

2007
ORDINANCE ~~2006~~- 24

STORMWATER MANGEMENT VARIANCE
LIGHT ROAD INDUSTRIAL PARK

WHEREAS, Lincoln Square Group, LLC is seeking Preliminary and Final Plat approval for a 10-lot M-1 industrial subdivision on a 17.687 acre property located on the south side of Light Road, east of the IL Railnet tracks and south of the Wendorf industrial development, in Oswego and Bristol Townships, as depicted in Exhibit "A" and legally described as follows:

PARCEL ONE: THAT PART OF SECTION 7 TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT A POINT IN THE WEST LINE OF SAID SECTION, 2356.62 FEET NORTH OF THE SOUTHWEST CORNER THEREOF; THENCE SOUTH 82 DEGREES, 39 MINUTES, 04 SECONDS EAST 341.82 FEET FOR THE POINT OF BEGINNING; THENCE SOUTH 82 DEGREES, 39 MINUTES, 04 SECONDS EAST 56.4 FEET; THENCE NORTH 42 DEGREES, 55 MINUTES, 25 SECONDS EAST 1498.35 FEET; THENCE NORTHEASTERLY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 35.0 FEET AND BEING TANGENT TO THE LAST DESCRIBED LINE, A DISTANCE OF 326.35 FEET; THENCE NORTH 6 DEGREES, 20 MINUTES, 55 SECONDS EAST 14.0 FEET TO THE SOUTHERLY LINE OF LIGHT ROAD AS ESTABLISHED IN UNIT ONE, COMMERCE INDUSTRIAL PARK; THENCE NORTH 83 DEGREES, 39 MINUTES, 05 SECONDS WEST ALONG SAID SOUTHERLY LINE 225.76 FEET TO A LINE DRAWN NORTH 42 DEGREES, 50 MINUTES, 55 SECONDS EAST FROM THE POINT OF BEGINNING; THENCE SOUTH 42 DEGREES, 50 MINUTES 55 SECONDS WEST 1689.03 FEET TO THE POINT OF BEGINNING; IN THE TOWNSHIP OF OSWEGO, KENDALL COUNTY ILLINOIS.

PARCEL TWO: THAT PART OF FRACTIONAL SECTION 7, TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF UNIT ONE, "COMMERCE INDUSTRIAL PARK", A SUBDIVISION IN PART OF SAID SECTION 7, RECORDED NOVEMBER 24, 1969, AS DOCUMENT 165394; THENCE NORTH 83 DEGREES 39 MINUTES 05 SECONDS WEST ALONG THE SOUTHERLY LINE OF SAID SUBDIVISION, BEING ALSO ALONG THE SOUTHERLY LINE OF LIGHT ROAD AS SHOWN ON PLAT OF SUBDIVISION, A DISTANCE OF 379.58 FEET TO THE INTERSECTION OF SAID LINE WITH A LINE DRAWN 188 FEET NORTHWESTERLY OF, MEASURED AS RIGHT ANGLES TO, AND PARALLEL WITH AN EXTENSION SOUTHWESTERLY OF THE TANGENT NORTHWESTERLY LINE, HAVING A BEARING OF NORTH 42 DEGREES 50 MINUTES 55 SECONDS EAST, OF "MARINA

