

ORDINANCE NO. 0-17-01

**AN ORDINANCE APPROVING A REZONING, MINOR SUBDIVISION SITE PLAN, AND FINAL PLAT OF SUBDIVISION FOR THE PROPERTY COMMONLY KNOWN AS 42W538 CAROL DRIVE, CAMPTON HILLS, ILLINOIS**

**WHEREAS**, Development Properties, Inc., ("*Applicant*"), on behalf of Stephen Thuer, the owner of the property consisting of approximately three acres, located at 42W538 Carol Drive, Campton Hills, Illinois, and described on **Exhibit A** ("*Property*"), desires to rezone the Property, and also seeks approval of a Minor Subdivision Site Plan and Final Plat of Subdivision for the Property; and

**WHEREAS**, the Property currently contains a single-family residence with a detached garage, which constitutes a legal non-conforming use in the F District-Farming under the Village of Campton Hills Zoning Ordinance; and

**WHEREAS**, the Applicant has filed an application seeking to rezone the Property from the F District-Farming to the E2 District-Estate; and

**WHEREAS**, the E2 District-Estate allows single-family residences of at least two acres in area as a permitted use; and

**WHEREAS**, the Applicant has also filed applications seeking approval of a Minor Subdivision Site Plan and Final Plat of Subdivision for the Property in order to subdivide the three acre Property from the existing twenty-three (23) acre zoning lot; and

**WHEREAS**, pursuant to notice duly published, the Village of Campton Hills Plan Commission/Zoning Board of Appeals ("*Plan Commission*") held a public hearing and reviewed the Applicant's rezoning request on February 27, 2017, and at the conclusion of the public hearing the Plan Commission adopted certain findings of fact, a copy of which is attached hereto as **Exhibit B**, and voted to recommend approval of the rezoning of the Property from the F District-Farming to the E2 District-Estate; and

**WHEREAS**, the Plan Commission held a public meeting on March 2, 2017, and reviewed the Applicant's request for approval of a Minor Subdivision Site Plan and Final Plat of Subdivision, and at the conclusion of the public meeting voted to recommend approval of the Minor Subdivision Site Plan and Final Plat of Subdivision; and

**WHEREAS**, the Village Board of Trustees has considered the Plan Commission's recommendations and has determined that it is in the best interest of the Village to approve the requested rezoning, Minor Subdivision Site Plan, and Final Plat of Subdivision, as set forth in this Ordinance.

**THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF CAMPTON HILLS, KANE COUNTY, ILLINOIS, AS FOLLOWS:**

**Section 1. Recitals.** The above recitals are incorporated into this Ordinance by reference.

**Section 2. Findings.** The Village Board of Trustees has duly considered the recommendations of the Plan Commission on the Applicant's request for a rezoning, and hereby adopts the findings of fact attached as Exhibit B as the findings of the Village Board of Trustees as though fully restated in this Ordinance.

**Section 3. Approval of Rezoning.** Subject to the conditions set forth in Section 6 of this Ordinance, the Village Board of Trustees hereby approves the rezoning of the Property from the F District-Farming to the E2 District-Estate.

**Section 4. Approval of Minor Subdivision Site Plan.** Subject to the conditions set forth in Section 6 of this Ordinance, the Village Board of Trustees hereby approves the Minor Subdivision Site Plan for Unit No. 1, Reserve of Campton Hills, which is attached to this Ordinance as **Exhibit C**.

**Section 5. Approval of Final Plat of Subdivision.** Subject to the conditions set forth in Section 6 of this Ordinance, the Village Board of Trustees hereby approves the Final Plat of Subdivision for Unit No. 1, Reserve of Campton Hills, which is attached to this Ordinance as **Exhibit D**.

**Section 6. Conditions.** The approvals granted pursuant to Sections 3 through 5 of this Ordinance shall be and are hereby expressly subject to and contingent upon each of the following terms, conditions, and restrictions, the violation of any of which shall, in the sole discretion of the President and Village Board of Trustees, invalidate the approvals granted in this Ordinance.

