

ORDINANCE NUMBER 2009 - 28

GRANTING A SPECIAL USE for a  
**PAINTBALL FACILITY** to  
**FOX PROPERTIES, LLC**

*WHEREAS*, Fox Properties, LLC has filed a petition for a Special Use within the A-1 Agricultural Zoning District for a fifty-seven (57) acre property located on the west side of O'Brien Road, approximately 970' south of Route 52, commonly known as 10389 Fox River Drive (PIN #04-30-126-001; 04-30-176-001; 04-19-100-005), in Fox Township; and

*WHEREAS*, said petition is to allow the operation of a Paintball Facility pursuant to Section 7.01.D of the Kendall County Zoning Ordinance and pursuant to the terms and conditions as outlined in Ord. 2009-28; and

*WHEREAS*, said property is legally described as:

THAT PART OF THE SOUTH HALF OF SECTION 19 AND PART OF THE NORTH HALF OF SECTION 30, TOWNSHIP 36 NORTH, RANGE 6 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF BLOCK 4 OF THE VILLAGE OF MILLINGTON; THENCE SOUTH 31 DEGREES 30 MINUTES EAST ALONG THE NORTHEASTERLY LINE OF SAID BLOCK, 240.00 FEET TO THE SOUTHEAST CORNER THEREOF; THENCE NORTH 58 DEGREES 19 MINUTES EAST, 30.00 FEET; THENCE SOUTH 31 DEGREES 30 MINUTES EAST 71.84 FEET TO THE CENTER LINE OF A ROAD; THENCE NORTH 80 DEGREES 06 MINUTES 30 SECONDS EAST ALONG SAID CENTER LINE, 270.36 FEET; THENCE NORTH 78 DEGREES 27 MINUTES EASTERLY ALONG SAID CENTER LINE 396.90 FEET FOR THE POINT OF BEGINNING; THENCE NORTHEASTERLY ALONG SAID CENTER LINE, 111.79 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF THE BURLINGTON NORTHERN, INC. RAILROAD; THENCE NORTHEASTERLY ALONG SAID WESTERLY LINE, 278.46 FEET; THENCE NORTHWESTERLY AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE, 160.00 FEET; THENCE NORTHEASTERLY PARALLEL WITH SAID WESTERLY LINE, 730.20 FEET; THENCE WESTERLY ALONG A LINE FORMING AN ANGLE OF 68 DEGREES 22 MINUTES WITH THE LAST DESCRIBED COURSE, 623.77 FEET TO THE EASTERLY BANK OF THE FOX RIVER; THENCE SOUTHERLY ALONG SAID EASTERLY BANK, 3101.15 FEET TO A LINE DRAWN NORTH 31 DEGREES 30 MINUTES WEST FROM THE POINT OF BEGINNING; THENCE SOUTH 31 DEGREES 30 MINUTES EAST, 942.33 FEET TO THE POINT OF BEGINNING IN FOX TOWNSHIP, KENDALL COUNTY, ILLINOIS AND CONTAINING 56.952 ACRES.

*WHEREAS*, the Kendall County Regional Plan Commission has recommended approval for the following on June 24, 2009:

1. Existing amount of proposed parking stalls, 75, for the site to accommodate the operation
2. Omission of lighting for the parking area as required in Section 11.02.F.12 of the Zoning Ordinance
3. Existing gravel parking area instead of a hard surface however, all handicapped accessible stalls shall be improved with a hard surface as required in Section 11.02.F.2; and

WHEREAS, all procedures required by the Kendall County Zoning Ordinance were followed including notice for public hearing, preparation of the findings of fact, and recommendation for approval by the Special Use Hearing Officer on July 28, 2009; and

WHEREAS, the Kendall County Board finds that said petition is in conformance with the provisions and intent of the Kendall County Zoning Ordinance; and

WHEREAS, any change or modification to the Special Use that does not modify the original intent, purpose, or need for the Special Use, shall be submitted to and reviewed by the Planning, Building, & Zoning Department. Notice that a change or modification is sought shall be provided by the applicant in the manner provided in 55 ILCS 5/5-12009.5. Upon proper notice, the Planning, Building, & Zoning Department shall forward the request for change or modification to the Planning, Building & Zoning Committee. The Committee may return the matter to ZPAC and/or Plan Commission for further consideration and findings or forward the matter to the full County Board to grant, deny, or return the requested change or modification to the Committee for further consideration and findings, 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