TERRACE", A SUBDIVISION IN PART OF SAID SECTION 7, RECORDED NOVEMBER 23, 1965, AS DOCUMENT 150329, FOR A POINT OF BEGINNING, SAID POINT OF BEGINNING BEING ALSO IN THE NORTHERLY LINE OF PROPERTY CONVEYED TO "SHORE HEIGHTS, LTD", BY DEED RECORDED APRIL 2, 1971, AS DOCUMENT 71-951; THENCE SOUTH 42 DEGREES 50 MINUTES 55 SECONDS WEST ALONG SAID PARALLEL LINE A DISTANCE OF 1689.03 FEET TO THE SOUTHERLY LINE OF SAID PROPERTY DESCRIBED IN DOCUMENT 71-951; THENCE NORTH 82 DEGREES 39 MINUTES 04 SECONDS WEST ALONG THE SOUTHERLY LINE OF SAID PROPERTY DESCRIBED IN DOCUMENT 71-951, A DISTANCE OF 341.82 FEET MORE OR LESS, TO THE WEST LINE OF SAID FRACTIONAL SECTION 7; THENCE NORTH 1 DEGREE 26 MINUTES 34 SECONDS WEST ALONG SAID WEST LINE 636.52 FEET TO THE SOUTHEASTERLY RIGHT OF WAY LINE OF THE BURLINGTON NORTHERN RAILROAD (FORMERLY THE CHICAGO BURLINGTON AND QUINCY RAILROAD); THENCE NORTHEASTERLY ALONG SAID SOUTHEASTERLY ALONG SAID SOUTHEASTERLY LINE BEING ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 11509.2 FEET, A DISTANCE OF 1021.62 FEET TO THE NORTHERLY LINE OF SAID PROPERTY DESCRIBED IN DOCUMENT 71-951, BEING ALSO AN EXTENSION WESTERLY OF THE SOUTHERLY LINE OF SAID LIGHT ROAD; THENCE SOUTH 83 DEGREES 39 MINUTES 05 SECONDS EAST ALONG THE EXTENSION WESTERLY OF THE SOUTHERLY LINE OF SAID LIGHT ROAD AND ALONG THE SOUTHERLY LINE OF SAID LIGHT ROAD, A DISTANCE OF 710.45 FEET, MORE OR LESS, TO THE POINT OF BEGINNING, ALL IN KENDALL COUNTY, ILLINOIS.

EXCEPT THAT PART OF FRACTIONAL SECTION 7, TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF UNIT ONE - "COMMERCE INDUSTRIAL PARK", A SUBDIVISION IN PART OF SECTION 7, RECORDED NOVEMBER 24, 1969, AS DOCUMENT 165394; THENCE NORTH 83 DEGREES 39 MINUTES 05 SECONDS WEST ALONG THE SOUTHERLY LINE OF SAID SUBDIVISION, BEING ALSO ALONG THE SOUTHERLY LINE OF LIGHT ROAD AS SHOWN ON PLAT OF SAID SUBDIVISION, A DISTANCE OF 379.58 FEET TO THE INTERSECTION OF SAID LINE WITH A LINE DRAWN 188 FEET NORTHWESTERLY OF, MEASURED AT RIGHT ANGLES TO, AND PARALLEL WITH AN EXTENSION SOUTHWESTERLY OF THE TANGENT NORTHWESTERLY LINE, HAVING A BEARING OF NORTH 42 DEGREES 50 MINUTES 55 SECONDS EAST OF "MARINA TERRACE", A SUBDIVISION IN PART OF SAID SECTION 7, RECORDED NOVEMBER 23, 1965, AS DOCUMENT 150329, FOR A POINT OF BEGINNING, SAID POINT OF BEGINNING ALSO IN THE NORTHERLY LINE OF PROPERTY CONVEYED TO "SHORE HEIGHTS, LTD.", BY DEED RECORDED APRIL 2, 1971, AS DOCUMENT 71-951; THENCE SOUTH 42 DEGREES 50 MINUTES 55 SECONDS WEST ALONG SAID PARALLEL LINE A

DISTANCE OF 1689.03 FEET TO THE SOUTHERLY LINE OF SAID PROPERTY DESCRIBED IN DOCUMENT 71-951; THENCE NORTH 82 DEGREES 39 MINUTES 05 SECONDS WEST ALONG THE SOUTHERLY LINE OF SAID PROPERTY DESCRIBED IN DOCUMENT 71-951, A DISTANCE OF 233.38 FEET TO THE INTERSECTION OF SAID LINE WITH A DRAWN 378 FEET NORTHWESTERLY OF, MEASURED AT RIGHT ANGLES TO, AND PARALLEL WITH THE AFORESAID EXTENSION SOUTHWESTERLY OF THE TANGENT NORTHWESTERLY LINE OF SAID "MARINA TERRACE" SUBDIVISION; THENCE NORTH 42 DEGREES 50 MINUTES 55 SECONDS EAST ALONG SAID PARALLEL LINE, A DISTANCE OF 1683.97 FEET TO THE NORTHERLY LINE OF SAID PROPERTY DESCRIBED IN DOCUMENT 71-951, BEING ALSO AN EXTENSION WESTERLY OF THE SAID LIGHT ROAD; THENCE SOUTH 83 DEGREES 39 MINUTES 05 SECONDS EAST ALONG THE EXTENSION WESTERLY OF THE SOUTHERLY LINE OF SAID LIGHT ROAD AND ALONG THE SOUTHERLY LINE OF SAID LIGHT ROAD, A DISTANCE OF 236.36 FEET TO THE POINT OF BEGINNING, ALL IN KENDALL COUNTY, ILLINOIS.