- A. **No Authorization of Work.** This Ordinance does not authorize commencement of any work on the Property. Except as otherwise specifically provided in writing in advance by the Village, no work of any kind may be commenced on the Property pursuant to the approvals granted in this Ordinance unless and until all conditions of this Ordinance precedent to that work have been fulfilled and after all permits, approvals, and other authorizations for the work have been properly applied for, paid for, and granted in accordance with applicable law.
- B. **Compliance with Laws.** All applicable Village ordinances and regulations shall continue to apply to the Property, and the development and use of the Property must comply with all laws and regulations of all other federal, state, and local governments and agencies having jurisdiction.

**Section 7. Authorization.** The Village President and Village Clerk are hereby authorized and directed to execute and seal, on behalf of the Village, the Final Plat of Subdivision upon the Applicant's presentation to the Village of the Final Plat of Subdivision with all other signatures. The Village Administrator or designee is hereby authorized and directed to record a copy of the Final Plat of Subdivision with the Recorder of Deeds of Kane County, Illinois. All recording costs shall be borne by the Applicant.

**Section 8. Severability.** In the event a court of competent jurisdiction finds this Ordinance or any provision hereof to be invalid or unenforceable as applied, such finding shall

not affect the validity of the remaining provisions of this Ordinance and the application thereof to the greatest extent permitted by law.

**Section 9. Repeal and Saving Clause.** All ordinances or parts of ordinances in conflict herewith are hereby repealed; provided, however, that nothing herein contained shall affect any rights, actions, or cause of action which shall have accrued to the Village of Campton Hills prior to the effective date of this Ordinance.

**Section 10. Effective Date.** This Ordinance shall be in full force and effect from after its passage, approval, and publication in the manner provided by law.

Passed this 7 day of March, 2017 by roll call vote:

	AYES	NAYES	ABSENT	ABSTAIN
Trustee Laura Andersen	_____	_____	<u>X</u>	_____
Trustee Susan George	<u>X</u>	_____	_____	_____
Trustee James McKelvie	<u>X</u>	_____	_____	_____
Trustee Mike Millette	<u>X</u>	_____	_____	_____
Trustee Michael O'Dwyer	<u>X</u>	_____	_____	_____
Trustee Michael Tyrrell	_____	_____	_____	<u>X</u>
President Harry Blecker	_____	_____	_____	_____

APPROVED THIS 7 DAY OF March, 2017

(SEAL)

  
\_\_\_\_\_  
Harry Blecker, Village President

ATTEST:

  
\_\_\_\_\_  
Nicholas Girka, Village Clerk

## Exhibit A

### Legal Description of the Property (Unit No. 1, Reserve of Campton Hills)

That part of the North Half of Section 21, Township 40 North, Range 7 East of the Third Principal Meridian described as follows: Beginning at the northeast corner of the Northwest Quarter of said Section 21; thence westerly along the north line of said Quarter 217.07 feet to a line drawn parallel with and 30.0 feet easterly of the easterly line of Mary Meadow Subdivision, Campton Township, Kane County, Illinois (measured at right angles thereto); thence southerly parallel with said easterly line 216.0 feet; thence easterly along a line forming an angle of  $81^{\circ}24'44''$  with the last described course (measured clockwise therefrom) 311.0 feet; thence southeasterly along a line forming an angle of  $209^{\circ}31'48''$  with the last described course (measured clockwise therefrom) 46.0 feet; thence easterly along a line forming an angle of  $136^{\circ}40'13''$  with the last described course (measured clockwise therefrom) 114.20 feet; thence northeasterly along a line forming an angle of  $156^{\circ}00'15''$  with the last described course (measured clockwise therefrom) 98.0 feet; thence easterly along a line forming an angle of  $144^{\circ}05'20''$  with the last described course (measured counterclockwise therefrom) 96.0 feet to a point on the westerly line of Lot 13 in Unit No. 4, West Woods of St. Charles, Campton Township, Kane County, Illinois that is 178.0 feet southerly of the northwest corner of said Lot; thence northerly along the westerly line of said Lot 178.0 feet to the northwest corner of said Lot; thence westerly along the north line of the Northeast Quarter of said Section 21, being along a southerly line of said Unit, 381.0 feet to the point of beginning, in the Village of Campton Hills, Kane County, Illinois and containing 3.073 acres.

