Resolution of the County Board of Kankakee County, Illinois

RE: ZBA CASE #18-19: REZONING FROM C2-GENERAL COMMERCIAL DISTRICT TO R1-SINGLE FAMILY RESIDENTIAL DISTRICT IN SECTION 26 OF PEMBROKE TOWNSHIP

WHEREAS, an application pursuant to the terms of the Kankakee County Zoning Ordinance, has been filed by Mario Hodge, property owner and applicant in the Office of the County Clerk of Kankakee County for a Rezoning from C2-General Commercial District to R1-Single Family Residential District, on a parcel legally described herein Exhibit A, a copy of which is attached; and,

WHEREAS, the Zoning Board of Appeals held a duly noticed public hearing, on the application on May 7, 2018 and from the testimony and evidence presented findings were made as described in Exhibit B, a copy is attached and the ZBA recommends that the request of Mario Hodge, property owner and applicant, be approved; and,

WHEREAS, the Planning, Zoning, and Agriculture Committee (PZA), at its regularly scheduled and duly noticed meeting of May 16, 2018 having reviewed, discussed and considered the matter, has approved the request and adopted the 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 have been completed; and,

WHEREAS the County Board at its regularly scheduled meeting of June 12, 2018 after review, discussion, and consideration, agrees with the findings of the Zoning Board of Appeals and committee minutes of the PZA Committee, and finds that the conclusions expressed are both reasonable and rationally supported by the evidence 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 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 May 16, 2018 are also supported by the record and are in the public interest and are also approved, confirmed, ratified and adopted.

3. Rezoning from R1-Single Family Residential District to A1-Agriculture District and Special Use Permit to Section 121-99.c.34 (Solar Farm) in the A1-Agricultural 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 12th day of June, 2018.

[Signature]

Andrew H. Wheeler, County Board Chairman

ATTEST:

[Signature]

Dan Hendrickson, County Clerk
LEGAL DESCRIPTION:
THE SOUTH 175 FEET OF THE EAST 66 FEET OF LOT 16 AND THE SOUTH 175 FEET
OF THE WEST 120 FEET OF LOT 17 OF MEADOWLANE FARMS, A SUBDIVISION OF
THE NORTH 1/4 OF SECTION 26, T3N, R1W OF THE 2ND P.M., ACCORDING TO THE
PLAT THEREOF RECORDED APRIL 10, 1944 IN BOOK "E" AT PAGE 78 IN THE
RECORDER'S OFFICE OF KANKAKEE COUNTY, ILLINOIS, TOWNSHIP OF
PEMBROKE, COUNTY OF KANKAKEE, STATE OF ILLINOIS. PERMANENT PARCEL
NO.: 10-19-26-100-031, PROPERTY ADDRESS: 15147 & 15123 E 4500 S RD., PEMBROKE
TOWNSHIP, IL 60958.
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 from property owner and applicant Mark Hodge in ZBA Case No. 18-19. The applicant and owner is requesting a rezoning from C2-general Commercial to R1-Single Family Residential on a .74 acre parcel located at 15147 E. 4500 S. Road in Pembroke Township. The parcel contains two (2) homes and a garage.

The property in question was designated commercial in 1967 with the passage of the County’s first zoning ordinance. This designation was based on a plan at that time which envisioned the entire frontage of 4500 S Road being developed for commercial purposes. Although a few of the properties in the area developed commercially, mostly in the form of taverns, the majority of the property either remained vacant or was developed residentially.

This request for rezoning is reflective of the development patterns which have been occurring in the area over the past 50 + years and reflective of how the property has been historically used. It should be noted that if rezoning to residential is granted, only one of the two (2) homes will be compliant as the Kankakee County Zoning Ordinance does not permit more than one dwelling unit per parcel. In this case one of the homes will be compliant while the other home will be legal non-conforming. As such, the second home will only be eligible for maintenance and life safety permits. It will be the owner’s decision as to which home falls into which category.

After due notice required by law, the Zoning Board of Appeals held a public hearing on this case on May 7, 2018 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: No public comment. (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 this proposed rezoning differs from the existing ordinances for this parcel. The need for commercial zoning of properties in this particular area in Pembroke Township has changed.
Some 30 to 40 years ago this area was bustling with commercial businesses such as grocery stores, barber shops, pool hall, gas stations, several taverns, etc. Unfortunately those businesses no longer operate, are vacant building, have been burnt down, decayed or was torn down. The only commercial business is a Hardware store a mile east of the proposed rezoning. The dominant structures in this area are single family homes.

2. That the proposed rezoning is consistent with the goals, objectives, and policies of the County Comprehensive Plan.

The Board finds that as stated in Objective 4.5 of the Kankakee County Comprehensive Plan.

- Objective 4.5: Encourage County communities to sponsor and support programs that rehabilitate housing stock.
- The houses on the property are in disrepair and require a significant amount of work. Given the dwindling number of houses in Pembroke Township due to fire, abandonment and vandalism and Object 4.5 it is in all party’s best interest to rehabilitate these houses as it is consistent with the counties plan to promote orderly growth.
- I have a demonstrated a clear history of revitalizing the Pembroke/Hopkins Park area since 1998 I rehabilitated approximately 25 homes.