ALSO EXCEPT THAT PART OF THE NORTH HALF OF SECTION 7, TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE POINT OF INTERSECTION OF THE SOUTHEASTERLY RIGHT OF WAY LINE OF THE BURLINGTON, NORTHERN AND SANTA FE RAILROAD AND THE SOUTH RIGHT OF WAY LINE OF LIGHT ROAD FOR THE POINT OF BEGINNING; THENCE SOUTH 83 DEGREES 38 MINUTES 30 SECONDS EAST ALONG SAID SOUTH LINE OF LIGHT ROAD 472.70 FEET TO A POINT ON THE WESTERLY LINE OF COMMONWEALTH EDISON COMPANY RIGHT OF WAY; THENCE SOUTH 42 DEGREES 50 MINUTES 56 SECONDS WEST ALONG SAID WESTERLY RIGHT OF WAY LINE, 688.10 FEET; THENCE NORTH 47 DEGREES 09 MINUTES 05 SECONDS WEST AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE 430.29 FEET TO A POINT ON THE SOUTHEASTERLY RIGHT OF WAY LINE OF SAID RAILROAD; THENCE NORTHEASTERLY ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 410.10 FEET TO THE POINT OF BEGINNING, ALL IN THE TOWNSHIP OF OSWEGO, KENDALL COUNTY, ILLINOIS.

PARCEL THREE: THAT PART OF THE EAST HALF OF SECTION 12, TOWNSHIP 37 NORTH RANGE 7, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING SOUTHEASTERLY OF THE BURLINGTON NORTHERN RAILROAD, DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE EAST LINE OF SAID SECTION 12 AND THE SOUTHEASTERLY CURVED RIGHT-OF-WAY LINE OF THE BURLINGTON NORTHERN RAILROAD (FORMERLY THE CHICAGO, BURLINGTON AND QUINCY RAILROAD); THENCE SOUTHERLY ALONG THE EAST LINE OF SAID SECTION 12, A DISTANCE OF 636.52 FEET TO THE NORTHWEST CORNER OF THE "WORMLEY" PROPERTY DESCRIBED IN DEED RECORDED FEBRUARY 19, 1971,

AS DOCUMENT NO. 71-451, SAID CORNER BEING ALSO THE SOUTHWEST CORNER OF PROPERTY CONVEYED TO "SHORE HEIGHTS, LTD." DEED RECORDED APRIL 2, 1981, AS DOCUMENT NO. 71-951, THENCE NORTH 83 DEGREES 02 MINUTES 26 SECONDS WEST, A DISTANCE OF 830.83 FEET TO A POINT IN THE SOUTHEASTERLY CURVED RIGHT-OF-WAY LINE OF SAID RAILROAD, SAID POINT BEING AN ARC DISTANCE OF 969.36 FEET SOUTHWESTERLY OF THE INTERSECTION OF THE EAST LINE OF SAID SECTION 12, AND THE SOUTHEASTERLY CURVED RIGHT-OF-WAY LINE OF SAID RAILROAD, AS MEASURED ON SAID SOUTHEASTERLY CURVED RIGHT-OF-WAY LINE, SAID RIGHT-OF-WAY LINE BEING CONCAVE TO THE NORTHWEST AND HAVING A RADIUS OF 11,509.20 FEET; THENCE NORTHEASTERLY ALONG SAID SOUTHEASTERLY CURVED RIGHT-OF-WAY LINE, AN ARC DISTANCE OF 969.36 FEET, THE CHORD OF SAID ARC BEARING NORTH 56 DEGREES 26 MINUTES 46 SECONDS EAST A DISTANCE OF 969.08 FEET, TO THE POINT OF BEGINNING, ALL IN KENDALL COUNTY, ILLINOIS.

