Resolution of the County Board of Kankakee County, Illinois

RE: ZBA CASE #18-37; REZONING A1-AGRICULTURAL DISTRICT TO A2-AGRICULTURAL ESTATES DISTRICT IN SECTION 07 OF YELLLOWHEAD TOWNSHIP

WHEREAS, an application pursuant to the terms of the Kankakee County Zoning Ordinance, has been filed by Dan Ekhoff, property owners and applicant, in the Office of the County Clerk of Kankakee County for a Rezoning from A1-Agricultural District to A2-Agricultural Estates 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 September 24, 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 Dan Ekhoff, property owner and applicant, be approved; and,

WHEREAS, the Planning, Zoning, and Agriculture Committee (PZA), at its regularly scheduled and duly noticed meeting of October 17, 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 November 13, 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 October 17, 2018 are also supported by the record and are in the public interest and are also approved, confirmed, ratified and adopted.

3. Rezoning from A1-Agricultural District to A2-Agricultural Estates 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 2018.

Andrew H. Wheeler, County Board Chairman

ATTEST:

Dan Hendrickson, County Clerk
LEGAL DESCRIPTION:
THE SOUTHWEST ONE-HALF (1/2) OF THE FOLLOWING PARCEL: COMMENCING AT THE
NORTHWEST CORNER OF SECTION SEVEN (7), TOWNSHIP THIRTY-TWO (32) NORTH,
RANGE FOURTEEN (14) EAST OF THE THIRD PRINCIPAL MERIDIAN IN KANKAKEE
COUNTY, ILLINOIS; THENCE NORTH 89°30'30" EAST ALONG THE NORTH LINE OF SAID
SECTION SEVEN (7) A DISTANCE OF 348.48 FEET TO A POINT, SAID POINT TO BE
KNOWN AS THE POINT OF BEGINNING. FROM SAID POINT OF BEGINNING THENCE
CONTINUING NORTH 89°30'30" EAST A DISTANCE OF 955.15 FEET TO THE NORTHWEST
CORNER OF THE NORTHWEST QUARTER (NW1/4) OF THE NORTHWEST QUARTER
(NW1/4) OF SAID SECTION SEVEN (7); THENCE SOUTH 00°58'40" EAST ALONG THE
EAST LINE OF THE NORTHWEST QUARTER (NW1/4) OF THE NORTHWEST QUARTER
(NW1/4) OF SAID SECTION SEVEN (7) A DISTANCE OF 936.06 FEET TO A POINT; THENCE
SOUTH 89°27'52" WEST A DISTANCE OF 1,307.17 FEET TO A POINT ON THE WEST LINE
OF SAID SECTION SEVEN (7); THENCE NORTH 00°45'35" WEST A DISTANCE OF 687.06
FEET TO A POINT; THENCE NORTH 89°30'30" EAST A DISTANCE OF 348.48 FEET TO A
POINT; THENCE NORTH 00°45'35" WEST A DISTANCE OF 250.00 FEET TO THE POINT OF
BEGINNING, EXCEPTING THEREFROM THE FOLLOWING TRACT:

EXCEPTED TRACT I: A TRACT OF LAND IN THE NORTHWEST QUARTER (NW1/4) OF
THE NORTHWEST QUARTER (NW1/4) OF SECTION SEVEN (7), TOWNSHIP THIRTY-TWO
(32) NORTH, RANGE FOURTEEN (14) EAST OF THE THIRD PRINCIPAL MERIDIAN,
KANKAKEE COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS: BEGINNING AT THE
NORTHEAST CORNER OF THE NORTHWEST QUARTER (NW1/4) OF THE NORTHWEST
QUARTER (NW1/4) OF SECTION SEVEN (7), THENCE SOUTH 00°58'40" EAST ALONG THE
EAST LINE OF THE NORTHWEST QUARTER (NW1/4) OF THE NORTHWEST QUARTER
(NW1/4) OF SAID SECTION SEVEN (7) A DISTANCE OF 936.06 FEET TO A POINT; THENCE
SOUTH 89°27'52" WEST A DISTANCE OF 465.36 FEET TO A POINT; THENCE NORTH
00°58'40" WEST A DISTANCE OF 936.06 FEET TO A POINT ON THE NORTH LINE OF THE
NORTHWEST QUARTER (NW1/4) OF THE NORTHWEST QUARTER (NW1/4) OF SECTION
SEVEN (7); THENCE NORTH 89°30'30" EAST ALONG THE NORTH LINE OF THE
NORTHWEST QUARTER (NW1/4) OF THE NORTHWEST QUARTER (NW1/4) OF SECTION
SEVEN (7) A DISTANCE OF 465.36 FEET TO THE POINT OF BEGINNING. PROPERTY
INDEX NO.: 01-04-07-100-013 (OUT OF).
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 (ZBA) concerning an application by the owner and applicant Dan Ekhoff in ZBA Case No. 18-37. The owner is requesting a map amendment to change the zoning of their property from A1-Agriculture to A2-Agricultural Estate.

