

ORDINANCE NUMBER 2014 - 26

GRANTING A MAP AMENDMENT & SPECIAL USE FOR  
16805 QUARRY ROAD

Rezone 10 acres from M-2 to M-3 Special Use to operate an asphalt and concrete mixing plant with associated recycling facilities

WHEREAS, Central Limestone Company, Inc. has filed a petition for a Map Amendment from M-2 to M-3 and a Special Use for an asphalt and concrete mixing plant with associated recycling facilities within the M-3- Aggregate Materials Extraction, Processing and Site Reclamation District. The property is located on the southwest corner of Joliet Road and Quarry Road (PIN # 08-28-300-002), in Lisbon Township, and;

WHEREAS, said property was zoned M-3 Heavy Industrial District as Ordinance 1963-01 and is currently zoned M-2- Heavy Industrial District since the 1974 Countywide zoning change; and

WHEREAS, the petitioner desires to rezone a 10 acre property from M-2 Heavy Industrial District to M-3 Aggregate Materials Extraction, Processing and Site Reclamation District in order to operate an asphalt and concrete mixing plant with associated recycling facilities in accordance with Section 10.03.B.1 of the Kendall County Zoning Ordinance; and

WHEREAS, said property is legally described as:

*A PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 35 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, COUNTY OF KENDALL, AND STATE OF ILLINOIS, DESCRIBED AS FOLLOWS:*

*COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 28; THENCE NORTH 89°58'43" WEST ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 28 FOR A DISTANCE OF 83.33 FEET; THENCE SOUTH 00°51'30" WEST 43.85 FEET TO THE CENTER LINE OF JOLIET ROAD BEING THE POINT OF BEGINNING; THENCE SOUTH 00°51'30" WEST 1082.23 FEET; THENCE NORTH 89°08'30" WEST 467.00 FEET; THENCE NORTH 34°17'07" WEST 257.04 FEET; THENCE NORTH 00°51'30" EAST 276.35 FEET; THENCE SOUTH 89°08'30" EAST 195.97 FEET; THENCE NORTH 00°51'30" EAST 590.84 FEET TO THE CENTER LINE OF JOLIET ROAD; THENCE SOUTH 89°48'17" EAST ALONG SAID CENTER LINE FOR A DISTANCE OF 419.02 FEET TO THE POINT OF BEGINNING, LOCATED 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 13.07.F of the Zoning Ordinance, and recommendation for approval by the Zoning Board of Appeals on September 3, 2014; and

WHEREAS, the findings of fact were approved as follows:

*Existing uses of property within the general area of the property in question. This property*

**and the property to the west is already being mined and the property to the north is zoned to mine. This zoning will make it conforming.**

*The Zoning classification of property within the general area of the property in question. The property to the north is shown on the LRMP as potential mining and the property to the west is already zoned for mining so the M-3 zoning is consistent with the area.*

*The suitability of the property in question for the uses permitted under the existing zoning classification. The property is currently zoned M-2 which was the zoning for mining back in the 70's. The land suitability is good for mining just the M-2 district is no longer the district for mining, the M-3 Zoning District is intended for mining.*

*The trend of development, if any, in the general area of the property in question, including changes, if any, which may have taken place since the day the property in question was in its present zoning classification. The Zoning Board of Appeals shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such an amendment is in the public interest and is not solely for the interest of the applicant. The Zoning Board of Appeals may recommend the adoption of an amendment changing the zoning classification of the property in question to any higher classification than that requested by the applicant. For the purpose of this paragraph the R-1 District shall be considered the highest classification and the M-2 District shall be considered the lowest classification. This mine has been in existence since the late 1800's and the trends of development in the area are potential mining districts or are already mines.*

*Consistency with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. This land fits more with the purpose and objectives in the M-3 District which is to establish regulations and standards for surface mining operations and to provide for conservation and reclamation of lands affected by surface mining in order to restore them to optimum future productive use. Aggregate materials extraction, processing and site reclamation shall be determined and permitted in compliance with standards as set forth herein. The M-2 intent no longer fits the future use of this property which ultimately is to be mined.*

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 September 3, 2014; 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. An asphalt and concrete plant should not be any more dangerous than weekly mine blastings.*

*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. An asphalt and concrete plant noises will be consistent with the noises of a mine. The petitioner has proposed to install a berm to the south of this plant to help with noise and dust mitigation.*

*That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. An entrance already exists to this piece of property and there will be no utilities on this property except a generator.*

*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. Asphalt and concrete plants are consistent with being in the mining 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. The special use is consistent with the LRMP and municipal plans and policies as the ultimate goal is to eventually be a mine but in the meantime used for an asphalt and concrete plant. This use will be used mainly for major road construction.*

WHEREAS, the Kendall County Board has considered the findings and recommendation of the Zoning Board of Appeals and Special Use 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

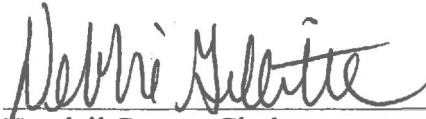
NOW, THEREFORE, BE IT ORDAINED, that the Kendall County Board hereby grants approval of a map amendment from M-2 to M-3 and also grants a special use zoning permit to operate an asphalt and concrete mixing plant with associated recycling facilities in accordance to the submitted Site Plan included as "Exhibit A" attached hereto and incorporated herein subject to the following conditions:

1. The applicant post signage which advises drivers that travel on Joliet Road west of the intersection of Joliet Road and Quarry Road is prohibited.
2. The hours of operation are from 6am to 6pm on weekdays and sometimes outside of those hours only for governmental projects in which proof of bid approval may be requested.
3. No semi truck parking over night is permitted on the property.
4. An 8' earthen berm be erected on the southern portion of the rezoned property to help in noise and dust mitigation as shown on the site plan.

