



Incorporated in 1869

Village of Rochester

SANGAMON COUNTY, ILLINOIS

ORDINANCE
NUMBER 19-23

**AN ORDINANCE APPROVING A REQUEST FOR VARIANCE BY CARDINAL HILL,
LLC TO REDUCE THE MINIMUM LOT WIDTH FOR FOUR LOTS FROM
100 FEET TO 95 FEET AND CHANGE THE SET BACK REQUIREMENT
FROM 25 FEET TO 30 FEET**

JOSEPH C. SUERDIECK, Village President
LYNN LANGDON, Village Clerk

MATT BUTCHER
MARIBETH EANDI
HAROLD HENDRICKSON
JOE HILL
STACIA MUNROE
DOUG ZOBRIST
Village Trustees

Published in pamphlet form by authority of the President and Board of Trustees of the Village of
Rochester
on Sept 9, 2019

Sorling Northrup – 1 N. Old State Capitol Plaza, Suite 200, Springfield, IL 62701

ORDINANCE NO. 19-23

AN ORDINANCE APPROVING A REQUEST FOR VARIANCE BY CARDINAL HILL, LLC TO REDUCE THE MINIMUM LOT WIDTH FOR FOUR LOTS FROM 100 FEET TO 95 FEET AND CHANGE THE SET BACK REQUIREMENT FROM 25 FEET TO 30 FEET

WHEREAS, the Village of Rochester, Sangamon County, State of Illinois, is a duly organized and existing Village created under the provisions of the laws of the State of Illinois; and,

WHEREAS, the Illinois Municipal Code, 65 ILCS 5/11-13-3, allows for the approval of variations to the Village's zoning code; and,

WHEREAS, The Roman Catholic Diocese of Springfield, Trustee of St. Jude Parish of Rochester ("Diocese") is the owner of record of certain real property legally described in **Exhibit A** attached hereto (hereinafter referred to as "Property"); and,

WHEREAS, Cardinal Hill, LLC ("Cardinal Hill") is the contract purchaser for the Property; and,

WHEREAS, on August 15, 2019 Diocese and Cardinal Hill filed a Request for Variation asking the Village to change the minimum lot width for Lots 28-31 from 100 feet to 95 feet and change the setback requirement from 25 feet to 30 feet as described in **Exhibit B**; and,

WHEREAS, on August 8, 2019, notice of a public hearing on the Request for Variation was published in the Rochester Times; and

WHEREAS, the Village Planning and Zoning Commission held a public hearing on the Request for Variation on August 27, 2019; and,

WHEREAS, as a result of the testimony presented at the public hearing, the Planning and Zoning Commission made the following findings:

- (a) That the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations governing the zoning district in which it is located;
- (b) That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district;
- (c) That literal interpretation of the provisions of the Village Code would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of the Village Code;
- (d) That the plight of the applicant is due to unique circumstances and does not result from the actions of the applicant;
- (e) That granting the variation requested will not confer on the applicant any special privilege that is denied by the Village Code to other lands, structures or buildings in the same district; and,
- (f) That the variation, if granted, will not alter the essential character of the locality

WHEREAS, after the public hearing, the Planning and Zoning Commission voted unanimously to recommend granting the requested variance; and,

WHEREAS, on September 9, 2019, the Planning and Zoning Commission presented their findings to the Corporate Authorities of the Village; and,

WHEREAS, the President and Board of Trustees of the Village have found and determined that it is in the best interests of the Village that the zoning request be granted and the Property be zoned in accordance with the Request for Zoning Amendment.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF ROCHESTER, COUNTY OF SANGAMON, STATE OF ILLINOIS, AS FOLLOWS:

Section 1. Recitals. The foregoing recitals are hereby incorporated into, and made a part of, this Ordinance as findings of the Board of Trustees of the Village of Rochester.

Section 2. Description of the Property. The real property consisting of under has no common address and is legally described in **Exhibit A** to this Ordinance.

Section 3. Public Hearing. A public hearing was advertised on August 8, 2019, in the Rochester Times and was held by the Planning and Zoning Commission on August 27, 2019, at which time the Planning and Zoning Commission voted to recommend approval of the variance requested.

