

ZONING BOARD OF APPEALS AGENDA

Tuesday, September 27, 2016

Boone County Board Room

1212 Logan Avenue

7:00pm

ROLL CALL

Members:

Tony Savino, Vice-Chair

Brian Van Laar, Chair

Joan Krumm

Mark Rode

Steve Schabacker

Staff:

Hilary Arther Boone County Land Use Planner

Ken Terrinoni, County Administrator

Justyn Miller, Assistant to the County Administrator

Other:

MINUTES: Approval of Minutes from August 23, 2016

PUBLIC COMMENT:

UNFINISHED BUSINESS:

18-2016; Goad: The application of **Robert O. Goad and Betty Goad**, 113 Galahad Court SE, Poplar Grove, IL 61065, requesting a special use permit under Section 2.7 (Special Uses) and Sub-Section 3.16.1 (Table of Permitted Uses of the Boone County Zoning Ordinance to allow an auction sales yard at 11860 Illinois Route 173, Capron Illinois, 61012, in the A1 Zoning Board of Appeals August 23, 2016 Agenda Page 2 of 2 (Agricultural Preservation) Zoning District in unincorporated Boone Township, Boone County, Illinois. (PIN: 04-01-400-004) and (PIN: 04-01-400-006).
Staff (Approval); ZBA ()

NEW BUSINESS:

19-2016; Thomas: The applicant **William C. Thomas**, 6745 Auburn Road, Rockford IL 61101, is requesting a zoning map amendment under Sub-Section 2.12.2.C (Amending the Zoning Map/Special Uses) of Section 2.10 (Text and Map Amendments, Comprehensive Plan Amendments) of Chapter 2 (Administration, Enforcement, and Procedures) and Section 3.11 (Light Industrial District) of Chapter 3 (Districts and General Provisions) of the Boone County Zoning Ordinance to amend the Boone County Zoning Map from R-1 (Single Family Residential District) and I-1 (Light Industrial District) to I-1 (Light Industrial District) for the property located at 1401 Ipsen Road, Belvidere, Illinois, 61008 in unincorporated Flora Township, Boone County, Illinois.
Staff (Approval); ZBA ()

OTHER BUSINESS:

DISCUSSION:

COMMUNICATIONS/PLANNING REPORTS:

Previous Case Update

Staff Report

ADJORNMENT

ZONING BOARD OF APPEALS

MINUTES

Tuesday, August 23, 201

County Board Room

1212 Logan Avenue

7:00 P.M.

ROLL CALL:

Members:

Brian Van Laar, Chair
Tony Savino, Vice-Chair
Joan Krumm
Mark Rhode
Steve Schabacker

Staff Present:

Shelly Dunham, Planning Consultant
Ken Terrinoni, Court Administrator

Other:

Deb Clarkson, Transcriptionist

With a quorum present Chairman Brian Van Laar Called the meeting to order at 7:00 P.M.

MINUTES:

It was moved and seconded (Krumm/Schabacker) to approve the minutes of July 26, 2016.

PUBLIC COMMENT: Before the public comment section commenced Chairman Van Laar explained the process for the hearing this evening. The board would hear cases until 10:00 P.M. at which time any unfinished matters would be continued to the next meeting in September.

UNFINISHED BUSINESS: None.

NEW BUSINESS:

14-2016; Hall: The application of Willard A. Hall, 8105 Huber Road, Belvidere, Illinois requesting a zoning variance under Sub-Section 3.2.4 (Lot Development Standards) of Section 3.2 (Agricultural Preservation Area District) of Chapter 3 (Districts and General Provisions) of the Boone County Zoning Ordinance to allow a fifteen-foot (15') side yard setback to construct a pole barn at 8105 Huber Road, Belvidere, Illinois 61008, in unincorporated Spring Township, Boone County, Illinois (PIN: 08-16-100-021).

The public hearing opened at 7:05 P.M.

Shelly Dunham having been sworn in summarized the staff report. The Boone County Soil and Water Conservation District stated their review does not apply to this case. The Boone County Engineer, Richard Lundin, reviewed the application and stated he does not object to the variance. The Boone County Building Department reviewed it and said there was no objection to the variance but if the variance was approved, a building permit would be required. The Boone County Health Department reviewed the application and stated that the department has a plan of review process in place and the owner needs to initiate that process and will need to provide a scale drawing of the property and any new buildings depicted on it. Ms. Dunham further stated that the subject property was designated as agricultural/rural by the Boone County Comprehensive Plan.

Under findings of fact Ms. Dunham stated: No. 1, the particular physical surrounding shape, topographical and other on-site conditions of the specific property would result in a particular hardship. The parcel is five acres in area, however, it is narrow -- about 164 feet wide. In order to place the pole barn near the other buildings while at the same time maintain access to the considerable portion of the property south of the dwelling and also keep an appropriate distance from the septic, the barn would need to be located within 15 feet of the side lot line. That was really the key finding. Staff does recommend approval of the variance because it meets the requirements of Section 2.8.5 of the Boone County Zoning Ordinances.

Mr. Savino did ask questions regarding the current setbacks and Ms. Dunham stated they were 40 feet.

Mr. Willard Hall of 8105 Huber Road, Belvidere, Illinois, was sworn in and explained that he had been to the Health Department, had paid the required \$50.00, and furnished the requested drawing as of last Thursday. The Board asked for a copy of the drawing that was furnished.

Mr. Schabacker asked the petitioner questions regarding the proposed use of the pole barn. Mr. Hall stated it was for equipment storage, i.e. motor home, a boat, tractor, mower.

Chairman Van Laar asked for clarification regarding the property line next to Dale and Mary Jones' property and asked if Mr. Hall had been in contact with the property owners. Mr. Hall stated he had asked them before he started the process and they were not opposed. Mr. Hall also had spoken with the neighbors on the other side and they also had no opposition as it did not impact them.

Ms. Krumm did note that the documents Mr. Hall had provided did not verify that he had in fact paid the \$50.00. Mr. Schabacker questioned the applicant regarding the septic system and Mr. Hall informed him this was the second septic field but there was room for a third septic field if necessary.

Ms. Dunham recommended that if the Zoning Board was going to approve the petition that they would add as a condition the comments of the Building Department and the Health Department as conditions for the variance.

There were no further questions for the applicant. It was moved and seconded (Krumm/Savino) to close the public hearing. A motion to accept the findings of fact (Krumm/Savino) was made. The motion carried 5-0 voice vote.

Mr. Savino asked Ms. Dunham for clarification regarding what comments were to be added. Ms. Dunham replied that it was regarding documentation of the \$50.00 payment and that a building permit would be required. A motion to approve the petition with the comments from the corresponding departments that were included (Savino/Krumm) was made. The motion was approved with a 5-0 roll call vote on Petition 14-2016.

16-2016; Eurek: The application of Jane Eurek, 9716 Wilcox Drive, Belvidere, Illinois, requesting a zoning variance under Sub-Section 3.5.4 (Lot Development Standards) of

Section 3.5 (Single Family Residence District) of Chapter 3 (Districts and General Provisions) of the Boone County Zoning Ordinance, to allow a six-foot (6') side yard setback to construct a garage at 9716 Wilcox Drive, Belvidere, Illinois 61008, in unincorporated Bonus Township (PIN: 06-18-226-011).

The public hearing opened at 7:20 P.M.

Ms. Shelly Dunham was sworn in and summarized the staff report. She stated the land use was residential and to the north and southeast it was also residential and to the west residential/agricultural. It was zoned R-1 single family residence. She stated that Ms. Eureka had a two stall attached garage and was wishing to construct a third stall as part of this application.

Ms. Dunham stated that the Boone County Soil and Water Conservation District believed that their review did not apply. Boone County Engineering reviewed it and said he had no objection to the approval of the variance. She further stated that the Boone County Building Department stated they had no objection but that if the variance was granted, a building permit would be required. The Boone County Health Department noted that there is a plan of review process in place and that the owner should initiate that process. There was a \$50.00 fee and the applicant needed to provide a scale drawing of the property with any new buildings depicted on it.

Ms. Dunham stated that the subject property is located in rural Boone County. The entire area is zoned R-1 and developed with single family homes. To the west is Piscasaw Creek and a wide swath of floodplain and floodway, which will prevent additional residential development to the west.

The finding of facts given by Ms. Dunham was that because the western portion of the property is located in a regulatory floodway, constructing a garage to the rear of the home is not possible. She further stated that adding an additional attached garage stall to the north is the most feasible option to adding to the garage. She stated that the property is wedge-shaped and the fact that the western portion is in the floodway and it is adjacent to floodway flood plain, having an additional stall added on the north rather than the south is really the preferred solution because it is going to cut down on the amount of impervious surface that is going to be added because there is already a driveway on the north end of the property.

Ms. Dunham stated that the Planning Department recommended approval of the variance and requested that if the Zoning Board were going to consider approval, that they consider adding a condition adding the other departments' comments as a condition to the variance.

Ms. Krumm had a concern regarding how close the property next door was to this addition and was interested to see whether there would be an objection from the neighbor. Mr. Savino also commented on the depth of the existing garage. Clarification would be asked of the applicant.

Jane Eurek of 9716 Wilcox Drive, Belvidere, Illinois, was sworn in. She stated that she had been in contact with the neighbors to the north and that they had no concerns regarding the location of the additional garage to their property.

Ms. Krumm asked for clarification of where on the map the new garage would be located. Ms. Eurek addressed this question by indicating on the map. Chairman Van Laar asked for the location of the neighbor's garage and Ms. Eurek replied it was on the opposite side. Mr. Savino asked for clarification of the new dimensions of the garage and Ms. Eurek stated that it was going to be longer to store a 22 foot trailer and another 17 and-a-half foot trailer. Ms. Krumm asked if the purpose was to make it less cluttered in the neighborhood and Ms. Eurek responded that currently it was an eye sore to the neighbors and unsafe if children were to climb on it. Ms. Eurek also stated she had a receipt showing she had paid the \$50.00 to the Health Department and had a copy if requested to produce it. Chairman Van Laar asked the applicant about the height of the overhead door. Ms. Eurek responded it would match her existing home. Chairman Van Laar also had concerns regarding how close the addition was to the property line and asked if the neighbors were okay with this. Ms. Eurek responded that she had spoken to the neighbors several times and they had no concerns.

Questions from the audience from Ms. Nancy Carner of 2819 Rockton Road in Caledonia, Illinois were asked regarding the current neighbors intent to live in their house for the rest of their life and brought up concerns for whoever buys the property. Ms. Eurek replied she had no idea their plans. Ms. Carner then asked Ms. Eurek if somebody else moved into the neighbor's house was she going to allow them to move into her property line space. Ms. Eurek responded she had no

problem with that. Chairman Van Laar brought up the fact that they would have to get a variance as well.

Mr. Schabacker asked Ms. Dunham questions regarding rules for the maximum square footage of garages. Ms. Dunham responded that since this was an attached garage, it was considered a part of the home structure so it did not meet the requirements for a detached garage and met the regulations for an attached garage. Mr. Rhode made a statement that if the neighboring property owners had a concern that they should have been present or written a formal letter stating they were against the variance. Mr. Savino noted that any future buyer of the neighboring home would see the location of the garage before they bought the house. Mr. Schabacker brought up his observations of the neighborhood and that there were similar structure garages.

There were no further questions for the applicant.

It was moved and seconded (Krumm/Savino) to close the public hearing. The motion carried by a 5-0 voice vote. A motion to accept the finding of facts (Krumm/Savino) was made. The motion carried 5-0 voice vote. It was moved and seconded (Schabacker/Savino) to accept the variance with the provisions. Further discussion was held by Chairman Van Laar regarding the closeness to the property line but that since all parties involved understood that if someone had objected that it would have clearly been taken into account. Mr. Schabacker stated he had the same concerns but that after driving through the subdivision and seeing some of the other structures and their location on the properties, that he would support this variance. Ms. Krumm also commented that there were many wedge-shaped lots in the county that had the same problems. Mr. Rhode asked if this would set a precedence and Ms. Krumm responded that the precedence had already been set. Chairman Van Laar noted the flood plain did play a part. Mr. Schabacker commented on the sharp drop off behind the property. The motion was approved with a 5-0 roll call vote on Petition 16-2016.

17-2016; Angelic Organics: The application of Angelic Organics Association, 1547 Rockton Road, Caledonia, Illinois 61011, requesting a special use permit under Section 2.7 (Special Uses) and Sub-Section 3.16.1 (Table of Permitted Uses) of the Boone County Zoning Ordinance to allow a charitable organization to operate the Angelic Organics Learning Center's Visiting Students Program at 1936 Rockton

Road, Caledonia, Illinois in the A1 (Agricultural Preservation) Zoning District in unincorporated Manchester Township, Boone County, Illinois (PIN: 01-17-400-004).

The public hearing opened at 7:40 P.M.

An opening statement was made by Chairman Van Laar as to the procedure to be followed for presentation of evidence and comments by the public.

