

ORDINANCE NUMBER 2015 - 02

GRANTING SPECIAL USE FOR THE TENANTS AT
71 BOULDER HILL PASS
RIVER'S EDGE FELLOWSHIP

WHEREAS, River's Edge Fellowship has filed a petition for a Special Use within the B-3 Highway Business Zoning District for a 4,800 square foot tenant space on an overall 7.82 acre property located in the Boulder Hill Marketplace on the east side of Boulder Hill Pass, approximately 0.15 miles north of Route 25 (PIN# 03-05-401-003), in Oswego Township; and

WHEREAS, said petition is to allow the operation of a place of worship including community outreach events; and

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

WHEREAS, said property is legally described as:

THAT PART OF THE EAST HALF OF SECTION 5, TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPLE MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF THE EAST RIGHT OF WAY LINE OF ILLINOIS ROUTE 25 AND THE EAST RIGHT OF WAY LINE OF THE C.B. & Q. RAILROAD, THENCE SOUTH ALONG SAID EAST RIGHT OF WAY LINE OF THE C.B. & Q. RAILROAD FOR A DISTANCE OF 2000 FEET; THENCE EAST ON A LINE SOUTH OF AND PARALLEL WITH THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 5 TO A POINT WHERE THE SAID LINE INTERSECTS THE WEST RIGHT OF WAY LINE OF BOULDER HILL PASS (AS SHOWN ON THE SUBDIVISION PLAT OF BOULDER HILL UNIT #1) EXTENDED IN SAME ARC AS SHOWN; THENCE NORTHWESTERLY ALONG THE WEST RIGHT OF WAY LINE OF SAID BOULDER HILL PASS EXTENDED, TO A POINT WHERE THE SAID LINE INTERSECTS THE EAST RIGHT OF WAY LINE OF ILLINOIS ROUTE 25; THENCE SOUTHWESTERLY ALONG THE SAID RIGHT OF WAY LINE TO THE POINT OF BEGINNING

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 February 2, 2015; 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. We believe the presence of River's Edge Fellowship 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. **Our desire, by being present in the Boulder Hill market, would be to not hinder or disrupt any business, office or residence but to be a benefit to all. We feel that fuller occupancy of the center would increase the traffic flow for existing businesses as well as increase the property value as a whole.***

*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. **We wholeheartedly agree to adhere to and respect all applicable 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 Board has considered the findings and recommendation of the Special Use Hearing Officer & Zoning Board of Appeals 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 run with the tenant, River's Edge Fellowship at 71 Boulder Hill Pass; and

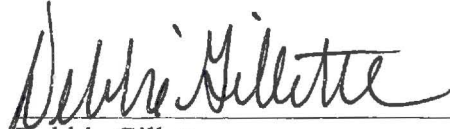
WHEREAS, if the River's Edge Fellowship was to move out of the building the special use would dissolve at that time; and

NOW, THEREFORE, BE IT ORDAINED, that the Kendall County Board hereby grants approval of a special use zoning permit operate a place of worship including community outreach events in the 4,800 square feet of building space located at 71 Boulder Hill Pass.

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 by the Kendall County Board this 17th day of February, 2015.

Attest:



Debbie Gillette
Kendall County Clerk



John Shaw
Kendall County Board Chairman