

**Resolution of the County Board
of
Kankakee County, Illinois**

RE: ZBA Case #07-17; Rezoning from R1-Single Family Residence District to C1-Restricted Commercial District

WHEREAS, an application pursuant to the terms of the Kankakee County Zoning Ordinance, has been filed by Goddy Law Farms, Inc., property owners and applicants, in the Office of the County Clerk of Kankakee County for a Rezoning from R1-Single Family Residence District to C1-Restricted Commercial District, on a parcel legally described herein in Exhibit A, a copy of which is attached herein and made a part hereof; and,

WHEREAS, the Zoning Board of Appeals had caused a public hearing, after due notice, to be held on said application on October 17, 2007, and from the testimony and evidence presented made findings as described in Exhibit B, a copy of which is attached herein and made a part hereof, and made recommendation that said request be approved; and,

WHEREAS, the Planning, Zoning, and Agriculture Committee (PZA), at its regularly scheduled and duly noticed meeting of October 24, 2007, having reviewed, discussed and considered the matter, concurred with the approval of the request and adopted said findings and recommendation of the Zoning Board of Appeals, Exhibit B, and;

WHEREAS, all matters required by law of the State of Illinois and the Zoning Ordinance of Kankakee County to be done, have been done; and,

WHEREAS, this County Board at this regularly scheduled meeting of November 13, 2007, has now reviewed, discussed, and considered the said findings of the Zoning Board of Appeals and said committee minutes of the PZA Committee, and now finds that the conclusions expressed therein are both reasonable and rationally supported by the evidence that had been presented and the rezoning will not be detrimental to the public health, safety, and economic and general welfare.

NOW, THEREFORE, be it resolved by the Kankakee County Board, State of Illinois as follows:

1. The findings of the Zoning Board of Appeals, Exhibit B herein, are hereby approved, confirmed, ratified, and adopted and the conclusions of the Planning, Zoning and Agriculture Committee based upon those findings are rational and in the public interest.
2. The findings, conclusions and recommendation expressed in the minutes of the Planning, Zoning, and Agriculture Committee meeting of October 24, 2007, are also supported by the record and are in the public interest and are also approved, confirmed, ratified and adopted.

3. The Rezoning from R1-Single Family Residence District to C1-Restricted Commercial District be approved on a parcel legally described in Exhibit A, a copy of which is attached herein and made a part hereof.

PASSED and adopted this 13th day of November 2007.



Karl Kruse, County Board Chairman

ATTEST:



Bruce Clark, County Clerk

EXHIBIT A (ZBA CASE#07-17)

Legal Description:

A PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 30 NORTH, RANGE 11 WEST OF THE SECOND PRINCIPAL MERIDIAN, BOUNDED AND DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 14, AS THE POINT OF BEGINNING; THENCE 165 FEET DUE SOUTH ALONG THE WEST LINE OF SECTION 14; THENCE EAST A DISTANCE OF 1,328.33 FEET; THENCE DUE NORTH, A DISTANCE OF 165 FEET; THENCE WEST, A DISTANCE OF 1,326.2 FEET ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 14, TO THE POINT OF BEGINNING.

EXHIBIT B (ZBA Case #07-17)

Kankakee County Zoning Board of Appeals

Mr. Andrew Pristach, Chairman

189 East Court Street
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(815) 937-2940

FINDINGS OF FACT AND RECOMMENDATION
OF THE KANKAKEE COUNTY ZONING BOARD OF APPEALS

This is the findings of fact and the recommendation of the Kankakee County Zoning Board of Appeals concerning an application of Goddy Law Farms, Inc. in **ZBA Case No. 07-17**. The applicant is requesting a map amendment (rezoning) to change the zoning classification of a 5.03 acre parcel (Parcel Identification No. 10-19-14-300-020) from R1-Residential to C1-Restricted Commercial. Said parcel is 165 feet wide and 1328.33 feet deep and is situated in Section 14, Township 30 N, Range 11 W of the 3rd Principal Meridian. It is located in Pembroke Township on the east side of 15000 E Road approximately one half mile south of 2000 N Road. See Exhibit A – Location Map (attached herewith). The purpose of the rezoning is to allow the applicant to construct a grocery store/market with living quarters on the property. The applicant also intends to raise produce on the property for sale in the market and testified that he would create programs on the site for the teaching of agricultural processes and procedures to area children.