Shelly Dunham having been previously sworn summarized the staff report. She recited the proposed use and gave some background information regarding the location of the property on Rockton Road and that Kinnikinnick Creek crosses the property. She summarized the residential dwelling on the property as well as other structures located on the property. She also spoke of the previous owner, Judy Moffat, and the charitable education enterprise would serve as a tribute to her family.

Ms. Dunham further explained that Angelic Organics Association was a community land trust that will protect the land in perpetuity for organic agriculture, farming education, and land conservation. It is the intent of Angelic Organics Association to utilize the property, once it has been renovated to commercial codes, to host small groups for week-long residential programs. Ms. Dunham spoke of the applicant's plan to renovate the house to make it ADA accessible and the changes for bunks, commercial teaching kitchen, and a classroom. She stated that the applicant will seek accreditation from the American Camp Association to ensure that best practices are followed. She also spoke of the employment opportunities associated with this plan.

Other departments that weighed in regarding the proposal was the Boone County Soil and Water Conservation District which stated their review did not apply in this case. The Boone County Engineer reviewed the application and stated that the proposed entrance would need to be approved in writing by the Manchester Township Road Commissioner prior to construction and that the applicant would need to provide a sketch of the location of the drive. The Boone County Building Department reviewed the application and stated he had no objection but if the application was approved, a building permit would be required. The Boone County Health Department reviewed the application and stated that the department had a plan review process in place and that the applicant should initiate that process and provide a scale drawing. They also noted that if

the property was to be developed as a dormitory and teaching site that additional investigation would need to be done on the well and septic system. Also the department noted that a small part of the subject property was located within a FEMA flood hazard area and that the applicant would be required to meet all applicable flood management regulations for the development.

Finding of Facts No. 2, the proposed structure will not have a substantial adverse effect upon the adjacent property, the character of the neighborhood, traffic conditions, utility facilities and other matters affecting the public health, safety and general welfare. Ms. Dunham stated that the applicant has planned the use to limit the programs to 30 individuals who would be dropped off on Monday and picked up on Friday by a single bus. The summer programs will result in parents dropping off and picking up on two days a week for a maximum of 30 vehicles a day for those two days. A circular driveway is proposed for easy and safe drop off. The applicant has received an approval letter from the Manchester Township Road Commissioner for the curb cut required for the circular drive.

In regard to the parking Ms. Dunham stated that there will be designated and paved parking for handicapped parking in front of the main building and that the circular drive will eliminate potential congestion on Rockton Road. Staff and visitor parking will be provided along the paved driveway that extends from the back garage to the equipment shed.

As for health and safety Ms. Dunham stated that trained staff will be on site 24/7 when students are present and they will be trained in CPR, fire safety, and farm safety. The main building has easy access for ambulance and first responders. She stated that they did invite the Harlem Roscoe Fire Department to review the site and they did affirm this point. She stated that the applicant will also install a perimeter fence to prevent wandering off the property and restrict entry from non-participants.

As for noise Ms. Dunham stated that in addition to being supervised at all times by trained staff, that there will be a lights-out policy of no later than 11:00 P.M. and the noise levels are not expected to exceed what is currently in the area. As for neighboring properties Ms. Dunham stated there are some visual blocks between the applicant's property and the neighboring property and that the applicant is willing to add shrubs along this section of the property line to help

create a further visual barrier if necessary.

As to No. 4, Ms. Dunham stated that the finding would be that the development will be subject to review and conformance of local, state, and federal regulations, including but not limited to zoning, planning, building, public health, and flood management.

As to No. 6, Ms. Dunham stated that the finding would be that this use implemented in full compliance with Boone County's planning, zoning, and building regulations, and all other applicable state and federal regulations has a potential public benefit that outweighs any potential adverse impact by providing youth education programming that has a demonstrated public demand based on Angelic Organics' existing programs. Ms. Dunham stated that it was the recommendation of staff to approve this case because it meets the requirements of the Boone County Zoning Ordinance and asked that the Zoning Board consider adding the other planning considerations from the other departments in its conditions on approval.

There were no questions from the Board for Ms. Dunham. Once the floor was opened for questions from the audience, there were several people that spoke up regarding several issues. Ms. Elizabeth Carner of 1819 Rockton Road, Caledonia, Illinois, having been sworn, asked a question regarding the occupancy of the proposed bunk house and the situation with septic and bathrooms. Ms. Dunham responded to her question saying that answer would require further investigation and approval by the health department and is part of the conditions that the Zoning Board would consider for any approval. Ms. Carner had another question regarding the 24 hour supervision and if there was a management in mind and who was overseeing it. Ms. Dunham responded she had no answer and that it might be a question better directed to the applicant. Ms. Krumm asked Ms. Carner for her location to the property and was informed Ms. Carner was to the southwest kitty-corner. Further discussion was held by the board regarding the septic and Ms. Dunham pointed out that if the applicant can't get approval from the health department for the well and septic, then, they can't move forward with the special use. Mr. Schabacker stated he believed that questions regarding the number of bathrooms was an issue through the Building Code and the American's Disability Act. Mr. Bliss confirmed.

John Morgan of 1992 Rockton Road, Caledonia, Illinois, after being sworn, asked questions in regard to health and safety

in that he believed that there would be a problem in getting apparatus up the road to deal with emergencies. He also had concerns with the safety of the bridge on the applicant's property and past flooding to which Chairman Van Laar asked him to bring those matters up to the applicant. Ms. Krumm asked Mr. Morgan where his home was in relation to the applicant's property. He responded that he had the property with the dog kennels next door and the kennels were about four to five feet from the property line.

Ms. Elizabeth Carner then approached with another question regarding the septic system and danger of septic overflow that would impact the creek. Ms. Dunham responded that this also was an issue for the health department and they would have to sign off on the project in order for the applicant to move forward on his petition.

Ms. Kathy Hall who lived at 1552 Rockton Road, Caledonia, asked for clarification of the number of bunks and people. She asked if there were building code requirements for square footage per occupant. Ms. Dunham responded there were occupancy standards and Mr. Bliss, after having been sworn, addressed this question. Mr. Bliss responded that her question would be addressed by the architect, who would develop plans that would meet the required coding through the plan review process, whereby a permit would be issued. Ms. Hall then asked a question regarding a special use permit continuing with a change of ownership and asked for a definition of a special use. Ms. Dunham explained what a special use was and that it generally does run with the land and it goes on to perpetuity. That special use for the new owner has all the same conditions, rules, and regulations that applied to the applicant. Ms. Hall then asked for a definition of what the proposed academy was so that later a campground would not be established. She asked if the overnight facility would involve tents. Chairman Van Laar stated those were questions for the applicant.

Mr. Dennis Ellingson of 22931 Poplar Grove Road in Poplar Grove, Illinois, after being sworn, had questions regarding the residence being changed to business whether additional approval would be needed to be made so that the residence fell into a different category. Ms. Dunham replied there were a number of things that had to happen in the bunk house's design including the kitchen being converted to a commercial kitchen that would pass the Health Department's standards. She pointed out that the applicant had hired an architect to do all the drawings to convert the residential

dwelling and that once the drawings were submitted and reviewed, it would go through the full plan review process of the county to insure that the drawings were in compliance with Boone County's Codes and all other applicable codes to make a successful transition from residential to a commercial dwelling or building. Mr. Ellingson had a further question if a commercial building in an (a)(1) residential neighborhood was allowed. Ms. Dunham stated that with a special use permit it was. Mr. Ellingson then brought to the attention of the board that in 2009 there was a similar situation with another educational resource facility and that there may be some history and guidelines to be reviewed from that. He wondered if a precedence was being set. Ms. Dunham responded she was unaware of that applicant and could not speak to it.

Mr. Marshall Newhouse of 13407 Capron Road in Capron, Illinois, was sworn in. He asked for clarification to what was said regarding the special use typically going with the land or if it must go with the land. Ms. Dunham responded that it typically goes with the land. Mr. Newhouse questioned if the special use could go with the business entity rather than the land. Ms. Dunham said it was something that the zoning board could recommend and that the county board could make a condition that if the ownership changed, that any new owner would need to apply for a special use permit.

There were no further questions from the public for the board.

Mr. Thomas Spaulding of 12813 Shawnee Crest, Roscoe, Illinois and his attorney, Mr. Robert Torbert of 124 North Water Street, Rockford, Illinois were sworn in and presented evidence regarding the petition.

MR. SPAULDING: I'll try not to take more than a couple minutes because I know you have a full report and a full report from staff.

Just to give you a little background and context, my wife Patty who is an ordained Presbyterian pastor and myself moved here 20 years ago and founded the learning center and it was really an intent to help people understand where food comes from. And our work has also been to train beginning farmers for the last 20 years.

So the largest program we offer is a beginning farming

training program. We have hundreds of graduates all around Northern Illinois, all around southern Wisconsin, Rockford, and small farms that produce vegetables, meats, dairy, grains for local farmers markets, for small chain wholesale in the area and through community supported agriculture farms, like our partner farm, Angelic Organics.

The learning center is a 501(c)(3) charitable organization. We're a member of United Way and I'm really here today over the special use permit and to request your approval for that -- for this students' program. And again it's really based around the fact that one percent of the population now is farming. 99 percent of the population really has no contact any more with food and with agriculture other than what they find in the supermarket.

And our program is really oriented with working with one school group at a time and one teacher and their students for a week at a time. They can be on the farm and take part in the activities of the farm. They have learned about soils. They do chores with the goats, with the cattle, with the pigs. They work with the vegetables in the fields. They shovel manure. They build compost piles. They do everything that we can get them involved in on the farm so they really have a hands on experience. We want people to know what it's like to work on a farm, to grow up on a farm, have an experience and know where their food comes from. The ten acres that we just purchased is adjacent to our existing property and it's a spot that we think is a good spot that allows the visiting classroom and their teacher and the adult chaperones to enter into the overall farm that is our living classroom really -- almost 200 acres when you include the land that is owned by Angelic Organics Farm.

We purchased it with our land trust because we really believe this is something that we want to be in place for perpetuity. The land trust was set up to protect the land in perpetuity for agriculture -- organic agriculture, farming education, and land conservation. So our intent is this will never turn over to another owner. Our intent is this will be available as a resource to the wider community in perpetuity.

And I guess the only other thing I would add is just that we are committed to provide a safe learning environment and programming. I think it was brought up by one of the questions earlier who will be managing it and that is our program director and her name is Katie Townsend. For 20 years she ran the Atwood Center in Rockford. She is a very

skilled professional. She knows what she's doing in terms of residential, overnight programs for schools. And that is what she did for 20 years. So we will be bringing that from an environmental education setting into a farm setting and really using some of those same principles and skills and training.

So everybody gets trained in child abuse prevention, protection; everybody gets trained in CPR; everybody gets trained in health and safety and emergency evacuation. All of those things are covered in the training of our staff and it's 24/7 in terms of the staff presence.

There is quite a number of others that I wish were in the room tonight but who wrote letters of support, which are in your packet, from the Boone County Conservation District, from the University of Illinois Extension, from area teachers from Rock Valley College, who all see the value -- for the educational value of this to the wider community, not only those who live here, but really to protect agriculture by the suburban people around us knowing about food and farming. I think it has great benefits besides education for the area in terms of the creation of jobs. It allows us to actually feed this world and in agriculture. And as I stated the land trust really will help us protect the agriculture environmental assets that are here.

So I can answer other questions but I think those were the main additional items that I wanted to add.

MR. TORBERT: If I may add a few things, I think some of the points that were brought up and some of the questions I think are valid as to safety concerns and the permitting process. I think that you can see from the application, which is very thorough, Thomas spoke to the Building Department, the septic -- the health department, the building department has been in the facility and although it's a single family house it has certain aspects which makes it have the ability to do what they want to do, such as a basement with a separate egress for a tornado shelter for instance, which not all single-family houses would have but this particular house does have.

It's just a pretty interesting vision that someone had to sort of see that in this house. And that the special use, it's understood that all permits and fire codes and septic permits would all be gathered prior to actually implementing the special use. That is part of it.

The other aspect I think is the issue with perpetuity and

maybe staff can help with some of the guidance -- the charitable institution special use permit so they couldn't just sell to anybody. I don't know how that would -- regardless of even if we disregarded the deed restriction and the land trust restrictions that says it's agriculture and educational purposes, this special use permit is limited to the charitable organization so I don't know how that would transfer to just anybody. So I think there is just built into this a restriction to move it on for the next owner. So those are some of the aspects that I would add and open up for any questions you might have.

MR. SPAULDING: I just want to add also that it's personal to me in terms of raising my three boys on this property and watching the impact that it's had on their lives. I just dropped my youngest son off at college yesterday. I just got back last night. He's studying sciences. I've had so many families tell me you know, it was the day that I had my son there when he was eight with his clipboard watching a goat kidding and understanding what to look for in the science of birth and knowing how to take care of the animal and that got him involved in sciences. And my kids are tracking in science. So those kind of stories I hear all the time and my own -- and it happened with my own sons. My youngest son -- he is at Cornell and he's studying sciences. This is just his passion. It goes back to raising chickens. And the other personal thing is my relatives are buried on this property. I mean I didn't even know that when I moved in; but the largest place in the graveyard is my relatives -- the Stohl family -- and it goes back to the 1800s on this property so it's personal. I want to share that with people.

