Zoning Request Report
County of Kane

TO: Kane County Zoning Board Of Appeals
Kane County Development Committee
County Board Member District
Janice Hill
Petitioner
Carl Scheedel
Mark VanKerkhoff
Monica Meyers

PETITION NUMBER 2016-4376

GENERAL INFORMATION

APPLICANT: FOREST PRESERVE DISTRICT OF KANE COUNTY,
JERRY CULP
45W879 ELLITHORPE RD
HAMPShIRE 601406142

PURPOSE: REZONE FROM F TO F-I SO THE EXISTING HOME CAN BE SOLD OFF SEPARATELY
FROM THE FOREST PRESERVE ACQUISITION OF THE REMAINING PROPERTY

EXISTING ZONING: F - FARMING;

REQUESTED ACTION: F-I - RURAL RESIDENTIAL;

SIZE: 5.00 ACRES

LOCATION: 45W879 ELLITHORPE ROAD. SECTION 25, BURLINGTON TOWNSHIP (04-25-100-012)

SURROUNDING
NORTH
F - FARMING;

SOUTH
F - FARMING;

EAST
FOREST PRESERVE

WEST
F - FARMING;

EXISTING LAND USE: RESIDENTIAL;

LAND USE PLAN
DESIGNATION: AGRICULTURAL

ZONING HISTORY: NO PREVIOUS REQUESTS FOR THIS PROPERTY

APPLICABLE LAND
USE REGULATION: ARTICLE VIII. SECTION 8.2 OF THE KANE COUNTY ZONING ORDINANCE
Kane County Forest Preserve District
Rezoning from F-District Farming to F-1 District Rural Residential

Special Information: In 2015 the Forest Preserve District acquired the entire 196 acre property for the new “Cardinal Creek Forest Preserve”. On the northwest portion is an existing home. Since it is not part of the Forest Preserve District’s mission to own and maintain residential property, the District is seeking a rezoning so the home can be sold off separately from the property.

Analysis: The Kane County 2040 Land Resource Management Plan designates this area as Agricultural. The Plan recognizes that not all land in this area is suitable for farming and that some land can be used for farmsteads and very low density residential uses.

Staff recommended Finding of Facts:
1. The rezoning will allow the existing home to be sold off separately from the remaining property.
2. The existing residential use will not be intensified.

Attachments: Location Map
Township Map
Petitioner’s finding of fact sheet and narrative
Findings of Fact Sheet – Map Amendment and/or Special Use

- The Kane County Zoning Board is required to make findings of fact when considering a rezoning. (map amendment)
- You should “make your case” by explaining specifically how your proposed rezoning relates to each of the following factors.

Forest Preserve District of Kane County - Cardinal Creek F.P. 1/26/16
Name of Development/Applicant Date

1. How does your proposed use relate to the existing uses of property within the general area of the property in question?
   Consistent with existing property uses in the general area

2. What are the zoning classifications of properties in the general area of the property in question?
   F, F1, Forest Preserve

3. How does the suitability of the property in question relate to the uses permitted under the existing zoning classification?
   Suitable

4. What is the trend of development, if any, in the general area of the property in question?

5. How does the projected use of the property, relate to the Kane County 2040 Land Use Plan?
   Consistent with 2040 Land Use Plan
PARCEL TWO: THAT PART OF THE NORTHWEST QUARTER OF SECTION 25, TOWNSHIP 41 NORTH, RANGE 6 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER; THENCE SOUTHERLY, ALONG THE WEST LINE OF SAID NORTHWEST QUARTER, 60.0 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF ELLITHORPE ROAD; THENCE EASTERLY, AT AN ANGLE OF 90°25'23", MEASURED CLOCKWISE FROM SAID WEST LINE, PARALLEL WITH THE NORTH LINE OF SAID NORTHWEST QUARTER, 30.00 FEET FOR THE POINT OF BEGINNING; THENCE CONTINUING EASTERLY, ALONG SAID SOUTHERLY RIGHT OF WAY LINE, 415.00 FEET; THENCE SOUTHERLY, AT AN ANGLE OF 90°25'23", MEASURED COUNTERCLOCKWISE FROM SAID NORTH LINE, PARALLEL WITH THE WEST LINE OF SAID NORTHWEST QUARTER, 415.00 FEET; THENCE SOUTHWESTERLY, AT AN ANGLE OF 155°45'52", MEASURED COUNTERCLOCKWISE FROM THE LAST DESCRIBED COURSE, 63.50 FEET; THENCE SOUTHWESTERLY, AT AN ANGLE OF 162°27'49", MEASURED COUNTERCLOCKWISE FROM THE LAST DESCRIBED COURSE, 82.46 FEET; THENCE WESTERLY, AT AN ANGLE OF 131°20'56", MEASURED COUNTERCLOCKWISE FROM THE LAST DESCRIBED COURSE, PARALLEL WITH SAID NORTH LINE, 334.00 FEET; THENCE NORTHERLY, AT AN ANGLE OF 90°25'23", MEASURED COUNTERCLOCKWISE FROM THE LAST DESCRIBED COURSE, PARALLEL WITH SAID WEST LINE, 535.00 FEET TO THE POINT OF BEGINNING, ALL IN BURLINGTON TOWNSHIP, KANE COUNTY, ILLINOIS.
Resolution Authorizing the Sale of Forest Preserve District Property in Burlington Township

