

CITY OF BELVIDERE, ILLINOIS

ORDINANCE #480H

AN ORDINANCE GRANTING A SPECIAL USE
TO AMEND A PLANNED DEVELOPMENT WITHIN THE
PI, PLANNED INDUSTRIAL DISTRICT
(1050 ECS Way)

PASSED AND ADOPTED

BY THE CITY COUNCIL

OF THE CITY OF

BELVIDERE, ILLINOIS

ON THE 13TH DAY OF JANUARY 2020.

APPROVED BY THE

MAYOR OF THE CITY OF

BELVIDERE, ILLINOIS

ON THE 16TH DAY OF JANUARY 2020.

Published in Pamphlet Form this 16th day of January 2020.

ORDINANCE NO. 480H

**AN ORDINANCE GRANTING A SPECIAL USE
TO AMEND A PLANNED DEVELOPMENT WITHIN THE
PI, PLANNED INDUSTRIAL DISTRICT
(1050 ECS Way)**

WHEREAS, The City of Belvidere has adopted Chapter 150, Zoning Ordinance in accordance with the provisions of Illinois Compiled Statutes to regulate the use of land and to specify the minimum requirements for improvements on land in the City of Belvidere; and

WHEREAS, Special Uses are certain municipal or private uses that due to their physical or operational characteristics may pose a threat to the value, use and enjoyment of adjoining property; are reviewed on a case by case basis; and are permitted only by permission of the Belvidere City Council; and,

WHEREAS, The applicant, N-Trak Group, LLC, 1523 Windsor Road, Loves Park, IL 61111 on behalf of the property owner, Trinski, LLC, 82 N. Route 12, Fox Lake, IL 60020 has petitioned the City for a Special Use to amend a Planned Development to increase the allowable hours for a batch plant at 1050 ECS Way; and,

WHEREAS, after due notice by publication pursuant to the Illinois State Statutes, the City of Belvidere Planning and Zoning Commission held a public hearing on December 10, 2019 concerning the proposed Special Use; and,

WHEREAS, the City of Belvidere Planning and Zoning Commission having examined the application and having considered the evidence, both oral and documentary and being fully advised about the premises did make findings of fact and a recommendation; and,

WHEREAS, the corporate authorities of the City considered the findings of fact and concur with the recommendation of the Planning and Zoning Commission,

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BELVIDERE, BOONE COUNTY, ILLINOIS, AS FOLLOWS:

Section 1. The foregoing recitals are incorporated herein by this reference.

Section 2. That a Special Use to amend a Planned Development to increase the allowable hours for a batch plant at 1050 ECS Way in the PI, Planned Industrial District on the property shown in Attachment A and legally described as:

Lots 1, 2, 3, 4, and 5, and that part of Irene Road heretofore dedicated, and that part of Ipsen Road heretofore dedicated, lying North of the North line of Lot 6, extended Westerly, in Hammersmith Subdivision of Part of Section 32, Township 44 North, Range 3, East of the Third Principal Meridian according to the Plat

thereof recorded April 12 1994, as document Number 94-3127 in Boone County, Illinois.

ALSO:

Parcel 1

A part of the North Half (1/2) of Section 32, in Township 44 North, Range 3, East of the Third Principal meridian, bounded and described as follows, to-wit; beginning at a point on the Southerly line of Newburg Road 742.10 feet Northeasterly from the West line of the Northeast Quarter (1/4) of Section 32, measured along the Southerly line of said road, (said point being thirty-three (33) feet Southerly from the center line of said road, measured perpendicularly to said center line) thence South parallel with the West line of said Quarter (1/4) Section; a distance of 677.37 feet) thence North 90 degrees East a distance of 284.48 feet) thence North parallel with the West line of said Quarter (1/4) Section a distance of 778.50 feet to the Southerly line of said Newburg Road, thence South 65 degrees 33 minutes 00 seconds West, along the Southerly line of Newburg Road a distance of 154.92 feet to a point of intersection on the Southerly line of said Road, thence South 75 degrees 38 minutes 30 seconds West along the Southerly line of said Road a distance of 149.12 feet to place of beginning, situated in the County of Boone and the State of Illinois.

