

ORDINANCE NO. 89-3

RECLASSIFICATION OF PROPERTY UNDER THE
ZONING ORDINANCE OF THE VILLAGE OF CHATHAM

WHEREAS, the parcel of property consisting of approximately 12 acres and legally described as:

The North 396 feet of the Northeast Quarter (N.E. 1/4) of the Southwest Quarter (S.W. 1/4) of Section 8, Township 14 North, Range 5 West of the Third Principal Meridian,

bounded by Gordon Drive on the West and Walnut Street (also known as County Highway 40) on the North, was annexed into the corporate limits of the Village of Chatham by Ordinance No. 88-15, pursuant to a Petition by all of the owners and all of the electors residing on said property conditioned upon the classification of such property in the R-3 zoning district of the Village of Chatham.

WHEREAS, the parcel in issue is large enough to accommodate an orderly controlled development as contemplated by the Zoning Ordinance of the Village, including sufficient area for proper setbacks from each property line, and to provide adequate off-street parking for all inhabitants and guests.

WHEREAS, the reclassification of the subject property to the R-3 zoning district will impose little if any burden on either the Village finances or public services facilities in that (a) it lies at the intersection of two existing public roads providing access to and from the site in all four directions; (b) a large capacity water supply main runs along and parallel to Walnut Street to the north of the parcel; (c) Village electric transmission lines of substantial capacity are adjacent to three sides of the property; and (d) Springfield Sanitary District's main sanitary sewer line runs to the east of the parcel.

WHEREAS, the use of private property by its owner is a fundamental right and the restriction on such use by its zoning classification requires the minimal restraint necessary to guard against the inappropriate mixing of commercial, industrial, and residential areas, but the application for reclassification in this instance from P-1 to R-3 will maintain the general character of the area as a residential area, although there is presently a church to the north of the property across Walnut Street, and an orchard from which retail sales are made lies to the east of the property on Springfield Lake Lease lands.

WHEREAS, in their Petition for Annexation of the property the owners conditioned annexation upon the granting of outright unrestricted R-3 zoning; however, following a public hearing conducted by the Chatham Plan Commission, certain objections to unrestricted R-3 zoning were made known and the Plan Commission

recommended certain extraordinary conditions and restrictions as to density, setbacks, height, and that a compulsory planned unit development procedure utilized by the owner at such time as improvements are sought to be constructed on the property.

WHEREAS, at a joint public meeting of the Trustees of the Village and the Plan Commission held on November 29, 1988 note was taken of the written objection of the owners of a neighboring parcel to the unrestricted R-3 zoning classification and the findings and recommendations of the Plan Commission.

WHEREAS, the Village Board of Trustees has taken into account the findings and recommendations of the Plan Commission, the written objections of the owners of a neighboring parcel, and the recommendations rendered in an advisory capacity by the Springfield Sangamon County Regional Planning Commission, and considering the best interests of the Village of Chatham as a whole, which include maintaining the annexation of the property which is already surrounded by lands within the corporate limits of Chatham except on the east where the property is adjacent to City of Springfield owned Lake Lease Lands, the rights of the owner of the property to use his private property as he desires as balanced against the interests of neighboring property owners in preserving their privacy, their property values, and the general nature of the neighborhood; and accordingly at the conclusion and as a result of negotiations conducted at said public meeting on November 29, 1988, the Village Board of Trustees proposed a compromise which would address each and every concern raised by the Plan Commission, the Board of Trustees finding that the issues raised by the Plan Commission the interests of neighboring property owners and the concerns expressed by other citizens, warrant certain restrictions and conditions in addition to those contained in the R-3 classification of the Zoning Ordinance of the Village of Chatham.

WHEREAS, it is not in accordance with the terms of Village Zoning Ordinance to mandate that land within the corporate limits of the Village be developed as a Planned Urban Development ("PUD") and the Village Board of Trustees has not determined that all of the other restrictions proposed by the Plan Commission would be fair, reasonable, or practical restrictions upon the owner's right to use the property as he desires, but the owner has agreed to make substantial concessions to his initial condition of total R-3 zoning without conditions or restrictions to accommodate the concerns expressed by the Plan Commission as adopted and endorsed by the Village Board of Trustees, as follows:

1. The westerly 200 feet of the property be zoned R-2 rather than R-3 to serve as a "buffer" to the single family residences to the west of the property and at the southwest corner of the property.

2. The property owner will dedicate the west 40 feet of the parcel for the maintenance, improvement and expansion of Gordon Drive (each of the aforementioned measurements assuming the fee interest in the property presently runs to the center of Gordon Drive); and the owners of the property will dedicate an additional 20 feet along the length of the north side of the property to the Village of Chatham for the maintenance, improvement and expansion of Walnut Street (County Highway 40), this 20 feet being an addition to any such portion of the property as presently constitutes a public county road or public street.

