

**ORDINANCE NUMBER 2008 - 08-20**

**GRANTING AN AMENDMENT TO THE SPECIAL USE  
HINTZCHE FERTILIZER**

WHEREAS, Hintzche Fertilizer, Inc. has an existing Special Use to allow fertilizer sales, including bulk storage and mixing for grain elevators and storage for an 8.19 acre property located at the southwest corner of State Route 52 and County Line Road, commonly known as 60 Route 52 (PIN# 09-13-400-001, 09-13-400-004), in Seward Township, as legally described in attached "Exhibit A"; and

WHEREAS, said Special Use is pursuant to Ordinance 72-13 approved by the Kendall County Board on May 9, 1972 and subject to the conditions attached to said ordinance; and

WHEREAS, an amendment to this Special Use was granted to allow a radio tower repeater station on the property pursuant to Ordinance 79-02 approved by the Kendall County Board on February 13, 1979 and subject to the conditions attached to said ordinance; and

WHEREAS, the Special Use was further amended to repeal Condition #3 of Ordinance 72-13, to correct the legal description of the property referenced in Ordinance 72-13, and to allow three (3) facility signs to be constructed on the property pursuant to Ordinance 00-19 approved by the Kendall County Board on June 20, 2000 subject to the conditions attached to said ordinance; and

WHEREAS, Hintzche Fertilizer has filed an amendment to the Special Use granted in Ordinance 72-13 within the A-1 Agricultural Zoning District to incorporate an additional 8.017 acres south of the existing special use (Part of PIN# 09-13-400-005) in Seward Township, as legally described in attached "Exhibit B"; and

WHEREAS, the additional acreage is to provide for the parking and staging of intermodal transportation of grain associated with the existing grain storage operations pursuant to Section 7.01.D15 of the Kendall County Zoning Ordinance; 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 April 22, 2008; 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

NOW, THEREFORE, BE IT ORDAINED, that the Kendall County Board hereby grants approval of an amendment to expand the operation by incorporating the additional 8.017 acres legally described in "Exhibit B" to allow for the parking and staging of intermodal containers used in the

transportation of grain special use zoning permit per section § 7.01.D.15 (A-1 Special Uses-Grain Storage) previously granted per ordinances 72-13, 79-02, and 00-19 indicated in the recitals section of this Ordinance subject to the following conditions:

1. The terms and conditions of Special Use Ordinance 72-13, amendment to special use Ordinance 79-02 and amendment to special use ordinance 00-19 are hereby incorporated by reference as if fully set forth herein
2. The site shall be developed in accordance with the controlling site plan and circulation pattern attached hereto as "Group Exhibit C";
3. Permanent storage of containers shall be prohibited
4. Containers shall be restricted from being stacked or racked
5. Containers shall not be separated from the chassis except for temporary repair or emergency
6. All containers shall be removed from the required 150' front yard setback off of Route 52 and County Line Road within thirty (30) days of completion of construction of the gravel parking area
7. Once the construction of the proposed 184 stall gravel parking and staging area is complete, no parking shall be permitted within any required front yard setback with the exception of the existing fifteen employee stalls in the northeast corner and the existing twenty-three employee stalls on the eastern side of the property as identified in "Group Exhibit C".
8. A routing system that includes radio communication between trucks shall be developed that facilitates the movement of the containers onto northbound County Line Road and which prevents the stopping or idling of the containers on the roadway
9. The septic field shall be physically protected from encroachment of vehicles and machinery
10. Signage should be placed at northbound County Line Road advising of trucks entering roadway
11. Signage should be placed along County Line Road prohibiting parking or standing of vehicles
12. Prior to the release of a Site Development permit for the construction of the gravel parking area, the petitioner shall:
  - a. Submit a photometric plan to PBZ Staff for review. Said photometric plan shall limit the illumination levels to 0.5 foot-candles at the property line.
  - b. Obtain approval from IDOT to verify if any improvements are needed along State Route 52
13. Upon termination of the principal use of the property of the grain and fertilizer storage and distribution, the use of the property for storage of any type shall also be terminated
14. The owners and operators agree to assist Seward Township in the maintenance of County Line Road in accordance with the R.O.W. maintenance agreement attached hereto as "Exhibit D"

In addition, all previous conditions imposed and or modified per ordinances 72-13, 79-02, and 00-19 shall remain in full force and effect.

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 June 17, 2008.

Attest:

  
Renetta Mickelson  
Kendall County Clerk

  
John A. Church  
Kendall County Board Chairman

EXHIBIT "A"

PARCEL 1:

THE NORTH 477.50 FEET OF THE EAST 606.80 FEET OF THE SOUTHEAST QUARTER OF SECTION 13, TOWNSHIP 35 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE TOWNSHIP OF SEWARD, KENDALL COUNTY, ILLINOIS.