ALSO:

Parcel 2

Part of the Northwest Quarter (1/4) of Section Thirty-Two (32) Township Forty-four (44) North Range Three (3), East of the Third Principal Meridian, bounded and described as follows, to-wit: Beginning at the point of intersection of a line which is parallel with and 574.41 feet perpendicularly distant West of the East line of said Quarter (1/4) Section and the Southerly line of Newburg Road, which runs Easterly and Westerly through said Quarter (1/4) Section, thence South 89 degrees 17 minutes 10 seconds West along the Southerly line of said Newburg Road a distance of 417.00 feet to the point of curvature of a circular curve to the right having a radius of 3241.36 feet, thence Northwesterly along said curve to a point 1349.16 feet perpendicularly distant West of the East line of said Quarter (1/4) Section, the chord across said curved course bears North 87 degrees 32 minutes 50 seconds West a distance of 358.11 feet, thence South parallel with the East line of said Quarter (1/4) Section, a distance of 572.64 feet, thence North 90 degrees 00 minutes East, perpendicular to the East line of said Quarter (1/4) Section a distance of 774.75 feet, thence North parallel with the East line of said Quarter (1/4) Section a distance of 562.51 feet to the place of beginning, situated in the County of Boone, and the State of Illinois.

ALSO:

Parcel 3

Part of the Northeast Quarter (1/4) of Section Thirty-two (32), Township Forty-four (44) North, Range Three (3) East of the Third Principal Meridian, bounded and described as follows, to-wit: Commencing at the point of intersection of the North line of the Northeast Quarter (1/4) of said Section Thirty-two (32) and the East line of the West Half (1/2) of the East Half (1/2) of the Northeast Quarter (1/4) of said Section Thirty-two (32), thence South 00 degrees 37 minutes 00

seconds West (assumed bearing), along said East line of the West Half (1/2) of the East Half (1/2) of the Northeast Quarter (1/4) of Section Thirty-two (32) a distance of 1848.30 feet, thence South 88 degrees 20 minutes 14 seconds West 973.51 feet for a place of beginning, thence continuing South 88 degrees 20 minutes 14 seconds West 285.41 feet, thence North 01 degrees 01 minutes 06 seconds West 159.14 feet, to a point 677.37 feet Southerly of the Southerly line of Newburg Road (as measured along the last described course extended), thence South 89 degrees 36 minutes 40 seconds East a distance of 285.48 feet, thence South 01 degrees 01 minutes 06 seconds East 148.92 feet to the place of beginning, situated in the County of Boone and the State of Illinois.

ALSO:

Parcel 4

That part of Newburg Road in part of the Northeast Quarter of Section 32, Township 44 North, Range 3 East of the Third Principal Meridian described as follows: Beginning at a point on the South line of Newburg Road, which is 479.50 feet Northeasterly of the West line of said Quarter Section as measured along the South line of said Newburg Road; thence North 15 degrees 35 minutes 10 seconds West 66.60 feet; thence North 74 degrees 24 minutes 50 seconds East along the North line of said Newburg Road 171.97 feet to a point of curvature; thence Northeasterly along the arc of a curve being the Northerly line of said Newburg Road, being concave to the North, having a radius of 3944.34 feet a distance of 367.08 feet; thence South 21 degrees 09 minutes 27 seconds East, 66.00 feet; thence Southwesterly along the arc of a curve, being the South line of Newburg Road, being concave to the North and having a radius of 4010.34 feet, a distance of 373.23 feet to a point of tangency; thence South 74 degrees 24 minutes 50 seconds West, along the South line of said Newburg Road, 171.97 feet to the point of beginning, in Boone County, Illinois.

ALSO:

Parcel 5

That part of Irene Road in part of Section 33, Township 44 North, Range 3 East of the Third Principal Meridian, lying South of the North line of Lot 2 extended Easterly, in Hammersmith Subdivision of part of Section 32, Township 44 North, Range 3, East of the Third Principal Meridian, recorded as Document Number 94-3127, and lying North of the Northerly right of way line of the Chicago Northwestern Railroad, in Boone County, Illinois.

