STATE OF ILLINOIS)
) SS
COUNTY OF OGLE)

ORDINANCE NO. 2010-0902

AN ORDINANCE APPROVING A ZONING MAP AMENDMENT
ON PROPERTY LOCATED IN THE 6300 BLOCK OF E. IL ROUTE 72 IN MARION TOWNSHIP

WHEREAS, Bushnell Walnut Creek Farm, LLC c/o Edwin Bushnell, P.O. Box 249, Stillman Valley, IL and Valley Evangelical Church of Stillman Valley c/o Edward Clift, 103 S. Maple St., Stillman Valley, IL, have filed a petition for a Map Amendment (Petition No. 06-10AM) to re-zone from AG-1 Agricultural District to R-1 Rural Residence District on property located in the 6300 Block of E. IL Route 72 in Marion Township, and legally described as shown in Exhibit "A" attached hereto; and

WHEREAS, following due and proper notice by publication in the Ogle County Life at least fifteen (15) days prior thereto, and by mailing notice to all owners of property abutting the subject property at least fifteen (15) days prior thereto, the Ogle County Zoning Board of Appeals conducted a public hearing on August 26, 2010, at which the petitioners presented evidence, testimony, and exhibits in support of the requested Map Amendment, and no member(s) of the public presented evidence, testimony or exhibits in support of or in opposition to the petition; and

WHEREAS, the Zoning Board of Appeals, having considered the evidence, testimony and exhibits presented has made its findings of fact and recommended that the requested Map Amendment be approved as set forth in the Findings of Fact and Recommendation of the Ogle County Zoning Board of Appeals dated August 26, 2010, a copy of which is appended hereto as Exhibit "B"; and

WHEREAS, the Planning and Zoning Committee of the Ogle County Board has reviewed the testimony and exhibits presented at the public hearing and has considered the Findings of Fact and recommendation of the Zoning Board of Appeals, and has forwarded a recommendation to the Ogle County Board that the requested Map Amendment be approved; and

WHEREAS, the Ogle County Board has considered the findings of fact and recommendation of the Zoning Board of Appeals and the recommendation of the Planning and Zoning Committee, and has determined that granting the Map Amendment would be consistent with the requirements established by Section 9.07(G) of the Ogle County Amendatory Zoning Ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY BOARD OF OGLE COUNTY, ILLINOIS, as follows:

SECTION ONE: The report of the Ogle County Zoning Board of Appeals, Exhibit "B" attached hereto, is hereby accepted and the findings set forth therein are hereby adopted as the findings of fact and conclusions of the Ogle County Board.

SECTION TWO: Based on the findings of fact as set forth above, the parcel of land located in the 6300 Block of E. IL Route 72 in Marion Township, and legally described as shown in Exhibit "A" attached hereto, is hereby rezoned from AG-1 Agricultural District to R-1 Rural Residence District, and the Ogle County Zoning Map shall be amended to reflect said zone change.

SECTION THREE: This Ordinance shall be in full force and effect upon its adoption by the County Board of Ogle County, Illinois and attestation by the Ogle County Clerk.

SECTION FOUR: Failure of the owners of other party in interest to comply with the terms of this Ordinance, after execution of such Ordinance, shall subject the owners or party in interest to the penalties set forth in Section 9.10 of the Ogle County Amendatory Zoning Ordinance.

PASSED BY THE COUNTY BOARD THIS 21ST DAY OF SEPTEMBER 2010 A.D.

W. Ed Rice

W. Ed Rice, Chairman of the Ogle County Board

ATTEST:

Rebecca Huntley

Rebecca Huntley, Ogle County Clerk and
Ex Officio Clerk of the Ogle County Board

OGLE COUNTY CLERK * OGLE COUNTY, ILLINOIS *

EXHIBIT "A"
LEGAL DESCRIPTION

Part of Lot 1 of the Northwest Fractional Quarter of Section 3, Township 24 North, Range 11 East of the Fourth Principal Meridian, bounded and described as follows:

Commencing at the Northeast Corner of Lot 1 of the Northwest Fractional Quarter of said Section 3; thence South 90 degrees 00 minutes 00 seconds West along the North Line of said Lot 1, a distance of 363.00 feet; thence South 0 degrees 12 minutes 44 seconds East parallel with the East Line of said Lot 1, a distance of 828.70 feet to the Centerline of a public road designated Illinois Route 72; thence North 67 degrees 51 minutes 00 seconds West along said Centerline, a distance of 71.37 feet to the Point of Beginning of the hereinafter described tract of land; thence South 0 degrees 12 minutes 44 seconds East parallel with the East Line of said Lot 1, a distance of 511.49 feet; thence South 89 degrees 47 minutes 16 seconds West perpendicular to the last described course, a distance of 593.33 feet; thence North 25 degrees 27 minutes 18 seconds East, a distance of 699.92 feet to the Centerline of said Illinois Route 72; thence South 67 degrees 51 minutes 00 seconds East along said Centerline, a distance of 363.84 feet to the Point of Beginning, containing 6.000 acres, more or less, subject to that land being used for public road purposes and also subject to all easements, agreements, county codes and/or ordinances of record, if any, all situated in the Township of Marion, the County of Ogle and the State of Illinois.