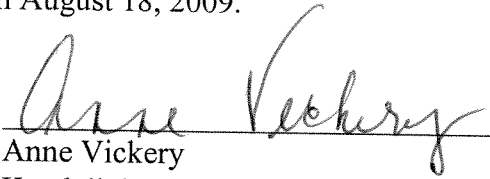
NOW, THEREFORE, BE IT ORDAINED, that the Kendall County Board hereby grants approval of a special use zoning permit per section § 7.01.D (A-1 Special Uses) to permit the use indicated in the recitals section of this Ordinance and as indicated on the submitted Site Plan included as Group Exhibit "A" attached hereto and incorporated herein, subject to the following conditions:


1. Dedication of a 20' trail easement along the western edge of the rail road tracks within 120 days of the approval date of this special use. The County shall incur all cost for the development of said trail.
2. That all recommendations made by the Newark Fire Protection District be addressed. All required improvements shall be approved by the Newark Fire Protection District within 120 days of the approval date of this special use.
3. That all required permits from the County Health Department including for food handling and potable water be secured.
4. Approval of the building permit for the previously constructed building within the floodway.
5. The Special Use shall be subject to the conditions outlined in Ord. 2009-28.

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 on August 18, 2009.

Attest:

  
\_\_\_\_\_  
Anne Vickery  
Kendall County Board Chairman

  
\_\_\_\_\_  
Debbie Gillette  
Kendall County Clerk

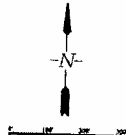


# EXHIBIT

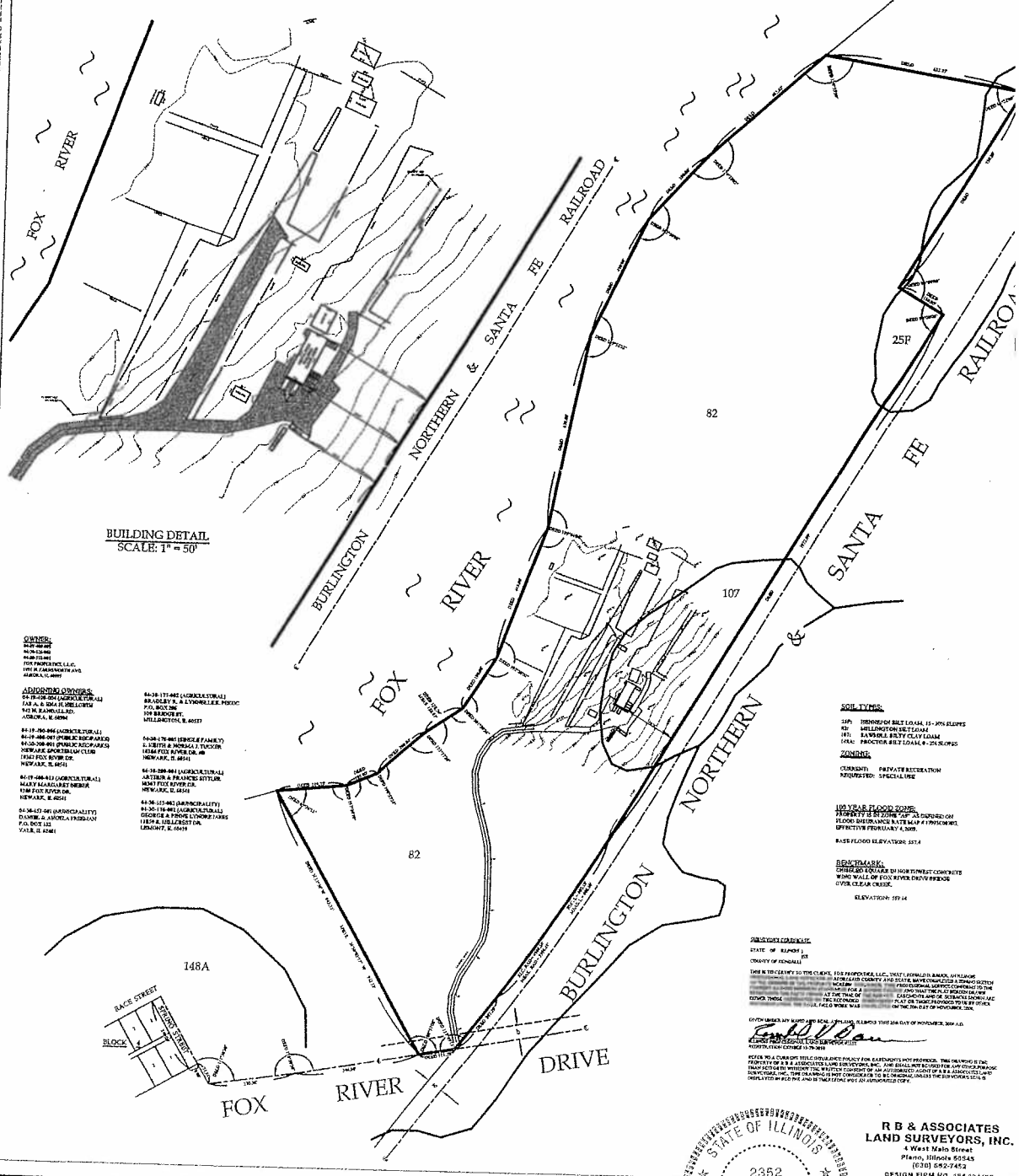
# Group A (Pg. 1 of 2)