ALSO:

Part of the North Half (1/2) of Section Thirty-two (32), Township Forty-four (44) North, Range Three (3) East of the Third Principal Meridian, bounded and described as follows, to-wit: Commencing at a point which is at the intersection of the Southerly line of Newburg Road and the East line of the Northwest Quarter of said Section, (said point being 33 feet Southerly from the center line of said road measured perpendicularly to said centerline); thence North 75 degrees 38 minutes 30 seconds East, along the Southerly line of said road 10.50 feet to Northeast corner of premises conveyed by Josephine Vymetal to Theodore Badell and Frances A. Badell by Warranty Deed dated May 29, 1974 and recorded as Document No. 74-1137 in the Recorder's Office of Boone County,

Illinois; thence South 00 degrees 00 minutes 00 seconds East, along the East line of said premises so conveyed to Badell as aforesaid, 344.91 feet to the point of beginning for the following described tract; thence continuing South 00 degrees 00 minutes 00 seconds East, 790.00 feet to the Southeast corner of said premises so conveyed to Badell as aforesaid; thence North 90 degrees 00 minutes 00 seconds West, 584.58 feet to the Southwest corner of said premises so conveyed to Badell as aforesaid; thence North 00 degrees 00 minutes 00 seconds West, along the West line of said premises so conveyed to Badell as aforesaid, 790.00 feet; thence South 90 degrees 00 minutes 00 seconds East, 584.48 feet to the point of beginning. Situated in the County of Boone and State of Illinois.

EXCEPTING:

Lot Five (5) and the South 100 feet in equal width of Lot Four (4) as designated upon the Plat of Hammersmith Subdivision, being a Subdivision of part of Section 32, Township 44 North, Range 3 East of the Third Principal Meridian, according to the plat thereof recorded April 12, 1994 as Document No. 94-3127 in the Recorder's Office of Boone County, Illinois. Situated in the County of Boone and the State of Illinois.

PINs: 05-32-100-010; 05-32-100-002; 05-32-100-011; 05-32-100-012; 05-32-200-009; 05-32-200-030; 05-32-276-001; 05-32-276-002 and 05-32-276-005.

is hereby approved, subject to the following conditions:

1. The Planned Development is granting only the following flexible standards: Batch Plant (150.106(C)(7 (C)(2)).
2. The Planned Development is only amending condition 3 of Ordinance 645G to read as follows:
 3. This ordinance will allow for one concrete or asphalt batch plant on-site. The concrete or asphalt batch plant shall be located only on the area identified as "Area A" or within the bounds of "Area B" on Exhibits H-1 through H-5, Boone County Quarry Mining Operations Plans, Phases 1-5, all revised as of 8-23-93. Concrete or asphalt production or processing shall not take place within 150 feet of any lot line.

Concrete or asphalt production operations shall be conducted only during the hours of 5:00 a.m. to 10:00 p.m. This operating hours accommodation shall allow for extended or altered hours of operation, if reasonably approved by the City, permitting the Owner(s) to conduct batch plant operations as needed on a temporary basis when reasonably necessary to meet the requirements of specific projects. Examples of projects for which extended hours are reasonable include specified projects for the Illinois Department of Transportation, the Illinois Toll Highway Authority and other state, federal and local government projects. There shall be comparable time limitations and allowances on the operation of a concrete or asphalt batch plant whether producing asphalt or other construction products pursuant to an identified construction contract.

If concrete or asphalt batch plant operations on-site terminate permanently, all stockpiles on-site shall be removed and the subject property shall be restored appropriately. Only one entrance/exit is permitted for the concrete or asphalt batch plant, and shall be from ECS Way.

Section 3. That the premises shall be used in accordance with and subject to the applicable provisions of the Zoning Ordinance of the City of Belvidere and shall not be used except as may otherwise be expressly authorized by the applicable law and the special use.

Section 4. That acceptance of any of the benefits of this Special Use shall be deemed acceptance of all the terms and conditions set forth herein.

Section 5. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 6. If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

Section 7. This ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

PASSED by the City Council of the City of Belvidere this 13th day of January, 2020.

APPROVED by the Mayor of the City of Belvidere this 16th day of January, 2020.



Michael W. Chamberlain, Mayor

ATTEST:


Sarah Turnipseed, City Clerk

Ayes: Brereton, Crawford, Frank, Freeman, McGee, Porter, Ratcliffe, Snow and Stevens. Nays: None. Absent: None.