CHAIRMAN VAN LAAR: Does the board at this time have any questions for the applicant?

MR. SCHABACKER: This is kind of new to me. Do you have any -- like any state over-sites or any regulations that the state would have with your facility?

MR. SPAULDING: Well, all of the things you heard here with the health department, with all the building codes, those kind of things.

MR. SCHABACKER: Again I'm not certain of myself here. It's a question I'm putting to you.

MR. SPAULDING: As far as I understand I know there is a state health department and there is a local health department and they divide responsibilities up around -- if you only have day visitors I believe it's the state's responsible but if it's overnight then I think it goes to the local, if I'm not mistaken, but again I'm learning the process with the health department on it. The other place, our architect -- there is a state role with the compliance with the ADA so he

that.

MR. SCHABACKER: Do you have any plans for any new structures or are you going to mainly work on the existing structures that are there?

MR. SPAULDING: Only the existing structures on the property would be renovated and then the only real change on the site is instead of the driveway being just a single entry, it would have that loop so you can get in and off the road without having to --

MR. SCHABACKER: At this time you don't have any plans to add any additional buildings?

MR. SPAULDING: No, no -- zero.

MR. TORBERT: The only thing they might do is expand the deck a little bit. One thing I would add is we have met with Manchester Township as well and they were very supportive and we answered their questions. I know special use, since it's a little different from what they have to say, and I think they will be issuing comments but we have tried to do everything that we could to make sure that people understand what we are doing and what is going on and making people comfortable with what we're doing. And everything that we received from the Manchester Township and all the feedback from the Manchester Township Board has been positive.

MR. SCHABACKER: Is there an age limit that you have for -- are these all minors or are these adults?

MR. SPAULDING: We're targeting minors for most of the programming but there could be adults that would fill in weeks when there weren't minors.

MR. SCHABACKER: Do you have a minimum age?

MR. SPAULDING: I think seven, if I'm not mistaken, was the minimum. So it's like school age kids was the target. But each of those, the ACA -- the American Camping Association -- if Katie was here she could tell you the minimum age -- but down to that minimum age there are different staffing requirements at each age level so we follow those standards in terms of adults and child ratios.

MR. RHODE: Where do you plan to draw these students from -- our local schools?

MR. SPAULDING: Yes, all around. And we're doing a marketing analysis study right now with a group to expand on that; but we have had day visits from school groups for many years, so we have lots of relationships with both the private and public schools from Winnebago County, Boone County, from all the way into Chicago. We have schools that have come all the way from Cincinnati just for a visit. We have an extensive number of schools that have expressed interest.

MS. KRUMM: I think this is very exciting.

CHAIRMAN VAN LAAR: Anything else from the board at

has been in contact with the state rep around the American Disability Act.

MR. SCHABACKER: And you have a facility like this someplace else or is this the only thing you have?

MR. SPAULDING: No, we do not have an overnight residential facility anywhere else. The one that we're really inspired by and replicating is called Hawthorne Valley organization. They have been running a visiting students program like this in New York State in a rural area in a rural community for the last 40 years and we've been learning from them. I just came back from there after three days and again trying to get oriented to their program. We will send our staff there for training and they have been very successfully running there for 40 years serving schools all around the northeast and working again with a classroom at a time. And the other one that hopefully is part of our training I put in the packet which is called the Country Experience and it's a small farm in Elizabeth, Illinois, Jo Daviess County. Our architect worked on that one as well and that has been operating for several years successfully.

MR. TORBERT: And to touch on your point, one of the things that Angelic Learning Center has done is they -- it's in your packet as well -- they have taken the step of getting certified with the American Camping Association, which does have standards that have to be met regarding the facility and the programming and the like. But that is a voluntary program that they have decided to do, which could give some oversight and comfort.

MR. SCHABACKER: So let me ask this -- and I don't want to jump in front of anybody -- but there is a question about camping out there. Are there plans for that?

MR. SPAULDING: No, this is an indoor facility only.

CHAIRMAN VAN LAAR: Anything else from the board?

MR. RHODE: I just see that it's a DNR. If you get granted a special use a DNR can come in there. Do they currently have anything to do with anything that you do currently?

MR. SPAULDING: On this property we've only owned it since June 1st so as far as I know the DNR has not had anything to do yet on this ten acres.

On the ten acres adjacent there were a number of years when they were culling the deer herds on the property and then they have been out when we did what we called the bio-blitz and the Illinois EPA and Illinois DNR -- quite a number of state agencies came and sent their scientists to help identify biological diversity on the property. So we have documented that over the past few years all the flora and fauna so there have been people out from the DNR as part of

this time? I have a few questions to begin with. What will the students be doing?

MR. SPAULDING: Well, we will involve them in the farm. Our curriculum approach we say is head, heart, and hands, so we want everything to be integrated between intellectual learning with the opening of the relationships with your peers and with your teachers and touching the heart but really working with your hands. So we will engage youth in the actual farm activities so they get to be involved in working with the soils, working with the plants, working with the livestock, and they will be part of those.

CHAIRMAN VAN LAAR: And what farm are they going to do this on?

MR. SPAULDING: As part of Angelic Organics Farm.

CHAIRMAN VAN LAAR: Could you tell me the relationship then between Angelic Organics and the Learning Center? I'm not quite sure what the relationship is.

MR. SPAULDING: Actually I should tell you that the livestock are owned by the Learning Center so that aspect is not anything that has to do with Angelic Organics Farm. But the vegetable operation is owned by Angelic Organics Farm and that is a sole proprietorship. And we have a cooperative agreement that we are allowed as an educational institution to bring under certain conditions groups into the vegetable operations. We can actually walk the farm grounds again under certain conditions. We're not suppose to be out there in the middle of when someone is harvesting potatoes for example to get in the way of the equipment. To actually walk on those potato fields when there is not equipment out there, we can do that and we can actually take a fork out there and actually lift potatoes. We have kids that they didn't even know they grow underground. So you get them out there and you get to experience it first hand and harvest a few potatoes -- that kind of thing.

Then there is actually in a way there is not just the hands on activity but those lead to the other conversations about science, math, these other areas. So we have trained educators that work with the teachers to line up whatever we're doing with the state standards around math and science and English. So they're actually working on their curriculum goals for the teachers.

CHAIRMAN VAN LAAR: Will this house any migrant workers?

MR. SPAULDING: No.

CHAIRMAN VAN LAAR: Will this house anything that would be considered agri-tourism?

MR. SPAULDING: I mean I don't define this as agri-

tourism. This is an education of something that is authentic so I would not classify it as agri-tourism.

MR. TORBERT: I think what is stumbling, Tom, is people do come from other places to take part. We had a party a couple weeks ago for my kids and the YMCA swim team and overheard a conversation where a parent was saying her sister brought her kids out for farm camp they called it and they were staying out here for a week to do the day camp. They were from Batavia. So I think from that standpoint you know maybe it is but I think it should be clear that the special use is for a charitable organization and neither of those, whether it's agri tourism or migrant housing for profit. It wouldn't qualify. That would be a violation of that permit.

So I think the final (c)(3) aspect of it, it is alleged as a 501(c)(3) not for profit would limit it to the educational aspect that it is intended to be.

CHAIRMAN VAN LAAR: I didn't see in the package; I did not see the 501(c)(3) charity registration.

MR. SPAULDING: I can provide that.

CHAIRMAN VAN LAAR: Can you provide that?

MR. SPAULDING: Sure.

CHAIRMAN VAN LAAR: Who pays for this? Do the students pay or is it something that -- I'm trying to figure it out.

MR. SPAULDING: The schools. The programs that we are replicating from really operates 95 percent of it's annual income is from earned income. So the schools have budgets for field trips for actual hands-on learning experiences and so they engage -- they will engage us to house their students and their teachers for that period and to provide educators to help them meet their curriculum goals. So they're paying for the experience. And then the program that we're replicating does a little additional fund raising but very little -- like less than five percent of the budget.

CHAIRMAN VAN LAAR: So it's self supporting.

MR. SPAULDING: Mostly close to break even -- 95 percent.

MR. TORBERT: But there is a scholarship program that they do.

MR. SPAULDING: That's what they fund raise for. It's a fund raising scholarship -- some schools that are lower income schools. So they will have at least a few that they can reduce rates on.

CHAIRMAN VAN LAAR: Would the students or the visitors that engage in this experience, some of them most likely, do they engage in work in labor?

MR. SPAULDING: No, this is not --

CHAIRMAN VAN LAAR: So they are not weeding out there?

MR. SPAULDING: They might be for ten minutes but not to achieve any goal for the farm production. It's really experiential. There is no dependency upon -- I mean if that is where you are going as to farm labor -- absolutely not. If anything they get in the way of farm production. That is why we place them alongside of educators to keep them safe and keep them out of the way of farm production but to give them a real experience of what is happening there.

MR. TORBERT: And the livestock -- the actual product of the farm is the vegetables. Tom, you can correct me if I'm wrong.

MR. SPAULDING: That is accurate.

MR. TORBERT: And what their lot was, just the experience a lot with the livestock and that kind of thing, whereas they may touch on little aspects of the vegetable farm but that is not anywhere close to being any focus.

CHAIRMAN VAN LAAR: So this cooperative agreement or program that the Learning Center has with Angelic is definitely a for profit organization?

MR. SPAULDING: It is.

CHAIRMAN VAN LAAR: The Learning Center is not?

MR. SPAULDING: That is correct.

CHAIRMAN VAN LAAR: Angelic gets their profits through the sale of the vegetables, the farmers markets, things like that; right?

MR. SPAULDING: It's currently 100 percent CSA.

CHAIRMAN VAN LAAR: Would any of the CSA participants be part of this Learning Center possibly doing any labor?

MR. TORBERT: There may be some overlap for participants but it would not be as part of the CSA. It would be separate. If they're running a family camp, for instance or something of that nature, there might be some CSA owners or participants that also register but there is no overlap and there is no cooperative thing like that.

MR. SPAULDING: We're not providing any labor to the farm. The Learning Center as a charitable not for profit is not legally allowed to provide that kind of material support for a private entity. We do not. If anything the benefit flows the other direction where a business entity provides donations to us. So there are donation produce for example -- that kind of thing that come our way; but the other way it doesn't go. We don't provide any labor to the farm operation -- zero.

CHAIRMAN VAN LAAR: That is all the questions I have.

MR. SCHABACKER: Is your turnover as far as students is it like a one week seminar so every week you may have a new group of students come in?

MR. SPAULDING: That is what our goal would be.

MR. SCHABACKER: So it's weekly?

MR. SPAULDING: That is right?

CHAIRMAN VAN LAAR: I actually have another question. You said a maximum of 30?

MR. SPAULDING: Right.

CHAIRMAN VAN LAAR: That is what I see written here in the documentation. When I count the number of bunks I think I see 34. Is that known or is that a mistake? If you would go to pictures -- on this one -- we have this is the lower level and I see four and I see twelve, which is 16 and you go up to the upper level one more and I see --

MR. SPAULDING: No I think in the one where you are now there are two bunk beds. And the rest is a bathroom and a closet. I think there was 14 on the upstairs and 16 on the bottom.

MR. SCHABACKER: Is there rooms for staff? You said you had staff 24/7.

MR. SPAULDING: If there is not an open bunk for the overnight staff person, that office space right there would have a cot there for the staff person.

MR. SCHABACKER: So the head count here is just for the students?

MR. SPAULDING: And the teachers and adult chaperones, yes. The teachers and chaperones are there as well as part of that 30.

MR. RHODE: They're included in the 30.

MR. SPAULDING: So that 30 may be 24 kids and six adult chaperones and teachers. And then we have our staff that is there -- at least one person overnight -- plus whatever the ratio of staff to students that we need to have during the daytime when there is programming.

CHAIRMAN VAN LAAR: Thank you for your clarification. If there is no more questions at this time we will open this time up for questions from the audience. You, young lady, had your hand up front first. Can you again state your name and your address?

MS. CARNER: Elizabeth Carner, 1819 Rockton Road, Caledonia, Illinois.

(The examiner was thereupon duly sworn.)

CHAIRMAN VAN LAAR: Now please limit it to questions and if you have comments we have time for that as well.

THOMAS SPAULDING

EXAMINATION BY MS. CARNER:

Q The residence has currently how many bathrooms?

A Right now the bathrooms -- there are two on the upper level and one on the lower level.

Q How many are planned for the remodeling?

A Same amount.

Q Would you believe this would be adequate for 30 people in a bunk house?

A I do believe it's adequate. That is the ratios that are advised to us by the American Camping Association as well as the architect that has been working similar projects with churches and other -- like the gentleman that I mentioned in Jo Daviess County.

Q So there is no concern of overflowing to the creek from the septic tank?