Section 4. Grant of Variance. The variance requested in the Request for Zoning Variation to change the minimum lot width for Lots 28-31 from 100 feet to 95 feet and change the setback requirement from 25 feet to 30 feet as described in **Exhibit B** outlined herein is hereby granted.

Section 5. Severability. In the event that any section, clause, provision, or part of this Ordinance shall be found and determined to be invalid by a court of competent jurisdiction, all valid parts that are severable from the invalid parts shall remain in full force and effect.

Section 6. Repeal and Savings Clause. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed; provided, however, that nothing herein contained shall affect any rights, action, or causes of action which shall have accrued to the Village of Rochester prior to the effective date of this Ordinance.

Section 7. Effectiveness. This Ordinance is contingent upon the sale of the Property from the Diocese to Cardinal Hill. It shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law and only after Cardinal Hill becomes the title owner of the Property.

SO ORDAINED this 9 day of Sept, 2019, at Rochester, Sangamon County, Illinois.

	YES	NO	ABSENT	PRESENT
MATT BUTCHER	X			
MARIBETH EANDI	X			
HAROLD HENDRICKSON	X			
JOE HILL	X			
STACIA MUNROE	X			
DOUG ZOBRIST	X			
TOTAL	6	0		

APPROVED by the President of the Village of Rochester, Illinois this 9 day of Sept., 2019.


 JOSEPH C. SUERDIECK, Village President


Attest:

 LYNN LANGDON, Village Clerk

EXHIBIT A
Legal Description

Part of the Southeast Quarter of Section 15, Township 15 North, Range 4 West of the Third Principal Meridian, Rochester, Sangamon County, Illinois, more particularly described as follows:

Commencing at a stone found at the Southwest corner of the Southeast Quarter of said Section 15; thence North 00 degrees 11 minutes 23 seconds East on the West line of said Southeast Quarter, a distance of 912.86 feet to the point of beginning.

From said point of beginning; thence continuing North 00 degrees 11 minutes 23 seconds East on said West line, a distance of 409.21 feet; thence South 87 degrees 55 minutes 55 seconds East, a distance of 740.53 feet to a point on the West right of way line of Cardinal Hill Road; thence South 38 degrees 28 minutes 35 seconds East on said West right of way line, a distance of 110.92 feet; thence South 29 degrees 44 minutes 31 seconds West on said West right of way line, a distance of 96.50 feet; thence South 37 degrees 25 minutes 51 seconds West on said West right of way line, a distance of 268.30 feet; thence North 89 degrees 53 minutes 10 seconds West, a distance of 599.48 feet to the point of beginning.

Containing 287,657.628 square feet (6.604 acres), more or less.

