

CITY OF BELVIDERE, ILLINOIS

ORDINANCE #609H

AN ORDINANCE GRANTING A SPECIAL USE TO ALLOW A PLANNED DEVELOPMENT WITHIN THE HI,
HEAVY INDUSTRIAL DISTRICT
(Crosslink Business Park No. 2 Subdivision)

PASSED AND ADOPTED

BY THE CITY COUNCIL

OF THE CITY OF

BELVIDERE, ILLINOIS

ON THE 6TH DAY OF FEBRUARY 2023.

APPROVED BY THE

MAYOR OF THE CITY OF

BELVIDERE, ILLINOIS

ON THE 13TH DAY OF FEBRUARY 2023.

Published in Pamphlet Form this 13th day of February 2023.

ORDINANCE NO. 609H

**AN ORDINANCE GRANTING A SPECIAL USE
TO ALLOW A PLANNED DEVELOPMENT
WITHIN THE HI, HEAVY INDUSTRIAL DISTRICT
(Crosslink Business Park No 2. Subdivision)**

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, William Hupperich (Manhard Consulting, LTD), 1 Overlook Point, #290, Lincolnshire, IL 60069 on behalf of property owners, Dieter W. Kempf (Karl Kempf Trust 052206), 8520 N. Springfield Avenue, Skokie, IL 60076 and Sjostrom & Sons, Inc, 1129 Harrison Avenue, Rockford, IL 61104 is requesting a special use to permit a planned development to construct a distribution center; 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 January 10, 2023 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 in the HI, Heavy Industrial District for a planned development on the property depicted in Attachment A and legally described as:

PARCEL 1:

PART OF THE EAST HALF OF SECTION 34, TOWNSHIP 44, NORTH, RANGE 3 EAST OF THE THIRD PRINCIPAL MERIDIAN, BOUNDED AND DESCRIBED AS FOLLOWS TO -WIT: BEGINNING AT A POINT WHICH IS 265.0 FEET PERPENDICULARLY DISTANT WEST FROM THE EAST LINE OF SAID SECTION AND 1143.34 FEET SOUTH FROM

THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION, THENCE NORTH 00 DEGREES 53' 56" EAST, PARALLEL WITH THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION, 1143.34 FEET TO THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION; THENCE NORTH 01 DEGREES 00', 18" EAST, PARALLEL WITH THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION, 150.00 FEET; THENCE NORTH 90 DEGREES 00' 00" EAST, PARALLEL WITH THE SOUTH LINE OF SAID SECTION, 100.0 FEET TO A POINT DISTANT 50.0 FEET WESTERLY MEASURED AT RIGHT ANGLES FROM THE CENTERLINE OF THE MOST EASTERLY TRACK OF THE CHICAGO AND NORTHWESTERN TRANSPORTATION COMPANY AS NOW LOCATED; THENCE NORTH 00 DEGREES 59' 49" EAST, PARALLEL WITH THE CENTERLINE OF SAID TRACK, 231.23 FEET; THENCE NORTH 05 DEGREES 06' 13" WEST, 226.62 FEET; THENCE NORTHWESTERLY ALONG A CIRCULAR CURVE TO THE LEFT HAVING A RADIUS OF 725.3 FEET AND WHOSE CENTER LIES TO THE WEST TO POINT DISTANT 207.5 FEET SOUTHERLY MEASURED AT RIGHT ANGLES FROM THE CENTERLINE OF THE MAIN TRACK OF THE GALENA AND CHICAGO UNION RAILROAD COMPANY (NOW THE CHICAGO AND NORTHWESTERN TRANSPORTATION COMPANY AS SAID MAIN TRACT CENTERLINE WAS ORIGINALLY LOCATED AND ESTABLISHED ACROSS SAID SECTION 34 THE CHORD ACROSS THE LAST DESCRIBED CIRCULAR CURVE COURSE BEARS NORTH 34 DEGREES 30' 27" WEST, 712.20 FEET; THENCE SOUTH 84 DEGREES 07' 03" WEST, PARALLEL WITH SAID ORIGINAL MAIN TRACT CENTERLINE 757.85 FEET TO A POINT ON THE EAST LINE OF A TRACT OF LAND CONVEYED TO THE ELECTRIC STONE COMPANY BY DEED RECORDED IN BOOK 65, PAGE 452; THENCE SOUTH 01 DEGREES 00' 18" WEST, ALONG THE EAST LINE OF SAID TRACT, 264.0 FEET TO THE SOUTHEAST CORNER OF SAID TRACT OF LAND; THENCE SOUTH 84 DEGREES 07' 03" WEST, 166.21 FEET; THENCE SOUTH 01 DEGREES 01' 33" WEST 834.79 FEET TO THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION; THENCE NORTH 89 DEGREES 58' 42" WEST, ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION, 70.0 FEET; THENCE SOUTH 10 DEGREES 45' 41" WEST, 80.78 FEET; THENCE SOUTH 36 DEGREES 13' 29" EAST, 652.08 FEET; THENCE SOUTH 45 DEGREES 55' 12" EAST, 169.09 FEET; THENCE SOUTH 71 DEGREES 22' 40" EAST, 188.17 FEET; THENCE SOUTH 50 DEGREES 56' 08" EAST, 400.35 FEET; THENCE SOUTH 73 DEGREES 19' 09" EAST, 280.33; THENCE SOUTH 64 DEGREES 31' 47" EAST, 64.65 FEET TO THE POINT OF BEGINNING SITUATED IN THE CITY OF BELVIDERE, COUNTY OF BOONE.