A We have had a septic provider, Bob Spain, come out after we discussed this with the health department and he's looked at the property and he thinks that he can do a septic system that would meet all of the codes and not provide any danger to the creek.

Q This would be added to the current septic tank?

A I don't believe so. I think we would just replace the current septic tank.

Q What are the hours of the current Learning Center at the 1547 Rockton address?

A It's generally Monday through Friday and Saturdays depending on whether or not we have a group visit and rarely on a Sunday.

Q Are the hours going to be similar for the supervisor on the new property?

A On the new property we have somebody 24/7.

Q So it will be different hours from that of the Learning Center from the other location?

A Correct. Where we are now in our current building we only host day programs for the most part so this property is 24/7.

Q How many local schools have the funding for such programs as this?

A How many have funding?

Q How many local schools have funding for proposals such as yours?

A I don't know the number.

Q Do you have the names of local schools that would have that funding?

A I can provide you with a list of schools that our marketing study is working on.

Q You mentioned Chicago and Cincinnati -- that does not seem local to me. That seems that is very far reaching. How would you expect this to affect the community that is residential in the area?

A I think a bus of 30 kids that comes from Belvidere and Chicago would have the same impact on the community.

Q But you said these local schools, such as Belvidere, didn't have the funding. You don't know.

A I couldn't tell you which schools right now have it in their budget or not.

Q How do you provide a hands on experience for the students without getting in the way of farming production?

A Well, I think the example I gave was in the vegetable fields. When the crews are working in particular beds, there are probably 70 to 75 different vegetables being grown in the fields so there are certain crops that are being harvested at any given time or being worked on by the farm crew so that leaves probably 80 percent of the fields that are just vacant in terms of farm crew activity. So that gives us a lot of opportunity to get into the farm fields.

And in the livestock, as I said, are really owned by the Learning Center so they're really not part of the larger farm production. They are more of a homestead scale. And we have got a herd that has eight adult females so when the kids are there monitoring what is happening with the goats, they're working with a small goat herd that is really socialized and easily handled.

MR. TORBERT: And Tom did testify that if they do get in the way the way kids do, it's not completely innocuous.

Q How hands on is Organic farming? I'm completely in the dark on that.

A Can you repeat the question?

Q I'm not familiar with how hands on Organic Farming is. Can you enlighten me on this?

A What is hands on Organic Farming?

Q How hands on is Organic Farming? Is it completing going out and picking up a spud with your bare hands? Is it doing it with commercial equipment?

A You mean for the kids who are visiting?

Q Yes.

A They do not operate equipment. So if kids are going to harvest anything in the fields, they would use the kind of equipment you use in your garden. So you'd have a shovel, you'd have forks, you'd have a hoe, these kind of regular farm gardening equipment that you have in your shed behind your house.

Q What is your usual class size currently that comes to visit your location?

A The day program class size?

Q Yes.

A Usually it's a teacher with their students.

Q How many students?

A I would say an average across the year of somewhere from between 15 and 25 is the average.

Q What would you say the average student class size is in a

school?

A Probably somewhere close to that -- 20 to 25 is probably in terms of who shows up from a given classroom. It could be as big as 30.

Q So not all of the teacher's students might show up?

A Correct. They can opt out of field trips in many cases.

MS. CARNER: I believe that is all the questions I have.

CHAIRMAN VAN LAAR: Very good. Anybody else from the audience? State your name please.

MS. CARNER: Nancy Carner, 1819 Rockton road, Caledonia, Illinois.

(The examiner was thereupon duly sworn.)

QUESTIONS BY MS. NANCY CARNER:

Q Mine is a question that I've had kind of because I am a landowner and I've had a situation that I'm uncomfortable with. It doesn't really need to be scrolled up but my farm is across the road from the said property but down the road from the Organic Farm and I have my property posted in many locations of no trespassing. What is my guarantee that your people will not trespass in my property? Because I have had problems with people who disregarded trespassing signs and come upon my property. What are you going to do to guarantee this when I've had problems in the past?

A I think the application does talk about a fence surrounding the property to the extent to keep the people out and in a lot of areas. The other obviously is a supervision and you know I don't know if anyone can guarantee any illegal activity.

Q So it would be -- it would be my right to call the sheriffs department if I found someone on my property that was trespassing? Okay. Just wanted to clarify that.

And then the next question is kind of a question. You just said there were no commercial pieces of equipment used in farming; however, with these kids you called it the gardening. You called it gardening. Really you are not teaching these kids how to farm, you are teaching these kids how to garden.

CHAIRMAN VAN LAAR: Any comments on that or not, any other questions from the audience? State your name.

MR. MORGAN: John Morgan, I live at 1992 Rockton Road, Caledonia.

(The examiner was thereupon duly sworn.)

EXAMINATION BY MR. MORGAN:

Q You mentioned this was all fairly new to you guys in the learning aspect of it. You mentioned that this is new to

you?

A Operating a 24/7 center that is correct. An educational program, no, we've been doing that for 20 years.

Q So what is 1547 Rockton Road; what is that?

A 1547 is where the Learning Center has its headquarters and there is a barn to manage the livestock and then there is an office and workshop room to manage the program educators who host the day programs.

Q Is there a house on that property?

A A house? There is a house on the property that is owned by Angelic Organics Farms that houses the family that works on the farm.

Q And this is not one and the same?

A I'm sorry, I don't understand the question.

MR. TORBERT: I think we've explained the differences between the farm and the --

Q I would ask there is a sign out on the 1547 Rockton Road; is there not?

A There is.

Q What is that sign?

A It says Angelic Organic Association.

Q There is nothing more than what it says on there?

A 1547 Rockton Road.

Q I believe it says organic -- can I make a statement?

CHAIRMAN VAN LAAR: Sure.

Q I believe it says Angelic Organic Learning Center; does it not?

A There is a smaller sign that says Angelic Organic Learning Center; yes.

Q So you have two Learning Centers. You would have two Learning Centers, you would have one down the road and --

A No. We operate programs all over Northern Illinois and Southern Wisconsin. So I mean we have an office in Chicago, we have an office in Rockford, we have multiple locations but our main office -- where my desk is at -- is 1547 Rockton Road.

Q And you say schools fund for these trips?

A Uh-huh.

Q Do you have any older visitors, I guess other than kids?

A Adult visitors -- we do currently for day programs we have probably about, I don't know, 50 percent who are probably adults and 50 percent are youth.

Q So is it fair to say you offer college credit classes?

A No college accreditation -- that is not true actually. I mean Rock Valley College publicizes courses -- classes -- day classes at our place.

Q Classes that you offer?

A That is correct. They're in the catalog and people can get

credit for their participation in a class that is offered at our site if they go through Rock Valley College.

Q Will these classes also be held at 1936 Rockton Road?

A No.

Q Now college classes -- those aren't funded by the school; correct? If I want to take a class, I'd pay that college course; correct?

A If you are at Rock Valley College, you'd pay a tuition.

Q Does that go to you or the college?

A A portion goes to us and a portion goes to the college. We make a lot less on anybody who signed through Rock Valley College.

Q You mentioned that you want to educate the learner, if you will, about farming. What are you farming? Exactly what are the things you are going to be farming?

A What kind of farming is happening on the property, right now? There is about 75 different kinds of vegetables that are grown on the property. There is a small goat herd that I mentioned. There is a small Hereford -- I don't know about 25 animals. We have usually a few pigs around. We have chickens -- we have a couple of chicken flocks -- these are about 30 a piece -- and it's all grass based. All the livestock is grass based. It's showing how to do grass base into intentional rotation with livestock so you can improve the soils, improve the pastures, and you improve the health of your animals.

Q Now, you have other people working on the farm other than students or learners, if you will?

A It's a separate entity. It's a separate entity that you are talking about. In terms of the production farm that is our partner. They have their own legal entity and they hire all their own staff and do all their own production with their farm staff.

MR. TORBERT: Just to clarify the students do not work on it.

A The learners that are visiting with us are not labor for the farm.

Q So they're observers?

A You can call them observers. They are observing, they are explaining, they're learning, they're watching and they do some hands on activity like growing a compost pile. If they are in for the day they might spend 20 minutes on building a compost pile.

Q Just for sake of argument, I would argue that that is not farming based on the area that we're talking about and the neighbors around us.

In regards to safety what are the plans or what are your

plans or your ideas in regards to the driveway that goes up? What is the distance of the driveway? Do you know?

MR. TORBERT: From that standpoint I think the applicant or the Learning Center plans to abide by whatever restrictions or codes are implemented by the building department and the fire department and whatever needs to get done to bring the use up to the code and to have the use be whatever -- or have whatever implementation to conform to the use that it's intended to be.

A The fire inspector, he came out and spent some time on the property and really said this can work. He was very positive about it and spent a good time with our architect walking the land, walking the property, looking inside, looking at the egress, looking at the kitchen, look at the venting. The architect walked through all the plans and he was very favorable.

Q I can't speak for Mr. Alms, he's not here, so I'm not going to speculate on what he said. But as it sits from my own experience and knowledge, I know an apparatus -- a fire apparatus -- ambulances getting bigger every year, I would question whether or not it would make it up the hill up the driveway. It's a single driveway and across that bridge, if there was ever a need. So I was asking in reference to the bridge also. Is there going to be a bridge in here involved in this to accommodate weights?

A All I can tell you is what Mr. Alms said, which he said he thought it was adequate for ambulance access in terms of emergencies and he also thought that the equipment for fire and that kind of thing could easily access the building even if they didn't cross the bridge. This is what he said so I'm just repeating.

Q He is not a bridge engineer I promise you that. You mentioned you wanted to keep the rural setting; correct? So where we're putting in a large circle driveway for a turnabout for buses, the road is a busy road as it is coming off of 90 on a slow day. There are several curves coming down that road. So I guess my question is are you not taking away the rural setting and borderline commercializing the city to the country?

A In my opinion we are not.

MR. TORBERT: I think the size of the turnabout is quite minor and small. It's in the packet as far as what the preliminary drawings are and what was discussed with the township highway commissioner.

A But the sketch is in there if you want to put it up.

Q I was just questioning exactly how small we're talking about with buses. Are we talking about a 40 seat school bus are or are we talking about a short bus?

A Different schools bring different sizes.

Q We're talking about 30 kids?

A Some are smaller and some are larger buses.

MR. TORBERT: And again I think a lot of this will be determined with the highway commissioner and the department feels is appropriate and again we plan to abide by whatever regulations are in place for these types of issues.

Q Are you going to change any landscape in reference to the creek?

A We don't have any plans to do anything on the creek.

Q It is a known fact that that creek floods and crosses that bridge and all the access of whether vehicles getting in there or someone getting out?

A I think part of what we're doing is setting up emergency evacuation plans and emergency plans for all kinds of different situations. And I think if there were to be some sort of flash flood warning or that kind of thing, I think we would evaluate the facility. So those kinds of things can be planned for.

Q And the farm crews -- the workers at the other headquarters -- the other Learning Center are not affiliated with you at all?

MR. TORBERT: Just to clarify the question, I don't think he testified that the farm workers at the other Learning Center, I think the farm workers --

Q The other Learning Center?

A That is not the Learning Center, that is Angelic Farmings.

Q But it has a placard sayings Learning Center. So if the entrance there says Learning Center that is telling me it's the Learning Center.

A The Learning Center leases about I think it's 11 acres from the owner of the farm for the hosting of the groups that come during the day. I mean you can have another entity at the same address.

Q Again I question Angelic Organic CSA and Organic Angelic Learning Center are one and the same?

A No they are separate entities and we have separate board of directors and separate budget and separate staff.

Q But it's titled Learning Center down there. So it's a Learning Center. So why don't you utilize the Learning Center at 1547?

A There is no adequate facility there for an overnight.

Q Can you build one?

A No, I don't believe so.

Q You can't fundraise for that?

CHAIRMAN VAN LAAR: I think the zoning would not allow that due to the amount of acreage at that facility.

MR. MORGAN: I think that is all I have.

CHAIRMAN VAN LAAR: Anybody else from the audience that has questions?

MS. CARNER: I have a few more.

EXAMINATION BY MS. CARNER:

Q I might need a visual to help with this question -- the aerial map. My question is for the concern of safety for road traffic particularly on the corner. I know for a fact that that corner is very hard to look around when you are driving. Do you have any concerns for that with the buses that will be coming off of I-90 or wherever they come from?

A If they are coming from I-90 they are not going to go around the corner because that is past the land.

Q I'm assuming, like you mentioned Chicago and Cincinnati and possible locations from where these people are drawn, so I'm assuming that Wisconsin is not too far from that and there are other ways to get from Wisconsin to that location, one way being that particular way.

A Well, if they come in that direction I'm sure they will abide by all the road signs that let you know in terms of speed limits and things like that but I personally will ask schools to arrive from the other direction. I think it's a more accessible direction, it's less time on a dirt road, and I think it's a more accessible entry.

Q Also, so the Learning Center does not own the 1547 Rockton Road, it's leased?