WHEREAS, the Forest Preserve District of Kane County acquired fee simple title to certain property located in Burlington Township, Kane County, Illinois, on September 18, 2015; and

WHEREAS, 70ILCS 805/6, authorizes a forest preserve district to purchase a parcel of land and to subsequently sell a portion thereof for not less than the fair market value pursuant to resolution of the Board of Commissioners passed by a two-thirds majority of the Board; and

WHEREAS, said resolution authorizing a sale of a portion of the real estate purchased by the District must be passed within thirty (30) days after acquisition by the District of such parcel.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Forest Preserve District of Kane County, Illinois that the District, be, and hereby is, authorized to sell a portion of the real estate described in Exhibit A, for not less that the fair market value of said real estate, under such terms and conditions as may be set forth by the Executive Committee regarding such sale.

Passed and approved on this the 13th day of October, 2015.

Philip Lewis  
Secretary, Forest Preserve District  
Kane County, Illinois

Michael Kenyon  
President, Forest Preserve District  
Kane County, Illinois
Cardinal Creek Forest Preserve

Legend

- Road
- Creek
- Forest Preserve Boundary
- Parcel

45W879 Ellithorpe Road, Hampshire, IL 60140
West of Burlington Road

PIN #04-25-100-012
Acreage = 196

Information: (630) 232-5980
www.kaneforest.com
Hours: Daily, Sunrise-Sunset
PLAT AND CERTIFICATE OF SURVEY

PARCEL ONE: THE WESTERNLY 723.78 FEET, AS MEASURED ALONG THE NORTHGERY AND SOUTHERLY LINES PARALLEL TO THE NORTHWEST QUARTER OF SECTION 25, TOWNSHIP 41 NORTH, RANGE 8 WEST, 1/2 A PART OF THE THIRD PRINCIPAL MERIDIAN, CONTAINING THEREIN THE NORTHGERY 885 FEET OF THE

ABOVE DESCRIBED PROPERTY, ALSO DESCRIPTION THE EAST PART OF SAID NORTHWEST QUARTER, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHERLY CORNER OF SAID NORTHWEST QUARTER, THENCE SOUTHERLY ALONG THE WEST LINE OF SAID NORTHWEST QUARTER, 36.30 FEET TO THE POINT OF BEGINNING, THENCE WESTERLY 111.38 FEET, AS MEASURED COUNTERCLOCKWISE FROM SAID WEST LINE, PARALLELING THE SOUTHERLY LINES TO THE POINT OF BEGINNING, THENCE NORTHERLY 723.78 FEET, AS MEASURED COUNTERCLOCKWISE FROM SAID NORTH LINE, PARALLELING THE WESTERLY LINES TO THE POINT OF BEGINNING, ALL IN BURTON TOWNSHIP, KANE COUNTY, ILLINOIS.

PARCEL TWO: THAT PART OF THE NORTHWEST QUARTER OF SECTION 25, TOWNSHIP 41 NORTH, RANGE 8 WEST, 1/2 A PART OF THE THIRD PRINCIPAL MERIDIAN, CONTAINING 1454.90 FEET ALONG THE NORTHWEST QUARTER, THENCE SOUTHERLY ALONG THE WEST LINE OF SAID NORTHWEST QUARTER, 93.00 FEET TO THE SOUTHERLY LIMIT OF THE LINE OF ELTHORPE ROAD; THENCE EASTERLY, AT AN ANGLE OF 139.78 DEGREES, MEASURED COUNTERCLOCKWISE FROM SAID WEST LINE, PARALLELING THE SOUTHERLY LINES TO THE POINT OF BEGINNING, THENCE SOUTHERLY 93.00 FEET, AS MEASURED COUNTERCLOCKWISE FROM SAID SOUTH LINE, PARALLELING THE WESTERLY LINES TO THE POINT OF BEGINNING, ALL IN BURTON TOWNSHIP, KANE COUNTY, ILLINOIS.