SUBJECT TO A CERTAIN EASEMENT LEGALLY DESCRIBED AS FOLLOWS: THAT PART OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 44 NORTH, RANGE 3 EAST OF THE THIRD PRINCIPAL MERIDIAN, BOONE COUNTY, ILLINOIS BOUNDED AND DESCRIBED AS FOLLOWS: COMMENCING AT A POINT WHICH IS 265.0 FEET PERPENDICULARLY DISTANT WEST FROM THE EAST LINE OF SAID SECTION 34 AND DISTANCE 1143.34 FEET SOUTH FROM THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 34; THENCE NORTH 00 DEGREES 53' 56" EAST, PARALLEL WITH THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 34; 1143.34 FEET TO THE NORTH LINE OF SAID SOUTHEAST QUARTER OF SECTION 34; THENCE NORTH 01

DEGREES 00' 18" EAST, PARALLEL WITH THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 34, 150.0 FEET; THENCE NORTH 90 DEGREES 00' 00" EAST, PARALLEL WITH THE SOUTH LINE OF SAID SECTION 34, 100.0 FEET TO A POINT DISTANT 50.0 FEET WESTERLY MEASURED AT RIGHT ANGLES, FROM THE CENTER LINE OF THE MOST EASTERLY TRACK OF THE CHICAGO AND NORTH WESTERN TRANSPORTATION COMPANY, AS SAID TRACK IS NOW LOCATED, THENCE NORTH 00 DEGREES 59' 49" EAST, PARALLEL WITH THE CENTER LINE OF SAID TRACK 64.0 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE SOUTH 89 DEGREES 00' 11" EAST, 165.02 FEET; THENCE NORTH 01 DEGREES 00' 18" EAST, 45.00 FEET; THENCE NORTH 89 DEGREES 00' 11" WEST, 165.03 FEET; THENCE SOUTH 00 DEGREES 59' 49" WEST, 45.00 FEET TO THE POINT OF BEGINNING. PIN: 05-34-200-027

PARCEL 2:

PART OF THE SOUTHEAST QUARTER OF SECTION THIRTY-FOUR (34), TOWNSHIP FORTY- FOUR (44) NORTH, RANGE THREE (3) EAST OF THE THIRD PRINCIPAL MERIDIAN, BOUNDED AND DESCRIBED AS FOLLOWS, TO-WIT: COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 34; THENCE NORTH 0°-53'-56" WEST, 133 FEET TO NORTH RIGHT OF WAY LINE OF U.S ROUTE 20 AND POINT OF BEGINNING; THENCE CONTINUE NORTH 0°-53'-56" WEST, 1712.22 FEET MORE OR LESS TO THE SOUTH LINE OF CROSSLINK BUSINESS PARK PLAT NO 1 EXTENDED; THENCE SOUTH 88°-55'-27" EAST, 1325.05 TO A POINT 30 FEET WEST OF THE SOUTHEAST CORNER OF OUT LOT B OF SAID SUBDIVISION, THENCE SOUTH 00°-58'-21" WEST TO NORTH RIGHT OF WAY LINE OF U.S ROUTE 20 THENCE A DISTANCE OF 1326.12 FEET ALONG THE LAST DESCRIBED LINE TO THE POINT OF BEGINNING. SITUATED IN THE COUNTY OF BOONE AND THE STATE OF ILLINOIS. PIN: 05-34-400-009