3. All of the property except for the west 200 feet will be reclassified from P-1 to R-3.

4. Upon construction of any improvements upon the property all applicable setbacks will take into account the additional highway dedications referred to above.

5. The permissible density of the property classified R-3 will not be that rate set forth for R-3 zoned property in the Zoning Code of the Village of Chatham, but rather it shall be a maximum of 125 units rather than in excess of 200 as would be permitted under the standard R-3 density restriction.

6. No building shall be constructed on the property in excess of 35 feet above ground level as it exists after completion of construction.

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

A. The property described as: the North 396 feet of the Northeast Quarter (N.E. 1/4) of the Southwest Quarter (S.W. 1/4) of Section 8, Township 14 North, Range 5 West of the Third Principal Meridian, Sangamon County, Illinois as annexed into the Village of Chatham by Ordinance No. 88-15 passed and approved August 9, 1988 shall be reclassified under the Zoning Ordinance of the Village of Chatham in the following manner:

1. The westerly 200 feet thereof shall be reclassified from the P-1 to the R-2 zone, subject to all of the terms, conditions, and restrictions of that classification, and with the following additional conditions:

(a) A total of 40 feet along the full length of the westerly side of the property shall be dedicated or conveyed to the Village for purposes of maintaining, improving, and expanding the public street known as Gordon Drive, and all setback requirements for the construction of any improvements upon the property shall take into account said 40 feet being dedicated for public highway purposes, whether or not such expansion and improvement has yet occurred, a portion of that 40 feet already being used as a part of Gordon Drive.

(b) An additional 20 feet along the entire north side of the parcel, not including the portion thereof already subject to highway use by the County of Sangamon and/or the Village of Chatham for the public highway known as County Highway 40 and Walnut Street shall be dedicated or conveyed to the Village of Chatham for highway purposes, for the maintenance, improvement, and expansion of Walnut Street; and the full width of Walnut Street including the additional 20 feet referred to herein above shall be taken into consideration in all setback requirements upon the construction of any improvements upon the remainder of the property notwithstanding that said Walnut Street may not have yet been improved or expanded to its full possible width.

2. The remainder of the parcel, being the easterly 1,120 feet thereof, shall be reclassified from the P-1 district area to R-3, subject to all of the terms, conditions and restrictions on use in such zoning classification, and the following additional restrictions and conditions:

(a) An additional 20 feet, along the entire northerly side thereof, along and adjacent to Walnut Street (County Highway 40) in addition to that area presently used as a part of the public highway known as Walnut Street or County Highway 40 shall be conveyed or dedicated to the Village of Chatham for the maintenance, improvement, and expansion of Walnut Street, and such additional highway right-of-way shall be taken into consideration for all setback requirements upon the construction of any improvements upon the property.

(b) The density requirements for the property in the R-3 classification shall be diminished from that set forth in the Zoning Ordinance of the Village of Chatham and the density thereof shall not exceed a total of 125 units.

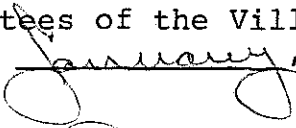
(c) No building shall be constructed at a height of more than 35 feet above the ground level as it exists after construction is completed.

B. A written objection to the reclassification of the subject property having been received by the Village Clerk from the owners of 20% of the frontage immediately adjoining the subject property pursuant to the terms of Section 11-13-14 of the Illinois Municipal Code (Ill. Rev. Stat. Ch. 24 ¶ 11-13-14), the passage of this Ordinance reclassifying a part of the property from P-1 zoning classification to the R-3 zoning classification will require a favorable vote of two-thirds of the Trustees of the Village then holding office.


AYE 6

NAY 0


Having received affirmative votes from two-thirds of the Trustees holding office, this Ordinance is PASSED by the President and Board of Trustees of the Village of Chatham, Illinois on the 10th day of January, 1989.


Barbara Bickhaus
Village Clerk of the Village
of Chatham, Illinois

APPROVED by the President of the Village of Chatham, Illinois this 10th day of January, 1989.


R.E. Moore
President of the Village of
Chatham, Illinois


ATTEST:


Barbara Bickhaus
Village Clerk of the Village
of Chatham, Illinois


AYE 6

NAY 0


Having failed to receive the requisite affirmative vote of two-thirds of the Trustees holding office, this Ordinance has not been passed, and is of no force or effect.


Village Clerk of the Village
of Chatham, Illinois

APPROVED by the President of the Village of Chatham,
Illinois this 10th day of January, 1989.


President of the Village of
Chatham, Illinois

ATTEST:


Village Clerk of the Village
of Chatham, Illinois