

STATE OF ILLINOIS)
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COUNTY OF DEKALB)

ORDINANCE 2008-08

**AN ORDINANCE AMENDING A SPECIAL USE PERMIT
FOR HINTZSCHE FERTILIZER, INC.
AT 4440 STATE ROUTE 72
IN FRANKLIN TOWNSHIP**

WHEREAS, DeKalb County Ordinances 87-22 and 87-23 granted approval of a Special Use Permit to the Hintzsche Fertilizer, Inc. for the operation of an agribusiness on property at 4440 State Rt. 72, located on the south side of Rt.72 west of the Village of Kirkland and zoned A-1, Agricultural District, in Franklin Township, and DeKalb County Ordinance 2000-18 further amended the Special Use Permit to allow the addition of 12 acres and a new building for the agribusiness; and

WHEREAS, Hintzsche Fertilizer, Inc. is now proposing to construct a new 22,000 square-foot building to the subject property; and

WHEREAS, however, the DeKalb County Zoning Ordinance requires that any change to a Special Use Permit in excess of ten percent (10%) of the total floor area of the existing structures or land area shall require an amendment to the Special Use Permit, and the proposed building will exceed this threshold; and

WHEREAS, Hintzsche Fertilizer, Inc. has filed an application for an amendment to the Special Use Permit granted by Ordinances 87-22 and 87-23 and amended by Ordinance 2000-18 to allow the proposed new building at 4440 State Rt. 72 in Franklin Township, said property being legally described as shown in Exhibit "A" attached hereto; and

WHEREAS, following due and proper notice by publication in the Daily Chronicle not less than fifteen (15) nor more than thirty (30) days prior thereto, and by mailing notice to all owners of property abutting the subject property at least ten (10) days prior thereto, the DeKalb County Hearing Officer conducted a public hearing on April 24, 2008, at which the petitioner presented evidence, testimony, and exhibits in support of the requested Special Use Permit, and no persons testified in favor and none in opposition thereto; and

WHEREAS, the Hearing Officer, having considered the evidence, testimony and exhibits presented, has made his findings of fact and recommended that the requested Amendment to the Special Use Permit be approved, as set forth in the Findings of Fact and Recommendation of the DeKalb County Hearing Officer, dated April 24, 2008, a copy of which is appended hereto as Exhibit "B"; and

WHEREAS, the Planning and Zoning Committee of the DeKalb County Board has reviewed

the exhibits presented at the afore stated public hearing and has considered the findings of fact and recommendations of the Hearing Officer, and has forwarded a recommendation to the DeKalb County Board that the Amendment to the Special Use Permit be granted, subject to conditions; and

WHEREAS, the DeKalb County Board has considered the findings of fact and recommendations of the Hearing Officer and Planning and Zoning Committee, and has determined that granting the Amendment to the Special Use Permit to allow the new building for the agribusiness is consistent with the requirements established by Section 9.02.B.3. of the DeKalb County Zoning Ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY BOARD OF DEKALB COUNTY, ILLINOIS, as follows:

SECTION ONE: The Findings of Fact and Recommendation of the DeKalb County Hearing Officer, Exhibit "B" attached hereto, is hereby accepted, and the findings of fact set forth above are hereby adopted as the findings of fact and conclusions of the DeKalb County Board.

SECTION TWO: Based on the findings of fact set forth above, the Special Use Permit granted by DeKalb County Ordinances 87-22 and 87-23 and amended by Ordinance 2000-18 is hereby amended for Hintzsche Fertilizer, Inc. to allow the construction of a new building for the agribusiness on property legally described in Exhibit "A" attached hereto.

SECTION THREE: Approval of this Amendment to a Special Use Permit is subject to the condition that construction and use of the new building and site improvements shall be in substantial accordance with the plans and information submitted as part of the petitioner's Amendment to a Special Use Permit application.

SECTION FOUR: This Ordinance shall be in full force and effect upon its adoption by the County Board of DeKalb County, Illinois.

SECTION FIVE: Failure of the owners or other party in interest or a subsequent owner or other party in interest to comply with the terms of this Ordinance, after execution of such Ordinance, shall subject the owners or party in interest to the penalties set forth in Section 11.07.C. of the DeKalb County Zoning Ordinance.

PASSED BY THE COUNTY BOARD THIS 18TH DAY OF JUNE, 2008, A.D.