PINs: 08-21-201-010  
08-21-100-020

## Exhibit B

### Findings of Fact

## Findings of Fact Sheet – Rezoning

- *The Village of Campton Hills Plan Commission 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.*

Thuer Rezoning to E2 District  
*Name of Development/Applicant*

February 3, 2017  
*Date*

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

The proposal will allow for the sale of an existing residence, which is already consistent with the present and surrounding land uses.

2. What are the zoning classifications of properties in the general area of the property in question?

Nearly all surrounding uses are residential within F District-Farming, R1 and PUD Districts-Residential classifications.

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

The subject 3-acre parcel, which is part of a 23-acre zoning lot, is well-suited for the proposed zoning classification since it is already improved with one 30 year-old residence and attached garage, together with a small detached garage, all of which is located in the F District-Farming classification. However, the 3-acre parcel cannot be created for residential use in the Farming District.

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

There has been no recent development in the immediate area during the past 20+ years; all uses are residential except for a horse boarding stable southwest of the subject property that has operated since the 1970's.

5. How does the projected use of the property, relate to the Kane County 2040 Plan?

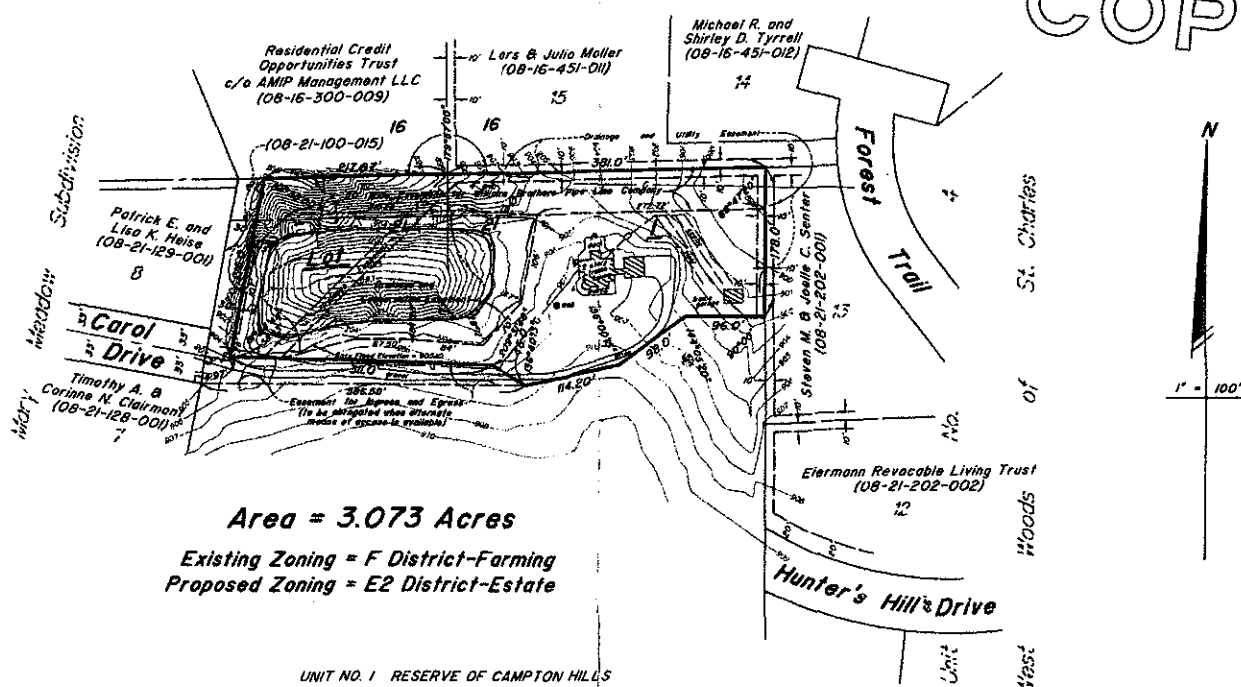
The 2040 Plan defers land use decisions to the adopted plans of local jurisdictions. Therefore, the E2 District-Estate classification being proposed under the Village Zoning Ordinance is compatible with the 2040 Plan and is consistent with the trend and character of the area.