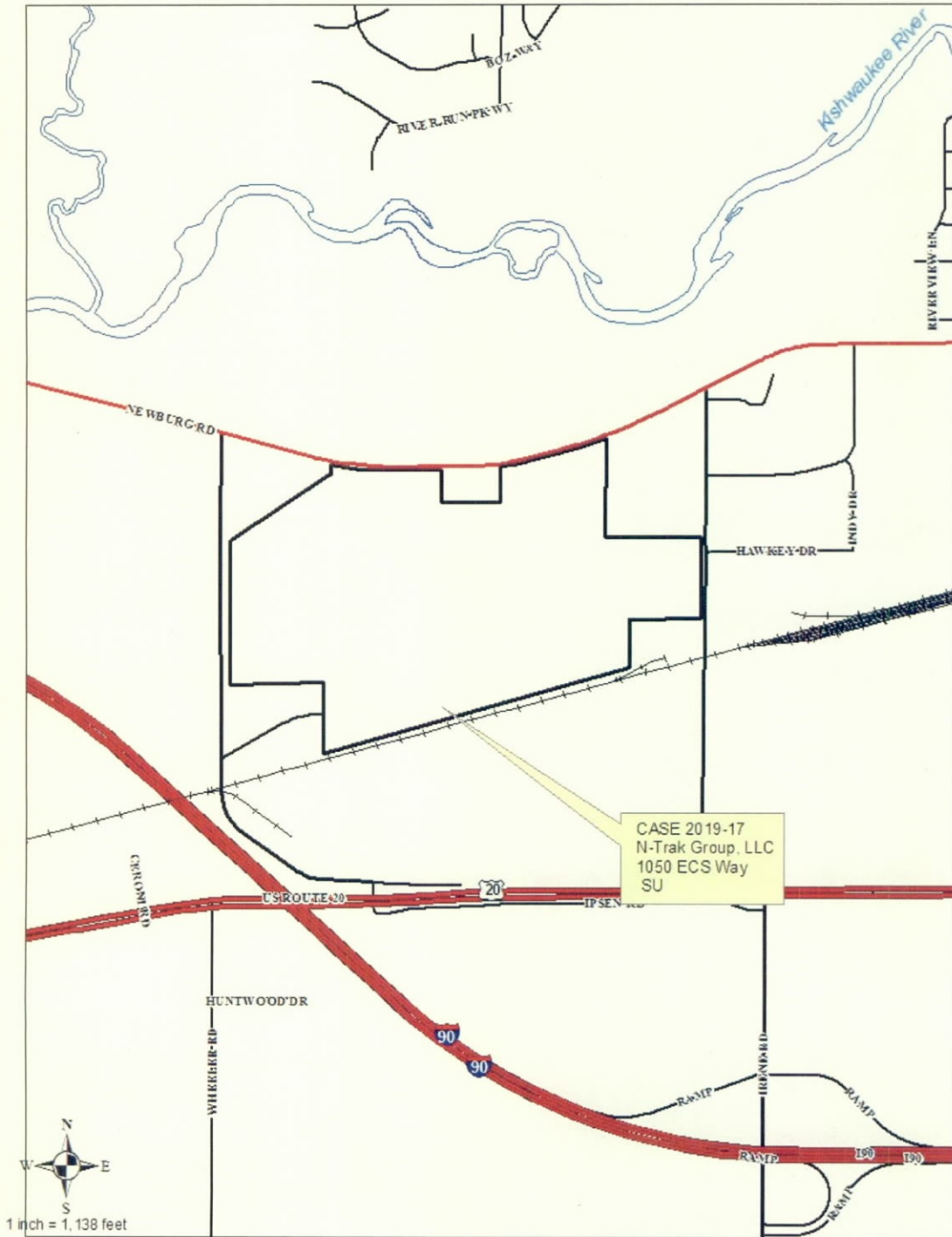
City Council Members Voting Aye:9

City Council Members Voting Nay:0

Date Published: January 16, 2020

Sponsor: Crawford

ATTACHMENT A




AFFIDAVIT

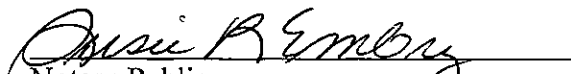
STATE OF ILLINOIS)
)
COUNTY OF BOONE)

Sarah Turnipseed, first being duly sworn on oath deposes and says as follows:

By authority of the City Council of the City of Belvidere, Illinois, I published Ordinance #480H of the City of Belvidere, Illinois, in pamphlet form on January 16, 2020 and as a convenience for the public; I posted the pamphlet form of Ordinance #480H on the bulletin board in the lobby at 401 Whitney Blvd., Belvidere, Illinois; said location being readily accessible to the public during business hours of the City Clerk's office.


Sarah Turnipseed
City Clerk

SUBSCRIBED AND SWORN TO before me
this 16th day of January,
2020.


Notary Public