PARCEL 2:

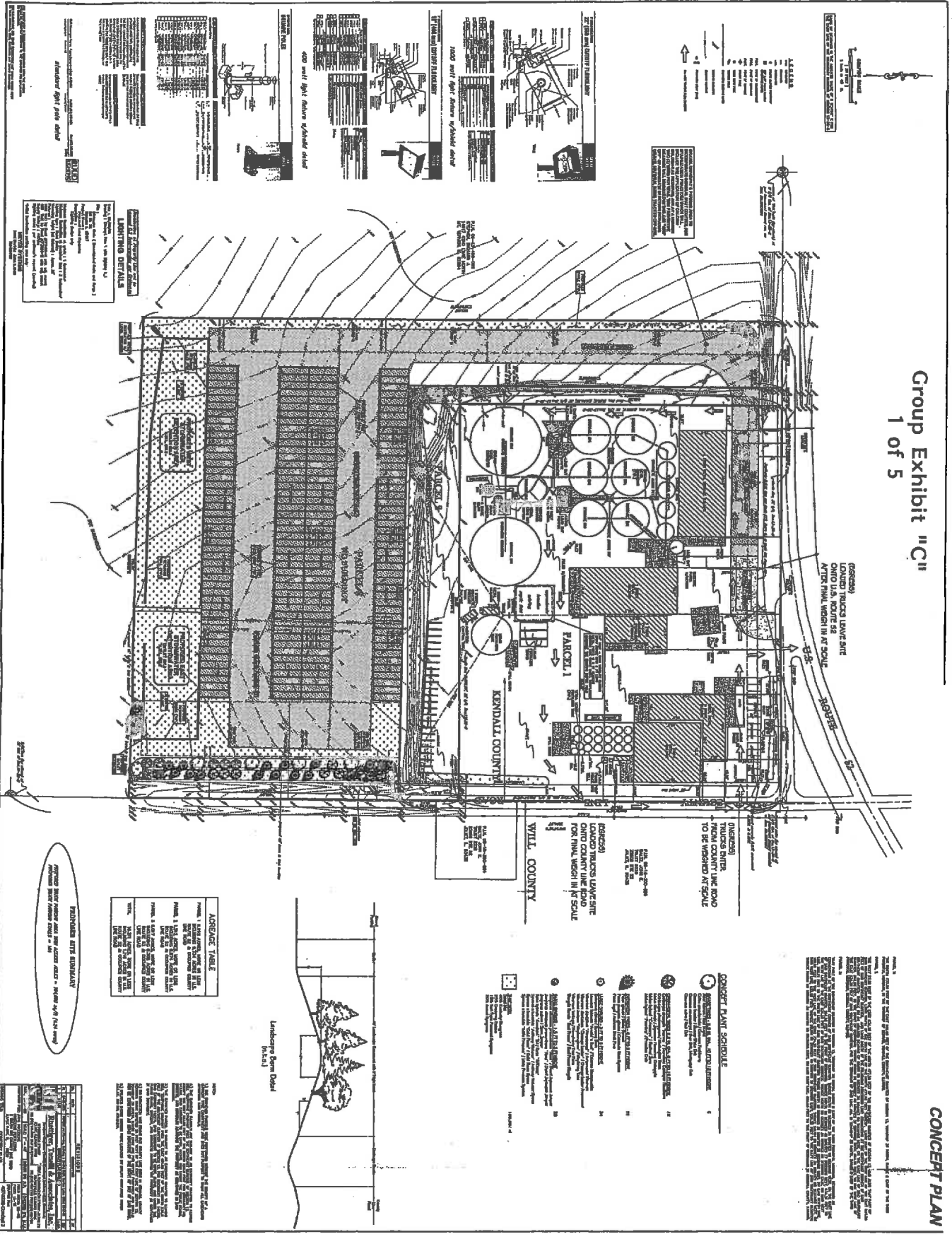
THE WEST 27.50 FEET OF THE EAST 634.30 FEET OF THE NORTH 477.50 FEET OF THE SOUTHEAST QUARTER OF SECTION 13, AND ALSO THAT PART OF SAID SOUTHEAST QUARTER, LYING SOUTH OF THE SOUTH LINE OF THE NORTH 477.50 FEET THEREOF, LYING EAST OF THE WEST LINE OF THE EAST 634.30 SOUTHEAST QUARTER; THENCE ON AN ASSUMED BEARING OF SOUTH 00 DEGREES 34 MINUTES 08 SECONDS WEST, ON THE EAST LINE OF SAID SOUTHEAST QUARTER, 569.55 FEET, TO THE POINT OF BEGINNING; THENCE NORTH 88 DEGREES 40 MINUTES 37 SECONDS WEST, 634.36 FEET, TO THE WEST LINE OF THE EAST 634.30 FEET OF SAID SOUTHEAST QUARTER, FOR THE TERMINUS OF SAID LINE, ALL IN TOWNSHIP 35 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, KENDALL COUNTY, ILLINOIS.