EXHIBIT B
Plat of Variance

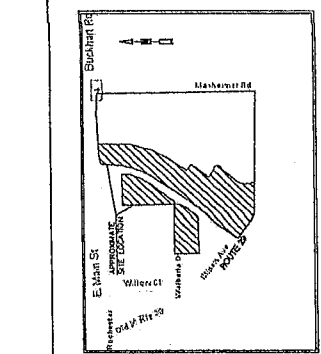
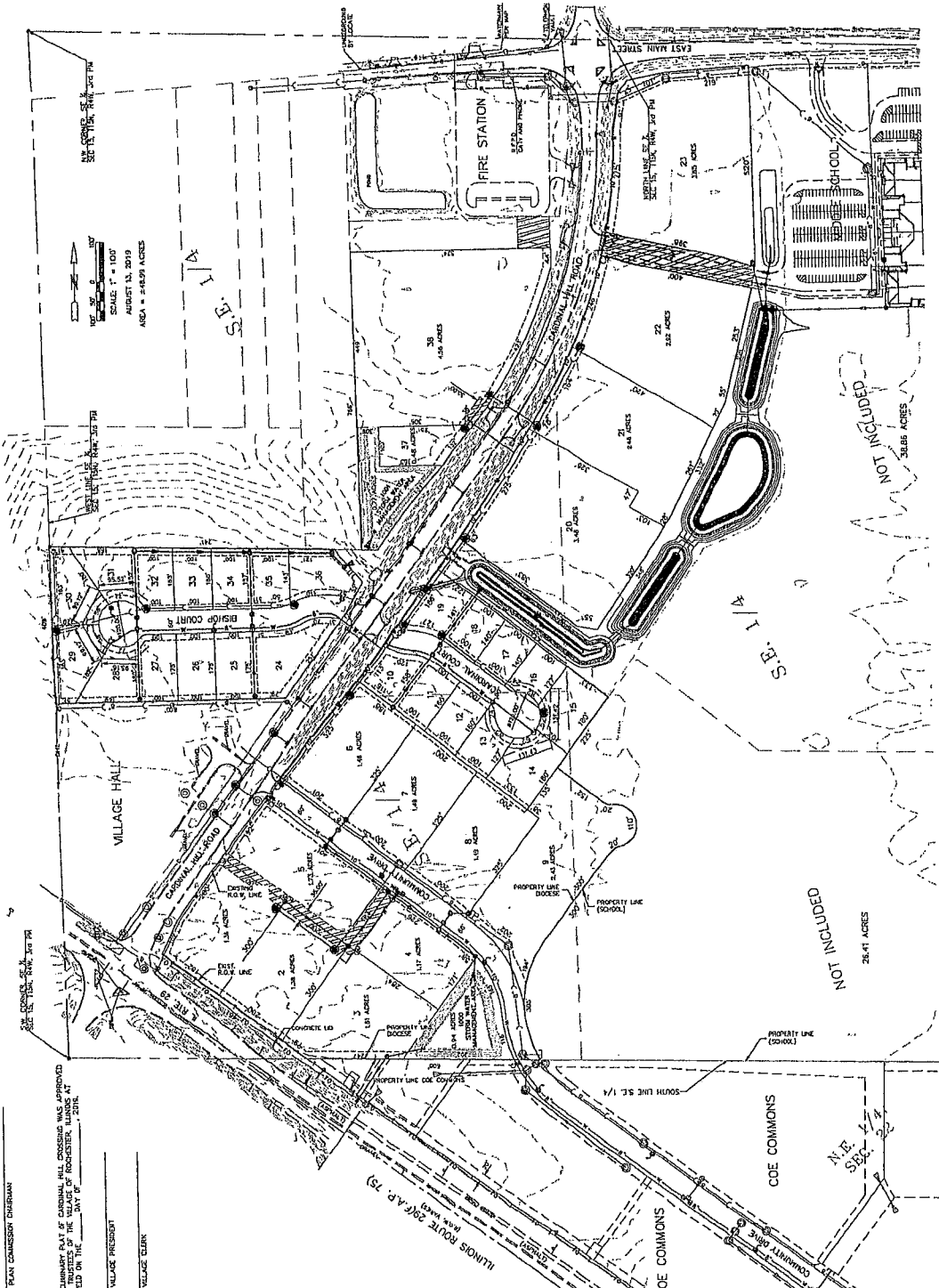
STATE OF ILLINOIS } SS.
 COUNTY OF SANGHON }
 I HEREBY CERTIFY THAT THIS PRELIMINARY PLAN OF SUBDIVISION WAS APPROVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF SANGHON, ILLINOIS, AT ITS REGULARLY SCHEDULED MEETING HELD ON THE 15TH DAY OF AUGUST, 2019.

STATE OF ILLINOIS } SS.
 COUNTY OF SANGHON }
 I HEREBY CERTIFY THAT THE PRELIMINARY PLAN OF SUBDIVISION WAS APPROVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF SANGHON, ILLINOIS, AT ITS REGULARLY SCHEDULED MEETING HELD ON THE 15TH DAY OF AUGUST, 2019.

PLANNING COMMISSION CHIEF
 VILLAGE PRESIDENT
 VILLAGE CLERK

DOUBLE LOT AREAS (SQUARE FEET)

LOT	AREA
30	15,627
31	15,627
32	15,627
33	15,627
34	15,627
35	15,627
36	15,627
37	15,627
38	15,627
39	15,627
40	15,627
41	15,627
42	15,627
43	15,627
44	15,627
45	15,627
46	15,627
47	15,627
48	15,627
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89	15,627
90	15,627
91	15,627
92	15,627
93	15,627
94	15,627
95	15,627
96	15,627
97	15,627
98	15,627
99	15,627
100	15,627



LEGAL DESCRIPTION
 PART OF THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 15 NORTH, RANGE 1 WEST OF THE THIRD MERIDIAN, SANGHON COUNTY, ILLINOIS.