ALSO

PART OF SOUTHEAST 1/4 OF SECTION THIRTY-FOUR (34), TOWNSHIP FORTY-FOUR (44) NORTH, RANGE THREE (3) EAST OF THE THIRD PRINCIPAL MERIDIAN, BOUNDED AND DESCRIBED AS FOLLOWS, TO-WIT: COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 34; THENCE NORTH 89°-01'-39" WEST 315 FEET; THENCE NORTH 0°-53'-56" WEST, 198.76 FEET TO NORTH RIGHT OF WAY LINE OF U.S ROUTE 20 AND POINT OF BEGINNING; THENCE SOUTH 86°-16'-52" WEST, 813.47 FEET; THENCE NORTH 00°-58'-21" WEST, 233.59 FEET; THENCE NORTH 89°-01'-39" WEST, 200 FEET; THENCE NORTH 00°-58'-21" EAST, TO SOUTH LINE CROSSLINK BUSINESS PARK PLAT NO 1, OUT LOT B; THENCE SOUTH 88°-55'- 27" EAST, TO SOUTHEAST CORNER SAID SUBDIVISION; THENCE NORTH 00°-53'-56" WEST, 332.73 FEET; THENCE SOUTH 36°-13'-29" EAST, 137.24 FEET; THENCE SOUTH 45°-55'-12" EAST, 169.09 FEET; THENCE SOUTH 71°-22'-40" EAST, 188.17 FEET; THENCE SOUTH 50°-56'-08" EAST, 400.35 FEET; THENCE SOUTH 73°-19'09" EAST, 280.33 FEET; THENCE SOUTH 64°-31'-27" EAST, 64.65 FEET TO THE WEST LINE OF CHICAGO AND NORTHWEST RAILROAD; THENCE NORTH 90°-00'-00" WEST, 50 FEET; THENCE SOUTH 00°-53'-56" WEST, PARALLEL WITH THE EAST LINE OF SAID SECTION 34, 1304.24 FEET TO POINT OF BEGINNING. SITUATED IN THE COUNTY OF BOONE AND THE STATE OF ILLINOIS. PIN: 05-34-400-010

PARCEL 3:

LOTS 1, 4 AND 5 IN PLAT NO. 1 OF CROSSED BUSINESS PARK PART OF SECTION 34, TOWNSHIP 44 NORTH, RANGE 3 OF THE THIRD PRINCIPAL MERIDIAN, BOONE COUNTY, ILLINOIS, WHICH IS RECORDED IN THE PLAT INDEX FILE ENVELOPE 321-B AS DOCUMENT NUMBER 2005R06643 IN THE RECORDER'S OFFICE OF BOONE COUNTY. PINs: 05-34-376-002; 05-34-327-003; and 05-34-326-002

PARCEL 4:

PART OF LOT 2 AS DESIGNATED UPON PLAT NO. 1 OF CROSSLINK BUSINESS PARK, THE PLAT OF WHICH IS RECORDED IN THE PLAT INDEX FILE ENVELOPE 321-B AS DOCUMENT NUMBER 2005R06643 IN THE RECORDER'S OFFICE OF BOONE COUNTY, ILLINOIS, AND DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 2, THENCE NORTH 01 DEGREES 04 MINUTES 33 SECONDS EAST, ALONG THE WEST LINE OF SAID LOT 2, A DISTANCE OF 314.00 FEET; THENCE SOUTH 88 DEGREES 55 MINUTES 27 SECONDS EAST, PARALLEL WITH THE SOUTH LINE OF SAID LOT 2, A DISTANCE OF 416.18 FEET; THENCE SOUTH 01 DEGREES 04 MINUTES 33 SECONDS WEST, PARALLEL WITH WEST LINE OF SAID LOT 2, A DISTANCE OF 314.00 FEET TO THE SOUTH LINE OF SAID LOT 2; THENCE NORTH 88 DEGREES 55 MINUTES 27 SECONDS WEST, ALONG THE SOUTH LINE OF SAID LOT 2, A DISTANCE OF 416.18 FEET TO THE POINT OF BEGINNING SITUATED IN THE CITY OF BELVIDERE, COUNTY OF BOONE. PIN: 05-34-326-004

PARCEL 5:

EASEMENT FOR THE BENEFIT OF PARCEL 4 FOR INGRESS AND EGRESS OVER THE FOLLOWING TRACT OF LAND: PART LOT 2 AS DESIGNATED UPON PLAT NO. 1 OF CROSSLINK BUSINESS PARK, THE PLAT OF WHICH IS RECORDED IN THE PLAT INDEX FILE ENVELOPE 321-B AS DOCUMENT NUMBER 2005R06643 IN THE RECORDER'S OFFICE OF BOONE COUNTY, ILLINOIS, AND DESCRIBED AS FOLLOWS: AS FOLLOWS: THE SOUTH 30 FEET OF SAID LOT 2 EXCEPTING THEREFROM THE WEST 416.18 FEET OF SAID LOT; AS DESIGNATED UPON PLAT NO. 1 OF CROSSLINK BUSINESS PARK, THE PLAT OF WHICH IS RECORDED IN THE PLAT INDEX FILE ENVELOPE 321-B AS DOCUMENT NUMBER 2005R06643 IN THE RECORDER'S OFFICE OF BOONE COUNTY, ILLINOIS.

PARCEL 6:

PART OF THE SOUTHWEST QUARTER, SECTION 34, TOWNSHIP 44 NORTH, RANGE 3 EAST OF THE THIRD PRINCIPAL MERIDIAN IN BOONE COUNTY, ILLINOIS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 34; THENCE NORTH 00 DEGREES 35 MINUTES 46 SECONDS EAST, ALONG THE EAST LINE OF THE EAST HALF OF SAID SOUTHWEST QUARTER OF SAID SECTION 34, A DISTANCE OF 133.02' TO THE NORTH RIGHT OF WAY LINE OF U.S. ROUTE 20 BEING A LINE 133 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SECTION 34 AND THE POINT OF BEGINNING; THENCE SOUTH 89 DEGREES 35 MINUTES 39 SECONDS WEST, ALONG THE LAST DESCRIBED LINE, A DISTANCE OF 183.80 FEET TO THE SOUTHEAST CORNER OF LOT 5 IN FINAL PLAT NO. 1 OF

CROSSLINK BUSINESS PARK SUBDIVISION RECORDED JUNE 15, 2005 AS DOCUMENT NUMBER 2005R06643; THENCE NORTH 00 DEGREES 24 MINUTES 21 SECONDS WEST, ALONG THE EAST LINE OF SAID LOT 5, A DISTANCE OF 653.18 FEET TO THE NORTHEAST CORNER OF SAID LOT 5 AND THE SOUTHEAST OF MORREIM DRIVE RIGHT OF WAY AS DEDICATED PER SAID FINAL PLAT NO. 1 OF CROSSLINK BUSINESS PARK SUBDIVISION; THENCE NORTH 61 DEGREES 04 MINUTES 54 SECONDS EAST, ALONG THE EASTERLY LINE OF SAID RIGHT OF WAY, A DISTANCE OF 138.26 FEET TO THE SOUTHEAST CORNER OF LOT 4 IN SAID SUBDIVISION; THENCE NORTH 00 DEGREES 40 MINUTES 12 SECONDS EAST, ALONG THE EAST LINE OF SAID LOT 4, A DISTANCE OF 994.34 FEET TO THE NORTH LINE OF SAID LOT 4 IN SAID SUBDIVISION; THENCE SOUTH 89 DEGREES 19 MINUTES 48 SECONDS EAST, ALONG THE LAST DESCRIBED LINE AND ITS EASTERLY EXTENSION, A DISTANCE OF 73.59 FEET TO THE EAST LINE OF THE EAST HALF OF SAID SOUTHWEST QUARTER OF SAID SECTION 34; THENCE SOUTH 00 DEGREES 35 MINUTES 46 SECONDS WEST, ALONG THE LAST DESCRIBED LINE, A DISTANCE OF 1712.22 FEET TO THE POINT OF BEGINNING. PIN: 05-34-376-003

OUTLOT A AND OUTLOT B IN FINAL PLAT NO. 1 OF CROSSLINK BUSINESS PARK, BEING A SUBDIVISION OF PART OF THE SOUTHEAST QUARTER AND THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 44 NORTH, RANGE 3 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 15, 2005, AS DOCUMENT 2005R06643, IN BOONE COUNTY, ILLINOIS. PINs: 05-34-376-001 and 05-34-400-008
CONTAINING 8,691,820 SQUARE FEET, (199.537 ACRES) MORE OR LESS.