Chairman, DeKalb County Board

ATTEST:

County Clerk

Exhibit "A"

Legal Description of Subject Property

That part of the Southwest Quarter of Section 26 and part of the Southeast Quarter of Section 27, all in Township 42 North, Range 3 East of the Third Principal Meridian, described as follows: Commencing at the Northwest corner of said Southwest Quarter; thence Southerly, along the West line of said Southwest Quarter, 40.0 feet for a point of beginning; thence Westerly, along the Southerly right of way line of Illinois Route 72, 100.0 feet; thence Southerly, at right angle to said Southerly right of way line, 1000.0 feet; thence Easterly at right angle to the last described course, 713.0 feet; thence Northerly at right angle to the last described course, 1094.81 feet to said Southerly right of way line; thence Southeasterly, 447.93 feet, along said Southerly right of way line, on the arc of a curve to the right, having a radius of 1046.45 feet, said arc forming a chord that measures 77°42' clockwise from the last described course; thence Westerly, at an angle of 167°44'14", measured counterclockwise from the chord formed by the last described course, along said Southerly right of way line, 278.69 feet to the point of beginning, containing 16.68 acres, all in Franklin Township, DeKalb County, Illinois

P.I.N.s: 01-26-300-008 and 01-26-300-014.

STATE OF ILLINOIS)
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COUNTY OF DEKALB)

ORDINANCE 2008-09

**AN ORDINANCE APPROVING A SPECIAL USE PERMIT
FOR A STORAGE BUSINESS
ON PROPERTY LOCATED AT 15680 SWANSON ROAD
IN SYCAMORE TOWNSHIP**

WHEREAS, Jeff Wallace, representing the property owner, the Niemczyk Trust, has filed an application for a Special Use Permit in accordance with Section 9.02 of the DeKalb County Zoning Ordinance to allow the use of agricultural buildings that are no longer used for agriculture for the operation of an RV storage business on property located at 15680 Swanson Road in Sycamore Township, said property being zoned A-1, Agricultural District and legally described as shown in Exhibit "A" attached hereto; and

WHEREAS, following due and proper notice by publication in the Daily Chronicle not less than fifteen (15) nor more than thirty (30) days prior thereto, and by mailing notice to all owners of property abutting the subject property at least ten (10) days prior thereto, the DeKalb County Hearing Officer conducted a public hearing on May 1, 2008, at which the petitioners presented evidence, testimony, and exhibits in support of the requested Special Use Permit, and no members of the public testified in favor of the request and none in opposition thereto, but a letter of objection to the proposed Special Use was received from the City of Sycamore; and

WHEREAS, the Hearing Officer, having considered the evidence, testimony and exhibits presented has made his findings of fact and recommended that the requested Special Use Permit be granted, subject to conditions, as set forth in the Findings of Fact and recommendation of the DeKalb County Hearing Officer, dated May 12, 2008, a copy of which is appended hereto as Exhibit "B"; and

WHEREAS, the Planning and Zoning Committee of the DeKalb County Board has reviewed the testimony and exhibits presented at the public hearing and has considered the Findings of Fact and recommendation of the Hearing Officer, and has forwarded a recommendation to the DeKalb County Board that the requested Special Use Permit be approved; and

WHEREAS, the DeKalb County Board has considered the findings of fact and recommendation of the Hearing Officer and the recommendation of the Planning and Zoning Committee, and has determined that granting the Special Use Permit to allow the use of a concrete area surrounding agricultural buildings as space for RV storage on the subject property would be consistent with the requirements established by Section 9.02.B.3. of the DeKalb County Zoning Ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY BOARD OF DEKALB COUNTY, ILLINOIS, as follows:

SECTION ONE: The report of the DeKalb County Hearing Officer, Exhibit "B" attached hereto, is hereby accepted and the findings set forth therein are hereby adopted as the findings of fact and conclusions of the DeKalb County Board.

SECTION TWO: Based on the findings of fact set forth above, the request of Jeff Wallace for a Special Use Permit to allow the use of an existing concrete area surrounding agricultural buildings for the operation of an RV storage business on property located at 15680 Swanson Road in Sycamore Township, said property being legally described in Exhibit "A" attached hereto, is hereby approved.

SECTION THREE: This approval of a Special Use Permit is subject to the following conditions:

1. Storage of RVs on the subject property shall be restricted to the existing concrete pad, as identified on the Site Plan submitted as part of the petitioner's application for Special Use Permit;
2. There shall be not more than eight RVs stored on the subject property at any given time;
3. Operation of the recreational vehicle storage business shall be in accordance with the application for Special Use Permit filed by the petitioner; and
4. A fence shall be located along the west length of the concrete pad to provide screening of the RVs stored thereon.

SECTION FOUR: This Ordinance shall be in full force and effect upon its adoption by the County Board of DeKalb County, Illinois.

SECTION FIVE: Failure of the owners or other party in interest to comply with the terms of this Ordinance, after execution of such Ordinance, shall subject the owners or party in interest to the penalties set forth in Section 11.07.C. of the DeKalb County Zoning Ordinance.

PASSED BY THE COUNTY BOARD THIS 18TH DAY OF JUNE, 2008, A.D.

Chairman, DeKalb County Board

ATTEST:

County Clerk

Legal Description of Subject Property

The South half of the Northeast Quarter and the East half of the East half of the Northwest Quarter of Section 27, Township 41 North, Range 5 East of the third Principal Meridian, in the County of DeKalb and State of Illinois.

P.I.N.: 06-27-200-005