A We lease space; that is correct.

MS. CARNER: Thank you, that is all I have.

CHAIRMAN VAN LAAR: Anybody else from the audience? Yes, ma'am.

MS. HALL: Kathy Hall, 1552 Rockton Road, Caledonia.
(The examiner was previously sworn.)

EXAMINATION BY MS. HALL:

Q I just have a question. Do you see any objection if there would be a stipulation on the special use permit that it would expire or auto lapse if the ownership of Angelic Organic were to change or if the facility were to change? Would you have any problem if that was a stipulation on the special use permit?

MR. TORBERT: I think we can talk about that if that is what the council or the board wishes, if that were to be the case; but I do think that is already baked into the cake with the charity -- that special use that we're applying for.

Q Could you also go over again the groups that would be coming to the facility? I have worked and met with some of the people in your day centers where it's pretty much Organic Angelic staff who is conducting the day or bringing in someone from Rock Valley. That is kind of a local connection

we have.

Am I understanding that some of these groups could come in as someone from various sundry places who call you as a blind thing and really I'd like to bring my students out and you'd have one staff member from Angelic Organic on this premise for this person to be conducting their work? Is that what I'm understanding with some of these teachers coming in with students from other schools?

A I'm not sure I really got your question.

Q The groups coming in, are they going -- is the curriculum for the groups coming in going to be set up by the Angelic Organics group or by the teachers? So I guess my question is are these your curriculums or are these people coming in using your facility?

A There is some back and forth between our educators and the teachers to try to align what we have available to their curriculum goals. So it's a back and forth. The teachers will come with their goals from whatever grade they are in and our educators trying to match up whatever we've got available to meet those.

Q I guess what I'm trying to get a perception of -- and you know we live right across from the Angelic Organic -- we've had a very pleasant experience with your group. What we have seen in the past is organizations that have been more or less under your umbrella. And I guess I'm trying to understand is that going to continue for the most part or will there be now a large part of people coming in that are essentially using your facility for their program?

A Without us having direct involvement? No, absolutely not. This is really meant to be something that we're invested in. We're going to have our educators involved. Our educators will be working but the teacher has a role and we want the teacher to be involved.

Q The leader is Angelic and not the outside coming through; is that correct?

A I can't say always because sometimes the teacher has a very strong agenda that they want to do but they are right alongside our educator and our educators are contributing but it may be the teacher has a biology focus and they really want to deliver a certain aspect of biology that they want to cover. So they will spend more time covering that but they still build off of what our educators are offering, whether that is looking at soil science or getting into biology and the soil.

Q I'm not worried about the details, more like who sets the rules?

MR. TORBERT: Maybe to clarify, it's not going to be a

turnkey operation where we hand over the keys to the facility to Rock Valley College or whatever school and say I'll see you next Saturday to check you out. That is not the case.

A That is correct.

CHAIRMAN VAN LAAR: Any more questions from the audience? Your name and address?

MS. ELLINGSON: Janet Ellingson, 22931 Poplar Grove, Poplar Grove, Illinois.

(The examiner was thereupon duly sworn.)

EXAMINATION BY MS. ELLINGSON:

Q I have a few concerns mainly about the children. I work with the students everyday and it's 2016. My concern is now are you planning to have like the girls downstairs and the boys upstairs and whose responsibility it is if a student gets out at 2:00 o'clock in the morning? I mean I'm absolutely floored everyday. I work with students from 12 years old to 14 years old and they meet strangers in the middle of the night. They meet them on line. That is a very remote place. Are you going to have police officers? Who is responsible if a student meets a stranger? They do this.

I mean I'd like to say kids don't do that but even our local kids do that. Let's say it's a kid from Chicago and they say hey, we're at this remote place, meet me on this road. Who is responsible for that? That really concerns me because they are kids.

A Well, our staff are responsible for that. That will be part of the training that goes into our staff team and that is our responsibility to make sure that doesn't happen.

Q And you will have girls separated from the boys?

A We will.

Q What is the cost on a week? I mean our students do use Atwood and it's a wonderful program but there is no overnight. They go just for the day because that is all they can afford. They can't afford more. I know they have programs that are two to three days but I know our school can't afford that. It's for one day. It's a wonderful program but it's expensive. Do you have a price on it per week?

A I haven't set the price yet. That is part of that marketing study.

Q You don't even have an estimate?

A I wouldn't want to prejudge that. It's part of the conversation with schools and administrators.

MS. ELLINGSON: Those were my questions.

CHAIRMAN VAN LAAR: Any more questions from the audience for the applicant? Seeing none --

MS. KRUMM: Can we move to close?

CHAIRMAN VAN LAAR: No. we have to have the other side give their opinion yet.

MS. KRUMM: Oh, I thought that was the other side.

MR. SCHABACKER: The lady brought up a good question. Do you have like a lights out time, a certain time that you have to shut down? I assume that but I'd like to ask.

MR. SPAULDING: Yes and it's going to vary by age but generally before 11:00 p.m. I would say. Earlier than that for the younger.

MR. SCHABACKER: Do you have any kind of lock down for the facility or a bed check at night just to kind of address some of the conditions that the lady brought up?

MR. SPAULDING: That is part of the staff training and the staff responsibility to make sure everyone is in their beds.

No further questions were asked of the applicant.

Chairman Van Laar then opened the floor for comments from the opposition.

Mr. John Morgan of 1992 Rockton Road, Caledonia, Illinois, being sworn in, expressed his concern for the safety and health of his children as well as his neighbors because he was dissatisfied with the sense of safety the applicant had presented. He mentioned the neighbor's cattle and bulls in the fenced area which was a concern for children staying at the facility. He also mentioned that the community was a farming community and not a gardening community. Mr. Morgan commented on his concern getting apparatus up the road and across the bridge for emergencies and was against the Learning Center. Mr. Savino asked Mr. Morgan since he lived down the road from Angelic Organic if he had any problems with them. Mr. Morgan replied none personally but that was not to say he hadn't heard of problems.

Elizabeth Carner of 1819 Rockton Road, Caledonia, Illinois Was again sworn in. She expressed concern of the safety in this new location. The neighborhood had been alerted regarding a suspicious man seen in the area. She also spoke of her father who had been asked to assist at Angelic Organics with a break-in that had occurred in the past. Her opposition was to the safety of the facility and the rural location being just as dangerous as the city. Attorney Torbert, having been sworn in, asked Ms. Carner if she knew if that incident that her father helped with involved any of

the students attending Angelic Organics. She responded she had no knowledge of that and just wanted everyone aware of the suspicious suspects in the area for both Angelic Organics and the community-at-large. Attorney Torbert then asked Ms. Carner further if she had any evidence that the suspect was affiliated with the Learning Center. She denied any knowledge but expressed her doubts that the Learning Center was able to deal with criminal activity that could possibly happen because they were not able to take care of criminal activity on their own property in 2009.

Nancy Carner of 1819 Rockton Road, Caledonia, having been sworn in, commented on Ms. Carner's comments clarifying that Ms. Carner was concerned for the safety of the people who intend to stay at the applicant's facility and that it was employees at Angelic Organics that were stealing that her husband helped to have arrested. Ms. Carner also commented that at the location of the driveway that people never bothered to look to the right if you are on Rockton Road and there was a chance of getting hit.

It was moved and seconded (Krumm/Savino) to close the hearing. That motion was withdrawn as an opportunity for the public to speak in favor of the petition had not been entertained. No one coming forward it was then moved and seconded (Krumm/Savino) to close the public hearing. Motion carried 5-0 voice vote. Discussion was then held by the Board regarding the finding of facts. Ms. Krumm stated that she felt all the questions posed by the public had been answered and made a motion to accept the finding of facts. Mr. Rhode asked if the Board should review the findings and Mr. Savino agreed. Motion failed.

Chairman Van Laar asked Ms. Dunham to recite the findings of Fact. Ms. Dunham did so starting with No. 1, the finding states that the proposed use will provide a service in the interest of the public and contribute to the general welfare of the neighborhood and community in that it will enable Angelic Organics Learning Center as that is the 501(c)(3) charity.

Ms. Dunham then recited No. 2. Mr. Rhode brought up the question that Mr. Morgan presented regarding emergency vehicles being able to get up to the facility. Mr. Rhode asked Mr. Bliss if this was an area he looked at. Mr. Bliss responded that as part of the permit process the fire district would have their input. They would have a fire code

that they have adopted and whatever provisions they deemed necessary would have to be applied. The fire department would need to sign off as well as other appropriate county departments. All of this Mr. Bliss said would have to be done prior to the permit being issued.

Mr. Schabacker brought up his concern with the bridge Structure and the ability of the bridge to safely allow buses and other fire equipment. Mr. Bliss responded that he believed if the fire department had a concern about the quality of the bridge and whether or not a piece of their equipment would be able to get across that bridge, that was something that the fire department should work out with the applicant. Further discussion by the board was had. Mr. Savino asked about adding language that the fire department needed to sign off.

Ms. Dunham stated that because there had been a lot of discussion about the bridge structure and it was outside of the purview of the building code, the Planning Commission could add language to this finding stating that confirmation satisfactory to the county engineer of the ability of the bridge structure to accommodate emergency vehicles is required. She proposed the language to be considered would be that the applicant must have Emergency Management Department approve their plans for dealing with ingress and egress issues in the event of flooding of the bridge or roadway on the property and that an opinion of a structural engineer to the building department on the ability of the bridge structure to accommodate emergency vehicles because a signed stamped opinion from a structural engineer is going to state if the structure is okay. Then the second one, they would need to submit to the Emergency Management Department their plans and they would need to approve the plans for dealing with the ingress and egress issues in the event of flooding of the bridge or the driveway. And when the applicant testified they had evacuation plans they were going to have to do, they would need to have those evacuation plans approved by the Emergency Services Department.

There was further discussion. Mr. Savino asked whether to add that health and safety would be responsible for the security. Ms. Dunham responded that concerns by the public regarding security were addressed with fencing and asked if the committee wanted something more. Further discussion was held but it was decided you can't guarantee everything in life. The Board was then satisfied with No. 2.

No. 3, the proposed structure or use will be designed, arranged and operated so as to permit the development and use of neighboring property in accordance with the applicable district regulations. The applicant's project plans and efforts to mitigate any potential impacts to traffic, parking, noise, and other impacts to the area will allow the development and use of neighboring property in accordance with the applicable district requirements. The Board was in agreement on this point.

No. 4, such other standards and criteria as are established by the ordinance for a special use as set forth in Section 2.7.4 and as applied to planned developments as set forth in Section 2.10 shall apply to the property for as long as the special use permit is in effect. The finding was that the development will be subject to review and conformance of local, state, and federal regulations, including but not limited to zoning, planning, building, public health, and flood management. The Board was in agreement on this point.

No. 5, the requirement that the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the county board pursuant to the recommendations of the Zoning Board of Appeals. The finding was that the use of the development will be subject to review by the appropriate county departments and issuance of all necessary permits and certifications. The Board was in agreement on this point.

No. 6, the requirement that the potential public benefit of the special use outweighs any potential adverse impacts of the special use after taking into consideration the applicant's proposal and any requirement recommended by the applicant to ameliorate such impacts. The finding was that this use, implemented in full compliance with Boone County's planning, zoning, and building regulations, and all other applicable state and federal regulations, has potential public benefits that outweigh any potential adverse impacts by providing youth education programming that has demonstrated public demand, based on the existing programs. This would be the recommendation with the two conditions previously talked about.

Mr. Rhode asked if they should address anything about changing ownership -- that it should be applied for. Ms. Dunham reminded the Board that this was a special use permit for a charitable organization to run a Learning Center.

Chairman Van Laar mentioned that as this was a youth facility, there were state laws that the applicant must abide by. Mr. Savino asked if any charitable organization could take over this special use. There was further discussion regarding whether the special use should run with Angelic Organics. Chairman Van Laar pointed out that another condition he would like to see is proof that this is a 503(c)(3) organization. Ms. Dunham proposed to add as a condition that they have to satisfy and comply with all applicable state, local, and federal regulations.

It was moved and seconded (Krumm/Schabacker) to accept the finding of facts. This motion carried 5-0 by a roll call vote. Motion was made and seconded (Rhode/Krumm) to accept the motion for the special use with the conditions in the finding of facts. The motion to approve case 13-2016 carried 5-0 by a roll call vote.

OTHER BUSINESS: None.

DISCUSSION: None.

COMMUNICATIONS/PLANNING REPORTS:

Mr. Terrinoni stated that the Peaker Plant matter may be heard in September but it may be October because of the time issues and complexity of the case. It was moved and seconded (Krumm/Savino) to continue case No. 18-2016, Goad, to the September meeting. Motion carried 5-0 by voice vote.

The meeting was adjourned at 10:15 P.M.

Recorded by:

Deborah Clarkson

Deborah Clarkson

Transcriptionist

Reviewed by:

Ken Terrinoni

County Administrator

18-2016 (Goad – 11860 IL Route 173, Capron)

is 5.53 acres. Together the subject property is 15.48 acres. Currently the property is used for agricultural operations. There are agricultural buildings on the property, which will remain. The applicant plans to build an additional building on the property.