**Exhibit C**

**Minor Subdivision Site Plan (Unit No. 1, Reserve of Campton Hills)**

**Site Development Plan of  
Unit No. 1 Reserve of Campton Hills  
Village of Campton Hills Kane County Illinois**

**COPY**



**Area = 3.073 Acres**  
**Existing Zoning = F District-Farming**  
**Proposed Zoning = E2 District-Estate**

**UNIT NO. 1 RESERVE OF CAMPTON HILLS**

That part of the North Half of Section 21, Township 40 North, Range 7 East of the Third Principal Meridian described as follows: Beginning at the northeast corner of the Northwest Quarter of said Section 21; thence westerly along the north line of said Quarter 217.07 feet to a line drawn parallel with and 30.0 feet easterly of the easterly line of Mary Meadow Subdivision, Campton Township, Kane County, Illinois (measured at right angles thereto); thence southerly parallel with said easterly line 216.0 feet; thence easterly along a line forming an angle of 81°24'44" with the last described course (measured clockwise therefrom) 31.0 feet; thence southeasterly along a line forming an angle of 209°31'48" with the last described course (measured clockwise therefrom) 46.0 feet; thence easterly along a line forming an angle of 136°40'13" with the last described course (measured clockwise therefrom) 114.20 feet; thence northeasterly along a line forming an angle of 156°00'15" with the last described course (measured clockwise therefrom) 98.0 feet; thence easterly along a line forming an angle of 144°05'20" with the last described course (measured counterclockwise therefrom) 96.0 feet to a point on the westerly line of Lot 13 in Unit No. 4, West Woods of St. Charles, Campton Township, Kane County, Illinois that is 178.0 feet southerly of the northwest corner of said Lot; thence northerly along the westerly line of said Lot 178.0 feet to the northwest corner of said Lot; thence westerly along the north line of the Northeast Quarter of said Section 21, being along a southerly line of said Unit 381.0 feet to the point of beginning in the Village of Campton Hills, Campton Township, Kane County, Illinois and containing 3.073 acres.

**EASEMENT FOR INGRESS AND EGRESS**

That part of the North Half of Section 21, Township 40 North, Range 7 East of the Third Principal Meridian described as follows: Commencing at the northeast corner of the Northwest Quarter of said Section 21; thence westerly along the north line of said Quarter 217.07 feet to a line drawn parallel with and 30.0 feet easterly of the easterly line of Mary Meadow Subdivision, Campton Township, Kane County, Illinois (measured at right angles thereto); thence southerly parallel with said easterly line 216.0 feet for a point of beginning; thence easterly along a line forming an angle of 81°24'44" with the last described course (measured clockwise therefrom) 31.0 feet; thence southeasterly along a line forming an angle of 209°31'48" with the last described course (measured clockwise therefrom) 46.0 feet; thence westerly 386.50 feet to the northeast corner of Lot 7 in said Mary Meadow Subdivision; thence northerly along said easterly line 33.0 feet to a point that is 33.0 feet northerly of the northerly line of said Lot 7 (measured at right angles thereto); thence easterly parallel with said northerly line extended 30.0 feet to a line drawn parallel with said easterly line from the point of beginning; thence northerly parallel with said easterly line 4.97 feet to the point of beginning in the Village of Campton Hills, Campton Township, Kane County, Illinois.