Part of Property Identification No. 10-03-300-007
Common Location: 6300 Block of E. IL Route 72

EXHIBIT "B"

FINDINGS OF FACT AND RECOMMENDATION OF THE ZONING BOARD OF APPEALS

Ogle County Zoning Board of Appeals

911 W. Pines Road
Oregon, IL 61061
815.732.1190
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FINDINGS OF FACT AND RECOMMENDATION
OF THE OGLE COUNTY ZONING BOARD OF APPEALS

This is the findings of fact and the recommendation of the Ogle County Zoning Board of Appeals concerning an application of Bushnell Walnut Creek Farm, LLC c/o Edwin Bushnell, P.O. Box 249, Stillman Valley, IL, and Valley Evangelical Church of Stillman Valley c/o Edward Clift, 103 S. Maple St., Stillman Valley, IL in case #06-10AM. The applicants are requesting a map amendment to change the zoning classification of part of Parcel Identification No. 10-03-300-007, a 6.0 acre parcel, from AG-1 Agricultural District to R-1 Rural Residence District. Said parcel is part of Section 3, Township 24N, Range 11E of the 4th Principal Meridian and is located in Marion Township in the 6300 Block of E. IL Route 72.

After due notice, as required by law, the Zoning Board of Appeals held a public hearing in this case on August 26, 2010 in the County Board Room, 3rd Floor, Ogle County Courthouse, Oregon, Illinois and hereby report their findings of fact and their recommendation as follows:

SITE INFORMATION: See Staff Report (attached herewith).

ANALYSIS OF SEVEN STANDARDS: After considering all the evidence and testimony presented at the public hearing, this Board makes the following analysis of the six standards listed in Section 9.07(G) (Standards for Map Amendments) of the *Ogle County Amendatory Zoning Ordinance* that must all be found in the affirmative prior to recommending granting of the petition.

1. That the proposed amendment will allow development that is compatible with existing uses and zoning of nearby property. **Use of the site and immediate area for a church or other uses permitted in the R-1 zoning district are compatible with the existing uses and zoning of nearby property, as there are established residential uses and zoning in the immediate vicinity of the site. <u>Standard met.</u>**

2. That the County of Ogle and other service providers will be able to provide adequate public facilities and services to the property (including, but not necessarily limited to, schools, police and fire protection, roads and highways, water supply and sewage disposal), while maintaining adequate public facilities and levels of service to existing development. **The development of the site for a church or large-lot residential use will not create a burden on the County of Ogle and other public service providers due to its location on a State highway, the low density and intensity of development that will be generated on the site, and the site's relative proximity to public services. <u>Standard met.</u>**

3. That the proposed amendment will not result in significant adverse impacts on other property in the vicinity of the subject site or on the environment, including air, noise, stormwater management, wildlife and natural resources. **No adverse impacts on other property in the vicinity of the subject site or on the environment, including air, noise, stormwater management, wildlife and natural resources are anticipated from the development of the site. <u>Standard met</u>.**

4. That the subject property is suitable for the proposed zoning classification. **The site is suitable for the R-1 zoning district, as it is located in an area that contains a mixture of residential and agricultural uses, is located on a State highway, is located within 1.5 miles of the Village of Stillman Valley and the City of Byron, and has topography and soils that appear to be suitable for development. Standard met.**

5. That the proposed zoning classification is consistent with the trend of development, if any, in the general area of the subject property including changes, if any, which have taken place since the day the property in question was placed in its present zoning classification. **There is a trend of development in the vicinity of residential uses. The proposed zoning classification of R-1 Rural Residence District is consistent with this trend and the existing zoning of the surrounding land. Standard met.**

6. That the proposed amendment is consistent with the public interest and not solely for the interest of the applicant, giving due consideration to the stated purpose and intent of the Amendatory Zoning Ordinance as set forth in Division 1 therein, the Land Evaluation and Site Assessment (LESA) findings (if applicable), and the recommendation(s) of the Ogle County Regional Planning Commission with respect to the *Ogle County Amendatory Comprehensive Plan*. **The proposed amendment is consistent with the public interest and not solely for the interest of the applicant, as the LESA score indicates a low rating for protection, the proposed amendment is consistent with the purpose and intent of the Amendatory Zoning Ordinance, and the Regional Planning Commission has recommended approval. Standard met.**

RECOMMENDATION: We find that the proposed map amendment requested meets all the standards for recommending granting as found in Section 9.07(G) of the *Ogle County Amendatory Zoning Ordinance* and that such request is in the public interest. Therefore, the Zoning Board of Appeals hereby recommends that the zoning district classification of the property described above be changed from AG-1 Agricultural District to R-1 Rural Residence District.

ROLL CALL VOTE: The roll call vote was 5 members for the motion to recommend granting, 0 opposed.

Respectfully submitted this 26th day of August 2010 by the Ogle County Zoning Board of Appeals.

Bruce McKinney, Chairman
Maurice Bronkema
Jason Sword
Randall Anderson
John Finfrock

Bruce McKinney, Chair

ATTEST:

Michael Reibel

Michael Reibel, Secretary