CONTAINING 17.687 ACRES MORE OR LESS.

WHEREAS, said M-1 zoning district allows for the development of the subject property for industrial uses; and

WHEREAS, the review and approval of engineering plans is a condition of Preliminary and Final Plat approval of said proposed industrial subdivision; and

WHEREAS, the County's Consulting Engineer Strand Associates, Inc. has reviewed and recommended approval of the final engineering for the project; and

WHEREAS, the plans submitted include two (2) dry turf-bottom detention basins; and

WHEREAS, Section 409.1.4 of the Kendall County Stormwater Management Ordinance states that the peak 100-year detention elevation shall not be greater than four feet (4') above the bottom of the outlet and further states that where turf grasses are proposed, the basin depth from outlet to high water level shall not exceed two feet (2'); and

WHEREAS, the developer is seeking a variance from this provision to allow the construction of two (2) detention basins utilizing turf grass bottoms having a variable depth from outlet to high water level of seven feet (7') which does not comply with the required standards as outlined in said Section 409.1.4 of the Kendall County Stormwater Management Ordinance; and

WHEREAS, Section 404.0 of the Kendall County Stormwater Management Ordinance states that stormwater storage outlets shall not discharge directly into existing storm sewers or drain tiles; and

WHEREAS, the developer is seeking a variance from this provision to allow the discharge from the two (2) proposed detention ponds to discharge directly into the existing storm sewer

system; and

WHEREAS, the Zoning Administrator has evaluated the standards for a stormwater variation, under Section 605.0.3 (a-d) and determined that:

- a) Due to the particular physical surroundings, shape or topographic conditions of the specific property involved a particular hardship to the owner would result as distinguished from a mere inconvenience if the strict letter of the regulations were carried out; and
- b) The conditions on which the request for variance is based are unique to the property for which the variation is sought and are not applicable, generally, to other property and have not been caused by any person having an interest in the property; and
- c) The purpose of the variation is not based upon economic hardship; and
- d) The granting of the variation will not be detrimental to the public, health, safety or welfare, or injurious to other property or improvements in the locale in which the property is located.

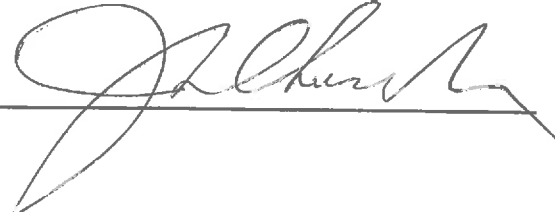
WHEREAS, the Planning Building and Zoning Committee of the Kendall County Board has concurred with the findings and recommendations of the Zoning Administrator and has recommended approval of the requested variance to the Kendall County Board.

NOW, THEREFORE, BE IT ORDAINED, the Kendall County Board hereby approves a variation to Section 409.1.4 of the Kendall County Stormwater Management Ordinance to allow the construction of two (2) detention basins utilizing turf grass for the bottoms having a variable depth from outlet to high water level of seven (7'), and a variation to Section 404.0 of the Kendall County Stormwater Management Ordinance to allow the two (2) proposed detention ponds to discharge directly into the existing storm sewer system, which do not comply with the required standards as outlined in said Section 409.1.4 and Section 404.0 of the Kendall County Stormwater Management Ordinance.

IN WITNESS OF, this ordinance has been enacted on May 15, 2007.