DATE \_\_\_\_\_

## ZONING SKETCH



THAT PART OF THE SOUTH HALF OF SECTION 14 AND PART OF THE NORTH HALF OF SECTION 14, TOWNSHIP 4 NORTH, RANGE 4 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF BLOCK 1 OF THE VILLAGE OF MILLINGTON, DECEASE 34 1/2 FEET SOUTH ALONG THE EAST LINE OF SAID BLOCK 1, 34 1/2 FEET TO THE SOUTHWEST CORNER; THENCE S 89° 45' 00" W 110 FEET TO THE POINT OF BEGINNING; THENCE S 11° 00' 00" W 110 FEET TO THE CENTER LINE OF A ROAD, THENCE NORTH 89° 45' 00" W 110 FEET TO THE CENTER LINE OF SAID ROAD; THENCE NORTH 89° 45' 00" W 110 FEET TO THE POINT OF BEGINNING. BEING 1/4 SECTION 14, TOWNSHIP 4 NORTH, RANGE 4 EAST OF THE THIRD PRINCIPAL MERIDIAN.



**BUILDING DETAIL**  
SCALE: 1" = 50'

- OWNER:**  
[List of owner names and addresses]
- ADJACENT OWNERS:**  
[List of adjacent owners and addresses]
- 82-38 (11-40) (COMMERCIAL):**  
BRUNSON'S & TRANSLER, PO BOX 208, MILLINGTON, IL 60110
- 82-38 (10-40) (SINGLE FAMILY):**  
L. STEIN & RONALD J. TRUCKER, 1234 FOX RIVER RD, NEWARK, IL 60441
- 82-38 (09-40) (COMMERCIAL):**  
J. STEIN & RONALD J. TRUCKER, 1234 FOX RIVER RD, NEWARK, IL 60441
- 82-38 (08-40) (COMMERCIAL):**  
J. STEIN & RONALD J. TRUCKER, 1234 FOX RIVER RD, NEWARK, IL 60441
- 82-38 (07-40) (COMMERCIAL):**  
J. STEIN & RONALD J. TRUCKER, 1234 FOX RIVER RD, NEWARK, IL 60441
- 82-38 (06-40) (COMMERCIAL):**  
J. STEIN & RONALD J. TRUCKER, 1234 FOX RIVER RD, NEWARK, IL 60441
- 82-38 (05-40) (COMMERCIAL):**  
J. STEIN & RONALD J. TRUCKER, 1234 FOX RIVER RD, NEWARK, IL 60441
- 82-38 (04-40) (COMMERCIAL):**  
J. STEIN & RONALD J. TRUCKER, 1234 FOX RIVER RD, NEWARK, IL 60441
- 82-38 (03-40) (COMMERCIAL):**  
J. STEIN & RONALD J. TRUCKER, 1234 FOX RIVER RD, NEWARK, IL 60441
- 82-38 (02-40) (COMMERCIAL):**  
J. STEIN & RONALD J. TRUCKER, 1234 FOX RIVER RD, NEWARK, IL 60441
- 82-38 (01-40) (COMMERCIAL):**  
J. STEIN & RONALD J. TRUCKER, 1234 FOX RIVER RD, NEWARK, IL 60441

**SOIL TYPES:**  
SIP: PERVIOUS BILT LOCAL 15-20% ELEVATE  
MILLINGTON ILL 60110  
[Additional soil type details]

**ZONING:**  
COMM: COMMERCIAL  
REQUESTED: SPECIAL USE

**100 YEAR FLOOD ZONE:**  
PROPERTY IS ZONED FOR SPECIAL USE  
FLOOD INSURANCE RATE MAP # 170000000  
EFFECTIVE FEBRUARY 4, 2009  
BASE FLOOD ELEVATION 157.4

