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**THE CITY OF ROCHELLE**  
**Ogle County, Illinois**

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**ORDINANCE**  
**NO. \_\_\_\_\_**

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**AN ORDINANCE GRANTING A SPECIAL USE TO ALLOW THE BURTON  
FOUNDATION TO CONSTRUCT A RESIDENTIAL/RETAIL MULTI-USE  
DEVELOPMENT LOCATED AT CORONADO DRIVE AND NORTH POINT DRIVE,  
ROCHELLE, ILLINOIS**

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**JOHN BEARROWS, Mayor**  
**SUE MESSER, City Clerk**

**TOM McDERMOTT**  
**BIL HAYES**  
**KATE SHAW-DICKEY**  
**DAN McDERMOTT**  
**JOHN GRUBEN**  
**DON BURKE**

**City Council**

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Published in pamphlet form by authority of the Mayor and City Council of the City of Rochelle  
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200 W. Adams, Ste. 2125, Chicago, IL 60606

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Ogle County, Illinois**

**ORDINANCE NO. \_\_\_\_**

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ROCHELLE, ILLINOIS**

**WHEREAS**, Section 7 of Article VII of the 1970 Constitution of the State of Illinois provides that a municipality that is not a home rule unit shall only have the powers granted to them by law and as such the City of Rochelle, Ogle County, Illinois being a non-home rule unit pursuant to the provisions of said Section 7 of Article VII, and may exercise only the powers expressly granted by law; and

**WHEREAS**, the Illinois General Assembly granted non-home rule municipalities broad authority to “pass all ordinances and make all rules and regulations proper or necessary, to carry into effect the powers granted to municipalities.” 65 ILCS 5/1-2-1; and

**WHEREAS**, while “non-home rule municipalities have the authority to enact ordinances, such ordinances may in no event conflict with state law or prohibit what a state statute expressly permits . . . A local ordinance may impose more rigorous or definite regulations in addition to those enacted by the state legislature so long as they do not conflict with the statute.” (*Village of Wauconda v. Hutton*, 291 Ill. App. 3d 1058, 1060 (1997)); and

**WHEREAS**, on July 6, 2020 the Planning and Zoning Commission of the City of Rochelle conducted a public hearing on Petition #04-20 relative to a request submitted by The Burton Foundation (“Petitioner”), for a Special Use to allow for the Petitioner to construct a residential/retail multi-use development on parcels located at Coronado Drive and North Point Drive, Rochelle, Illinois (“Property”); and

**WHEREAS**, the Property is zoned PUD-C, Planned Unit Development, Commercial, and requires a special use for residential or mixed-use development; and

**WHEREAS**, the Property is also located within the Lighthouse Pointe TIF District and is subject to an intergovernmental agreement between the City, Rochelle Township School District No. 212, and Rochelle Community Consolidated School District No. 231, which requires written consent from all parties to the agreement to permit residential development;

**WHEREAS**, Sections 74-36 and 110-73 of the City of Rochelle Zoning Code allows the Planning and Zoning Committee to conduct hearings for special use petitions submitted to the City and to submit a report with its recommendations to the City Council for its consideration; and

**WHEREAS**, City Staff has recommended the authorization of a Special Use to allow for the Petitioner to host events at the Property; and

**WHEREAS**, after hearing testimony on the Petition, the Planning and Zoning Commission found that the Petition did not meet the requisite standards enumerated in the City Code for the granting of a Special Use; and

**WHEREAS**, the Planning and Zoning Commission voted 6-1 in favor of not recommending to the City Mayor and City Council the Special Use to allow for the Petitioner to construct a residential/retail multi-use development on parcels located at Coronado Drive and North Point Drive, Rochelle, Illinois; and

**WHEREAS**, it has been determined by the Mayor and City Council of the City of Rochelle that it is in the best interest of the City and its residents to adopt the findings and recommendations of the Planning and Zoning Commission and to approve said Special Use.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCHELLE, OGLE COUNTY, ILLINOIS, AS FOLLOWS:**

SECTION 1: The foregoing recitals shall be and are hereby incorporated as findings of fact as if said recitals were fully set forth herein.

SECTION 2: The Special Use set forth herein below shall be applicable to the following described property:

See Legal Description attached hereto as Exhibit A.

