



Laura J. Cook
Ogle County Clerk & Recorder

January 9, 2017

The Ogle County Board, at their regular meeting held on Tuesday, December 20, 2016, Janes presented the petition of Dennis Schumacher, 3986 Pepper Dr., Rockford, IL and Andrew Macklin, 3608 Charles St., Rockford, IL for an Amendment to the Zoning District to rezone from AG-1 Agricultural District to IA Intermediate Agricultural District on property described as follows, owned by Dennis Schumacher, and being purchased by Andrew Macklin: Part of the W1/2 of G.L.1 of the NW1/4 Fractional Section 6 Monroe Township 42N, R2E of the 3rd P.M., Ogle County, IL, 14.76 acres, more or less. P.I.N.: 12-06-100-013 – Common Location: 8600 Block of N. Kilbuck Rd. Janes moves to approve O-2016-1201 as presented, seconded by Smith. Motion carries. (Placed on file)



Laura J. Cook
Ogle County Clerk

The contents of this letter are a portion of the tentative Ogle County Board minutes pertaining to your zoning request. These minutes are subject to approval at the next Ogle County Board meeting.

STATE OF ILLINOIS)
) SS
COUNTY OF OGLE)

ORDINANCE NO. 2016-1201

AN ORDINANCE APPROVING A ZONING MAP AMENDMENT ON PROPERTY
LOCATED IN THE 8600 BLOCK OF N. KILBUCK ROAD IN MONROE TOWNSHIP

WHEREAS, Dennis Schumacher, 3986 Pepper Dr., Rockford, IL and Andrew Macklin, 3608 Charles St., Rockford, IL have filed a petition for a Map Amendment (Petition No. 04-16AM) to re-zone from AG-1 Agricultural District to IA Intermediate Agricultural District on property located in the 8600 Block of N. Kilbuck Road in Monroe 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 November 22, 2016 at which the petitioners presented evidence, testimony, and exhibits in support of the requested Map Amendment, and one member of the public spoke 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 November 22, 2016, 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 as recommended by the Zoning Board of Appeals; 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 subject to one condition would be consistent with the requirements established by Section 16-9-7G 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 petition of Dennis Schumacher, 3986 Pepper Dr., Rockford, IL and Andrew Macklin, 3608 Charles St., Rockford, IL for a Map Amendment (Petition No. 04-16AM) to re-zone from AG-1 Agricultural District to IA Intermediate Agricultural District on property located in the 8600 Block of N. Kilbuck Road in Monroe Township, and legally described as shown in Exhibit "A" attached hereto, is hereby approved and the Ogle County Zoning Map shall be amended to reflect said zone change. Approval of this map amendment (Petition No. 04-16AM) shall be subject to the following condition:

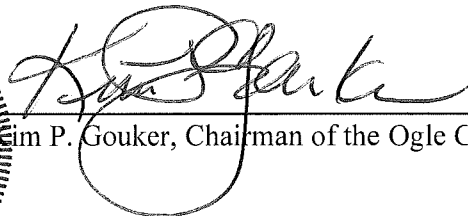
A covenant running with the land shall be attached to the deed of conveyance from Dennis Schumacher to Andrew Macklin which states as follows: Purchaser, Andrew Macklin, and subsequent owners of the subject parcel, as a condition of its being rezoned from AG-1 Agricultural District to IA Intermediate Agricultural District, do hereby acknowledge and fully accept that the adjoining property to the west commonly known as Upland Hunt Club, Inc. is a licensed facility of hunting and shooting sports and the noise resulting therefrom.

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.

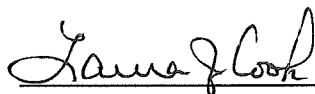
SECTION FOUR: Failure of the owners of other party in interest to comply with the terms of this Ordinance, after execution of such Ordinance, shall subject the owners or party in interest to the penalties set forth in Section 16-9-10 of the *Ogle County Amendatory Zoning Ordinance*.

PASSED BY THE COUNTY BOARD THIS 20TH DAY OF DECEMBER 2016 A.D.




