

STATE OF ILLINOIS)
) SS
COUNTY OF McHENRY)

BEFORE THE McHENRY COUNTY ZONING BOARD OF APPEALS

IN THE MATTER OF THE PETITION OF)
A R LAND CO. AND PETER BAKER &)
SON CO., ILLINOIS CORPORATIONS,)
FOR THE RENEWAL OF AN EXISTING) NO. 11-31
CONDITIONAL USE PERMIT APPROVED)
BY ORDINANCE NO. 01-72 UNDER THE)
PROVISIONS OF THE ZONING ORDNANCE)
OF McHENRY COUNTY, ILLINOIS)

ORDINANCE

WHEREAS, your Petitioners, A R LAND CO. and PETER BAKER & SON CO., Illinois corporations, (“Petitioners”) have filed a petition with the McHenry County Zoning Board of Appeals requesting the renewal of Conditional Use Permits under the Ordinance identified as Petition No. 01-72 on December 18, 2001 as it relates to the real property more fully described as follows:

THE EAST 1317.69 FEET OF THE SOUTH HALF OF THE NORTHWEST QUARTER (EXCEPT THE SOUTH 330.59 FEET THEREOF), OF SECTION 14, TOWNSHIP 43 NORTH, RANGE 5 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN MCHENRY COUNTY, ILLINOIS.

P.P.I. Part of 16-14-100-005

Hereinafter referred to as “Premises”.

WHEREAS, the Petitioners request a renewal of the Conditional Use Permit under the Ordinance identified as Petition No. 01-72 on December 18, 2001, to allow the production, storage, and distribution of asphalt products and stockpiling, crushing, screening and processing of raw materials (including recycled products) to manufacture such products.

WHEREAS, Premises consists of approximately 30 acres, more or less. Premises is located on the west side of Route 23 approximately three-quarters of a mile north of its intersection with

Grange Road and commonly known as 8407 South Route 23, Marengo, Riley Township, Illinois 60152.

WHEREAS, a hearing on said application was held before the Zoning Board of Appeals of McHenry County, Illinois, in the manner and form prescribed by Ordinance and Statute.

WHEREAS, as a result of said hearing, the taking of evidence and the viewing of exhibits advanced thereat, the Zoning Board of Appeals of McHenry County did recommend by a vote of 6 ayes and 0 nays the granting of a renewal of the existing Conditional Use Permit within the "A-1"-Agricultural District, to allow the production, storage, and distribution of asphalt products and stockpiling, crushing, screening and processing of raw materials (including recycled products) to manufacture such products subject to the following eleven (11) conditions:

1. The Conditional Use Permit shall be limited to ten (10) years from the date of approval by the McHenry County Board.
2. The site shall be in substantial compliance with plans prepared by HR Green, dated May 11, 2011, attached as Exhibit #1.
3. The hours of operation shall be from 5:00 a.m. to 6:00 p.m., Monday through Saturday during the months of March through December.
4. Containment structures must be constructed and maintained for all storage tanks on the Property in Question.
5. The owner/operator shall take adequate measures to insure that contaminated surface water runoff shall not enter ponds or other areas of open standing water.
6. To the extent lawfully permitted by the Illinois Department of Revenue, the point of sale of processed and/or distributed asphalt products shall be deemed to originate in the County of McHenry, Illinois.
7. There shall be no dumping of debris of any kind on the site. The premises shall be neat and orderly, free from junk, trash or unnecessary debris. Buildings shall be maintained in a sound condition, in good repair and appearance.
8. The driveway shall be paved from Route 23 to the entrance of the asphalt plant site. Access ways and on-site roads shall be maintained in a dust-free condition. Adequate measures shall be taken to insure that trucks exiting the parcel onto Route 23 shall not discharge debris on the roadway.

9. Operations shall be conducted so that noise levels and air and water standards comply with federal and State of Illinois requirements. A copy of all required state/federal permits shall be on file with the McHenry County Code Enforcement Officer.
10. The machinery shall be removed from the Property in Question after the Conditional Use Permit expires unless renewal is granted by the McHenry County Board. If the conditional use expires or is abandoned for more than one year, the Property in Question shall be returned to its original landscape. The Property in Question shall be regraded and no less than six (6) inches of topsoil shall be replaced where land has been disturbed (plant and stockpile areas).
11. All federal, state, and local laws shall be met.