(Located at or around Coronado Drive and North Point Drive, Rochelle, Illinois)

SECTION 3: A Special Use permit is hereby granted to the Petitioner to construct a residential/retail multi-use development on parcels located at Coronado Drive and North Point Drive, Rochelle, Illinois subject to the following conditions:

1. Petitioner will ensure that the entire first floor of the development is devoted to retail use, and that such use will serve the entire community, not just residents of the Property.

SECTION 4: Any policy, resolution or ordinance of the City that conflicts with the provisions of this Ordinance shall be and is hereby repealed to the extent of such conflict.

SECTION 5: This Ordinance shall be in full force and effect from and after its passage and approval in the manner provided by law.

PASSED THIS 13<sup>th</sup> day of July, 2020.

AYES:

NAYS:

ABSENT:

APPROVED THIS 13<sup>th</sup> day of July, 2020.

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CITY MAYOR

ATTEST:

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CITY CLERK

**EXHIBIT A**

Parcel Identification Number 25-18-377-002 and 25-18-377-003, and is legally described as:

THAT PART OF THE SOUTH HALF OF SECTION 18, TOWNSHIP 40 NORTH, RANGE 2 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED BY COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST FRACTIONAL QUARTER OF SAID SECTION 18; THENCE NORTH 01 DEGREE 24 MINUTES 18 SECONDS WEST 410.20 FEET TO THE PLACE OF BEGINNING; THENCE SOUTH 43 DEGREES 22 MINUTES 46 SECONDS WEST 42.51 FEET; THENCE SOUTH 88 DEGREES 16 MINUTES 19 SECONDS WEST 24.57 FEET TO A POINT ON A CURVE; THENCE WESTERLY ON A CURVE CONCAVE TO THE SOUTH HAVING A RADIUS OF 440.00 FEET, A CHORD BEARING OF SOUTH 79 DEGREES 37 MINUTES 28 SECONDS WEST, AND A CHORD LENGTH OF 132.31 FEET, AN ARC DISTANCE OF 132.82 FEET; THENCE SOUTH 70 DEGREES 58 MINUTES 38 SECONDS WEST 106.38 FEET; THENCE NORTH 01 DEGREE 44 MINUTES 33 SECONDS WEST 179.74 FEET; THENCE SOUTH 88 DEGREES 27 MINUTES 54 SECONDS WEST 221.93 FEET; THENCE NORTH 01 DEGREE 44 MINUTES 39 SECONDS WEST 395.22 FEET; THENCE NORTH 88 DEGREES 21 MINUTES 03 SECONDS EAST 35.00 FEET; THENCE NORTH 01 DEGREE 44 MINUTES 39 SECONDS WEST 113.43 FEET; THENCE NORTH 88 DEGREES 21 MINUTES 03 SECONDS EAST 376.23 FEET TO A POINT ON A CURVE; THENCE SOUTHERLY ON A CURVE CONCAVE TO THE EAST HAVING A RADIUS OF 358.00 FEET, A CHORD BEARING OF SOUTH 15 DEGREES 55 MINUTES 31 SECONDS EAST, AND A CHORD LENGTH OF 147.75 FEET, AN ARC LENGTH OF 148.82 FEET; THENCE SOUTH 27 DEGREES 50 MINUTES 02 SECONDS EAST 78.09 FEET TO A POINT ON A CURVE; THENCE SOUTHERLY ON A CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 278.00 FEET, A CHORD BEARING OF SOUTH 14 DEGREES 40 MINUTES 25 SECONDS EAST, AND A CHORD LENGTH OF 126.59 FEET, AN ARC LENGTH OF 127.71 FEET; THENCE SOUTH 01 DEGREE 30 MINUTES 48 SECONDS EAST 270.33 FEET TO THE PLACE OF BEGINNING, IN OGLE COUNTY, ILLINOIS.

STATE OF ILLINOIS        )  
  )  
COUNTY OF OGLE         )        SS.

CERTIFICATE

I, \_\_\_\_\_, City Clerk of the City of Rochelle, County of Ogle and State of Illinois, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. \_\_\_\_\_, “AN ORDINANCE GRANTING A SPECIAL USE TO ALLOW THE BURTON FOUNDATION TO CONSTRUCT A RESIDENTIAL/RETAIL MULTI-USE DEVELOPMENT LOCATED AT CORONADO DRIVE AND NORTH POINT DRIVE, ROCHELLE, ILLINOIS” which was adopted by the Mayor and City Council of the City of Rochelle on July 13, 2020.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Rochelle this 13th day of July, 2020.

\_\_\_\_\_  
CITY CLERK