EXHIBIT "B"

THAT PART OF THE SOUTHEAST QUARTER OF SECTION 13, TOWNSHIP 35 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS COMMENCING AT THE NORHEAST CORNER OF SAID SOUTHEAST QUARTER; THENCE SOUTH 00 DEGREES 34 MINUTES 08 SECONDS, WEST ON THE EAST LINE OF SAID SOUTHEAST QUARTER, 569.55 FEET TO THE POINT OF BEGINNING; THENCE NORTH 88 DEGREES 40 MINUTES 37 SECONDS WEST, 634.36 FEET TO THE WEST LINE OF THE EAST 634.30 FEET OF SAID SOUTHEAST QUARTER; THENCE NORTH 00 DEGREES 34 MINUTES 08 SECONDS EAST, ON SAID WEST LINE 555.91 FEET TO THE NORTH LINE OF SAID SOUTHEAST QUARTER; THENCE NORTH 89 DEGREES 54 MINUTES 32 SECONDS WEST, ON SAID NORTH LINE, 100.00 FEET TO THE WEST LINE OF THE EAST 734.30 FEET OF SAID SOUTHEAST QUARTER; THENCE SOUTH 00 DEGREES 34 MINUTES 08 SECONDS WEST, ON SAID WEST LINE, 953.80 FEET; THENCE SOUTH 88 DEGREES 40 MINUTES 37 SECONDS EAST, 734.36 FEET TO THE EAST LINE OF SAID SOUTHEAST QUARTER; THENCE NORTH 00 DEGREES 34 MINUTES 08 SECONDS EAST, ON SAID EAST LINE, 400.04 TO THE POINT OF BEGINNING, IN KENDALL COUNTY, ILLINOIS.

Group Exhibit "C"  
1 of 5

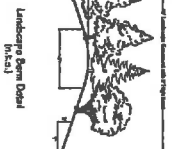
CONCEPT PLAN



NOTES:  
1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.  
2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.  
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CONCEPT PLANT SCHEDULE

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- 10. **PLANT SCHEDULE**



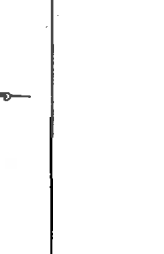
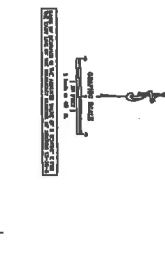
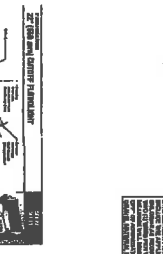
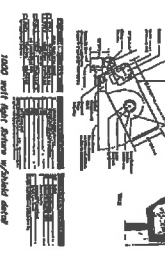
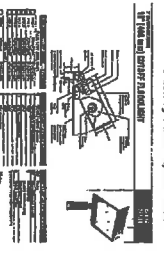
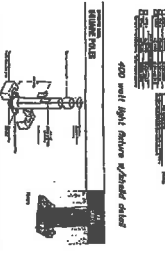
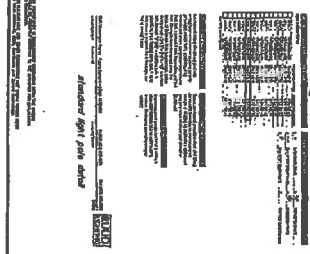
AGENCY TABLE

AGENCY	DATE	REVISIONS
...	...	...
...	...	...
...	...	...

PROVIDER LETTER SUBMITTAL

REVISIONS

NO.	DATE	DESCRIPTION
1	...	...
2	...	...
3	...	...