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 the zoning change will not will impact utilities, drainage, etc. as the houses have been located on the property for a number of years. Both residences have all utilities connected to them.

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 rezoning the property to Residential is consistent with how the property is being used today. The existing use of the property is residential this will not change.

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 there will be no change in the level of congestion as traffic at the property will remain consistent with the current use, residential.

6. That the subject property is suitable for the permitted uses under the existing zoning classification.
The Board finds that the existing zoning is commercial, the zoning was changed well after the homes were built. Although I could do minor repairs to make the homes livable, I would like the option to completely renovate the properties. In order to completely renovate the property, it must be rezoned.

7. That the subject property is suitable for the permitted uses under the proposed zoning classification.

The Board finds that the property is suitable for residential use as it is currently being utilized as residential, which is consistent with the proposed zoning.

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 trend in the area is residential. Some 20-40 years ago the trend was business however all businesses in the immediate area have closed long ago. This once potential commercial district has become residential once again.

9. Is the proposed rezoning/amendment within one and a half miles of a municipality?

The Board finds that the proposed rezoning is within 1 1/2 miles of a municipality. Parcels to the south, east, and north are located in the Village of Hopkins Park they within 1/2 mile in each direction of the proposed parcel to be rezoned.

10. Does the LESA report reflect the suitability of the site for the proposed amendment requested and uses allowed therein?

The Board finds that a LESA report is not needed for this project as it does not take farmland out of production.

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 recommends that the zoning district classification of the property described above be changed from C2-General Commercial to R1-Single Family Residential.

Roll Call Vote: A motion was made to approve the rezoning. The roll call vote was five (5) members for the motion to recommend granting, zero (0) opposed.
Respectfully submitted this 7th day of May, 2018 by the Kankakee County Zoning Board of Appeals.

John Fetherling, Chairman – Aye
David Deyoung – Absent
William Sawyer – Aye
Edwin Meents – Aye
William Hemm – Aye
Beth Scanlon – Aye
Gene Raedemacher – Absent

Exhibit A – Location Map, Pembroke Township
STAFF REPORT

ZBA CASE 18-19

PEMBROKE TOWNSHIP
P.I. NO. 10-19-26-100-031
REZONE C-2 TO R1
REZONE C-2 TO R1
MARK HODGE (OWNER AND APPLICANT)
This request for rezoning is reflective of the development patterns which have been occurring in the area over the past few years and reflective of how the property has been historically used. It should be noted that if rezoning to residential is granted, only one of the two (2) homes will be compliant as the Kankakee County Zoning Ordinance does not permit more than one dwelling unit per parcel. In this case, one of the homes will not be compliant. It will be the owner's decision as to which home falls into which category.

A. How is the proposed rezoning/permission consistent with the purpose and intent of the zoning ordinance?

The proposed rezoning is consistent with the purpose and intent of the zoning ordinance by promoting the separation of commercial and residential uses and by facilitating the use of property in a manner consistent with its historical use and the uses in the surrounding area.

B. Healing Development Analysis:

The single-family homes are:

- Home A, which is the older of the two homes, has maintained its original condition and is in good repair.
- Home B, which is newer and has been updated over the years, is in excellent condition.

The parcel is located in a well-maintained neighborhood with good access to amenities.

The applicant and owner, Mark Lodge, is requesting a rezoning from C2-General Commercial to R1-Single Family Residential on a .74 acre parcel located at 15141 E. 4500 S. Road in Pembroke Township. The property in question was developed commercially in 1987 with the passage of the county's first zoning ordinance. Since then, the area has experienced significant growth, and the parcel is now zoned commercial.

The proposed rezoning to single-family residential will allow the property to be used in a manner consistent with its historical use and the uses in the surrounding area. This will promote the separation of commercial and residential uses and facilitate the use of property in a manner consistent with its historical use.
B. How is the proposed rezoning (amendment) consistent with the goals, objectives, and policies of the County Comprehensive Plan?

The Kankakee County Comprehensive Plan adopted in 2005 recognized the county's need to rehabilitate housing stock. The plan recommended reducing commercial zoning in Pembroke Township and specified that the change would not impact utilities, drainage, etc. as the houses on the property have been connected to the same utilities. The Plan also recommended encouraging county communities to sponsor and support programs to rehabilitate housing stock. Staff agrees that all necessary utilities and public facilities already exist on the property. The Kankakee County Zoning Map shows that the property is currently zoned for commercial use, consistent with the 2005 Comprehensive Plan.

Since 1998, Pembroke Township has rehabilitated approximately 25 homes. Given the existing housing infrastructure, it is consistent with the county's plan to promote orderly growth and rehabilitation of housing and property. It is also consistent with the county's best interest to encourage Pembroke Township to remove obsolete buildings on the property and to develop a significant amount of the rehabilitated housing stock. The proposed rezoning is consistent with the goals, objectives, and policies of the County Planning Department.
D. Explain how the proposed rezoning/amenagement will be compatible with the existing uses of the property and zonning classification of property within the general area of the property.

