

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 1614.11 FEET TO THE NORTHWARDLY PROJECTION OF THE EAST LINE OF SAID SECTION 16 LYING SOUTH OF AN INDIAN BOUNDARY LINE, SAID POINT BEING 152.70 FEET WESTERLY OF THE NORTHEAST CORNER OF SAID SOUTHEAST QUARTER; THENCE ALONG SAID NORTHWARDLY PROJECTION, SOUTH 00 DEGREES 45 MINUTES 32 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:

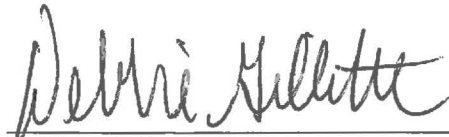
1. A building permit shall be secured for the new shelter shown on “Exhibit A-3”. The building shall not qualify for agricultural exemption.
2. The new building shown on “Exhibit A-3” shall be elevated to at least one foot (1’) above the calculated one hundred (100) year event water surface elevation.
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.

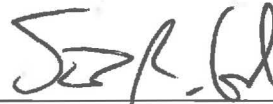
13. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

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

Attest:



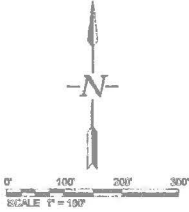
Debbie Gillette
Kendall County Clerk



Scott R. Gryder
Kendall County Board Chairman

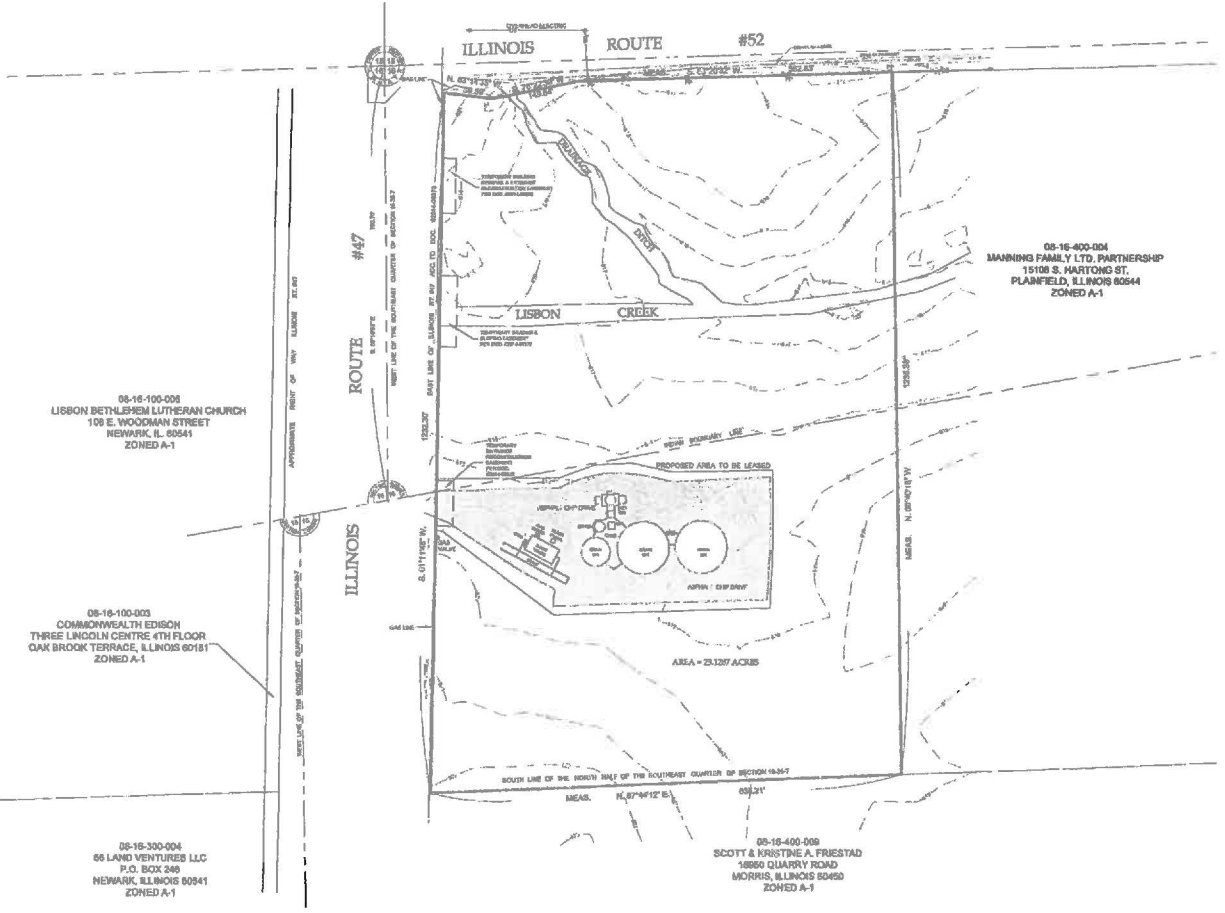
ZONING SKETCH

OF
 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 9, 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 1634.11 FEET TO THE NORTHWARDLY PROJECTION OF THE EAST LINE OF SAID SECTION 16 LYING SOUTH OF AN