Lighting Details  
Door Hardware  
Window Treatments

Door and Window Assembly

Window Frame and Hardware

Door Frame and Hardware

Window Frame and Hardware

Door Frame and Hardware

Window Frame and Hardware

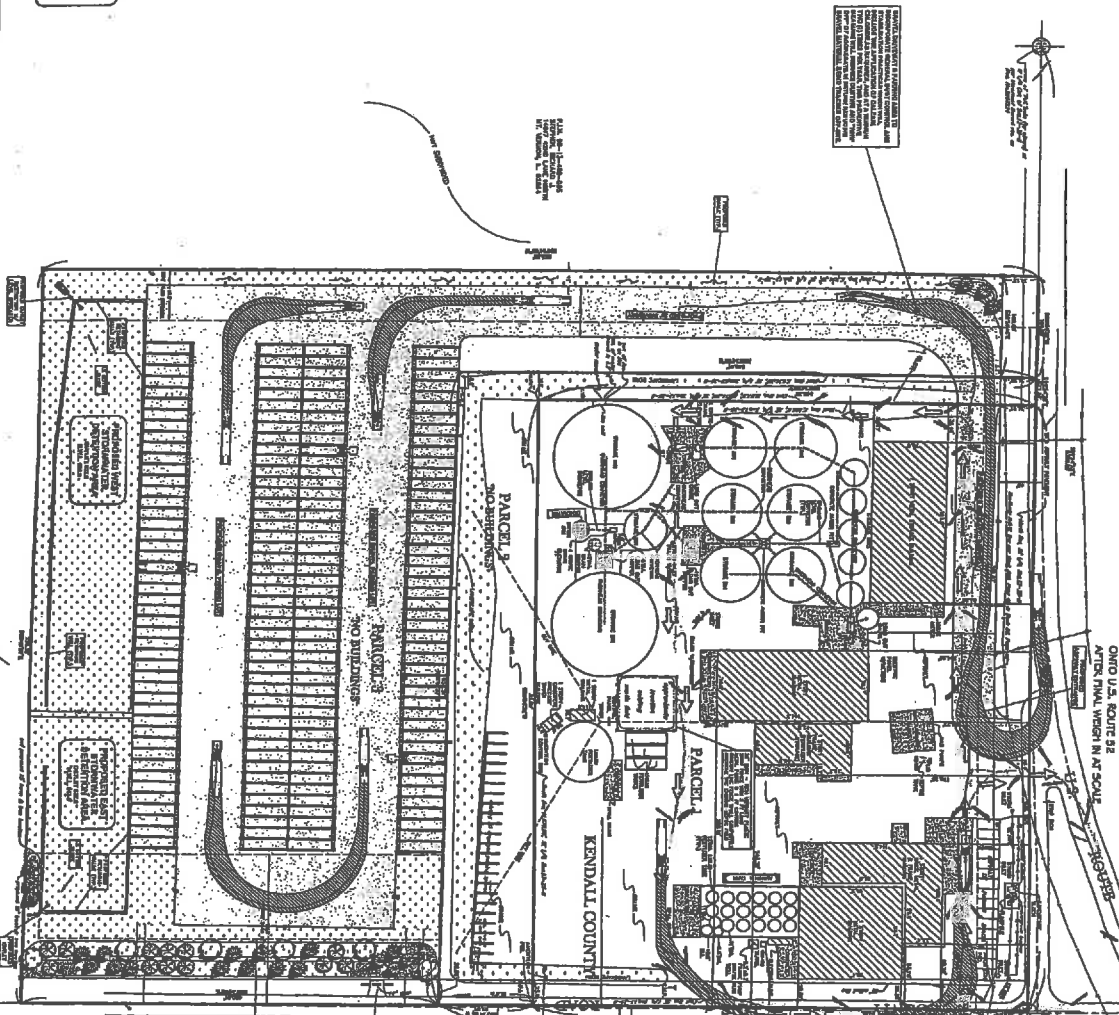
Door Frame and Hardware

Window Frame and Hardware

# Group Exhibit "C"

## 2 of 5

# Autoturn Exhibit



**NOTES:**  
 1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.  
 2. ALL UTILITIES ARE TO BE DEPTH TO CENTERLINE UNLESS OTHERWISE NOTED.  
 3. ALL UTILITIES ARE TO BE DEPTH TO CENTERLINE UNLESS OTHERWISE NOTED.  
 4. ALL UTILITIES ARE TO BE DEPTH TO CENTERLINE UNLESS OTHERWISE NOTED.

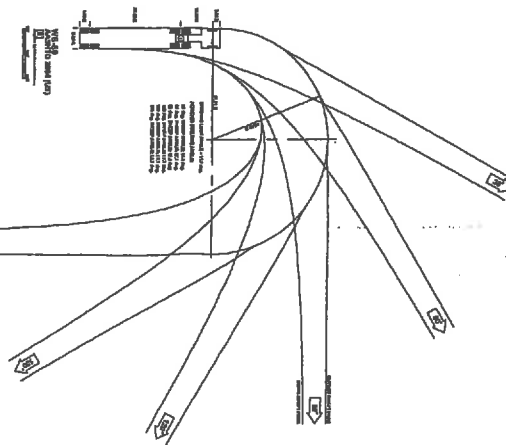
(EXISTING)  
 LOADED TRUCKS LEAVE SITE  
 ONTO U.S. ROUTE 52  
 AFTER FINAL WEIGHT IN AT SCALE

(EXISTING)  
 TRUCKS ENTER  
 FROM COUNTY LINE ROAD  
 TO BE WEIGHTED AT SCALE

(EXISTING)  
 LOADED TRUCKS LEAVE SITE  
 ONTO COUNTY LINE ROAD  
 FOR FINAL WEIGHT IN AT SCALE

VILL. COUNTY

Item	Description	Quantity	Unit	Notes
1	Gravel	100	cu yd	
2	Asphalt	50	cu yd	
3	Concrete	20	cu yd	
4	Rebar	100	lb	
5	Formwork	100	sq ft	
6	Excavation	100	cu yd	
7	Backfill	100	cu yd	
8	Compaction	100	sq ft	
9	Site Prep	100	sq ft	
10	Final Grading	100	sq ft	