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 16<sup>th</sup> day of September, 2014.

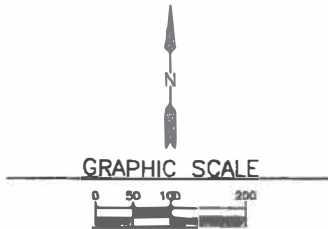
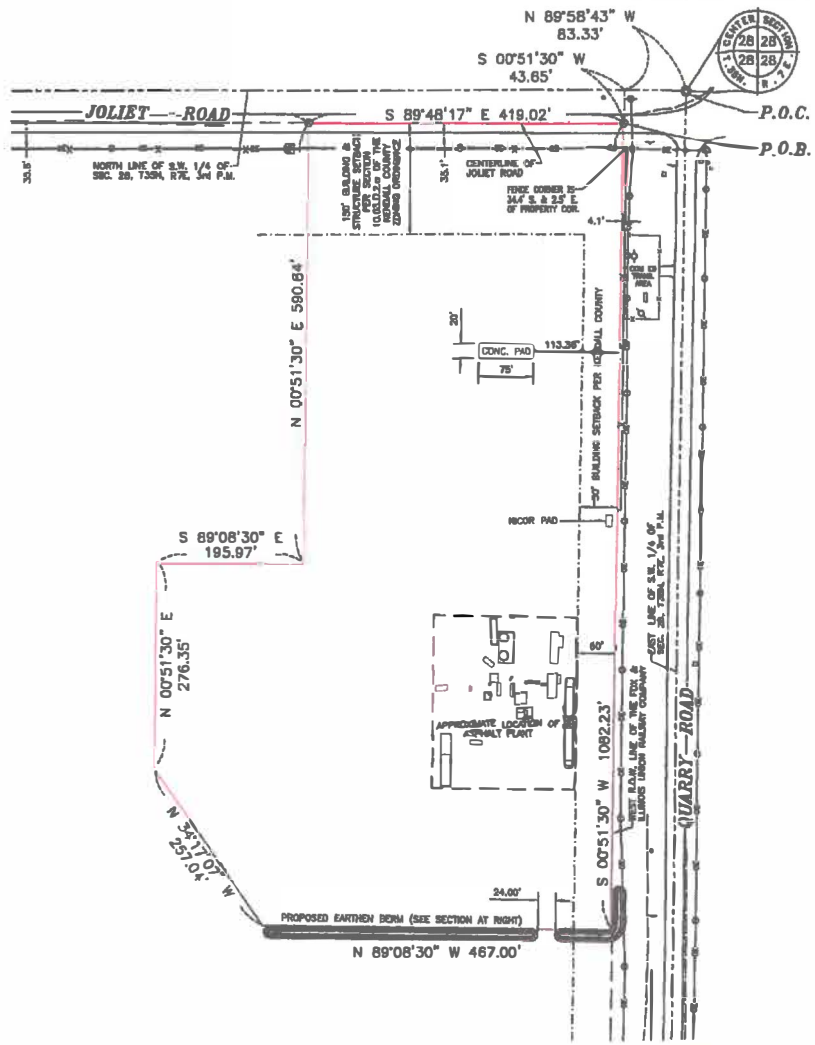
Attest:



Kendall County Clerk  
Debbie Gillette



Kendall County Board Chairman  
John Shaw



**LEGAL DESCRIPTION**

A parcel of land located in the Northeast Quarter of the Southwest Quarter of Section 28, Township 35 North, Range 7 East of the Third Principal Meridian, County of Kendall, and State of Illinois, described as follows:

Commencing at the northeast corner of the Southwest Quarter of said Section 28; thence North 89° 58' 43" West along the north line of the Southwest Quarter of said Section 28 for a distance of 83.33 feet; thence South 00° 51' 30" West 43.65 feet to the center line of Joliet Road being the POINT OF BEGINNING; thence South 00° 51' 30" West 1082.23 feet; thence North 89° 08' 30" West 467.00 feet; thence North 34° 11' 07" West 251.04 feet; thence North 00° 51' 30" East 276.35 feet; thence South 89° 08' 30" East 195.97 feet; thence North 00° 51' 30" East 590.84 feet to the center line of Joliet Road; thence South 89° 48' 17" East along said center line for a distance of 419.02 feet to the point of beginning, located in Kendall County, Illinois.

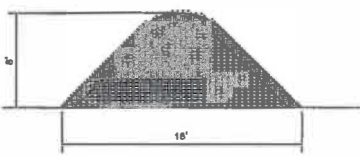


EXHIBIT A

<p> <b>CHAMLIN ASSOCIATES, INC.</b>          PERU ILLINOIS MORRIS       </p>	REVISIONS 7/17/14 MAB NEW BERM PLANS	CENTRAL LIMBSTONE PART OF THE N.E. 1/4 OF S.W. 1/4 SEC. 28-35-7 KENDALL COUNTY, ILLINOIS		
	DRAWN BY: MAB SCALE: 1" = 100'	SURVEYED BY: DATE: 2/28/13	SHEET NUMBER: 1 OF 1	
	PROPERTY EXHIBIT		FILE NUMBER: 12526	
	Chamlin and Assoc., Inc.			