- LEGEND
- FIRE HYDRANT
 - WATER VALVE
 - TELEPHONE PEDESTAL
 - HAND POLE
 - GAS VALVE
 - BURN MARKER
 - AXLE
 - SIGN
 - STREET SIGN
 - ELECTRICAL PEDESTAL
 - POWER POLE
 - LIGHT POLE
 - CITY WIRE
 - MET
 - CATCH BASIN
 - MANHOLE
 - CLAYBILT
 - FENCE
 - EXISTING GAS MAIN
 - EX. WATER MAIN
 - EXISTING ELECTRIC
 - EX. SANITARY SEWER
 - UTILITY/DRAINAGE CASING
 - SECTION LINE
 - PROPOSED WATER MAIN
 - PROPOSED FIRE HYDRANT
 - PROPOSED SANITARY MANHOLE
 - PROPOSED SANITARY SINK
 - PROPOSED STORM SEWER
 - PROPOSED STORM INLET
 - PROPOSED PLUMBING END SECTION
 - PROPOSED STREET MANHOLE
 - PROPOSED STREET LIGHT
 - DRAINAGE/RETENTION CASING
 - ACCESS EASEMENT
- MINIMUM LOT SIZES PER ZONING ORDINANCE:
 100' FRONTAGE 100' FRONTAGE
 14,000 S.F. 15,000 S.F.

BUILDING SETBACKS

TOWNSHIP	FRONT	REAR
R1	0	20
R2	0	20
R3	0	20
R4	0	20
R5	0	20
R6	0	20
R7	0	20
R8	0	20
R9	0	20
R10	0	20
R11	0	20
R12	0	20
R13	0	20
R14	0	20
R15	0	20
R16	0	20
R17	0	20
R18	0	20
R19	0	20
R20	0	20

PRELIMINARY PLAN
 CARDINAL HILL CASCADING
 SUBDIVISION, ILLINOIS

ENGINEER: MARY E. CHAPMAN, INC. 1000 WEST WASHINGTON ST. CHICAGO, ILLINOIS 60606
 CONSOLE: CHICAGO, ILLINOIS 60606
 DATE: AUGUST 15, 2019

SCALE: 1" = 100'

DATE: AUGUST 15, 2019

AREA: 2,482,919 SQUARE FEET

NOTES:
 1. LOT 100' AND 100' SHALL BE USED FOR STORM WATER MANAGEMENT.
 2. ALL DIMENSIONS ALONG CURVES ARE CHORD DISTANCES.
 3. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
 4. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
 5. ALL EASEMENTS ALONG AT-TERRACE LOT LINES SHALL BE 15' WIDE UNLESS OTHERWISE NOTED.
 6. PARALLEL LINES SHALL BE 27' EDGE TO EDGE.
 7. NO PART OF THIS PLAN IS TO BE LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA AS DETERMINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.
 8. THE EXISTING AND PROPOSED UTILITIES SHOWN ON THIS PLAN ARE BASED ON RECORDS AVAILABLE TO THE ENGINEER AND ARE NOT GUARANTEED TO BE ACCURATE.
 9. THE ENGINEER HAS CONDUCTED VISUAL INSPECTIONS OF THE SITE AND HAS FOUND NO EVIDENCE OF CONTAMINATION OR OTHER HAZARDOUS CONDITIONS.
 10. THE ENGINEER HAS CONDUCTED VISUAL INSPECTIONS OF THE SITE AND HAS FOUND NO EVIDENCE OF CONTAMINATION OR OTHER HAZARDOUS CONDITIONS.
 11. THE ENGINEER HAS CONDUCTED VISUAL INSPECTIONS OF THE SITE AND HAS FOUND NO EVIDENCE OF CONTAMINATION OR OTHER HAZARDOUS CONDITIONS.
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 20. THE ENGINEER HAS CONDUCTED VISUAL INSPECTIONS OF THE SITE AND HAS FOUND NO EVIDENCE OF CONTAMINATION OR OTHER HAZARDOUS CONDITIONS.