TRUCKS ENTER FROM COUNTY LINE ROAD TO BE WEIGHTED AT SCALE

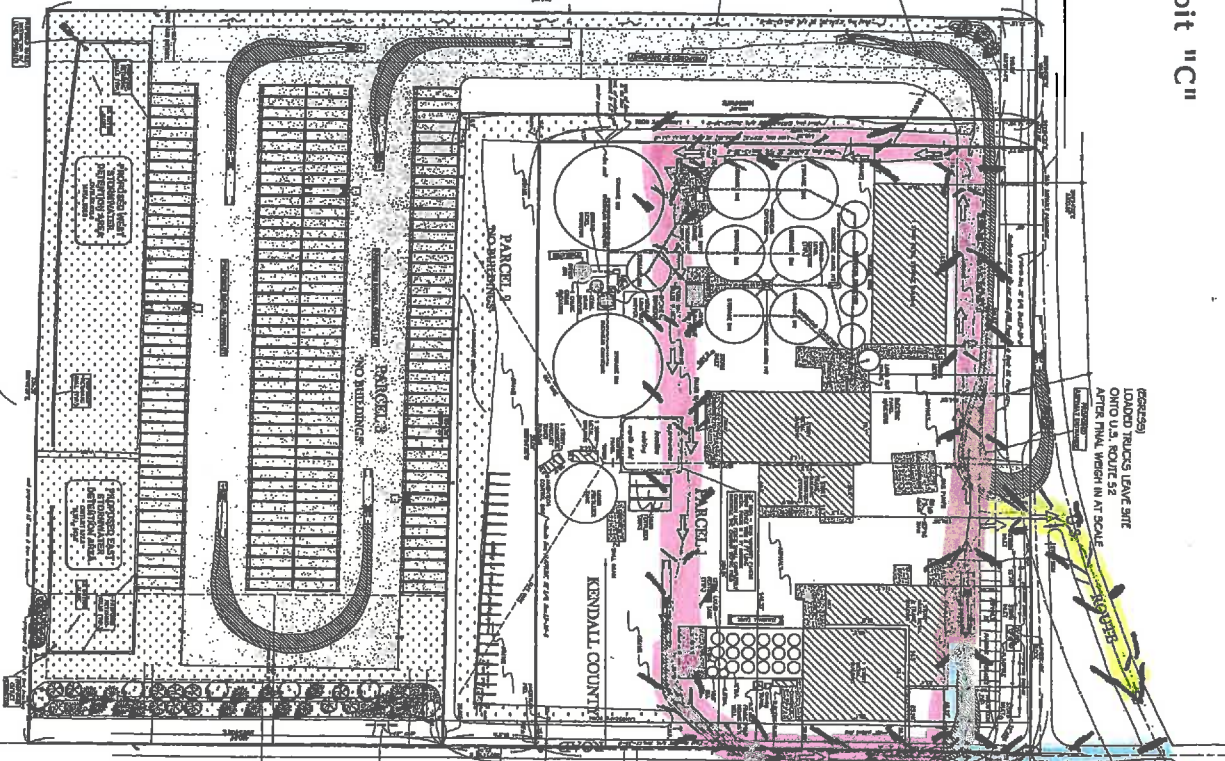
Item	Description	Quantity	Unit	Notes
1	Gravel	100	cu yd	
2	Asphalt	50	cu yd	
3	Concrete	20	cu yd	
4	Rebar	100	lb	
5	Formwork	100	sq ft	
6	Excavation	100	cu yd	
7	Backfill	100	cu yd	
8	Compaction	100	sq ft	
9	Site Prep	100	sq ft	
10	Final Grading	100	sq ft	



**Ingress Route:** Trucks will approach from northbound County Line RD and turn left

**On-site circulation pattern:** Trucks travel in a counter clockwise pattern

**Egress Route:** Trucks exit onto Route 52 to travel eastbound



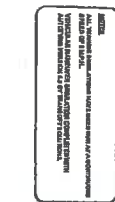
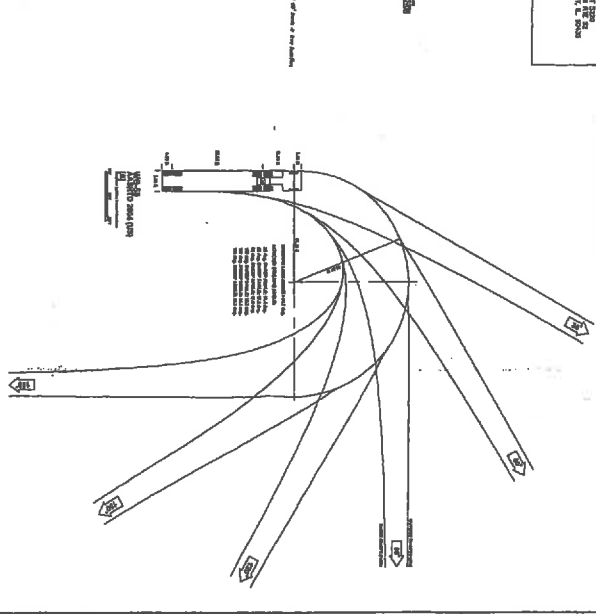
Scenario One: Trucks enter site, inspected, weighed empty, loaded, weighed loaded, exit