Is hereby approved, subject to the following conditions:

1. The Planned Development shall be developed in substantial conformance with the site plan dated 11/14/2022 unless otherwise noted. (Attachment B)
2. A full final site plan shall be submitted to staff (building, public works, police, fire, planning, etc.) for review and subject to final approval prior to the issuance of building permits. Comments made by Hampton, Lenzini and Renwick, Inc. shall be addressed in the revised plans.
3. The planned development is granting only the following flexible standards: Section 150.105(C)(9)(G)(2)(E) allowing for the maximum primary building height to be increased from 45 feet to 125 feet; Section 150.105(C)(9)(G)(2)(E) allowing for the maximum auxiliary building height to be increased from 45 feet to 60 feet; Section 150.702(J) allowing for the maximum width of the driveway to be increased from 35 feet to 87 feet; Section 150.702(J) allowing for the maximum flare of the driveway to be increased from 5 feet to 45 feet; Section 150.704(F)(8) allowing for the minimum width of parking stalls to be reduced from 10 feet to nine feet; Section 150.704(F)(8) allowing for the minimum width of a two-way drive aisle to be decreased from 26 feet to 24 feet; Section 150.707(E)(1) allowing the maximum luminaire height to be increased from 30 feet to 35 feet; Section 150.1003 allowing for the maximum size of direction signs to be increased from 3 square feet to 100 square feet; Section 150.1003 allowing for the maximum size of a logo on a directional sign

to be increased from 1 square-foot to 35 square feet; Section 150.1003 allowing for the maximum height of a directional sign to be increased from five feet to 8.5 feet; Section 151.41(B)(8) allowing for the reduction of the minimum centerline radius of a horizontal curve from 300 feet to 160 feet Sections 98.22/151.41(E)(2)/151.65(1) allowing for the waiver of installing sidewalks in the public right-of-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.

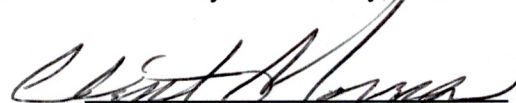
Section 5. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

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.

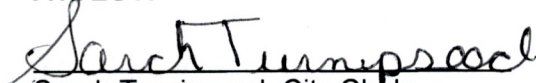
Section 7. This ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

PASSED by the City Council of the City of Belvidere this 6th day of February, 2023.

APPROVED by the Mayor of the City of Belvidere this 13th day of February, 2023.


Clinton Morris, Mayor

ATTEST:


Sarah Turnipseed, City Clerk

Ayes: 8 Nays: 0 Absent: 2

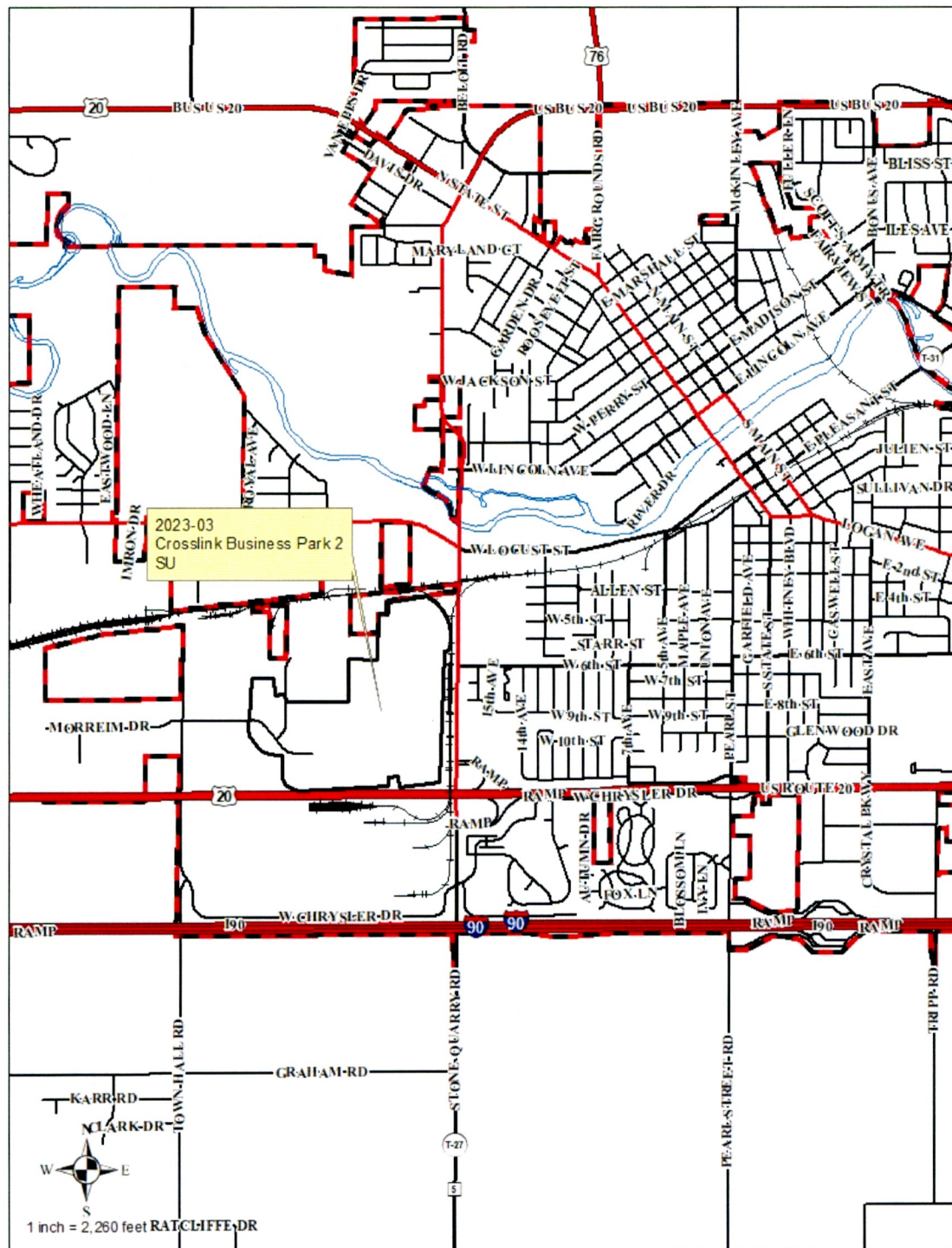
City Council Members Voting Aye: Freeman, McGee, Mulhall, Porter, Prather, Brereton, Fleury and Frank.

City Council Members Voting Nay: None.