The subject property is owned by Robert and Betty Goad, 113 Galahad Court SE, Poplar Grove, Illinois 61065. The Goads are requesting a Special Use Permit under Section 2.7 (Special Uses) and Sub-Section 3.16.1 (Table of Permitted Uses of the Boone County Zoning Ordinance to allow an auction sales yard at the subject property.

NOTE: Section 3.16 (Table of Permitted Uses) of the Boone County Zoning Ordinance includes the following clarifying conditions to the “auction sales yards” use: Does not include livestock or motor vehicles. Shall not be held for more than 3 days in a one-week period. All articles not sold at the end of the auction for that one-week period shall be removed from the property. Farm produce, rebuilt, reconditioned and used household goods and appliances shall be offered for sale.

OTHER PLANNING CONSIDERATIONS:

The Boone County Soil and Water Conservation District states that their review does not apply in this case. They added that a request for a Natural Resource Information Report was submitted for the property and that there is one soil type, Piskasaw silt loam, found on parcel 04-01-400-004 where proposed structure will be built. This soil is not prone to flooding or ponding, is well drained, and is not hydric. There are no flood plains or indicators of wetlands where building is proposed; however a 100-year flood plain is present on the east side of this parcel. Parcel 04-01-400-006 is completely covered by a 100-year flood plain and has wetland soil indicators with wetlands expected to be present onsite.

The Boone County Engineer Richard A. Lundin reviewed the application and stated that:

- The applicant shall either widen the existing access to accommodate two-way traffic or construct a second access and have the two accesses one directional to provide good traffic flow.
- The addition of a new access point or widening of the existing access will require permission from the Illinois Department of Transportation.

The Boone County Building Department (Drew Bliss, Senior Building Inspector) reviewed the application and stated that he had no objection to the Special Use Permit, but that if the application is approved, a building permit will be required.

The Boone County Health Department (Bill Hatfield) reviewed the application and stated that:

- The department has a plan review process in place for cases like this.
- The property owner will need to come to the department to initiate the process; the fee is \$50.00.
- The department will need a scale drawing of the property with any new buildings depicted on it.
- The department’s inspector will review the drawing.
- A site verification could also be needed if the building is going to have a bathroom, because that would indicate a septic system and well would be required.

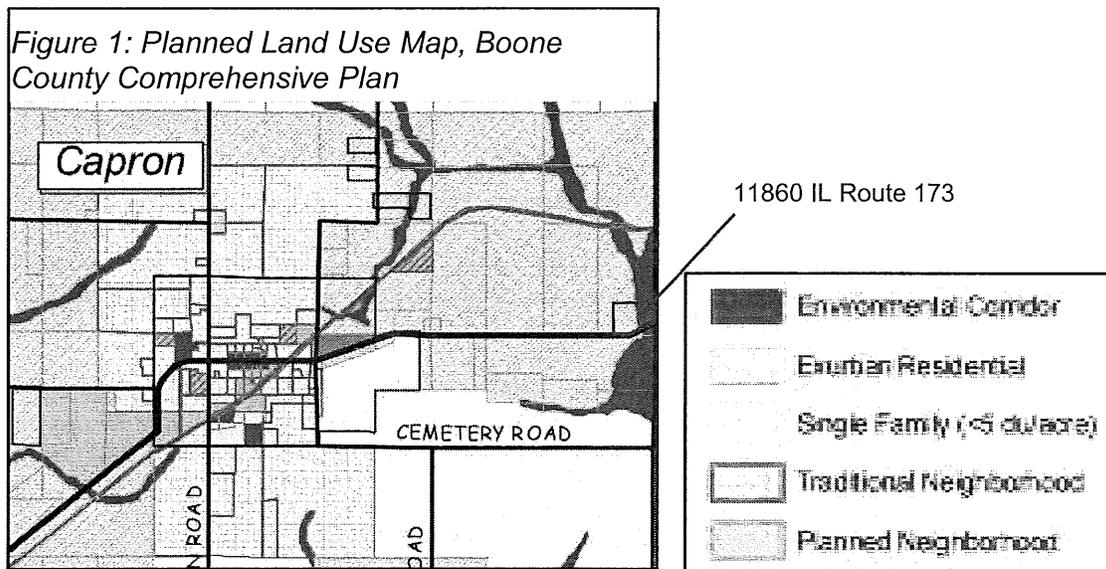
All of the eastern parcel, and a small part of the easternmost part of the western parcel, is located within the FEMA regulatory floodplain. However, the existing buildings are located outside the special flood hazard area, and the drawings submitted by the applicant depicting the proposed location of the new building also indicate that the new building will be outside the special flood hazard area.

TREND OF DEVELOPMENT:

The subject property is located in unincorporated Boone Township, Boone County, Illinois, east of the Village of Capron and adjacent to the Boone-McHenry county line. The subject property and surrounding properties are all zoned A-1 Agriculture Preservation District. However, the Comprehensive Plan's Planned Land Use Map indicates planned neighborhood and environmental corridor for the subject property and adjacent Boone County properties.

COMPREHENSIVE PLAN:

The subject property is designated as "Planned Neighborhood" by the Boone County Comprehensive Plan. This map category encourages "a carefully planned mixture of predominantly single-family residential development (minimum of 60% of all dwelling units), combined with one or more of the following land use categories: neighborhood residential; two-family residential, multi-family residential, neighborhood office, neighborhood business, institutional, and active recreation". Neighborhood business is defined in the comprehensive plan as "residential, office, and neighborhood supporting institutional and commercial uses which preserve the residential character through



building scale, building appearance, landscaping and signage".

FINDINGS OF FACT:

According to Section 2.7.3 of the Boone County Zoning Ordinance, a Special Use Permit shall not be granted unless the County Board finds the following facts:

18-2016 (Goad – 11860 IL Route 173, Capron)

1. **Required:** The proposed structure or use at the particular location requested is necessary or desirable to provide a service or a facility which is in the interest of the public and will contribute to the general welfare of the neighborhood or community.

Finding: The proposed use, when conducted with the clarifying conditions in Boone County's Table of Permitted Uses (Section 3.16.1 of the Boone County Zoning Ordinance) will provide a service which is in the interest of the public.

2. **Required:** The proposed structure or use will not have a substantial adverse effect upon the adjacent property, the character of the neighborhood, traffic conditions, utility facilities and other matters affecting the public health, safety and general welfare.

Finding: Currently, the surrounding uses are agricultural in nature. Because adherence to the clarifying conditions, including the limit of three days per week for sales and the requirement that articles not sold be removed from the property following the auction, and because the property is large enough to accommodate off-street parking, the character of the neighborhood will not be substantially impacted.

3. **Required:** The proposed structure or use will be designed, arranged and operated so as to permit the development and use of neighboring property in accordance with the applicable district regulations.

Finding: The proposed new building will be required to comply with all applicable local and other regulations, including but not limited to building, zoning, public health, and flood management regulations.

4. **Required:** Such other standards and criteria as are established by the ordinance for a special use as set forth in section 2.7.4 and as applied to planned developments as set forth in section 2.10 shall apply to the property for as long as the special use permit is in effect.

Finding: This development shall be subject to Section 5.4.2 (Landscaping and Screening Regulations) of Chapter 5 (Development and Design Standards) of the Boone County Zoning Ordinance. This is particularly important given the planned land use standards for this and surrounding properties as provided in the Boone County Comprehensive Plan.

5. **Required:** That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the county board pursuant to the recommendations of the zoning board of appeals.

Finding: The use and development will be subject to review by the appropriate County departments and issuance of all necessary permits and certifications.

6. **Required:** That the potential public benefits of the special use outweigh any potential adverse impacts of the special use after taking into consideration the applicant's proposal and any requirement recommended by the applicant to ameliorate such impacts.

Finding: This use, implemented in full compliance with Boone County's planning, zoning and building regulations, and all other applicable state and federal

18-2016 (Goad – 11860 IL Route 173, Capron)

regulations, has potential public benefits that outweigh any potential adverse impacts.

SUMMARY OF FINDINGS:

The Goads are proposing an auction sales yard at 11860 Illinois Route 173, Capron, Illinois. The special use, if granted, will be subject to the clarifying conditions of Section 3.16.1 (Table of Permitted Uses) of the Boone County Zoning Ordinances, which 1) prohibit sales of livestock or motor vehicles; 2) limit auctions to not more than three (3) days in a one-week period; and 3) require that all articles not sold at the end of the auction for that one-week period be removed from the property.

RECOMMENDATION:

Planning staff recommends the approval of case number 18-2016 because it meets the requirements of Section 2.7.3 of the Boone County Zoning Ordinance, which state that a Special Use Permit shall not be granted unless the County Board finds facts in the six categories listed above.

Submitted by:



Shelly R. Dunham, AICP
Interim Planner

APPLICATION FOR SPECIAL USE

BELVIDERE - BOONE COUNTY PLANNING DEPARTMENT

**Belvidere City Hall
401 Whitney Blvd., Suite 400
Belvidere, Illinois 61008**

FOR OFFICE USE ONLY	Belvidere	Boone County
Case Number <u>18-2010</u>	PZC Date _____	ZBA Date _____
Filing Date <u>7-26-14</u>	CC Date _____	PZB Date _____
Zone District _____	CC Date _____	CB Date _____

If this application is approved, it is understood that it shall only authorize the special use described in the application with any conditions placed on the special use per the governing body. If the conditions are not met and/or the use is not established (or substantially underway) within one (1) year from the date of approval, the special use shall be null and void.

PLEASE PRINT IN BLACK INK OR TYPE

1) The address or general location of the property for which this application is filed is:
11860 Illinois Route 173, Capron, IL 61012

_____ and its
Parcel Identification Number is: 04-01-400-004 and 04-01-400-006
and the legal description for the subject property is: **Lot** _____ **Block** _____
Tract _____ **Subdivision Name** _____ *See attached legal.*

(NOTE - If there is no lot, block, or tract, then attach a legal boundary description hereto.)

2) **Applicant Name:** Robert O. Goad and Betty Goad
Mailing Address: 113 Galahad Court SE
Poplar Grove, IL 61065
Daytime Phone: 815-765-2299 **Fax:** _____ **Email:** betmarupd@aol.com

3) **Property Owner Name:** Same
Mailing Address: _____
Daytime Phone: _____ **Fax:** _____ **Email:** _____

4) **Attorney Name:** Natalie Hyser Barber, Tobin & Ramon
Mailing Address: 530 South State Street, #200
Belvidere, IL 61008
Daytime Phone: (815) 544-0316 **Fax:** (815) 544-4398 **Email:** natalie@tobinramon.com

5) **Project Manager:** In order to reduce confusion, planning staff requests one contact person be designated to discuss issues concerning this petition:

Name: Betty Goad
 Mailing Address: 113 Galahad Court, SE
Poplar Grove, IL 61065
 Daytime Phone: 815-765-2299 Fax: _____ Email: betmarupd@aol.com

6) Describe the current use of the subject property: 15.48 acres total.
Parcel 004 is 9.95 acres and Parcel 006 is 5.53 acres.

7) List the Special Use, as specified within the appendix of the Zoning Ordinance, that you are seeking the approval of and describe the proposed use of the subject property in detail:
Section 2.7 - Special Uses Section 3.16(A) - Auction sales yards
Section 3.2.(2 and 4D) - A-1 Uses and Lot Development Standards
Section 5.2, 5.4 and 5.5 - Accessory Building Setback, Landscaping and Parking

8) Total number of acres the Special Use will occupy: 15.48 acres.

9) **LIST THE OWNERS OF RECORD:** . **Boone County applicants** shall list the owner of record for all properties located adjacent to and across the street or alley from the perimeter of the subject property. **City of Belvidere applicants** shall list the owner of record for all properties located 250 feet from the perimeter of the subject property (exclusive of public right-of-ways). This information is found at the Supervisor of Assessments Office, 1208 Logan Ave. or the Planning Office. Verifying the accuracy of information is the responsibility of the applicant (use additional pages if necessary).

PIN #	Name/Trust No.	Street	City	Zip
04-01-400-001	Tierney Farm c/o Alan Tierney	11532 IL Route 173	Capron	61012
04-01-400-005	Richard Rosati, Jacqueline & Barbara	5550 FM 727	Jefferson, TX	75657
04-12-200-005	Carole Spickler Tr. & Sixty One Tr.	807 Emerson Drive	Rockford	61108
04-12-200-013	Curt A. Bottcher	11823 IL Route 173	Capron	61012
06-06-300-009	Carole Spickler Tr. & Sixty One Tr. C/o John G. Wurtz	547 Sandy Court	Harvard	60033

- 10) SUPPORTING INFORMATION:** Attach a vicinity map and a site plan drawn to scale regarding your proposal. Illustrate any existing buildings and proposed buildings, parking and loading areas, traffic access and circulation drives, open space, landscaping, utilities, signs, refuse and service areas, and dimensions of setbacks and yard areas, as they apply to this application and as may be required by the Zoning Ordinance. Also include a detailed written statement relative to the above listed requirements, fully explaining your proposal and any measures to mitigate negative affects of your proposal on neighboring properties.