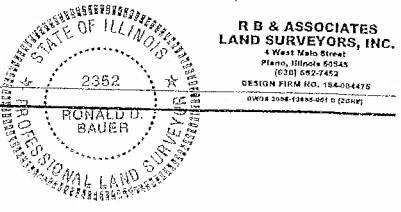
**REMARKS:**  
CONCRETE FOUNDATION BY HIGH STRENGTH CONCRETE  
WIND WALL BY FOX RIVER INTO WINDS  
OVER CLEAR CRUISE  
ELEVATION 157.4

**PROFESSIONAL LAND SURVEYOR**  
STATE OF ILLINOIS  
COUNTY OF MENARD

**2352**

**RONALD U. BAUER**

**R B & ASSOCIATES LAND SURVEYORS, INC.**  
1 West Main Street  
Pekin, Illinois 61654  
(815) 652-7432  
0815101100.RIC. 15-6-00-0475  
01/14/2008-FIRM-001-0 (2007)



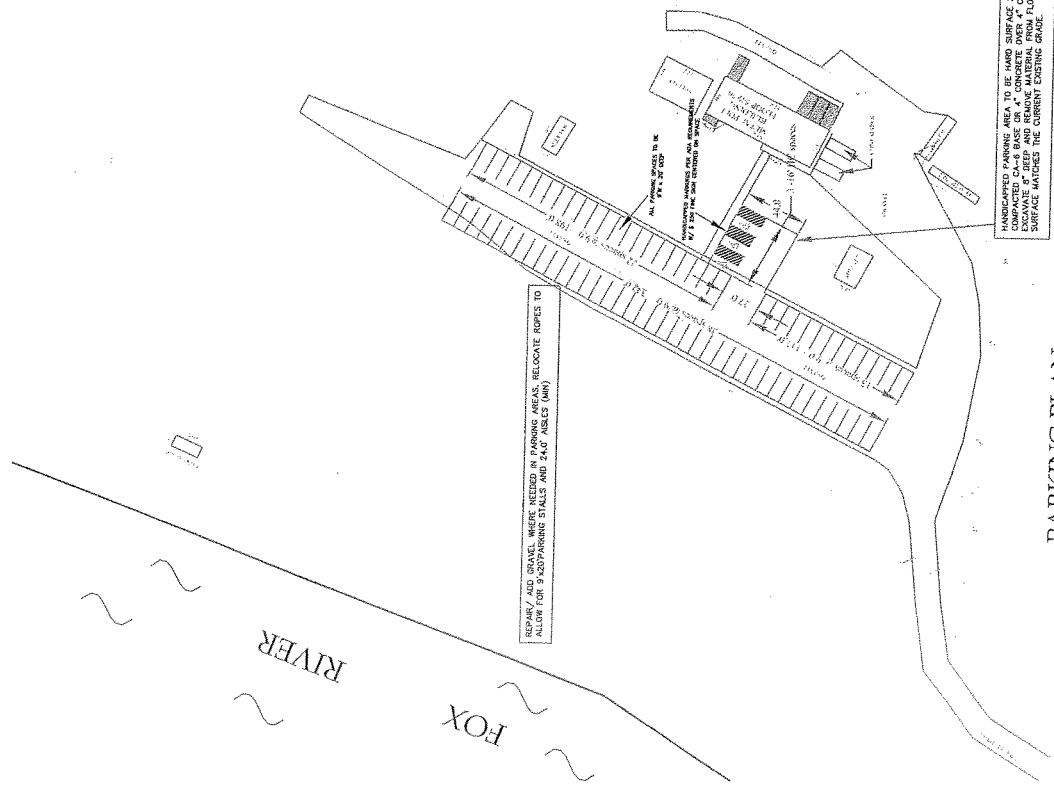
SITE PLAN

THIS PLAN IS THE PROPERTY OF THE ENGINEER AND ARCHITECT AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE ENGINEER AND ARCHITECT. THE ENGINEER AND ARCHITECT SHALL NOT BE RESPONSIBLE FOR ANY DAMAGE TO PERSONS OR PROPERTY ARISING FROM THE USE OF THIS PLAN.

EXHIBIT

# Group B (Pg 2 of 2)

DATE \_\_\_\_\_



REPAIR/ADD GRAVEL WHERE NEEDED IN PARKING AREAS. RELOCATE RIPS TO ALLOW FOR 8' X 30' PARKING STALLS AND 24' AISLES (MIN)

UNDESIRABLE MATERIALS TO BE HAND SURFACE 2" ASPHALT OVER 8" COMPACTED SAND AND GRAVEL. EXCAVATE & DEEP AND REMOVE MATERIAL FROM FLOOD PLAIN SO THAT FINAL SURFACE MATCHES THE CURRENT EXISTING GRADE.

PARKING PLAN  
SCALE: 1" = 40'