STATE OF ILLINOIS

COUNTY OF KANE

TWO PLATS, ONE BY THE persons who surveyed and one by the persons who executed the Deed.

This is to certify that the attached plat is a true and correct representation of a survey I have made of property herein shown and described. All distances shown in feet and decimals thereof. This professional survey conformed to the current Illinois Manual of Field Work completed January 5, 2016, witnessed by

Prepared by:

Shawn R. Vantyler
ALTIMA PROFESSIONAL LAND SURVEYORS No. 2716
LICENSE EXPEDITION DATE: NOVEMBER 27, 2016

FOR: FOREST PRESERVE DIST. OF KANE CO.

JOB NO. WGC 13498
February 8, 2016

Kane County
Keith Berkhour
719 S. Batavia Ave.
Geneva, IL 60134

This is the letter we should have sent you.
We have assigned number 16-002 to a Land Use Opinion Application from:

Forest Preserve District of Kane County
1996 S. Kirk Rd., Suite 320
Geneva, IL 60134

The site location is:

Burlington Township
Section 26, Township 41N, Range 6E

The application was sent to us in compliance with Section 22.02a of the Illinois Soil and Water Conservations Districts Act.

________ Our review and comments will be sent to you on or before ________________

X According to the information received, this proposed land use change will not have a substantial effect on natural resources. Therefore, no further action will be taken by the Soil and Water Conservation District Board.

X A processing fee of $65.00 has been retained.

X A refund of $880.00 will be sent on February 12, 2016.

Sincerely,

Jennifer Shroder
Office Assistant
Applicant: Forest Preserve District of Kane County  
IDNR Project Number: 1607406  
Contact: Jerry Culp  
Date: 02/12/2016  
Address: 1966 South Kirk Road, Suite 320  
Geneva, IL 60134  
Project: Cardinal Creek Forest Preserve  
Address: 45W879 Ellithorpe Road, Hampshire

Description: rezoning to subdivide existing 30-acre parcel into 25-acre parcel and 5-acre parcel in order to be able to sell off 5-acre parcel with residence

Natural Resource Review Results

Consultation for Endangered Species Protection and Natural Areas Preservation (Part 1075)

The Illinois Natural Heritage Database contains no record of State-listed threatened or endangered species, Illinois Natural Area Inventory sites, dedicated Illinois Nature Preserves, or registered Land and Water Reserves in the vicinity of the project location.

Consultation is terminated. This consultation is valid for two years unless new information becomes available that was not previously considered; the proposed action is modified; or additional species, essential habitat, or Natural Areas are identified in the vicinity. If the project has not been implemented within two years of the date of this letter, or any of the above listed conditions develop, a new consultation is necessary. Termination does not imply IDNR's authorization or endorsement.

Location

The applicant is responsible for the accuracy of the location submitted for the project.

County: Kane

Township, Range, Section:
41N, 6E, 25
41N, 6E, 26

IL Department of Natural Resources
Contact
Natalia Jones
217-785-5500
Division of Ecosystems & Environment

Government Jurisdiction
Kane County Development Dept.
Mark VanKerkhoff, Director
719 Batavia Avenue
Geneva, Illinois 60134

Disclaimer

The Illinois Natural Heritage Database cannot provide a conclusive statement on the presence, absence, or condition of natural resources in Illinois. This review reflects the information existing in the Database at the time of this inquiry, and should not be regarded as a final statement on the site being considered, nor should it be a substitute for detailed site surveys or field surveys required for environmental assessments. If additional protected resources are encountered during the project's implementation, compliance with applicable statutes and regulations is required.
Terms of Use

By using this website, you acknowledge that you have read and agree to these terms. These terms may be revised by IDNR as necessary. If you continue to use the EcoCAT application after we post changes to these terms, it will mean that you accept such changes. If at any time you do not accept the Terms of Use, you may not continue to use the website.

1. The IDNR EcoCAT website was developed so that units of local government, state agencies and the public could request information or begin natural resource consultations on-line for the Illinois Endangered Species Protection Act, Illinois Natural Areas Preservation Act, and Illinois Interagency Wetland Policy Act. EcoCAT uses databases, Geographic Information System mapping, and a set of programmed decision rules to determine if proposed actions are in the vicinity of protected natural resources. By indicating your agreement to the Terms of Use for this application, you warrant that you will not use this web site for any other purpose.

2. Unauthorized attempts to upload, download, or change information on this website are strictly prohibited and may be punishable under the Computer Fraud and Abuse Act of 1986 and/or the National Information Infrastructure Protection Act.