INDIAN BOUNDARY LINE, SAID POINT BEING 152.70 FEET WESTERLY OF THE NORTHEAST CORNER OF SAID SOUTHEAST QUARTER; THENCE ALONG SAID NORTHWARDLY PROJECTION, SOUTH 00 DEGREES 45 MINUTES 32 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 882.25 FEET TO THE POINT OF BEGINNING, ALL IN KENDALL COUNTY, ILLINOIS.



06-16-200-011
 JAMES T. CLOW
 9033 CHICAGO ROAD
 NEWARK, ILLINOIS 60541
 ZONED B-3

06-16-200-010
 JACOB & EMILY FRIESTAD
 12316 BUSHNELL SCHOOL RD.
 NEWARK, ILLINOIS 60541
 ZONED A-1



06-16-100-008
 LISBON BETHLEHEM LUTHERAN CHURCH
 100 E. WOODMAN STREET
 NEWARK, IL 60541
 ZONED A-1

06-16-100-003
 COMMONWEALTH EDISON
 THREE LINCOLN CENTRE 4TH FLOOR
 OAK BROOK TERRACE, ILLINOIS 60181
 ZONED A-1

06-16-300-004
 66 LAND VENTURES LLC
 P.O. BOX 249
 NEWARK, ILLINOIS 60541
 ZONED A-1

06-16-400-008
 SCOTT & KRISTINE A. FRIESTAD
 18690 QUARRY ROAD
 MORRIS, ILLINOIS 60450
 ZONED A-1

06-16-400-004
 MANNING FAMILY LTD. PARTNERSHIP
 15108 S. HARTUNG ST.
 PLAINFIELD, ILLINOIS 60544
 ZONED A-1

OWNER/DEVELOPER:
 NGH FARMS LLC
 C/O CAROL S. HAMMAN
 13351B FAXON ROAD
 PLANO, IL 60545

- GENERAL NOTES:**
- 1) PROPERTY IS NOT LOCATED WITHIN A FLOOD ZONE AS SHOWN ON FIRM NUMBER 17092C0125G
 - 2) ACCORDING TO THE WETLANDS INVENTORY MAPS, THERE IS NO WET LANDS LOCATED ON SAID PROPERTY
 - 3) THIS PROPERTY DOES NOT HAVE ANY WOODED AREAS



