

STATE OF ILLINOIS)
)SS
COUNTY OF DEKALB)

ORDINANCE 2008-04

**AN ORDINANCE APPROVING A SPECIAL USE PERMIT
FOR AN AGRIBUSINESS ON PROPERTY LOCATED
AT 10735 CHICAGO ROAD
IN VICTOR TOWNSHIP**

WHEREAS, Michael and Tamara Rosenwinkel have filed an application for a Special Use Permit in accordance with Section 9.02 of the DeKalb County Zoning Ordinance to allow the operation of an agribusiness in the form of sales of seed, fertilizer and associated agricultural products on property located at 10735 Chicago Road in Victor 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 February 4, 2008, at which the petitioners presented evidence, testimony, and exhibits in support of the requested Special Use Permit, and no members of the public spoke in favor or in opposition to the request; 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, as set forth in the Findings of Fact and recommendation of the DeKalb County Hearing Officer, dated February 4, 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, but 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 operation of an agribusiness 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 Michael and Tamara Rosenwinkel for a Special Use Permit to allow the operation of an agribusiness in the form of sales of seed, fertilizer and associated agricultural products on property located at 10735 Chicago Road in Victor 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. The agribusiness shall be operated in conformance with the details in the application for Special Use Permit, including the Site Plan received on February 6, 2008;
2. In addition to outside storage north of the existing grain bins on the subject property, the agribusiness may be conducted within the existing 80' x 240' building on the subject property, and within a future 150' x 300' building;
3. Approval of the future 150' x 300' building shall be for a period of three years from the effective date of this ordinance. If the building is not constructed within the three-year period, it shall only be permitted by an amendment to this Special Use Permit, which shall be subject to the rules for review and approval set forth in Section 9.02.B. of the DeKalb County Zoning Ordinance;
4. Construction of the proposed 150' x 300' building shall require an application for and approval of a Site Development Permit to address stormwater management.

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 11.05.A. and B. of the DeKalb County Zoning Ordinance.

PASSED BY THE COUNTY BOARD THIS 21TH DAY OF MARCH, 2008, A.D.

Chairman, DeKalb County Board

ATTEST:

County Clerk

Legal Description of Subject Property

That part of the southeast quarter of Section 2, Township 37 north, range 4 east of the third principal meridian described as follows: Commencing at the southeast corner of the west half of said southeast quarter; Thence north $00^{\circ} 45' 15''$ east, along the east line of the west half of said southeast quarter, 279.46 feet to the present centerline of Chicago Road per dedication plat dated May 3, 1947 and recorded in book 180 at page 603 on July 25, 1947, for the point of beginning; thence north $00^{\circ} 45' 15''$ east, along said east line, 295.75 feet to the original centerline of Chicago Road; thence north $74^{\circ} 53' 20''$ east, along said original centerline, 257.96 feet; Thence north $01^{\circ} 29' 07''$ east, 734.73; Thence north $88^{\circ} 30' 53''$ west, 688.0 feet; Thence south $01^{\circ} 29' 07''$ west, 1329.67 feet to the present centerline of Chicago Road; Thence northeasterly along said present centerline, being a non-tangential curve to the left with a radius of 1206.57 feet and a chord bearing of north $64^{\circ} 35' 11''$ east, an arc distance of 502.11 feet to the point of beginning in Victor Township, DeKalb County, Illinois and containing 16.9144 acres.

P.I.N.: 17-02-400-001