Attest:



Paul Anderson
Kendall County Clerk

John A. Church
Kendall County Board Chairman

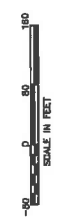
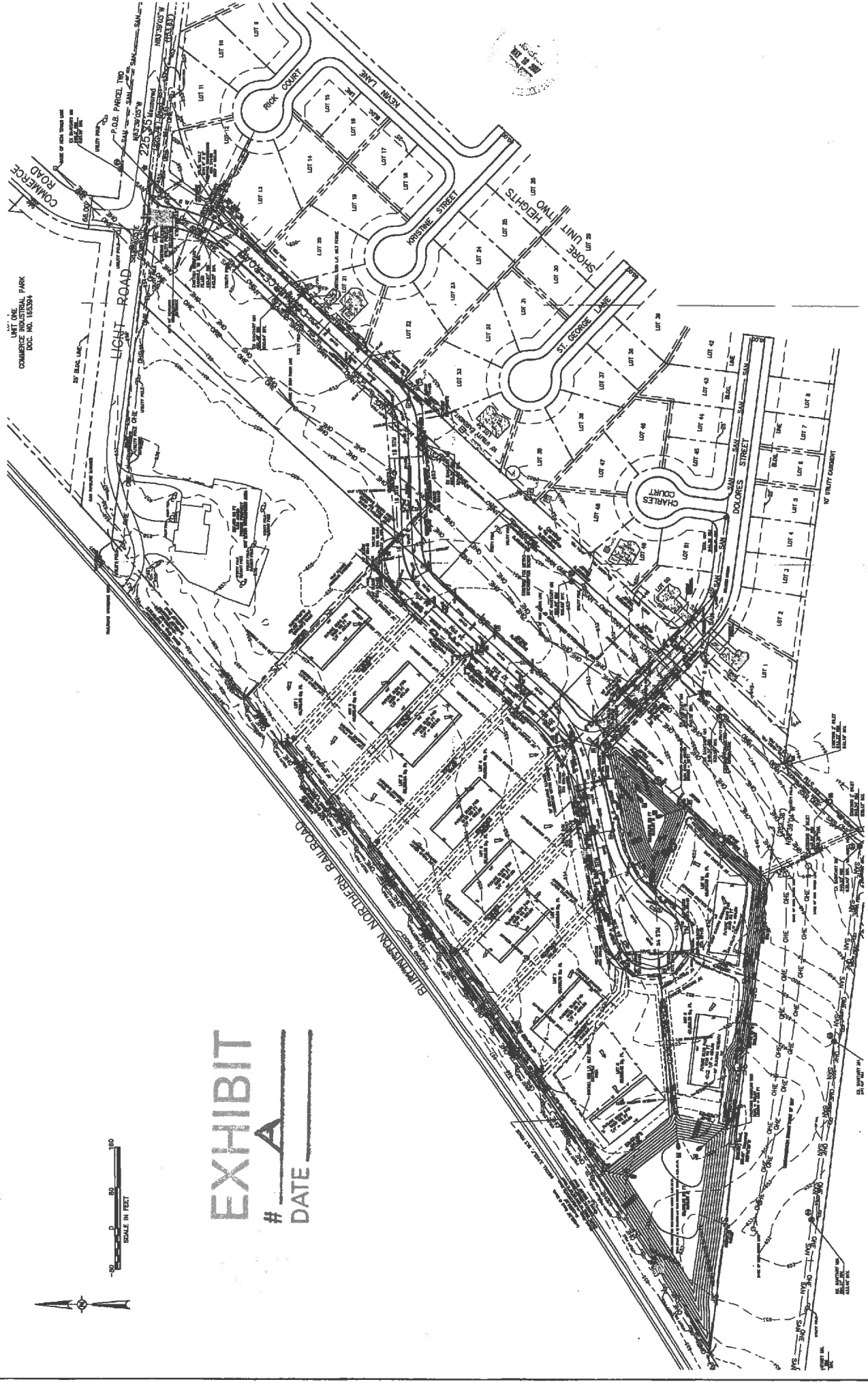


EXHIBIT
A
DATE _____

<p>TEBRUGGE ENGINEERING 740.803.8474 • 740.803.8475 FAX: (847) 384-4197</p>	<p>PREPARED FOR: LINCOLN SQUARE GROUP 27 STONEHILL RD., UNIT D OSWEGO, IL 63055-1848</p>	<p>PROJECT NO. 08 094 00 SCALE: 1" = 80' DATE: 3/19/2007</p>	<p>SHEET NO. 02 OF 18 SHEETS</p>
	<p>LIGHT ROAD INDUSTRIAL PARK OVERALL SITE PLAN</p>		