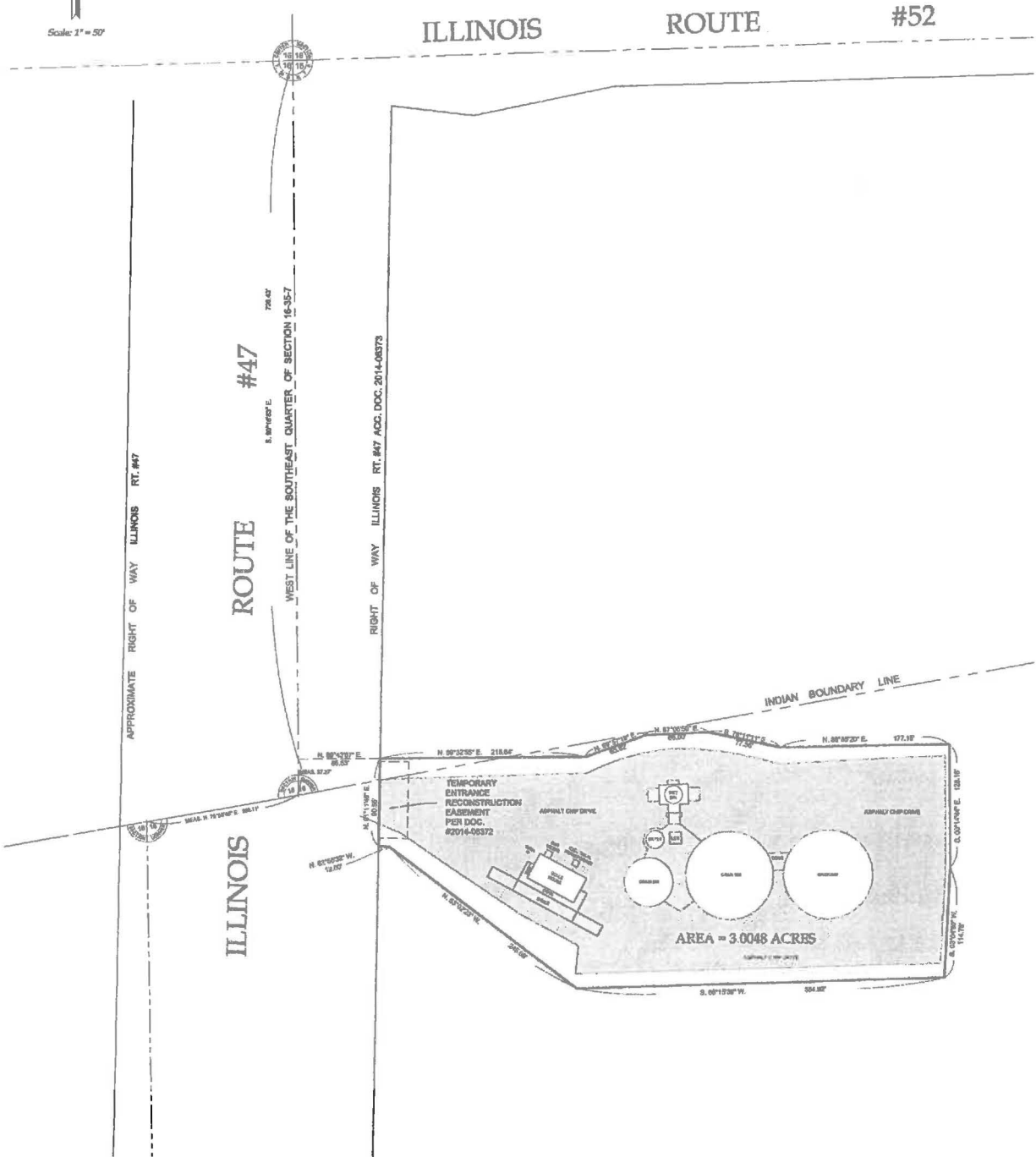
LOCATION MAP

PREPARED JUNE 26, 2017

	RB & ASSOCIATES CONSULTING, INC	
	4 W MAIN STREET	DESIGN FIRM #
	PLANO, IL 60645	184-004475
	(630) 532-7432	www.rb-associates.com

BOUNDARY SURVEY

OF
 THAT PART OF LOT 7, BEING THE NORTH HALF OF THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 35 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN BEING DESCRIBED BY COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 16 LYING NORTH OF THE INDIAN BOUNDARY LINE; THENCE SOUTH 00 DEGREES 36 MINUTES 55 SECONDS EAST ALONG THE WEST LINE OF SAID QUARTER SECTION, A DISTANCE OF 726.43 FEET; THENCE NORTH 85 DEGREES 49 MINUTES 17 SECONDS EAST, A DISTANCE OF 86.53 FEET TO A POINT ON THE EAST LINE OF ILLINOIS ROUTE 47 AS RECORDED IN DOCUMENT #2014-06373 FOR THE POINT OF BEGINNING; THENCE NORTH 89 DEGREES 32 MINUTES 55 SECONDS EAST, A DISTANCE OF 215.64 FEET; THENCE NORTH 89 DEGREES 57 MINUTES 18 SECONDS EAST, A DISTANCE OF 65.82 FEET; THENCE NORTH 87 DEGREES 04 MINUTES 50 SECONDS EAST, A DISTANCE OF 66.00 FEET; THENCE SOUTH 78 DEGREES 11 MINUTES 11 SECONDS EAST, A DISTANCE OF 77.36 FEET; THENCE NORTH 88 DEGREES 55 MINUTES 20 SECONDS EAST, A DISTANCE OF 177.45 FEET; THENCE SOUTH 00 DEGREES 34 MINUTES 44 SECONDS EAST, A DISTANCE OF 128.36 FEET; THENCE SOUTH 00 DEGREES 04 MINUTES 50 SECONDS WEST, A DISTANCE OF 114.78 FEET; THENCE SOUTH 88 DEGREES 15 MINUTES 58 SECONDS WEST, A DISTANCE OF 284.92 FEET; THENCE NORTH 53 DEGREES 02 MINUTES 23 SECONDS WEST, A DISTANCE OF 245.09 FEET; THENCE NORTH 82 DEGREES 55 MINUTES 32 SECONDS WEST, A DISTANCE OF 12.00 FEET TO SAID EAST LINE OF ILLINOIS ROUTE 47; THENCE NORTH 01 DEGREES 11 MINUTES 46 SECONDS EAST, A DISTANCE OF 90.55 FEET TO THE POINT OF BEGINNING ALL IN THE TOWNSHIP OF LISBON, KENDALL COUNTY, ILLINOIS.