**Notes:** 100 year flood area derived from Flood Insurance Rate Map Community Panel No. 17089C0229F and Kane County GIS Department and revised (deleted) on Community Panel No. 17089C0229H

Drain file investigation conducted by Huddleston-McBride on March 22, 2016 revealed no agricultural drain files on subject premises.

**Location of improvements provided by:**

**Dele Floyd Land Surveying L.L.C.**  
2600 Kealing Road  
Geneva, Illinois 60134

**Johnson-Western Surveying, L.L.C.**  
825 West State Street  
Geneva, Illinois 60134

-  Indicates 90° angle
-  Indicates contour elevation
-  Indicates wetland observed by Encap, Inc. on April 5, 2016

**Prepared by:**  
**Development Properties, Inc.**  
44 White Oak Circle  
St. Charles, Illinois 60174

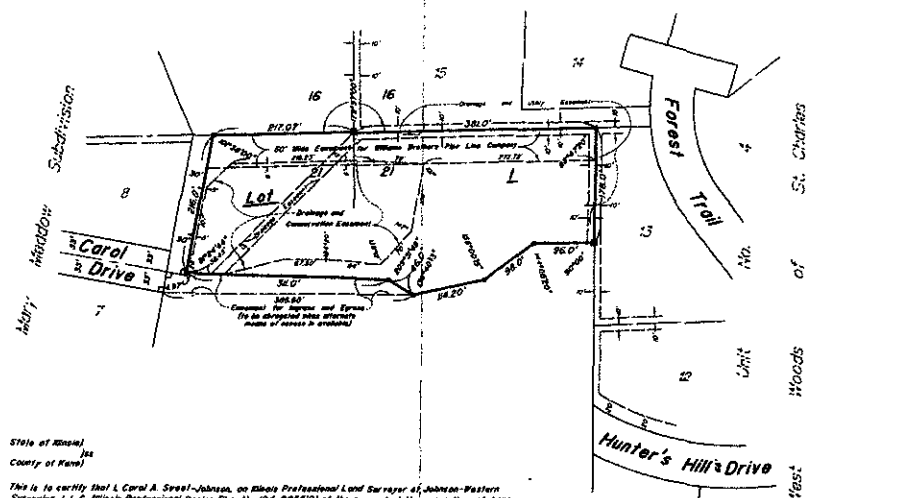
**February 6, 2017**

Exhibit D

Final Plat of Subdivision (Unit No. 1, Reserve of Campton Hills)

Unit No. 1
Reserve of Campton Hills
Village of Campton Hills Kane County Illinois

COPY



- Indicates iron stake
Indicates concrete monument
Indicates 90° angle

By executing this Plat of Subdivision, Kane County, Kane County Division of Transportation, Campton Township and Campton Township Highway Department hereby declare any and all utility or public utility services to be necessary, together with the right of access across the real estate platted herein for the necessary personal and equipment to do any or all of the above work...

PUBLIC UTILITY EASEMENT PROVISIONS

A permanent non-exclusive easement is hereby reserved for and granted to the Village of Campton Hills and to all public utility and other companies of any kind operating under franchise granting them rights from the Village of Campton Hills including, but not limited to, the following companies: SBC Communications, Commonwealth Edison Company, and AmeriGas Company and to their successors and assigns...

DRAINAGE EASEMENT PROVISIONS

A permanent non-exclusive easement is hereby reserved for and granted to the Village of Campton Hills (hereinafter "the Grantee"), and to its successors and assigns, on, over, under and through the areas shown by dashed lines and labeled "Drainage and Conservation Easement" on this plat of subdivision...

