STATE OF ILLINOIS)
) SS
COUNTY OF OGLE)

ORDINANCE NO. 2012-0505

AN ORDINANCE APPROVING A ZONING MAP AMENDMENT ON PROPERTY LOCATED AT 6309 E. BRICK ROAD IN PINE ROCK TOWNSHIP

WHEREAS, Larry Pontnack, 6309 E. Brick Rd., Oregon, IL has filed a petition for a Map Amendment (Petition No. 02-12AM) to re-zone from AG-1 Agricultural District to I-1 Industrial District on property located at 6309 E. Brick Road in Pine Rock 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 April 26, 2012, at which the petitioner presented evidence, testimony, and exhibits in support of the requested Map Amendment, no member(s) of the public spoke in support of the petition, and two members 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 April 26, 2012, 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, but said approval shall be limited to the easterly 250' of the eight (8) acres described in the petition for Map Amendment; 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, in part, 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 easterly 250' of the eight (8) acre parcel of land located at 6309 E. Brick Road in Pine Rock Township, and legally described as shown in Exhibit "A" attached hereto, is hereby rezoned from AG-1 Agricultural District to I-1 Industrial 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 15TH DAY OF MAY 2012 A.D.

_____
James L. Barnes, Chairman of the Ogle County Board

ATTEST:

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

EXHIBIT "A"
LEGAL DESCRIPTION

Part of Lot 2 of the Subdivision of Government Lots 4 and 5 of the Northwest Fractional 1/4 of Section 3 lying South of the public highway, according to the Plat thereof recorded in Book C of Plats, page 189; EXCEPT that part thereof commencing at the intersection of the centerline of the public highway and the East line of the aforesaid Lot 2, thence West along the said centerline to the Northeast corner of said Lot 9 according to the aforesaid Plat; thence South along the East line of said Lot 9, approximately 330 feet to the Southeast corner of said Lot 9; thence West on the South line of said Lot 9, 264 feet to the Southwest corner thereof; thence South 30.5 feet, thence East parallel with the South line of said Lot 9, 594 feet to a point on the East line of said Lot 2; thence North along said East line to the point of beginning, ALSO EXCEPTING all of said Lot 9, all in Township 23 North, Range 11 East of the 4th P. M., in Ogle County, Illinois, situated in the County of Ogle and State of Illinois, containing 10.0 acres, more or less.

AND, EXCEPTING the following described parcel from the above described parcel of land:

Part of Lot 2 of the Subdivision of Government Lots 4 and 5 of the Northwest Fractional Quarter of Section 3, Township 23 North, Range II East of the Fourth Principal Meridian, Ogle County, Illinois, according to the Plat thereof recorded in Book C of Plats at page 189, described as follows:

Beginning at the southeast corner of said Lot 2 of the Subdivision of Government Lots 4 and 5 of the Northwest Fractional Quarter of Section 3; and running thence Westerly on the southerly line of said Lot 2, a distance of 594 feet, more or less, to the southerly extension of the west line of Lot 9 of said Subdivision of Government Lots 4 and 5 of the Northwest Fractional Quarter of Section 3; thence Northerly on said extension to a point 30.5 feet South of the southwest corner of said Lot 9; thence Easterly, parallel with the south line of said Lot 9, a distance of 594 feet, more or less, to the east line of said Lot 2; thence Southerly on said east line of Lot 2 to the point of beginning, containing 2.0 acres, more or less.

Property Identification Numbers (PIN): Part of 17-03-100-008

Common Location: 6309 E. Brick 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: 815.732.2229

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 Larry Pontnack, 6309 E. Brick Rd., Oregon, IL, in case #02-12AM. The applicant is requesting a map amendment to change the zoning classification of part of Parcel Identification No.17-03-100-008, an 8.0 acre parcel, from AG-1 Agricultural District to I-1 Industrial District. Said parcel is part of Section 3, Township 23N, Range 11E of the 4th Principal Meridian and is located in Pine Rock Township at 6309 E. Brick Road.

After due notice, as required by law, the Zoning Board of Appeals held a public hearing in this case on April 26, 2012 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 for industrial use is compatible with the existing uses and zoning of nearby property, as there is an existing industrial use adjacent to the proposed amendment. <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 industrial use will not create a burden on the County of Ogle and other public service providers due to its location on seal coat surface County-maintained roads, and that the nature of the use will not demand a high level of public service. <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. **Little or 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 I-1 zoning district, as it is located adjacent to an existing industrial use, the site is a logical area for extension of the adjacent industrial use, and the site is located on seal coat surfaced County-maintained roads. <u>Standard met</u>.**

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 no distinct trend of development in the general area other than agricultural uses; however, an industrial use has been in existence adjacent to the site for over 30 years. The proposed zoning classification of I-1 Industrial District is consistent with this established industrial use adjacent to the site. <u>Standard met</u>.**

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, although the LESA score indicates a high 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. <u>Standard met</u>.**

RECOMMENDATION: We find that the proposed map amendment, if limited to the easterly 250' of the parcel described in the petition for map amendment, 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 easterly 250' of the property described in the petition for map amendment be changed from AG-1 Agricultural District to I-1 Industrial 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 April 2012 by the Ogle County Zoning Board of Appeals.

Bruce McKinney, Chairman
Jason Sword
Randall Anderson
Curtis Freeberg
Randy Ocken

Bruce McKinney, Chair

ATTEST:

Michael Reibel, Secretary