SURVEYOR'S CERTIFICATE

STATE OF ILLINOIS }
 COUNTY OF KENDALL } SS

THIS IS TO CERTIFY TO THE CLIENT, HIGH FARMS LLC, THAT I, RONALD D. BAUER, AN ILLINOIS PROFESSIONAL LAND SURVEYOR IN AFORESAID COUNTY AND STATE, HAVE COMPLETED A BOUNDARY SURVEY ON THE GROUND OF THE PROPERTY HEREON DESCRIBED. THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY AND THAT THE PLAT HEREON DRAWN REPRESENTS THE FACTS FOUND AT THE TIME OF THE SURVEY. THIS SURVEY DOES NOT CONSTITUTE A RECORD TITLE SEARCH AND ALL EASEMENTS AND OR SETBACKS SHOWN ARE EITHER THOSE DESIGNATED ON THE RECORDED SUBDIVISION PLAT OR THOSE PROVIDED TO US BY OTHER DOCUMENTATION. NO ATTEMPT HAS BEEN MADE TO OBTAIN OR SHOW DATA CONCERNING EXISTENCE OF PUBLIC UTILITIES OR STORM WATER RUNOFF EITHER ON TO OR OFF FROM THE SITE. THE FINAL FIELD WORK WAS COMPLETED ON THE 26th DAY OF JUNE, 2017.

GIVEN UNDER MY HAND AND SEAL AT PLANO, ILLINOIS THIS 27th DAY OF JUNE, 2017 A.D.

ILLINOIS PROFESSIONAL LAND SURVEYOR #2916
 REGISTRATION EXPIRES 11-30-2018



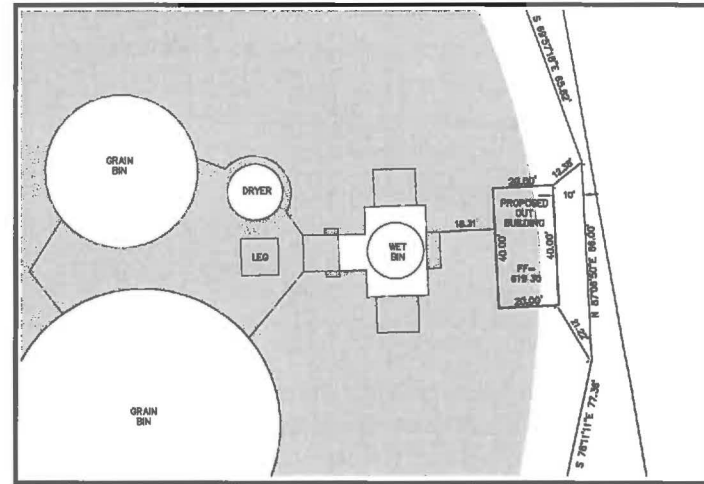
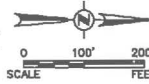
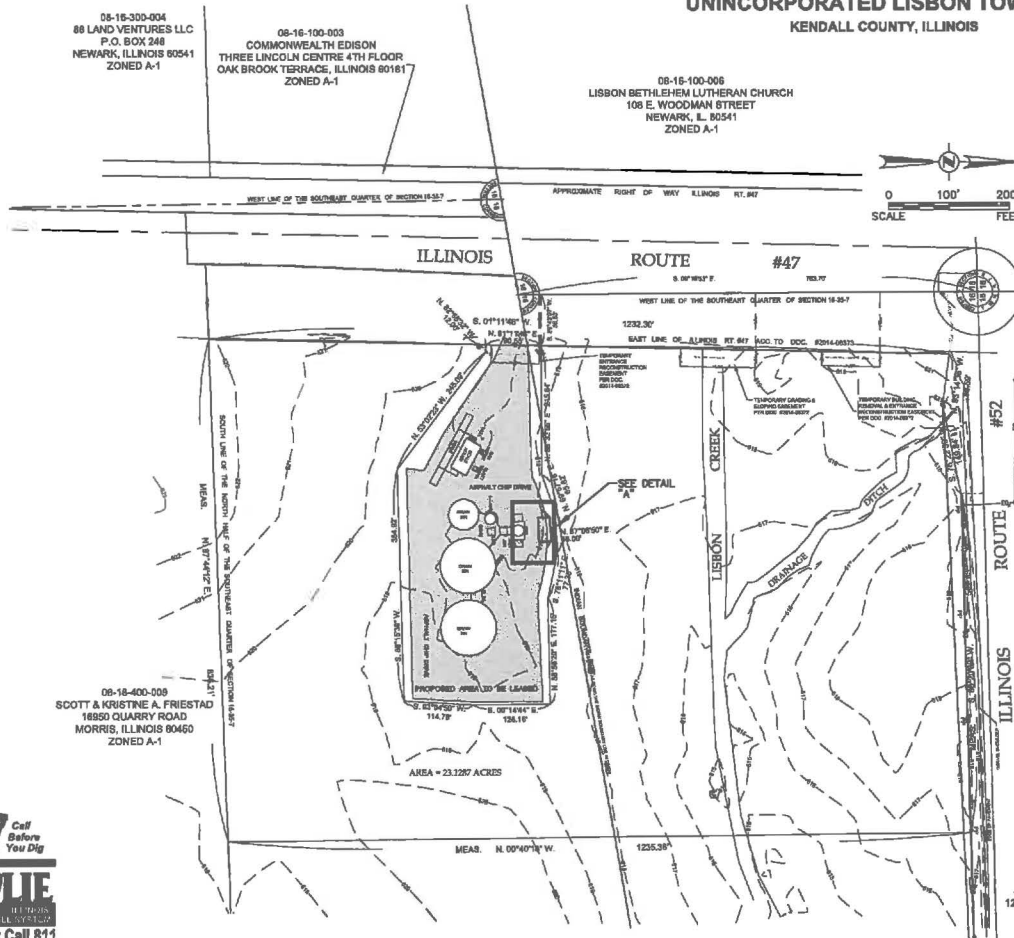
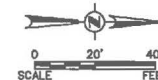
REFER TO A CURRENT TITLE INSURANCE POLICY FOR DISCLOSURES NOT PROVIDED. THIS DRAWING IS THE PROPERTY OF RB & ASSOCIATES CONSULTING, INC. AND SHALL NOT BE USED FOR ANY OTHER PURPOSE THAN SET FORTH WITHOUT THE WRITTEN CONSENT OF AN AUTHORIZED AGENT OF RB & ASSOCIATES CONSULTING, INC. THIS DRAWING IS NOT CONSIDERED TO BE ORIGINAL UNLESS THE SURVEYOR'S SEAL IS AN IMPRESSO SEAL OR DISPLAYED IN RED INK.