**NOTES:**

1. ALL TRUCKS MUST BE INSPECTED AND WEIGHED AT THE SCALES. TRUCKS MUST BE INSPECTED AND WEIGHED AT THE SCALES BEFORE ENTERING THE SITE.
2. TRUCKS MUST BE INSPECTED AND WEIGHED AT THE SCALES BEFORE ENTERING THE SITE.
3. TRUCKS MUST BE INSPECTED AND WEIGHED AT THE SCALES BEFORE ENTERING THE SITE.
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8. TRUCKS MUST BE INSPECTED AND WEIGHED AT THE SCALES BEFORE ENTERING THE SITE.
9. TRUCKS MUST BE INSPECTED AND WEIGHED AT THE SCALES BEFORE ENTERING THE SITE.
10. TRUCKS MUST BE INSPECTED AND WEIGHED AT THE SCALES BEFORE ENTERING THE SITE.

**3. ROAD EXISTENCE CHECK**

Item No.	Description	Location	Length	Material	Remarks
1	Asphalt	...	...	...	...
2	Concrete	...	...	...	...
3	Gravel	...	...	...	...
4	...	...	...	...	...
5	...	...	...	...	...
6	...	...	...	...	...
7	...	...	...	...	...
8	...	...	...	...	...
9	...	...	...	...	...
10	...	...	...	...	...



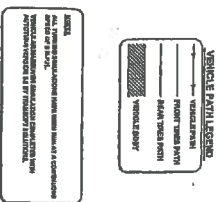
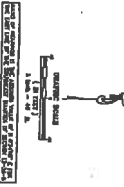
**ALLEGED**

Item No.	Description	Location	Length	Material	Remarks
1	...	...	...	...	...
2	...	...	...	...	...
3	...	...	...	...	...
4	...	...	...	...	...
5	...	...	...	...	...
6	...	...	...	...	...
7	...	...	...	...	...
8	...	...	...	...	...
9	...	...	...	...	...
10	...	...	...	...	...