CONSERVATION EASEMENT PROVISIONS

A non-exclusive easement is hereby reserved for, and granted to, the Village of Campton Hills, on, over, upon and across that part of Lot 1 annexed by dashed lines and identified as "Drainage and Conservation Easement" and shall remain in its natural state, free from any principal and necessary residential structure or other man-made changes...

This is to certify that I, Carol A. Smeal-Johnson, an Illinois Professional Land Surveyor of Johnson-Western Surveying, L.L.C. (Illinois Professional Design Firm No. 04-005308) of the request of the owner thereof, have surveyed, subdivided and plotted the following described property:

The part of the North Half of Section 21, Township 40 North, Range 7 East of the Third Principal Meridian described as follows: Beginning at the northeast corner of the Northwest Quarter of said Section 21; thence southerly along the north line of said Quarter 270.07 feet to a line where parallel with and 380.0 feet southerly of the westerly line of Mary Meadows Subdivision, Campton Township, Kane County, Illinois...

I further certify that the plat herein shown is a correct and accurate representation of said survey and subdivision. All distances are shown in feet and decimal parts thereof.

I further certify that no part of the above described property is located within a special flood hazard area as identified by the Federal Emergency Management Agency (FEMA) based on flood insurance map community Panel Number 17089C025H dated August 3, 2009.

Given under my hand and seal of Geneva, Illinois, this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

Illinois Professional Land Surveyor No. 033-003342
License expiration date November 30, 2018

State of Illinois
County of Kane

This is to certify that I, Stephen R. Thew, am the owner of the land described in the foregoing surveyor's certificate and have caused the same to be surveyed, subdivided and plotted as shown by the annexed plat for the use and purpose therein set forth as allowed and provided by statute, the subdivision to be known as UNIT NO. 1, RESERVE OF CAMPTON HILLS, VILLAGE OF CAMPTON HILLS, KANE COUNTY, ILLINOIS; and I hereby acknowledge and adopt the same under the title and title attached. Said premises are located within Community Unit School District No. 303.

Dated at St. Charles, Illinois, this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

Stephen R. Thew

State of Illinois
County of Kane

I, \_\_\_\_\_, a Notary Public in and for the County and State aforesaid hereby certify that Stephen R. Thew, who is personally known to me to be the same person whose name is subscribed to the foregoing owner's certificate, appeared before me this day in person and acknowledged the execution of the annexed plat and accompanying instrument as his free and voluntary act.

Given under my hand and Notarial Seal, this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

Notary Public

State of Illinois
County of Kane

Accepted and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

Village Engineer

State of Illinois
County of Kane

Accepted and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

Starmerland Drainage Administrator

State of Illinois
County of Kane

Accepted and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

Health Officer

State of Illinois
County of Kane

This is to certify that I, John A. Cunningham, Deputy Clerk in and for the County and State aforesaid, and as deponent, general taxes, village current general taxes, additional special assessments or unpaid current special assessments against any of the real estate described in the foregoing surveyor's certificate.

Dated at Geneva, Illinois, this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

County Clerk

State of Illinois
County of Kane

Accepted and approved by the Plan Commission of the Village of Campton Hills, Kane County, Illinois this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

By: Chairman

State of Illinois
County of Kane

Accepted and approved by the Village Board of the Village of Campton Hills, Kane County, Illinois this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

By: Village President

Attest: Village Clerk

State of Illinois
County of Kane

This instrument No. \_\_\_\_\_ was filed for record in the Recorder's Office of Kane County, Illinois, on the \_\_\_\_\_ day of \_\_\_\_\_, 2017, of a clock \_\_\_\_\_ M. and was recorded in Plat Book No. \_\_\_\_\_ of a clock \_\_\_\_\_ M.

County Recorder

Prepared by: Johnson-Western Surveying, L.L.C.
A Member Firm of the Real Estate Division of JWS
1101 East 11th Street, Suite 207
Geneva, Illinois 60134
(630) 245-3166