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Kankakee County Planning Department

The parcel is small and surrounded by residential uses. While the property could be de

E. Explain how the rezoning/amenagement will be compatible with the existing uses of the property and zonning classification of property within the general area of the property.

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Kankakee County Planning Department

The parcel is small and surrounded by residential uses. While the property could be de
Is the subject property suitable for the permitted uses under the proposed zoning classification?

Yes. The property is suitable for residential use as is currently be.

Planning Department Analysis:

If the subject site appears to be suitable for all uses listed under the R-1 Single Family Residual District section of the zoning ordinance.

Staff agrees that the current and historic trend of development in the area is for residential.

Planning Department Analysis:

The subject site appears to be suitable for all uses listed under the R-1 Single Family Residual District section of the zoning ordinance.

Staff agree that the current and historic trend of development in the area is for residential.

Planning Department Analysis:

The proposed rezoning is within 1/2 mile of a (fluent) Parcels to the south, east, and north are located in the Village of Hopkins Park.

The proposed rezoning is within 1/2 miles of a (fluent) Parcels to the south, east, and north are located in the Village of Hopkins Park.

Planning Department Analysis:

As of farmland is being taken out of production, this request does not require that a L.E.B score be calculated.

Planning Department Analysis:

Does the subject site appear to be suitable for all uses listed under the R-1 Single Family Residual District section of the zoning ordinance.

Staff agree that the current and historic trend of development in the area is for residential.

Planning Department Analysis:

The subject site appears to be suitable for all uses listed under the R-1 Single Family Residual District section of the zoning ordinance.

Staff agree that the current and historic trend of development in the area is for residential.
1. Reference: Hearing Date: May 7, 2018
   Applicants Name: Mark Fiodge
   Land Owners Name: N/A
   ZBA Case: 18-19

2. Location: Pembroke Township
   Township: Pembroke Township
   Parcel Number: 911
   Address: Existing
   Use:
   Existing Zoning:
   Applicant Request:
   Dimension:
   Size of Parcel:
   Road Frontage:
   Road Depth:
   Road Access:
   acres
   Original
   17.5
   96

3. Surrounding Land Use:
   Residential
   Residential
   Residential
   Residential
   Residential
   Residential
   Residential
   Residential
   Residential
   Residential
   Residential
   Residential
   Residential
   Residential
   Residential

4. Existing Land Use Features:
   Prairie: None
   Floodplain: None
   Wetland: None

5. Surrounding Zoning:
   Residential
   Residential
   Residential
   Residential
   Residential
   Residential
   Residential
   Residential
   Residential
   Residential

6. Surrounding Land Use:
   East:
   South:
   West:
   North:

7. Municipal Planning Boundary:
   North:
   West:
   South:
   East:

8. Distance to Municipal Planning Boundary:
   Development
   Road
   Floodplain
   Wetland

9. Original Location: Map
   Kankakee County
   Pembroke Township
   Nokomis Park

10. Original Location: Map
    Kankakee County
    Pembroke Township
    Nokomis Park

11. Nearest Municipality:
    Distance:
    E: 4500 ft
    S: 1000 ft
    N: 7/4 mi
    W: 1/4 mi

12. Census Block:
    Zoning:
    Rezoning Request:
    Existing Zoning:
    Existing Land Use:
    Parcel Number:
    Legal Description:
    Appellant's Name: Mark Fiodge
    Hearing Date: May 7, 2018
    Reference:

13. Residential District:
    Zoning:
    Rezoning Request:
    Existing Zoning:
    Existing Land Use:
    Parcel Number:
    Legal Description:
    Appellant's Name: Mark Fiodge
    Hearing Date: May 7, 2018
    Reference:

14. Commercial District:
    Zoning:
    Rezoning Request:
    Existing Zoning:
    Existing Land Use:
    Parcel Number:
    Legal Description:
    Appellant's Name: Mark Fiodge
    Hearing Date: May 7, 2018
    Reference:

15. General Commercial District:
    Zoning:
    Rezoning Request:
    Existing Zoning:
    Existing Land Use:
    Parcel Number:
    Legal Description:
    Appellant's Name: Mark Fiodge
    Hearing Date: May 7, 2018
    Reference:
### ZBA Case 18-19

**Comprehensive Plan Designation:** Kankakee County: Community Growth Area

<table>
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<tr>
<th>Distance to Public Services and Facilities</th>
<th>County Board Districts</th>
<th>School Districts</th>
<th>Fire Protection Districts</th>
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<tr>
<td>Township: N/A</td>
<td>Pembroke Fire Protection District - 12 miles</td>
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**Miscellaneous Information:**
- Police Protection District: Pembroke County - 17 miles
- Hopkins Park: 1/4 mile
- Sewer: Hopkins Park: 1/4 mile
- Water: Hopkins Park: 1/4 mile