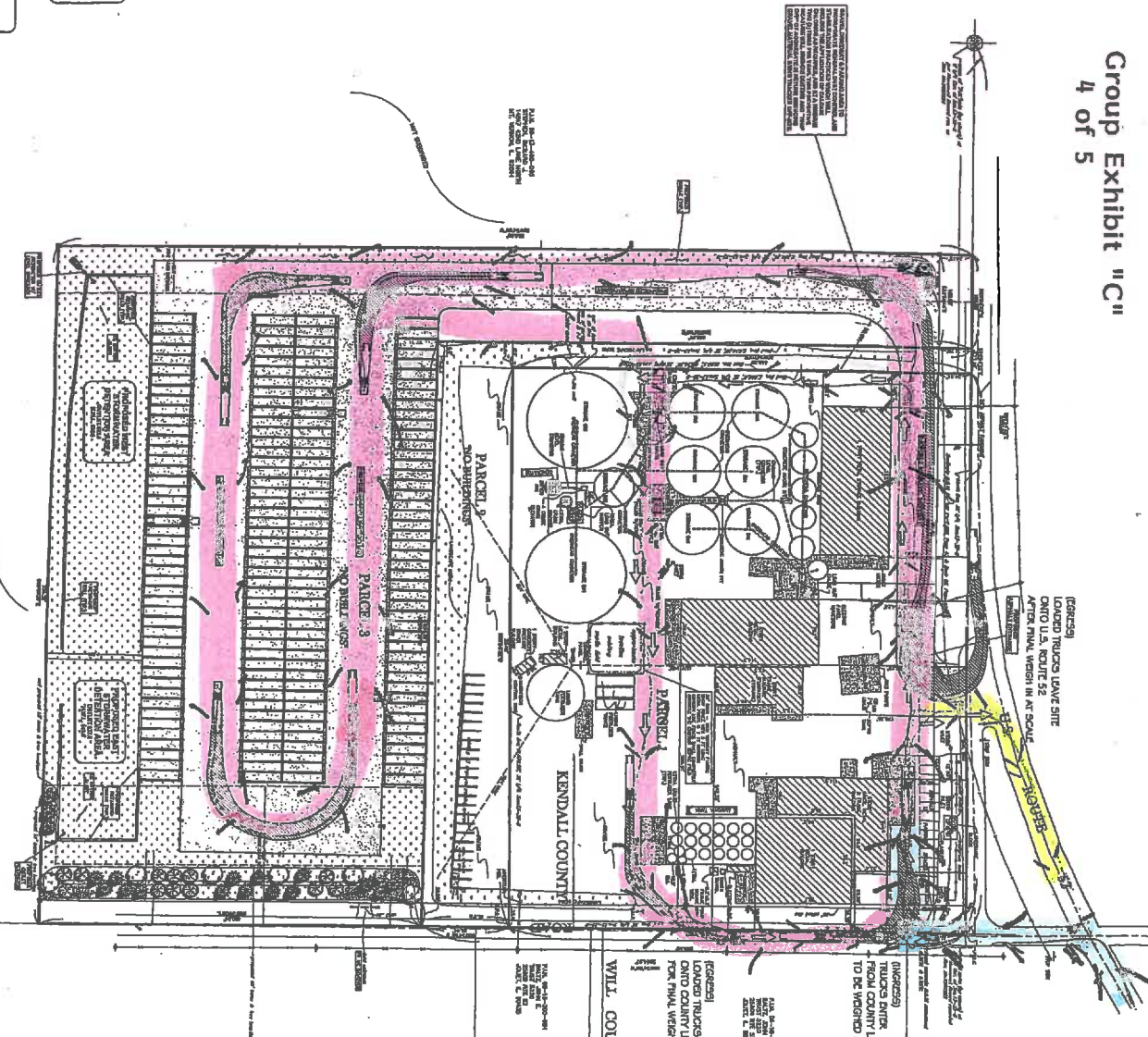


Group Exhibit "C"

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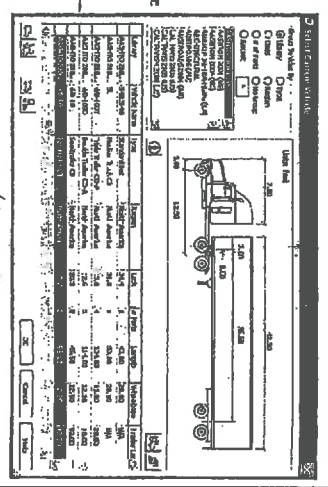


Scenario Two: Trucks enter site, inspected, weighed empty, stored in gravel parking area to the south until able to load, weighed loaded, exit



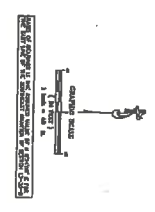
(FIGURE 5)  
LOADED TRUCKS LEAVE SITE  
ONTO U.S. ROUTE 52  
AFTER FINAL WEIGH IN AT SCALE

(FIGURE 5)  
TRUCKS ENTER  
FROM COUNTY LINE ROAD  
TO BE WEIGHED AT SCALE

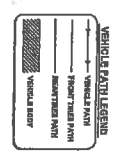


DESIGNED BY: [Name]  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]  
 DATE: [Date]