After due notice required by law, the ZBA held a public hearing on this case on September 24, 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: There was no public comment. See transcripts for details.

Analysis of Nine Standards: After considering all the evidence and testimony presented at the public hearings, the Board makes the following analysis of the nine (9) 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 the applicant inherited the property and wishes to build a home on the property.

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/amendment will allow the owner to build a home on the property and work in the community.
3. 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 all the existing properties are zoned the same.

4. 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 no additional drives will be used.

5. That the subject property is suitable for the permitted uses under the existing zoning classification.

The Board finds that the property is suitable.

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

The Board finds that the property is suitable.

7. Is the proposed rezoning/amendment outside one and a half miles of a municipality?

The Board finds that the proposed rezoning is not within one and one half mile of a municipality.

8. That the soils are suitable and capable of supporting residential use?

The Board finds that the soils are capable of supporting residential use.

9. That the proposed rezoning / amendment is in the public interest?

The Board finds that the A-2 Zoning supports family values.

Recommendation: We find that the proposed rezoning requested does meet all the standards for recommending granting as found in Section 121.37 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 request to change the zoning district classification of the properties
described above from A1 - Agriculture to A2 - Agricultural Estate be approved.

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

Respectfully submitted this 24th day of September, 2018 by the Kankakee County Zoning Board of Appeals.

John Featherling, Chairman – Aye
Gene Rademacher – Aye
David Deyoung – Aye
William Hemm – Absent
Edwin Meents – Aye
William Sawyer – Aye
Elizabeth Scanlon – Aye

Exhibit A – Location Map, Yellowhead Township
ZBA CASE 18-37

STAFF REPORT

Dan Ekhoff (owner and applicant)

Rezone A1 to A2

P.I. No. 01-04-07-100-023

Yellowhead Township
Background

The owner and applicant, Dan Ekhoff, owns an 8 acre parcel located at 10893 N 11000 E Road, Grant Park, IL. The property was divided from a 16 acre parcel on May 12, 2011. Mr. Ekhoff wishes to construct a single family home at this location. The property already contains a driveway and pole barn.

An aerial photograph of the general area can be seen on the left.

Finding of Fact Responses - Rezoning

The following sections highlight the Petitioner's responses to the findings and the Planning Department's comments for the proposed rezoning to A2-Agriculture Estate:

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

Petitioner's Response: "Inherited property passed down to me to build my family a home on family property."

Planning Department Analysis:

The purpose of the Kankakee County Zoning Ordinance (Section 121-2) is to assure the orderly growth in the county. More specifically as follows:

1. Lands best suited for pursuit of agriculture be protected from the haphazard and unplanned intrusions of urban uses.

2. Areas designated for expansion of residential development be suitably located in relationship to business, commercial, and industrial uses.

The purpose of the A2 District, as stated in the Section 121-100 of the Kankakee County Zoning Ordinance, is to promote low density residential uses of a rural character in areas of the county where soil and topographic conditions are best adapted to residential uses. It also states that this district should be located on areas with the least productive farmland or near an existing farmstead.

A single home on 8 acres is definitely low density but the Board should question the applicant as to whether this is least productive farm land. The Board should also consult the LESA score and NRI report for more information.
B. HOW IS THE PROPOSED REZONING /AMENDMENT CONSISTENT WITH THE GOALS, OBJECTIVES, AND POLICIES OF THE COUNTY COMPREHENSIVE PLAN?

Petitioner's Response: "This will allow for me to build my family a home, provide for them by working in the community all while living on family property."

Planning Department Analysis: A pivotal goal of the Comprehensive Plan is to focus all non-agricultural development into one of the County's municipalities. A non-agricultural parcel developed in a predominately agricultural area can have negative impacts on the agricultural community. These impacts can include nuisance complaints and conflicts with agricultural equipment on the roadways.

However, the Comprehensive Plan also realize that there are circumstance where placing non-agricultural development in municipalities is not justifiable and not practical. When this occurs, this rural development should be placed on property that is not appropriate for farming, such as wooded areas, and should be clustered near existing development.

That being said, the Board should ask the applicant to explain how a home at this location will benefit the farming community and/or how this property is not suitable for farming.

C. EXPLAIN HOW THE PROPOSED REZONING /AMENDMENT WILL BE COMPATIBLE WITH THE EXISTING USES OF PROPERTY AND THE ZONING CLASSIFICATION OF PROPERTY WITHIN THE GENERAL AREA OF THE PROPERTY IN QUESTION.

