
**VILLAGE OF SUGAR GROVE
BOARD REPORT**

TO: VILLAGE PRESIDENT & BOARD OF TRUSTEES
FROM: WALTER MAGDZIARZ, COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: ORDINANCE: ANNEXING & RECLASSIFYING CERTAIN PROPERTY, & GRANTING A SPECIAL USE PERMIT FOR MULCH, FIREWOOD SALES (GROVE FARMS, LLC, PROPERTY)
AGENDA: SEPTEMBER 15, 2020 VILLAGE BOARD MEETING
DATE: SEPTEMBER 11, 2020

ISSUE

Shall the Village Board approve an Ordinance annexing and recalssifying certain property located at 41W950 Prairie Street and granting a Special Use Permit for mulch, firewood sales.

DISCUSSION

By approving the Annexation Agreement, the Village Board is obligated to annex and rezone the subject property.

In the absence of a specific development proposal for the property, upon annexation the subject property will be classified E-1 District, the default zoning classification provided in the Zoning Ordinance.

The Village Board last discussed the proposed Special Use Permit at its September 1, 2020 meeting at which the Board indicated support for the requested annexation, zoning classification and the requested Special Use Permit.

COSTS

All costs associated with the annexation are borne by the Owner.

ATTACHMENTS

1. Location map
2. Ordinance Annexing & Reclassifying Certain Territory to the Village and Granting a Special Use Permit for Mulch, Firewood Sales (Grove Farms, LLC, property)

RECOMMENDATION

That the Village Board approve an Ordinance Annexing & Reclassifying Certain Territory to the Village and Granting a Special Use Permit for Mulch, Firewood Sales (Grove Farms, LLC, property), subject to Attorney's review.

Location Map





**VILLAGE OF SUGAR GROVE
KANE COUNTY, ILLINOIS**

ORDINANCE NO. 2020-0915D

**AN ORDINANCE ANNEXING & RECLASSIFYING CERTAIN TERRITORY, AND
GRANTING A SPECIAL USE PERMIT FOR MULCH, FIREWOOD SALES
(GROVE FARM, LLC, PROPERTY)**

Adopted by the Board of Trustees and President of the Village of Sugar Grove
this 15th day of September 2020

Published in pamphlet form by authority of the Board of Trustees of the Village of Sugar Grove
this 15th day of September 2020

VILLAGE OF SUGAR GROVE

ORDINANCE NO. 2020-0915D

**AN ORDINANCE ANNEXING & RECLASSIFYING CERTAIN TERRITORY, AND
GRANTING A SPECIAL USE PERMIT FOR MULCH, FIREWOOD SALES
(GROVE FARM, LLC, PROPERTY)**

WHEREAS, the Village of Sugar Grove is not a home rule municipality within Article VII, Section 6A of the Illinois Constitution and, pursuant to the powers granted to it under 65 ILCS 5/1-8 *et seq.*; and,

WHEREAS, the territory being annexed consists of approximately 5.3 acres at 41W950 Prairie Street and is legally described in **Exhibit A**, attached hereto and incorporated herein by reference (hereinafter referred to as the “Property”), which is contiguous to the corporate limited of the Village of Sugar Grove (the “Village”) and is not presently contained within the corporate limits of any municipality and the statutory number of electors residing thereon join in the annexation petition; and,

WHEREAS, there has been filed with the Clerk of the Village a Petition for Annexation (hereinafter referred to as the “Petition”) pursuant to 65 ILCS 5/7-1-8 *et seq.*, signed by all of the then owners of record of the property, and by not less than 51% of the electors then residing on the property; and,

WHEREAS, the owner desires that the property be annexed to the Village, zoned pursuant to the terms and conditions set forth in the Annexation Agreement for said property and a final plat as may be separately approved by the corporate authorities; and,

WHEREAS, the Village acknowledges that the uses as permitted in accordance with the terms and conditions of the above referenced annexation agreement, will be compatible with and will further the planning objectives of the Village, will be of substantial benefit to the Village, will extend the corporate limits and jurisdiction of the Village, will permit orderly growth, planning and development of the Village, will increase the tax base of the Village, will inure to the benefit and improvement of the Village and its residents, and will otherwise enhance and promote the general welfare of the Village and its residents:

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Sugar Grove, Kane County, Illinois, as follows:

SECTION ONE: ANNEXATION

That the territory legally described in **Exhibit A** is hereby annexed to the Village of Sugar Grove, Kane County, Illinois. That such annexation shall extend to the far side of any territory contiguous to the territory described in **Exhibit A** which is dedicated or used for street or highway purposes under the jurisdiction of county or township highway department if no part of such contiguous territory is not within any other municipality.