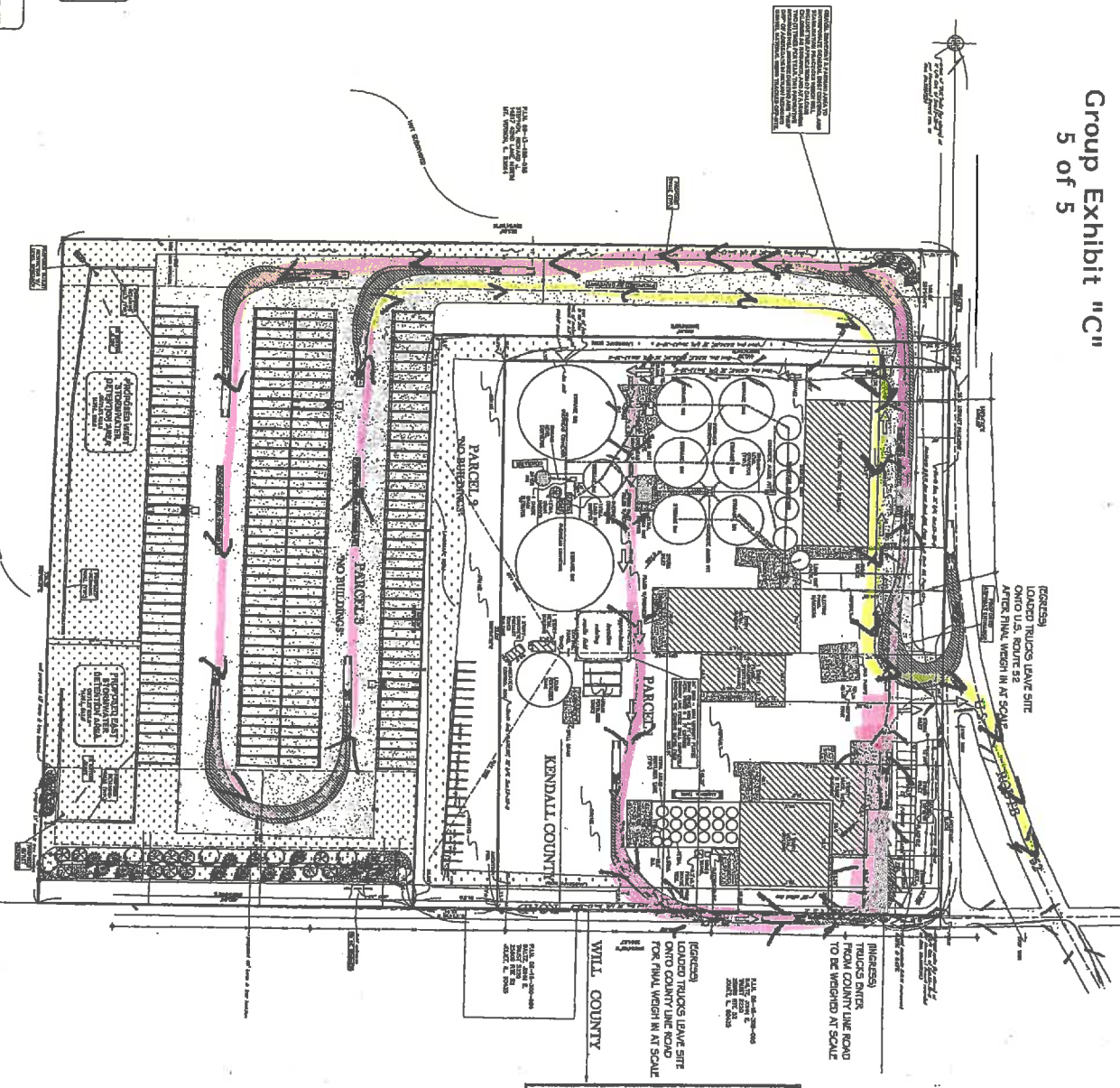
THESE DRAWINGS ARE THE PROPERTY OF THE ENGINEER, ARCHITECT OR OTHER PROFESSIONAL PERSON WHOSE NAME IS SHOWN ON THESE DRAWINGS. NO PART OF THESE DRAWINGS IS TO BE REPRODUCED, COPIED, EITHER WHOLLY OR IN PART, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, WITHOUT THE WRITTEN PERMISSION OF THE PROFESSIONAL PERSON WHOSE NAME IS SHOWN ON THESE DRAWINGS.



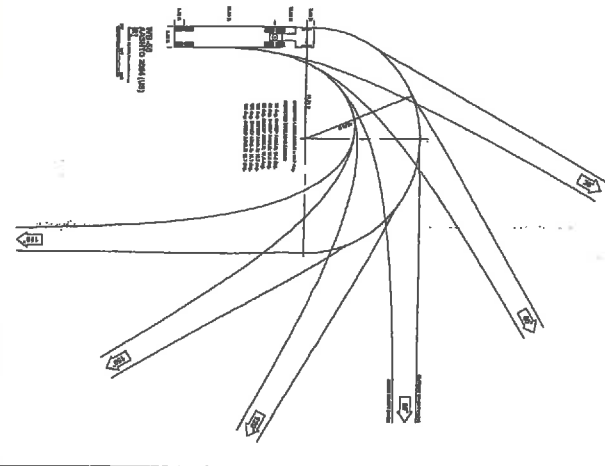
**NOTES:**  
1. ALL TRUCKS MUST BE LOADED AND UNLOADED AT A DESIGNATED TRUCK LEAVE SITE. TRUCKS MUST BE LOADED AND UNLOADED AT A DESIGNATED TRUCK LEAVE SITE. TRUCKS MUST BE LOADED AND UNLOADED AT A DESIGNATED TRUCK LEAVE SITE.



Scenario Three: Loaded trucks stored temporarily in gravel parking area to the south until able to exit



**PROPOSED SITE SIMULANT**  
PROPOSED TRUCK LEAVE SITE - 141,000 sq ft (est.)



**2. STATISTICS**

Category	Value
Area	141,000 sq ft (est.)
Perimeter	1,200 ft (est.)
Volume	1,200,000 cu ft (est.)
Weight	1,200,000 lbs (est.)
Cost	\$1,200,000 (est.)

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EXHIBIT "D"

AGREEMENT BETWEEN SEWARD TOWNSHIP AND HINTZCHE GRAIN AND  
FERTILIZER

**DOCUMENT WILL BE ATTACHED AS AN ADDENDUM THE DAY OF THE  
COUNTY BOARD MEETING FOR THIS PETITION**