3. IDNR reserves the right to enhance, modify, alter, or suspend the website at any time without notice, or to terminate or restrict access.

Security

EcoCAT operates on a state of Illinois computer system. We may use software to monitor traffic and to identify unauthorized attempts to upload, download, or change information, to cause harm or otherwise to damage this site. Unauthorized attempts to upload, download, or change information on this server is strictly prohibited by law.

Unauthorized use, tampering with or modification of this system, including supporting hardware or software, may subject the violator to criminal and civil penalties. In the event of unauthorized intrusion, all relevant information regarding possible violation of law may be provided to law enforcement officials.

Privacy

EcoCAT generates a public record subject to disclosure under the Freedom of Information Act. Otherwise, IDNR uses the information submitted to EcoCAT solely for internal tracking purposes.
Keith,

In regards to the above mentioned (and attached) petition, KDOT would like to see 60 foot half-right of way dedicated, per staff discussion with Mr. Jerry Culp of the Kane County Forest Preserve. Beyond that request, KDOT has no other comments or suggestions.

Keith McGraw

Kane County - Division of Transportation
Permitting Section
41W011 Burlington Road
St. Charles IL 60175

t (630) 584-1171
f (630) 584-5239
March 17, 2016

Mr. Keith Berkhout  
Building and Zoning Division  
Development & Community Services Department  
Kane County Government Center  
719 Batavia Avenue  
Geneva, IL  60134

Subject: Petition for Map Amendment, KCFPD Property, 45W879 Ellithorpe Road, Burlington Township, Kane County, Illinois. PIN 04-25-100-012

Via: e-mail to berkhout.keith@co.kane.il.us

Dear Keith:

The Village of Burlington is in receipt of your letter dated March 11, 2016 regarding a Map Amendment petition filed for the subject property and seeking comments thereon.

The subject petition has been reviewed and this matter will be discussed with the Board of Trustees Monday, March 21st prior to submitting our official recommendations.

We have the following questions which need clarification before this matter is discussed with the board:

1. It is not stated in the petition which part of the subject PIN is being rezoned from F to F-1. We believe it is appropriate for Parcel Two (5 acres with residence), as described on the Plat and Certificate of Survey, to be rezoned but not appropriate for Parcel One as described to be rezoned.

2. The Cardinal Creek Forest Preserve Exhibit shows the entire 30 acres of PIN 04-25-100-012 to be rezoned and subdivided. Is all of this being sold?

If you have any questions or require additional information, please contact me at your convenience at 630-466-6717.

Respectfully submitted,

ENGINEERING ENTERPRISES, INC.

John T. Whitehouse, P.E., P.L.S.
Village Engineer and  
Zoning Enforcement Officer

pc: Bob Walsh, Village President  
Kimberly Tatu, Village Clerk  
Steve Andersson, Village Attorney

52 Wheeler Road, Sugar Grove, IL 60554 ~ (630) 466-6700 tel ~ (630) 466-6701 fax ~ www.eeiweb.com
March 29, 2016

Mr. Keith Berkhout
Building and Zoning Division
Development & Community Services Department
Kane County Government Center
719 Batavia Avenue
Geneva, IL 60134

Subject: Petition for Map Amendment, KCFPD Property, 45W879 Ellithorpe Road, Burlington Township, Kane County, Illinois. PIN 04-25-100-012

Via: e-mail to berkhout.keith@co.kane.il.us

Dear Keith:

The Village of Burlington is in receipt of your letter dated March 11, 2016 regarding a Map Amendment petition filed for the subject property and seeking comments thereon.

The subject property is located on the south side of Ellithorpe Road, one mile westerly of Burlington Road, 0.75 miles easterly of the Village’s corporate limits and is within the Village’s 1-1/2 mile planning jurisdiction.

The subject petition has been reviewed and this matter has been discussed with the Board of Trustees.

The Village of Burlington offers its support for the rezoning of the 5.00 acre Parcel Two as shown on the Plat and Certificate of Survey attached to the application from F-Farming to F-1. Per your clarification in our phone conversation on March 17th, the zoning of the 23.74 acre Parcel One on said Plat will remain F-Farming.

If you have any questions or require additional information, please contact me at your convenience at 630-466-6717.

Respectfully submitted;

ENGINEERING ENTERPRISES, INC.

[Signature]

John T. Whitehouse, P.E., P.L.S.
Village Engineer and
Zoning Enforcement Officer

pc: Bob Walsh, Village President
    Kimberly Tatu, Village Clerk
    Steve Andersson, Village Attorney

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