

**ORDINANCE NUMBER: 2014-13**

**AN ORDINANCE GRANTING A VARIANCE TO THE CODE OF ORDINANCES FOR THE  
VILLAGE OF CHERRY VALLEY, ILLINOIS, CHAPTER 82,  
SECTION 82-448(g)(2) WHICH REQUIRES OFF-STREET PARKING AREAS  
TO BE IMPROVED WITH BITUMINOUS COVERING.  
(5937 SANDY HOLLOW ROAD, ROCKFORD, ILLINOIS)  
GREATER ROCKFORD AUTO AUCTION**

WHEREAS, the Board of Trustees for the Village of Cherry Valley, Illinois has received a request by the Petitioner, the Greater Rockford Auto Auction, for a variance to Chapter 82, Section 82-448(g)(2) to allow for the construction of off-street parking without improving said off-street parking with bituminous covering; and,

WHEREAS, specifically, the Petitioner seeks a variance from Chapter 82, Section 82-448(g)(2) which would allow the Petitioner to use crushed aggregate parking surface on a temporary basis in accordance with the terms of this Ordinance; and,

WHEREAS, that the property effected by this variance request is attached hereto and marked as "Exhibit A"; and,

WHEREAS, the Board of Trustees for the Village of Cherry Valley, Illinois, have determined that it's in the best interest and business-friendly to allow a staged construction of the off-street parking proposed by the Petitioner in accordance with the terms of this Ordinance; and,

WHEREAS, in order to grant said variance to Chapter 82, Section 82-448(g)(2), it is necessary to enact an ordinance.

NOW, WHEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES FOR THE VILLAGE OF CHERRY VALLEY, ILLINOIS, AS FOLLOWS:

**SECTION 1:** A variance, shall and hereby is granted to Chapter 82, Section 82-448(g)(2) which will allow the use of crushed aggregate parking surface for off-street parking in the Petitioner's twenty (20) acre storage lot as set forth herein.

**SECTION 2:** This variance, to the requirement that off-street parking areas be covered with bituminous covering, shall be modified to provide as follows:

1. The obligation to pave the twenty (20) acre off-street parking facility described in "Exhibit A" shall be deferred and staggered as follows:

- (a) Thirty-six (36) months following the Petitioner's first use of the proposed storage lot, the Petitioner shall improve with a minimum of a six (6") inch base and an A-bituminous covering no less than one-third (1/3) of the storage lot surface area, i.e., along the northern 6.66 acres;
  - (b) Forty-eight (48) months following the Petitioner's first use of the proposed storage lot, the Petitioner shall improve with a minimum of a six (6") inch base and an A-bituminous covering no less than one-third (1/3) of the storage lot surface area which shall consist of the middle 6.66 acres;
  - (c) Sixty (60) months following the Petitioner's first use of the proposed storage lot, the Petitioner shall improve with a minimum of a six (6") inch base and an A-bituminous covering no less than the final one-third (1/3) or the southerly most one-third (1/3) of the off-street parking storage lot surface area.
- 2. Notwithstanding the foregoing, if at any time following the thirty-six (36) months, the Petitioner determines its business does not require the use of some or all of the storage lot or off-street parking, the Petitioner may de-commission that portion of the lot which it no longer requires. Within six (6) months of making such an election, the Petitioner shall restore such portion of the lot to vacant land by removal of the crushed aggregate surface and other improvements made thereon.
  - 3. Prior to construction of the crushed aggregate off-street parking lot, the Petitioner shall deposit with the Village of Cherry Valley, Illinois a bond and/or performance bond or other security instrument satisfactory to the Village of Cherry Valley, Illinois, in an amount sufficient to decommission that portion of the lot no longer required for use and to be returned to vacant land.

**SECTION 3:** This Ordinance shall be in full force and effect from and after its approval, passage and publication in pamphlet form.

PASSED UPON MOTION BY: NANCY BELT

SECONDED BY: DAVID SCHROEDER

BY ROLL CALL VOTE THIS 20<sup>TH</sup> DAY OF MAY, 2014

AS FOLLOWS:

VOTING "AYE": STEPHEN APPELL, NANCY BELT, SALLY HOLLEMBEAK,  
JOANN HUDSON, GARY MAITLAND, DAVID SCHROEDER

VOTING "NAY": NONE

ABSENT, ABSTAIN, OTHER: NONE

APPROVED: May 20, 2014

ATTEST:

  
CLERK

  
PRESIDENT