

**ORDINANCE NO \_\_\_\_\_**  
**Date Passed: November 13, 2012**

**AN ORDINANCE**  
**APPROVING AN AMENDMENT TO A CONDITIONAL (SPECIAL USE) PERMIT**  
**APPROVED BY ORDINANCE 12-4216 FOR AN INDOOR DROP-OFF RECYCLING**  
**CENTER AND AN AUTOMOBILE RECYCLING OPERATION LOCATED AT 111 5TH**  
**AVENUE (BEHR IRON & STEEL)**

**WHEREAS**, on August 13, 2012 the Rochelle City Council approved a Conditional (Special Use) Permit to allow the operation of an indoor drop-off recycling center and automobile recycling operation to be located at 111 5<sup>th</sup> Avenue by Ordinance 12-4216; and,

**WHEREAS**, the petitioner, Behr Iron and Steel started construction on this facility and determined that the locations of the indoor drop-off recycling center, automobile recycling operation and storage of ferrous scrap metals needed to be changed; and,

**WHEREAS**, pursuant to the City of Rochelle Zoning Ordinance, Behr Iron and Steel have initiated a petition for an amendment to the approved Conditional (Special Use) Permit to allow the operation of an indoor drop-off recycling center and a automobile recycling operation for certain property legally described in Exhibit "A", attached hereto and made part hereof located at 111 5<sup>th</sup> Avenue ; and,

**WHEREAS**, the petitioner is seeking to construct an indoor drop-off recycling center at the former location of the automobile recycling operation and the automobile recycling operation at the former location of the indoor drop-off location as well as storing the ferrous scrap metals in the south building as shown in the concept site plan described in Exhibit "B"; and,

**WHEREAS**, a duly noticed public hearing was to be held on the proposed Conditional (Special Use) Permit, by the Planning and Zoning Commission at their meeting of November 5, 2012 but there was no quorum with only four members present; and,

**WHEREAS**, the petitioner still presented their case and there was no public present and a straw poll was taken with a vote of 4-0 to approve the petition and one absent Commissioner after the meeting indicated that they would have voted for the approval if they were at the meeting; and,

**NOW THEREFORE BE IT ORDAINED** by the Mayor and City Council of the City of Rochelle, Ogle County, Illinois, as follows:

Section 1. That the petitioner be granted an amendment to the approved Conditional (Special Use) Permit to allow the operation of indoor drop-off recycling center at the former location of the automobile recycling operation and the automobile recycling operation at the former location of the indoor drop-off location and storing the ferrous scrap metals in the south building as shown in the concept site plan described in Exhibit "B" subject to the following:

- 1) That sewer service be extended to the drop-off recycling center within 18 months of final occupancy to allow the installation of restroom facilities.
- 2) Approval of final revised engineering.
- 3) That the right-of-way to be dedicated along Second Street as shown on the buyback improvement plans be dedicated to the City.

- 4) That the sidewalk shown on the buyback facility improvement plans along Second Street be installed.
- 5) That truck site access and exiting for the automobile recycling operation be limited to Caron Road.
- 6) That appropriate dust control be used.

Section 2. All other provisions of the Rochelle Zoning Ordinance and its subsequent amendments shall remain in full force and effect.

Section 3. That this Ordinance shall be in force and effect from and after its passage, approval and adoption in pamphlet form as provided by law.

**PASSED AND APPROVED** this 13 day of November, 2012.

Ayes:\_\_\_\_\_ Nays: \_\_\_\_ Abstain:\_\_\_\_\_

\_\_\_\_\_  
Mayor

Attested: \_\_\_\_\_  
City Clerk

Exhibit "A"

LEGAL DISCRIPTION

Part of Section 24, Township 40 North, Range 1 East of the Third Principal Meridian, bounded and described as follows:

Beginning at a point which is 66.00 feet West and 587.45 feet South of the Northeast Corner of the Southeast Quarter of said Section 24, said point also being on the West Line of a public road designated Caron Road in the City of Rochelle, Illinois; thence South 0 degrees 00 minutes 00 seconds West along the West Line of said Caron Road, a distance of 680.75 feet; thence South 2 degrees 00 minutes 16 seconds West along said West Line, a distance of 84.98 feet to the Northerly Right-of-Way Line of a public road designated Fourth Avenue; thence North 89 degrees 55 minutes 27 seconds West along said Northerly Right-of-Way Line, a distance of 1676.77 feet; thence South 77 degrees 09 minutes 22 seconds West along said Northerly Right-of-Way Line, a distance of 229.34 feet to the Centerline of Van Buren Street (now vacated); thence North 0 degrees 04 minutes 41 seconds East along said Centerline, a distance of 331.30 feet to the Easterly projection of the North Line of Block 5 of said Palmer's Third Addition; thence North 89 degrees 54 minutes 10 seconds West along said Easterly projection, a distance of 33.00 feet to the Northeast Corner of said Block 5; thence North 0 degrees 04 minutes 41 seconds East, a distance of 33.00 feet to the Centerline of a public road designated Fifth Avenue; thence North 89 degrees 54 minutes 10 seconds West along said Centerline, a distance of 15.00 feet; thence North 0 degrees 04 minutes 41 seconds East parallel with the West Lines of said Blocks 3 and 4, a distance of 21.00 feet to a point 12.00 feet Southerly of, as measured perpendicular to the South Line of said Block 4; thence North 89 degrees 54 minutes 10 seconds West parallel with said South Line, a distance of 249.00 feet to the Southerly projection of the West Line of said Block 4; thence North 0 degrees 04 minutes 41 seconds East along said Southerly projection, a distance of 12.00 feet to the Southwest Corner of said Block 4; thence North 89 degrees 13 minutes 14 seconds West along the Easterly projection of the Northerly Right-of-Way Line of said Fifth Avenue, a distance of 15.00 feet; thence North 0 degrees 04 minutes 41 seconds East parallel with the West Line of said Block 4, a distance of 324.79 feet; thence South 89 degrees 55 minutes 19 seconds East, a distance of 9.00 feet; thence North 0 degrees 04 minutes 41 seconds East parallel with the West Line of said Blocks 3 and 4, a distance of 12.00 feet; thence North 89 degrees 55 minutes 19 seconds West, a distance of 9.00 feet; thence North 0 degrees 04 minutes 41 seconds East parallel with the West Lines of said Blocks 3 and 4, a distance of 193.00 feet to the Westerly projection of the South Line of Lot 8 of Block 3 of said Palmer's Third Addition; thence South 89 degrees 51 minutes 30 seconds East along said Westerly projection, a distance of 15.00 feet to the West Line of said Block 3; thence North 0 degrees 04 minutes 41 seconds East along said West Line, a distance of 78.31 feet to a point 120.00 feet, Southerly of the Northwest Corner of said Block 3 (now the Northwest Corner of Lot 1 of Tilton's Sixteenth Addition to the City of Rochelle, as recorded in the Recorder's Office of Ogle County, Illinois), as measured along the West Line of said Block 3; thence South 89 degrees 57 minutes 23 seconds East parallel with the North Line of said Block 3 and South Line of said Seventh Avenue, a distance of 528.00 feet to a point 120.00 feet South of the Southerly Right-of-Way Line of a public road designated Seventh Avenue; thence North 89 degrees 09 minutes 57 seconds East parallel with said Southerly Right-of-Way Line, a distance of 249.03 feet to a point 777.00 feet Easterly of the West Line of said Block 3; thence North 0 degrees 04 minutes 41 seconds East parallel with said West Line, a distance of 120.00 feet to the Southerly Right-of-Way Line of said Seventh Avenue; thence North 89 degrees 09 minutes 57 seconds East along said Southerly Right-of-Way Line, a distance of 60.00 feet; thence South 0 degrees 04 minutes 41 seconds West parallel with the West Line of said Block 3, a distance of 120.00 feet; thence North 89 degrees 09 minutes 57 seconds East parallel with said Southerly Right-of-Way Line, a distance of 302.16 feet to the Centerline of Kyte Creek; thence South 15 degrees 41 minutes 15 seconds East along said Centerline, a distance of 190.45 feet; thence South 89 degrees 53 minutes 04 seconds East parallel with the Centerline of a public road designated Seventh Avenue, a distance of 1008.38 feet to the Point of Beginning, containing 41.753 acres, more or less, subject to all

easements, agreements, city codes and/or ordinances of record, if any, all situated in the City of Rochelle, the Township of Flagg, the County of Ogle and the State of Illinois.