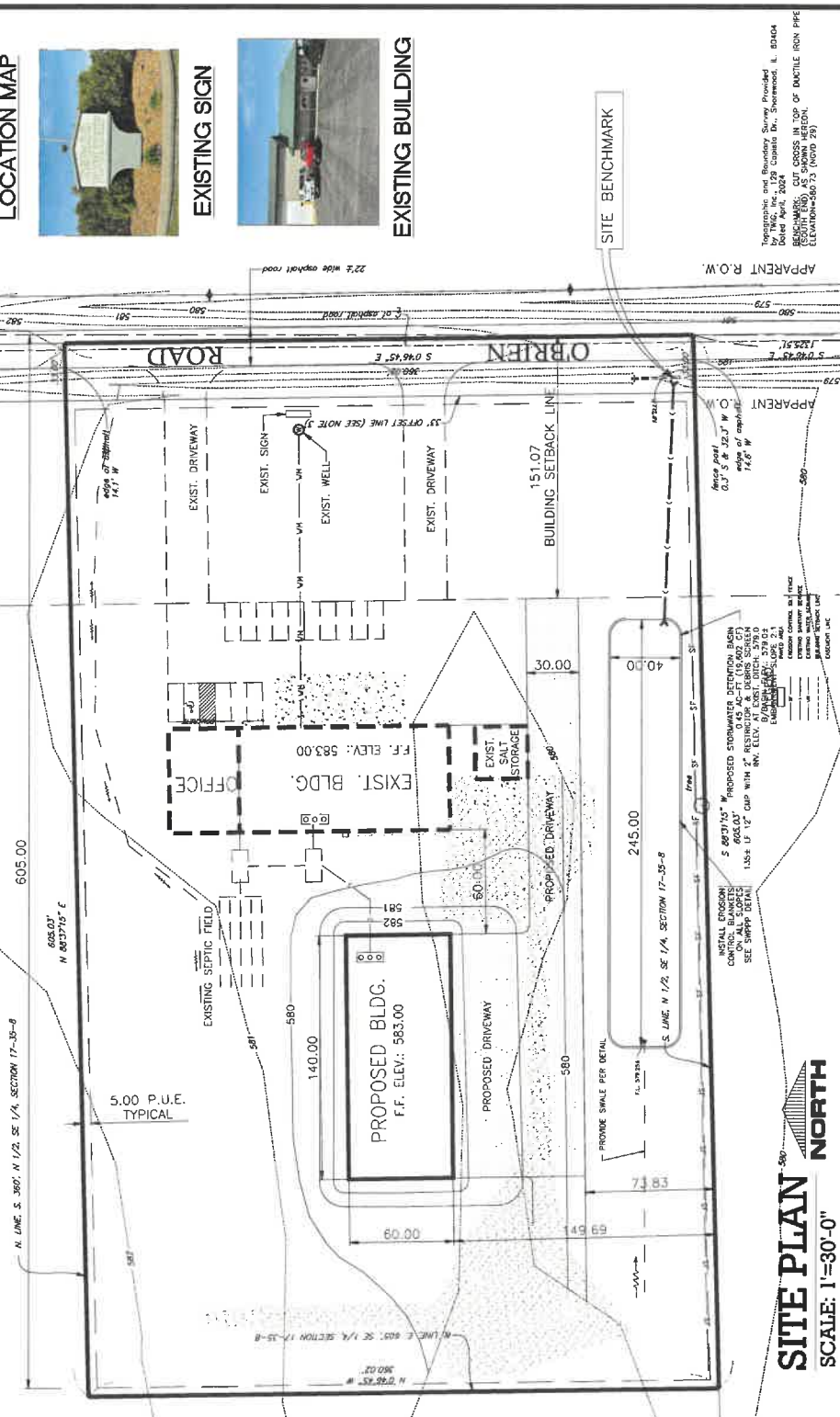
This is, which Professional Design Firm, No. 184-001251, hereby certifies that it has surveyed the property which is the subject of the above plat, and that the same is correct and in accordance with the laws of the State of Illinois. The survey field work was completed on APRIL 8, 2024. GIVEN UNDER MY HAND AND SEAL THIS 23rd DAY OF APRIL, 2024, A.D.

ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 3324

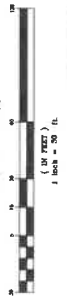


SITE PLAN
PART OF THE SE CORNER OF SECTION 17, TOWNSHIP 35N, RANGE 8E, THIRD PRIME MERIDIAN
SEWARD TOWNSHIP
KENDALL COUNTY, ILLINOIS
5.000± ACRES
ZONED A-1

LEGAL DESCRIPTION:
 THE SOUTH 360 FEET OF THE EAST 605 FEET OF THE NORTH HALF OF THE SOUTH-EAST QUARTER OF SECTION 17, IN TOWNSHIP 35 NORTH, AND IN RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN KENDALL COUNTY, ILLINOIS



| | |
|-------------------|-------------------------|
| BUILDING/LOT BLDG | 0.375 AC. (16,340 S.F.) |
| PARKING/DRIVEWAY | 0.328 AC. (14,400 S.F.) |
| PROPOSED BUILDING | 0.352 AC. (15,240 S.F.) |
| TOTAL | 1.055 AC. (45,980 S.F.) |



SITE PLAN
NORTH
SCALE: 1"=30'-0"

INSTALL EROSION CONTROL MEASURES PER DETAIL. SEE SWPPP DETAIL.
 S 89° 37' 15" W, PROPOSED EROSION CONTROL BARRIERS SHALL BE 0.45 AC-FT (15,000 CF) ON ALL SIDES.
 1.5% 12" DIP WITH 2" RESTRICTOR & RUBBER SCREEN ON ALL SIDES.
 8/18/2024 (REV.)
 ELEVATION: 378.02
 1.5% 12" DIP WITH 2" RESTRICTOR & RUBBER SCREEN ON ALL SIDES.
 8/18/2024 (REV.)
 ELEVATION: 378.02

Topographic and Boundary Survey Provided by: Seward Surveyors, LLC
 Surveyed: 04/08/2024
 Date: April 2024
 Surveyors: L. SOGA, J. SOGA
 BENCHMARK: CUT CROSS IN TOP OF 1/2" DIAMETER IRON PIPE
 ELEVATION: 583.73 (MVD 28)

REVISION/DATE

| | |
|-----|-------------------------------|
| NO. | REVISION/DATE |
| 1 | ADD DATUM POINT BATH 03/28/24 |
| 2 | SCALE: AS SHOWN |
| 3 | APRIL 2024 |

CONTACT: B. MILLER CONSULTANTS, LTD.
 105 N. KENDALL ST.
 MINOOKA, IL 60447
 815/493-9744

LEADS PROFESSIONAL DESIGN FIRM
 LICENSE NO. 184-001251
 APRIL 2024



SITE PLAN
 SEWARD TOWNSHIP
 PROPOSED STORAGE BUILDING
 O'BRIEN ROAD
 KENDALL COUNTY, ILLINOIS

SHEET
C-1
FILE NO.
24-500

28' 11" W
 30' 21" W
 17' 11" W
 0' 96' 45" E
 28' 11" W

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22' 7" wide asphalt road
 22' 7" wide asphalt road
 22' 7" wide asphalt road

151.07' BUILDING SETBACK LINE
 14.7' W
 14.8' W
 14.8' W

SE CORNER SECTION 17, T35N, R8E, J3rd P.M.
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