William P. Gouker, Chairman of the Ogle County Board

ATTEST:



Laura J. Cook, Ogle County Clerk and
Ex Officio Clerk of the Ogle County Board

EXHIBIT "A"
LEGAL DESCRIPTION

Part of the Northwest Fractional Quarter (1/4) of Section 6, Township 42 North, Range 2 East of the Third Principal Meridian, bounded and described as follows, to-wit: Beginning at a point on the West line of said Section 6, said point being 1,297.4 feet South of the Northwest corner of said Section 6; thence South 0° 10' 15" East along said West line, a distance of 1,236.45 feet to the Southwest corner of the Northwest Fractional Quarter (1/4) of said Section 6, said point also being the Point of Beginning of the hereinafter described tract of land; thence South 89° 55' 49" East along the South line of said Northwest Fractional Quarter (1/4), a distance of 1,246.95 feet to a point on the centerline of a public road designated Kilbuck Road (CH-15); thence North 10° 44' 19" West along said centerline, a distance of 123.26 feet; thence North 9° 07' 34" West along said centerline, a distance of 144.04 feet; thence North 7° 57' 25" West along said centerline, a distance of 148.79 feet; thence North 7° 05' 34" West along said centerline, a distance of 124.56 feet; thence westerly a distance of 1,166.75 feet to a point on the West line of said Section 6, said point being 534.56 feet north of the Southwest corner of the Northwest Fractional Quarter (1/4) of said Section 6; thence South 0° 10' 15" East along said West line, a distance of 534.56 feet to the Point of Beginning; situated in the County of Ogle and State of Illinois.

Parcel Identification Number(s): 12-06-100-013

Common Location: 8600 Block of N. Kilbuck Road

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
Fax: 815.732.3709

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 Dennis Schumacher, 3986 Pepper Dr., Rockford, IL and Andrew Macklin, 3608 Charles St., Rockford, IL in case #04-16AM. The applicants are requesting a Map Amendment to change the zoning classification from AG-1 Agricultural District to IA Intermediate Agricultural District on Parcel Identification No. 12-06-100-013, a 14.76-acre parcel located in part of the W ½ G.L. 1 of the NW 1/4 Fractional Section 6, Township 42 North, Range 2 East of the 3rd P.M., Ogle County, Illinois, and located in Monroe Township in the 8600 Block of N. Kilbuck Road.

After due notice, as required by law, the Zoning Board of Appeals held a public hearing in this case on November 22, 2016 in the County Board Room, 3rd Floor, Ogle County Courthouse, Oregon, Illinois and hereby reports its findings of fact and recommendation(s) as follows:

SITE INFORMATION: See Staff Report (attached herewith).

ANALYSIS OF SIX 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 16-9-7G (Report by Zoning Board of Appeals) 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. **Large-lot residential use of the site will not adversely affect surrounding agricultural operations, the site is adjacent to other existing non-farm dwellings, there are 10 non-farm dwellings within 1/4 mile of the site, and the site is within 1.5 miles of the Village of Davis Junction. Standard met.**
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 site is located on a seal coat surface Ogle County highway, and will generate a low density of development. Standard met.**
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. **Little or no adverse impacts on other property in the vicinity of the subject site or on the environment are anticipated from the development of the site for residential use. Standard met.**
4. That the subject property is suitable for the proposed zoning classification. **The site is located within an area that contains a number of non-farm residential uses and residential zoning, is adjacent to other existing non-farm residential parcels, is located on a seal coat surfaced County highway, and has a low LESA score. 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, as there are 10 non-farm dwellings within 1/4 mile of the site, and 18 within 1/2 mile. The proposed zoning classification of IA Intermediate Agricultural District is consistent with this trend. 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 LESA score indicates a low rating for protection, and the proposed amendment is consistent with the purpose and intent of the Amendatory Zoning Ordinance. The Zoning Board of Appeals has given due consideration that the Regional Planning Commission has recommended approval of the petition. Standard met.**

RECOMMENDATION: We find that the proposed map amendment requested meets all the standards for recommending granting as found in Section 16-9-7G 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 IA Intermediate Agricultural District subject to the following condition:


A covenant running with the land shall be attached to the deed of conveyance from Dennis Schumacher to Andrew Macklin which states as follows: Purchaser, Andrew Macklin, and subsequent owners of the subject parcel, as a condition of its being rezoned from AG-1 Agricultural District to IA Intermediate Agricultural District, do hereby acknowledge and fully accept that the adjoining property to the west commonly known as Upland Hunt Club, Inc. is a licensed facility of hunting and shooting sports and the noise resulting therefrom.

ROLL CALL VOTE: The roll call vote was 4 members for the motion to recommend granting, 0 opposed.

Respectfully submitted this 22nd day of November 2016 by the Ogle County Zoning Board of Appeals.

**Randy Ocken, Chairman
 Maynard Stivers
 Cody Considine
 James Reed**


 Randy Ocken, Chairman

ATTEST:

 Michael Reibel, Secretary