WHEREAS, the McHenry County Board has considered the recommendation as submitted by the Zoning Board of McHenry County.

WHEREAS, the McHenry County Board has determined that the standards for renewal of the existing Conditional Use Permit as set forth in the McHenry County Zoning Ordinance and the Illinois Compiled Statutes have been met.

NOW, THEREFORE, BE IT ORDAINED, that the Zoning Ordinance and the Zoning Maps of McHenry County, and such Ordinances and such maps as amended, be and the same are hereby amended to allow the issuance of a renewal of Ordinance identified as Petition No. 01-72 on December 18, 2001 within the "A-1" - Agricultural District, to allow production, storage, and distribution of asphalt products and stockpiling, crushing, screening and processing of raw materials (including recycled products) to manufacture such products subject to the following eleven (11) conditions:

1. The Conditional Use Permit shall be limited to ten (10) years from the date of approval by the McHenry County Board.
2. The site shall be in substantial compliance with plans prepared by HR Green, dated May 11, 2011, attached as Exhibit #1.
3. The hours of operation shall be from 5:00 a.m. to 6:00 p.m., Monday through Saturday during the months of March through December.
4. Containment structures must be constructed and maintained for all storage tanks on the Property in Question.
5. The owner/operator shall take adequate measures to insure that contaminated surface water runoff shall not enter ponds or other areas of open standing water.

6. To the extent lawfully permitted by the Illinois Department of Revenue, the point of sale of processed and/or distributed asphalt products shall be deemed to originate in the County of McHenry, Illinois.

7. There shall be no dumping of debris of any kind on the site. The premises shall be neat and orderly, free from junk, trash or unnecessary debris. Buildings shall be maintained in a sound condition, in good repair and appearance.

8. The driveway shall be paved from Route 23 to the entrance of the asphalt plant site. Access ways and on-site roads shall be maintained in a dust-free condition. Adequate measures shall be taken to insure that trucks exiting the parcel onto Route 23 shall not discharge debris on the roadway.

9. Operations shall be conducted so that noise levels and air and water standards comply with federal and State of Illinois requirements. A copy of all required state/federal permits shall be on file with the McHenry County Code Enforcement Officer.

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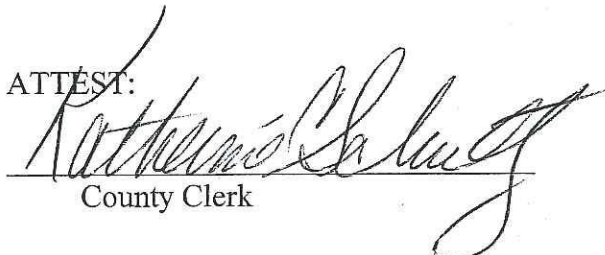
11. All federal, state, and local laws shall be met.

If any part, sentence, clause or provision of this Ordinance is adjudged to be unconstitutional or invalid, the remainder of this Ordinance shall not be affected thereby.

This Ordinance shall be in full force and effect from and after its passage as by law provided.

DATED: This 20th day of September, 2011.

By: 
Chairperson, McHenry County Board
McHenry County, Illinois

ATTEST:

County Clerk

Number Voting Aye: 23

Number Voting Nay: 0

Number Abstaining: 0

Number Absent: 0



NOTE: 1. TOPOGRA
2. RELIANS
3. SURVEY
4. COULD I
5. FROM 1/4
6. AC. 1/4

EXISTING SITE PLAN

PETER BAKER AND SONS
MARENGO PLANT CONDITIONAL USE PERMIT RENEWAL
MARENGO, ILLINOIS 60162



HRGreen.com
HRGreen

NO.	DATE	BY	REVISION DESCRIPTION

SCALE: 1" = 100'
JOB DATE: 5-11-11
JOB NUMBER: 08110029
2011 4:59:29 PM
110929\CAD\Drawg\181110029.dwg

BAW IS ONE INCH ON
OFFICIAL DRAWINGS,
0" IS NOT ONE INCH,
ADJUST SCALE ACCORDINGLY.