After due notice required by law, the Zoning Board of Appeals held a public hearing on this case on October 17, 2007 in the County Board Room, 4th Floor, Kankakee County Administration Building, Kankakee, Illinois, and hereby report their findings of fact and their recommendation as follows:

Site Information: See Staff Report (attached herewith).

Public Comments: Mayor Samuel Payton of Hopkins Park objected to the location of the store and stated that the Village has plenty of commercially zoned vacant property that could be used for this business and that a location within the Village would be more appropriate for this business.

Mr. Paul Jackson was present and asked if the site would be used as a training facility for youths. Mr. Godwin Akpan, owner of the property, answered that this activity would likely take place on a twenty-five (25) acre parcel that the applicant owns elsewhere in the Township. (See transcripts)

Analysis of Ten Standards: After considering all the evidence and testimony presented at the public hearing, the Board makes the following analysis of the ten (10) standards listed in Section 17.03.E3 (Standards for

Map Amendments) of the *Kankakee County Zoning Ordinance* that must all be found in the affirmative prior to recommending granting of the petition.

1. **That the proposed rezoning is consistent with the purpose and intent of the Zoning Ordinance.** The Board finds that the proposed rezoning is consistent with the intent of the Zoning Ordinance as it provides convenient shopper type business uses for nearby residential areas.
2. **That the proposed rezoning is consistent with the goals, objectives, and policies of the County Comprehensive Plan.** The Board finds that the proposed rezoning is consistent with the goals, objectives and policies of the Comprehensive Plan as it provides a location for urban development while minimizing impacts to natural resources. Further, none of the soils on the parcel are prime and the parcel is not being farmed and the proposal preserves the County's distinctive rural nature and cultural resources.
3. **Explain how and if all required utilities, drainage, access to public rights-of-way, recreational facilities, educational facilities, and public safety facilities have been or will be provided, and possess adequate capacity or manpower.** The Board finds that all requirements for utilities, drainage and access will be adequately met.
4. **That the proposed rezoning is compatible with the existing uses of property and the zoning classification of property within the general area.** The Board finds that the proposed use will be consistent with surrounding uses as the majority of the area is either being farmed or sits vacant.
5. **That the permitted uses in the zoning classification being requested will not substantially increase the level of congestion on public rights-of-way.** The Board finds that the proposed facility will not substantially increase congestion on the public roads.
6. **That the subject property is suitable for the permitted uses under the existing zoning classification.** The Board finds that the subject property is suitable for the permitted uses under the existing zoning classification, however, Pembroke Township has an abundance of residentially zoned property and the Comprehensive Plan indicates that it should be rezoned for other uses.

7. **That the subject property is suitable for the permitted uses under the proposed zoning classification.** The Board finds that the subject property is suitable for the permitted uses under the proposed zoning classification.
8. **What is the trend of development, if any, in the general area of the property in question, including changes, if any, which have taken place since the day the property in question was placed in its present zoning classification?** The Board finds that the property lies within an area of little rural development.
9. **Is the proposed rezoning/amendment within one and a half miles of a municipality?** The Board finds that the proposed rezoning is within one and one half miles of the Village of Hopkins Park.
10. **Does the LESA report reflect the suitability of the site for the proposed amendment requested and uses allowed therein?** The Board finds that the LESA program gives the site a score of 144.7, giving it a low priority for preservation.

Recommendation: We find that the proposed rezoning requested does meet all the standards for recommending granting as found in Section 17.03.E3 of the *Kankakee County Zoning Ordinance* and that such request is in the public interest. Therefore, the Zoning Board of Appeals hereby does recommend that the zoning district classification of the property described above be changed from A1-Agriculture to C1 – Restricted Commercial.

Roll Call Vote: A motion was made to approve the rezoning. The roll call vote was six (6) members for the motion to recommend granting, zero (0) opposed.

Respectfully submitted this 18th day of October, 2007 by the Kankakee County Zoning Board of Appeals.

Andrew Pristach, Chairman – Absent
Ralph Tribbey – Aye
Terry Vaughn – Aye
Charles Draine – Aye
John Fetherling, Vice-Chairman – Aye
Edwin Meents – Aye
William Hemm- Aye

Exhibit A – Location Map, Pembroke Township