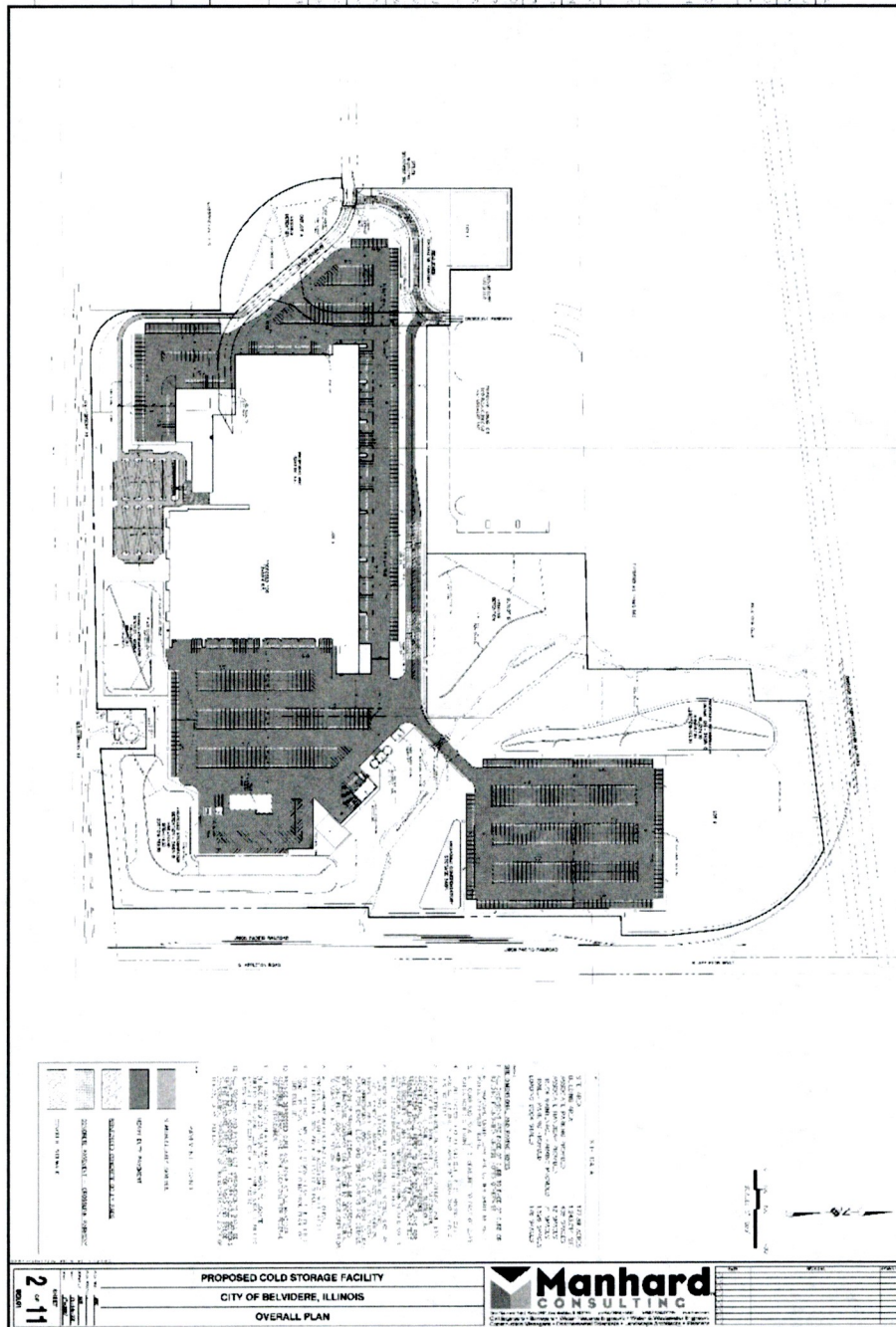
Date Published: February 13, 2023

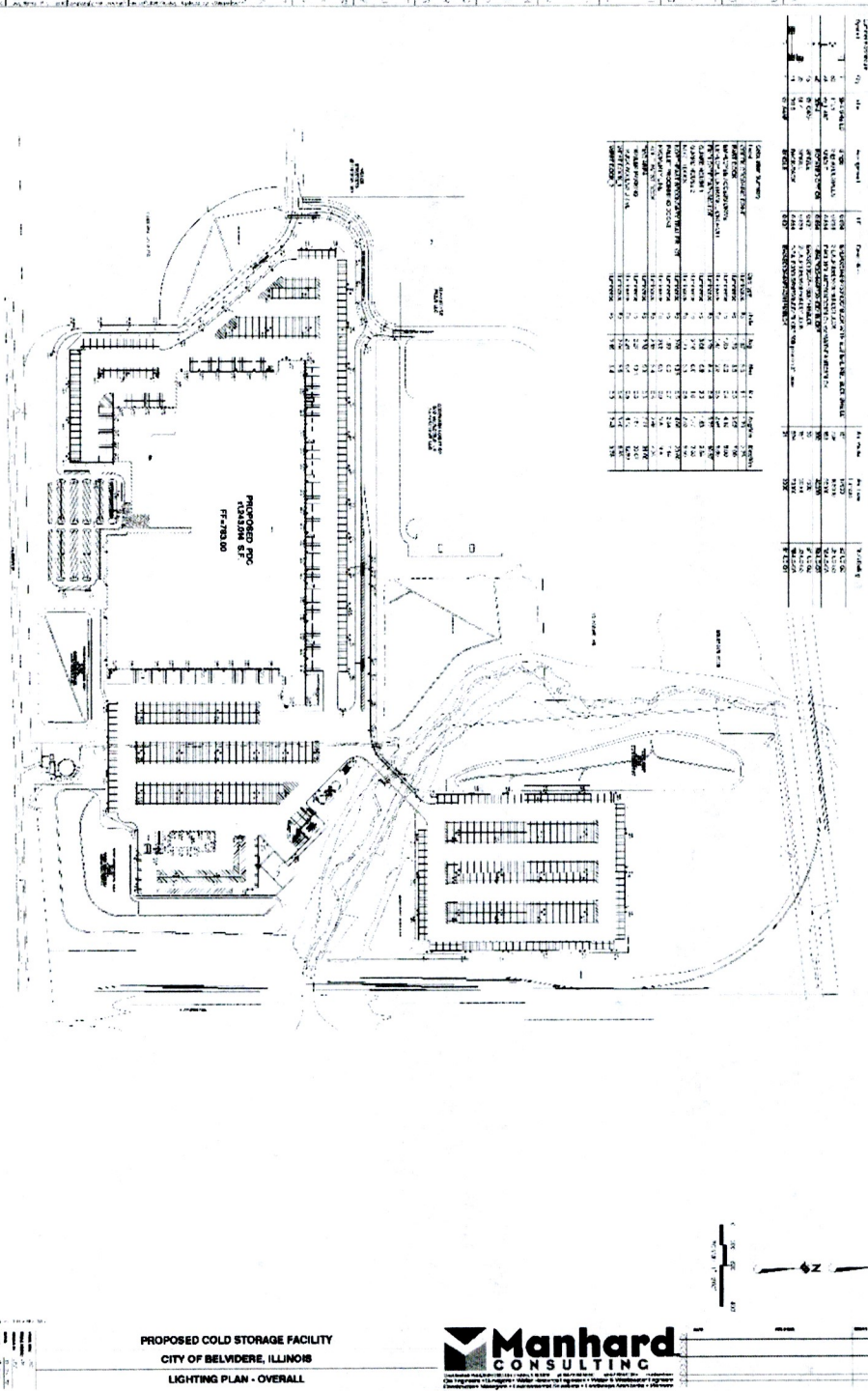
Sponsor: Ald. Mulhall

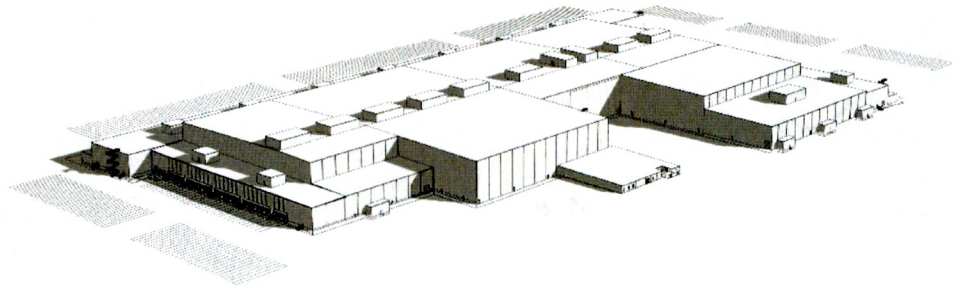
ATTACHMENT A



ATTACHMENT B





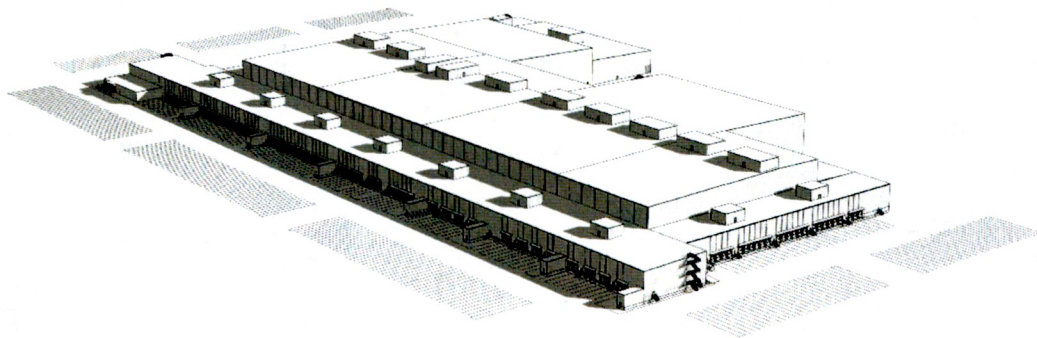


LEO A DALY

730 Deane Avenue South, Suite 100
Morton Grove, IL 60053-2855
Tel: 815.258.0749 Fax: 815.258.4640

PERISHABLE DISTRIBUTION CENTER 01-HCPDC
DELEVILLE, IL

AERIAL VIEW
DATE: 12/27/22



LEO A DALY

730 Deane Avenue South, Suite 100
Morton Grove, IL 60053-2855
Tel: 815.258.0749 Fax: 815.258.4640

PERISHABLE DISTRIBUTION CENTER 01-HCPDC
DELEVILLE, IL

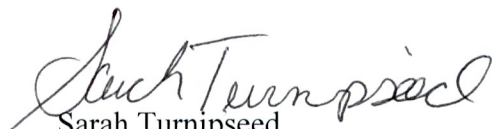
AERIAL VIEW
DATE: 12/27/22

AFFIDVAIT


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 #609H of the City of Belvidere, Illinois, in pamphlet form on February 13, 2023, and as a convenience for the public; I posted the pamphlet form of Ordinance #609H 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 13th day of February, 2023.



Notary Public