GENERAL NOTES:
 1) THERE WERE NO IRONS SET AT THE CORNERS OF THIS PARCEL SURVEY WAS FOR LEASING PURPOSES ONLY AT THIS TIME.

rbac RB & ASSOCIATES CONSULTING, INC
 4 W MAIN STREET PLANO, IL 60545 (830) 958-7432
 DESIGN FIRM # 184-004475 www.rb-associates.net

SITE PLAN FOR CHS, INC PROPOSED OUT BUILDING

UNINCORPORATED LISBON TOWNSHIP
KENDALL COUNTY, ILLINOIS



DETAIL "A"

SITE DATA

TOTAL ACRES	23.13
NUMBER OF PROPOSED PARKING STALLS	—
NUMBER OF REQUIRED PARKING STALLS	—
NUMBER OF PROPOSED HANDICAP PARKING STALLS	—
NUMBER OF REQUIRED HANDICAP PARKING STALLS	—

ENGINEER'S CERTIFICATION

I HEREBY CERTIFY THAT THESE PLANS WERE PREPARED UNDER MY DIRECT SUPERVISION.
DATED AT SUGAR GROVE, ILLINOIS,
THIS ____ DAY OF _____, 2017.

DAVID R. BURROUGHS
ILLINOIS LICENSED PROFESSIONAL ENGINEER NO. 062-045276
EXPIRATION DATE: 11/30/17



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Engineering Enterprises, Inc.
CONSULTING ENGINEERS
52 Wheeler Road
Sugar Grove, Illinois 60554
630.466.6700 / www.eeinc.com

CHS INC.
108 N. MAIN STREET
SYCAMORE, ILLINOIS 60178

NO.	DATE	REVISIONS

CHS INC.
PROPOSED OUT BUILDING
14676 ILLINOIS ROUTE 47

SITE PLAN

DATE:	JUNE 2017
PROJECT NO.:	P17021
FILE:	P17021-SITE PLAN
SHEET	1 OF 1

PROJECT: 14676 ILLINOIS ROUTE 47, SUGAR GROVE, ILLINOIS 60554