That the Corporate Limits of the Village of Sugar Grove be, and they are, hereby amended and extended to include the territory hereby annexed and the Village Clerk is hereby authorized and directed to make such changes on all official Village maps.

SECTION TWO: ZONING CLASSIFICATION

The Zoning Map of the Village of Sugar Grove be, and it is, hereby amended to classify the property legally described in **Exhibit A**, attached hereto and made a part hereof by this reference, to the E-1 Estate Residential District.

SECTION THREE: SPECIAL USE PERMIT

That a Special Use Permit for a mulch, firewood sales business be, and it is, hereby granted on property legally described in **Exhibit A**, attached hereto and made a part hereof by this reference, subject to the requirements of Section 11-13-12-I, General Provisions, and Section 11-4-23, Additional Standards and Criteria for Selected Uses, and the following:

1. That there shall be no parking on Prairie Street.
2. That all traffic from the uses on the property shall use forward motion to exit or leave the premises (i.e., no backing onto Prairie Street).
3. That the walnut orchard and hay field shall be maintained on the property for as long as mulch and firewood sales occur on the premises.
4. That the outdoor bulk storage area shall be in the location and the general dimensions as shown on the site plan.
5. That the bulk storage and sale of topsoil may occur on the premises and shall be accessory and subordinate to the principal commodities of mulch and firewood.
6. That the area of ground occupied by the bulk storage bins used on the premises shall not exceed 5,000 (five thousand) square feet.

SECTION FOUR: RECORDING AND NOTICE

The Village Clerk is hereby authorized to record this Ordinance along with all exhibits and a map of the territory being annexed in the Office of the Recorder of Kane County and to file copies with the Clerk of Kane County, the County Election Authority and to the Branch of the United States Post Office servicing the territory hereby annexed.

SECTION FIVE: GENERAL PROVISIONS

REPEALER: All ordinances or portions thereof in conflict with this annexation ordinance are hereby repealed.

SEVERABILITY: Should any provision of this ordinance be declared invalid by a court of competent jurisdiction, the remaining provisions will remain in full force and effect the same as if the invalid provision had not been a part of this ordinance.

EFFECTIVE DATE: 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 AND APPROVED by the President and Board of Trustees of the Village of Sugar Grove, Kane County, Illinois this 15th day of September 2020.

ATTEST:

P. Sean Michels,
President of the Board of Trustees

Alison Murphy,
Village Clerk

	Aye	Nay	Absent	Abstain
Trustee Sean Herron	___	___	___	___
Trustee Ted Koch	___	___	___	___
Trustee Jen Konen	___	___	___	___
Trustee Heidi Lendi	___	___	___	___
Trustee Rick Montalto	___	___	___	___
Trustee Ryan Walter	___	___	___	___

Exhibit A

(Legal Description)

That part of the Southwest Quarter of Section 22, Township 38 North, Range 7 East of the Third Principal Meridian described as follows: Commencing at the intersection of the West line of said Southwest Quarter and the centerline of Prairie Street; thence Northeasterly along said centerline 566.99 feet for the Point of Beginning; thence Northerly, parallel with said West line, 491.05 feet to the Southerly line of the right-of-way of the Burlington Northern Railroad; thence Westerly along said Southerly line to a line which is parallel with and 66.0 feet (normally distant) easterly of said West line; thence Southerly, along said parallel line, 630.02 feet to said centerline; thence Northeasterly, along said centerline, 500.00 feet to the Point of Beginning, in Sugar Grove Township, Kane County, Illinois.