Petitioner's Response: "All the existing properties are zoned the same."

Planning Department Analysis:

The entire area surrounding this parcel for at least one (1) mile in every direction is zoned A1-Agriculture with the exception of a single property immediately east which is zoned A2-Agricultural Estate. The area contains many large lots, some with homes, but is generally agricultural based.
D. EXPLAIN HOW THE PERMITTED USES IN THE ZONING CLASSIFICATION BEING REQUESTED WILL NOT SUBSTANTIALLY INCREASE THE LEVEL OF CONGESTION ON THE PUBLIC RIGHT-OF-WAY.

**Petitioner’s Response:** "No additional drives to be used, existing drive to be used."

**Planning Department Analysis:**

Studies have shown that the addition of one single family home can generate as much as 10 additional trips per day along the roadways.

E. IS THE SUBJECT PROPERTY SUITABLE FOR THE PERMITTED USES UNDER THE EXISTING ZONING CLASSIFICATION?

**Petitioner’s Response:** "Yes."

**Planning Department Analysis:**

The property is currently in the A1 District and appears to be suitable for agricultural purposes.

F. IS THE SUBJECT PROPERTY SUITABLE FOR THE PERMITTED USES UNDER THE PROPOSED ZONING CLASSIFICATION?

**Petitioner’s Response:** "Yes."

**Planning Department Analysis:**

The A2 District permits property to be used for single family residential purposes and associated accessory uses and structures. It appears that the parcel will be suitable for the uses listed in the A2 District.

G. IS THE PROPOSED REZONING/AMENDMENT OUTSIDE ONE AND A HALF MILES OF A MUNICIPALITY?

**Petitioner’s Response:** "Yes."

**Planning Department Analysis:**

Staff concurs with the petitioner’s finding.
H. ARE THE SOILS SUITABLE AND CAPABLE OF SUPPORTING RESIDENTIAL USE?

*Petitioner's Response:* "Yes, soil samples on file."

*Planning Department Analysis:*

Staff is not aware of any issues with the soils in this area or their ability to support residential use. Also, staff does not know where these "soil samples" are on file.

I. EXPLAIN HOW THE PROPOSED REZONING / AMENDMENT IS IN THE PUBLIC INTEREST.

*Petitioner's Response:* "Supports family values."

*Planning Department Analysis:*

The subject property is located in a predominately agricultural area and the applicant has not adequately stated how the proposal is consistent or compatible with the continuation of agriculture.
1. Reference:
   - Hearing Date: September 24, 2018
   - Applicant's name: Dan Ekhoff
   - Land Owner's Name: Dan Ekhoff
   - Legal Counsel: None

2. Location:
   - Property Location: 10893 N 11000 E Road, Grant Park, IL
   - Township: Yellowhead Township.
   - Parcel Number: 01-04-07-100-023
   - 911 Address: 10893 N 11000 E Road, Grant Park, IL
   - Existing Land Use: Agriculture
   - Existing Zoning: A1-Agriculture
   - Applicant Request: Rezoning to A2-Agriculture Estate

3. Dimensions:
   - Size of Parcel: 8 Acres
   - Road Frontage: 450 feet
   - Parcel Depth: 800 feet
   - Parcel History: Created 2017.

4. Existing Land Use Features:
   - Public Road: 11000 E Road
   - Floodplain: 100 Year
   - Wetland: None

5. Surrounding Zoning:
   - North: A1-Agriculture
   - West: A1-Agriculture
   - South: A1-Agriculture
   - East: A1-Agriculture & A2 Agricultural Estate

6. Surrounding Land Use:
   - North: Agriculture
   - West: Agriculture
   - South: Agriculture
   - East: Agriculture
7. **Municipal Planning Boundary:**
   Nearest Municipality: Grant Park  
   Distance: 1.6 miles.

8. **Comprehensive Plan Designation:**
   Kankakee County: Agricultural Conservation Area  
   Municipality: N/A  
   Township: N/A

9. **Distance to Public Services and Facilities:**
   Police Protection: Kankakee County - 15 miles. Grant Park - 1.7 miles. Grant Park - 1.7 miles.  
   Fire Protection: Grant Park - 1.7 miles.  
   School District: Grant Park - 1.7 miles.  
   Sewer: Grant Park - 1.7 miles.  
   Water: Grant Park - 1.7 miles.  
   Collector Road: 12000 N Road (1 mile north)

10. **Miscellaneous Information:**
    County Board District: One (1) - Mr. Hess.

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11000 E Road looking south from subject site.

11000 E Road looking north from subject site.

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Kankakee County Planning Department