Incomplete applications will be returned to the applicant after sixty (60) days.

Natural Resource information: Pursuant to state law, a copy of this application is to be provided to the Boone County Soil and Water Conservation District (SWCD). The SWCD is located at 211 N. Appleton Road, P.O. Box 218, Belvidere, and may be contacted at (815) 544-2677. Their business hours are Monday thru Friday 8:00 a.m. to 4:30 p.m. An application fee is required. The SWCD has thirty (30) days to respond and provide their Natural Resource Information (NRI) Report to the Planning Office. **The SWCD must send a report to the Planning Department for your application to proceed.**

NOTE: The "Endangered Species Act" entitles the Illinois Department of Natural Resources (IDNR) to review all special use permit applications for their impact on endangered or protected species. Illinois law allows thirty (30) days for their response. The applicant is responsible for contacting the IDNR, via the EcoCAT website at DNR.EcoCAT@illinois.gov.

The "National Historic Preservation Act" entitles the Illinois Historic Preservation Agency to review all special use permit applications for their impact on cultural or historical resources if the proposed development involves State or Federal funding. Illinois law allows thirty (30) days for their response. The applicant is responsible for contacting the Illinois Historic Preservation Agency at (1-217-782-4836).

DECLARATION:

I, the applicant, of the above legally described property on which the special use is proposed, has provided answers to the questions given herein that are true to the best of my knowledge. I have been granted permission by the property owner(s) of the above legally described property to apply for a special use on said property.

By virtue of my application for a special use, I do hereby declare that the appropriate appointed and elected officials responsible for the review of my application are given permission to visit and inspect the property proposed for a special use in order to determine the suitability of the request.

Applicant Signature: Natalia B... Date Signed: 7-26-16
Owner(s) Signature: Natalia B... Date Signed: 7-26-16
Attorney of Record Date Signed: _____
STAFF SIGNATURE: Judy E. ... Date Signed: 7-26-16
Filing Fee - Amount Paid: \$700.00 Check Number: 61141

FILING PROCEDURE

- A. Submit this form and supporting information accompanied by an application fee (make checks payable to the **Boone County Treasurer**). See the attached fee schedule.
- B. Submit application and supporting information with fee to the Boone County Soil and Water Conservation District.
- C. Selection of newspaper publication. See the attached newspaper selection sheet.
- D. City of Belvidere Applicants must appear before the Belvidere Planning and Zoning Commission, Building, Planning and Zoning Committee and the Belvidere City Council.

Boone County Applicants must appear before the Boone County Regional Planning Commission, Boone County Zoning Board of Appeals, Planning, Zoning and Building Committee, and the Boone County Board. Boone County applicants must appear before the Joint Planning Commission rather than the County Commission if their property is located within 1.5 miles of Belvidere.

NARRATIVE

The applicant, Robert O. Goad and Betty Goad ("Applicant") is the owner of record for 11860 Illinois Route 173, Capron, IL 61012 (PINs: 04-01-400-004 and 04-01-400-006) which totals 15.48 acres (the "Subject Property"). The Applicant's address is 113 Galahad Court SE Poplar Grove, IL 61065. The Applicant plans to use the Subject Property for an Auction Sales Yard and would like to build a storage building in connection with the same.

The Subject Property is zoned A1, and an Auction Sales Yard is permitted by Special Use with the following Clarifying Conditions as noted in 3.16 Table of Permitted Uses, of which the Applicant will comply:

"Does not include livestock or motor vehicles. Shall not be held for more than 3-days in a one week period. All articles not sold at the end of the auction for that one week period shall be removed from the property. Farm produce, rebuilt, reconditioned and used household goods and appliances shall be offered for sale."

Further, the Applicant will comply with following for the building and lot development:

Section 3.2.(2 and 4D) - A-1 Uses and Lot Development Standards

Section 5.2, 5.4 and 5.5 - Accessory Building Setback, Landscaping and Parking

Attached please find building rendering.

The Applicant will make every effort to facilitate an attractive overall design so that it is homogenous with the area and does not detract from the overall aesthetics of the surrounding development. To that end, the Applicant is requesting the above-mentioned Special Use. The Applicant is flexible and is willing to diligently work with staff on further and final details to the satisfaction of staff.

The Applicant's use of the Subject Property will not have a substantial adverse effect upon the surrounding and adjacent properties nor the character of the neighborhood, traffic conditions, utility facilities or other matters affecting public health, safety and general welfare because the use fits within the general character of the area. The Applicant will operate the Auction Sales Yard in a way that conforms to the current direction of development and use of the area in accordance with the applicable regulations. The public benefits outweigh any potential adverse impacts.

EXHIBIT A

LEGAL DESCRIPTION

Legal Description: PARCEL 1:

That part of the East Half of the Southeast Quarter of Section 1, Township 45 North, Range 4, East of the Third Principal Meridian, described as follows:

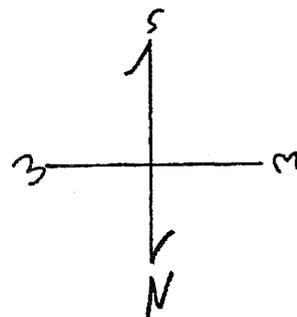
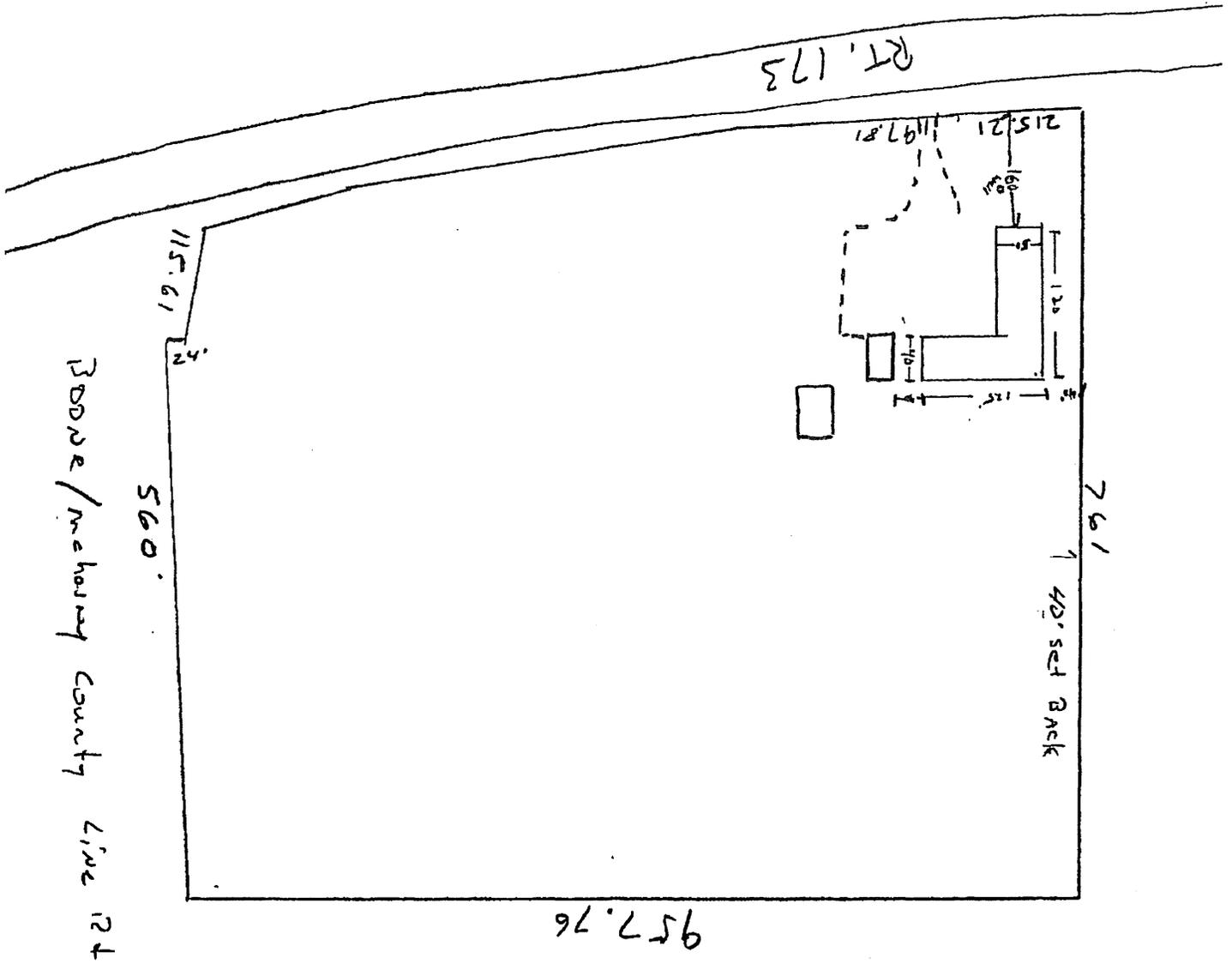
Commencing at the Southwest corner of the East Half of said Southeast Quarter and running thence North on the West line thereof, for a distance of 24.02 feet to a point on the Northerly right of way line of a public highway running in an Easterly and Westerly direction and known as State Route 173; thence East on the Northerly right of way line of said highway for a distance of 400 feet to a point for the place of beginning; thence parallel to the West line of the East Half of said Southeast Quarter for a distance of 761 feet to a point; thence East at right angles to the last described line, at the last described point, for a distance of 580 feet to a point; thence South parallel to the West line of the East Half of said Southeast Quarter, for a distance of 741.23 feet to a point on the Northerly right of way line of said Highway; thence Westerly on the Northerly right of way line of said Highway and being on a curve, convex Southerly and have a radius of 2824.80 feet, for a distance of 321.75 feet, chord measurement, to a point of tangency in said right of way; thence West on said right of way line and tangent to the last described curve, at the last described point, for a distance of 259 feet to the place of beginning, (except that part conveyed to the State of Illinois Department of Transportation by Deed recorded February 8, 1999 as document 1999R01255) situated in the County of Boone and the State of Illinois.

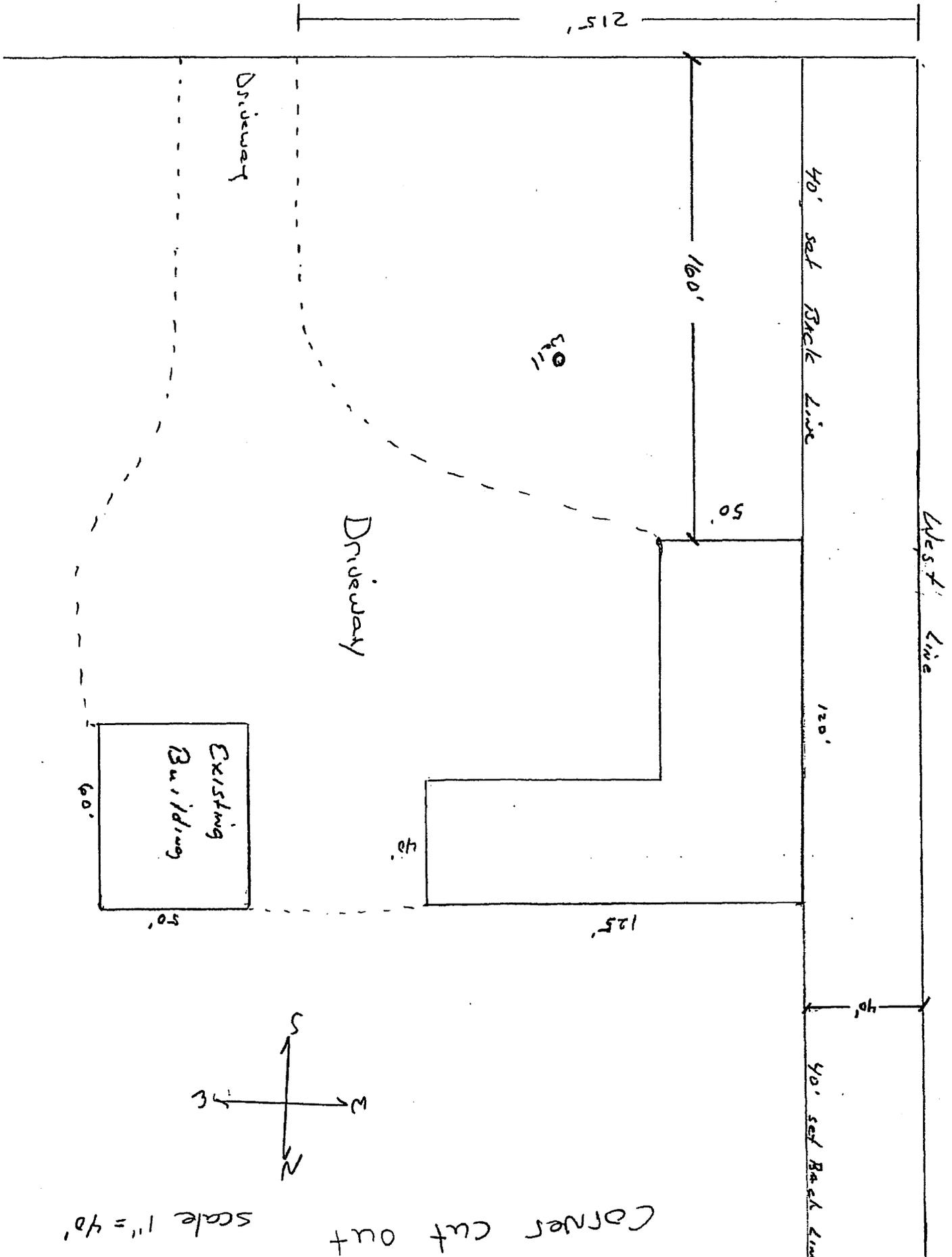
PARCEL 2:

Part of the East Half of the Southeast Quarter of Section 1, Township 45 North, Range 4, East of the Third Principal Meridian, bounded and described as follows, to wit; beginning at the point of intersection of the East line of the East Half of said Quarter Section, with the curved Northerly Right of Way Line of State Route Number 173; thence North 00 Degrees 05 Minutes 28 Seconds East, along the East line of the East Half of said Quarter Section, a distance of 678.63 feet; thence North 89 Degrees 54 Minutes 28 Seconds West, a distance of 346.99 feet to a line parallel with and 980.0 feet East of the West Line of the East Half of said Quarter Section; thence South 00 Degrees 05 Minutes 32 Seconds West, along said line, a distance of 741.32 feet, more or less, to the curved Northerly Right of Way Line of said Route Number 173; thence Easterly, along the curved Northerly Right of Way Line of said State Route Number 173, being along a circular curve to the left having a radius of 2824.80 feet to the point of beginning (Chord across said curved course bears North 79 Degrees 51 Minutes 06 Seconds East, a distance of 352.62 feet), (except that part conveyed to the State of Illinois Department of Transportation by Deed recorded February 8, 1999 as document 1999R01255) situated in the County of Boone and the State of Illinois.

Permanent Index #'s: 04-01-400-004 and 04-01-400-006

11860 Rte 173 Capron, IL
61012





400-005
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2

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200-005
39.16

BOONE-MC HENRY COUNTY LINE RD

Print this page



General Parcel Information for PIN: 0401400004

Pin: 0401400004

Address
11860 IL ROUTE 173
CAPRON , 61012-

Acres
9.95000000

Property Code
400

Neighborhood Code
4101

Legal Desc.
PT E 1/2 SE BEG 24.02' N & 400' E OF SW COR N 761' E 580' S 741.23' SW 321. 259' TO POB (EX PT FOR RD AS IN 99-12
1-45-4 11860 IL ROUTE 173

Print this page



General Parcel Information for PIN: 0401400006

Pin: 0401400006

Address

Acres

5.53000000

Property Code

300

Neighborhood Code

4101

Legal Desc.

PT E 1/2 SE-BEG 781.75' N SE COR S 678.63' SW 352.62' N 741.23' E 346.99' T (EX PT FOR RD AS IN 99-1255) 1-45-4

**BOONE COUNTY
BUILDING DEPARTMENT**

1212 Logan Ave. Suite 101 Belvidere, Illinois 61008
(815)544-6176
(815)-547-0906(fax)

August 16, 2016

To: Ken Terrinoni
County Administrator

From: Drew Bliss
Senior Building Inspector

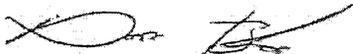
RE: 18-2016; Goad, 11860 Illinois Route 173, Capron, Illinois

Dear Mr. Terrinoni,

Our office has no objections to the special use request. Please notify the applicant that a building permit will be required if the case is approved.

If you have any further questions, please feel free to contact our department at (815) 544-6176.

Thank you,



Drew Bliss
Senior Building Inspector
Boone County Building Department



Boone County
DEPARTMENT OF
PUBLIC HEALTH

1204 Logan Avenue • Belvidere, Illinois 61008

Main Office: 815-544-2951 • Clinic: 815-544-9780

Fax: 815-544-2050 www.boonchealth.org

The mission of the BCDPH is to protect and promote health in Boone County.

August 12, 2016

Ken Terrinoni
Boone County Planning Dept.
1212 Logan Ave.
Belvidere, IL 61008
Fax 815-547-3579

Re: 18-2016; Goad, 11860 Illinois Route 173, Capron, IL

Dear Ken,

We are in receipt of the special use permit request for the above referenced case.

The Boone County Health Department has a process of a plan review in place for situations like this. The property owner will need to come into our office to initiate this process, A to scale overhead of his property will be printed out and any new building will need to be drawn onto it. The plan then will go to the inspector for review. The fee for this process is \$50.00

A site verification could also be needed if the building is going to have a bathroom. That would indicate a septic system installed and a well drilled.

Thank you,

William L. Hatfield
Director of Environmental Health
skm



BOONE COUNTY HIGHWAY DEPARTMENT

9759 Illinois Route 76
Belvidere, Illinois 61008

RICHARD A. LUNDIN
COUNTY ENGINEER

OFFICE 815-544-2066
GARAGE 815-547-6142
FAX 815-544-8329
E-MAIL boonecshwy@comcast.net

August 10, 2016

Mr. Ken Terrinoni, County Administrator
1212 Logan Ave., Suite 102
Belvidere, Illinois 61008

RE: Special Use Case 18-2016; Goad, 11860 Illinois Route 76

Dear Mr. Terrinoni,

I have reviewed the Special Use request for the above captioned case to operate an auction sales yard.

Access: The existing land parcel has a one single directional access location. The applicant shall either widen the existing access to accommodate two-way traffic or construct a second access and have the two accesses one directional to provide good traffic flow. The addition of a new access point or widening of the existing access will require permission from the Illinois Department of Transportation since Illinois Route 173 is a State Highway.

Detention: This Special Use addition will not adversely affect the water runoff in the area due to the large number of acres owned by the Goads and runoff drains directly in to the branch of the Piskasaw Creek. No detention will be required.

This office does not object to the approval of the Special Use based on the above reasons.

A handwritten signature in cursive script, appearing to read "Richard A. Lundin".

Richard A. Lundin
Boone County Engineer



TIERNEY FARM
11532 ILLINOIS ROUTE 73 • CAPRON, ILLINOIS 61072
815 321 1540

August 23, 2016

Boone County Zoning Board of Appeals
1212 Logan Avenue - Suite 102
Belvidere, Illinois 61008

Re: Special Use Permit Application of Robert O. and Betty Goad
Matter number: 18-2016

Ladies and Gentlemen:

Alan Tierney and Daryl Tierney, proprietors of Tierney Farm, 11532 Illinois Route 73, Capron, Illinois 61072 by their attorney, Charles Herbst, Esq., 345 Bienterra Trail, Suite 3, Rockford, Illinois 61107 hereby state their objection to the special use permit sought by Robert O. and Betty Goad for a special use permit at 11860 Illinois Route 73 (the Site), Matter number 18-206.

Summary of objections:

1. The Site has unsafe ingress and egress to Route 173 for commercial use and would pose a significant safety hazard to the community, and in particular to the residents in the immediate area. The cost of constructing safe ingress and egress may well make this project commercially not feasible. The Site also has difficult regional accessibility and would create additional traffic problems in the vicinity and potential safety hazards. Other sites available in Boone County and adjacent counties would provide a better location.
2. While running their business in the past, the Goads have created nuisance at this Site. The proposed special use would continue this and cause further nuisance to Tierney Farm, other neighbors, and motorists along Illinois Route 173.
3. The Application is inconsistent with the Boone County Comprehensive Plan and will diminish the value of adjacent property.
4. The Boone County Planning Department Advisory Report is inadequately developed, and many of the affirmative conclusions reached are unsupported.

Detail of objections:

1. Substandard access to the Site.

The Site is located at the northwest corner of Illinois Route 173 and the Boone McHenry County Line Road (County Line Road). From a cursory glance at a map, the Site might appear appropriate for commercial development, but a more detailed examination shows that the Site would be unsuitable without major reconstruction.

The size of the Goad's venture makes it unlikely that the necessary safety improvements could be financed and still make the operation feasible. We do not believe the safety of residents in the area and the traveling public should be compromised to facilitate a marginal business that can and should be located elsewhere.

1.a. Ingress and egress. The topography of the Site is particularly challenging. The USGS Survey Map of the area (Figure 1) shows there is a 30-foot hill along the Route 173 frontage and immediately to the west of the Site. Also along the Route 173 frontage of the property is a bridge and a curve that extends beyond the intersection with County Line Road.

Route 173 is striped with a double yellow line along the Site because of the lack of visibility, including at the Site's only driveway. About half of the Site is a wetlands that floods in heavy rain. County Line Road also floods in heavy rain. The wetlands and stream on the property make alternate ingress/egress via County Line Road impractical. Likewise the stream, the intersection with County Line Road, and the hill preclude moving the driveway to any better location along Route 173.

The curving road and hill make the driveway initially difficult to spot. Oncoming traffic cannot immediately spot turning vehicles whether entering or leaving the highway. The speed limit on Route 173 is 55 mph.

Inadequate driveway. The steep grade and narrowness of the driveway makes it difficult for vehicles to turn into the property. Fire trucks were unable to respond to a prior incident at the property. Negotiating the driveway could easily cause a backup of vehicles onto Route 173. The Application shows the existing driveway to be maintained, and does not indicate any relocation, improvement, or amelioration of this driveway problem.

As discussed, there doesn't seem to be an alternate solution for access to the Site. To make the driveway safe, first, the driveway would have to be widened and the slope of the driveway would have to be reengineered to safely accommodate commercial traffic.

Second, the access point is still very dangerous and would require further amelioration of the state highway.

Accident statistics. While accidents can vary from year to year, Illinois Department of Transportation (IDOT) statistics for 2014 (most recent year available) reflect 10 collisions with 2 fatalities and 14 other injuries along Route 173 within 1-1/2 miles of the Site. Increased use of a dangerous driveway can only cause these statistics to increase.

In 5 years (2009-2014) there were 6 accidents alone at the intersection of Route 173 and County Line Road. For much of this period, a bridge project closed County Line Road just north of US 20. This reduced the amount of traffic on County Line Road. As explained later, the Goads' Application can be expected to increase County Line Road traffic, increasing the risk of collision at this intersection.

Finally, allowing parking along the road, particularly in light of a hill and a curve, is unacceptably dangerous.

1.b. Access to area. As explained later, it is, at best, a stretch to call the Goads' business a "neighborhood business" within the meaning of the Boone County Comprehensive Plan.

The Goads' customers will presumably come from beyond the immediate vicinity of the Site by car. There is currently very indirect access to Interstate 43 and exceptionally difficult access to Interstate 90. A Google Maps search for directions to the Site routes traffic from I-90 through Marengo on US 20, then north on County Line Road. Any other route is less direct and involves backtracking.

County Line Road is a farm road. The road is unsuitable for a significant volume of through traffic. County Line Road has been closed near US 20 for several years. In the past two years, with only local traffic, there have been two accidents each year on this road between US 20 and Route 173. Obviously, with the road open, accidents can be expected to increase as the traffic increases. The Goads' auctions would contribute still more traffic.

If the area around the Site were to significantly develop, County Line Road would require a major upgrade to accommodate traffic and, in the longer term, possible direct access to Interstate 90. Both of these would require major public investment.

2. The special use will cause nuisance.

This Site was acquired by Robert and Betty Goad on August 8, 2011. The Goads should have investigated the feasibility of an auction yard before buying the property. And their purchase should have been contingent on a favorable finding.

Prior nuisance. Since that time, the Applicant has conducted several auctions on the premises in violation of the Boone County ordinances. This prior, unauthorized use of

the property by the Goads for their auctions is demonstrable, clear and convincing evidence of the nuisance that will result if the Application is approved:

These previous auctions resulted in considerable traffic and parked vehicles along Route 173. As previously discussed, Route 173 curves at the Site and has a significant hill. With a posted speed of 55 miles per hour, parked cars and crossing pedestrians posed a significant hazard as well as an impediment to through traffic.

Because the Site driveway is initially difficult to spot, a significant number of vehicles used the private roads of Tierney Farm and Curt Bottscher (located at 11823 Illinois Route 173). In addition to "3-point turns," motorists continued driving along the laneways at both locations, causing trespass and putting Mr. Bottscher's young children at risk. There was also driving across and turning around in fields.

Notwithstanding the ingress/egress issues, parking on the Site may become difficult given the potential of a large number of vehicles. Much of this property is a wetland and could be expected to often be soft. As a result, we believe the on-highway parking is likely to continue.

Surrounding area. The Tierneys and the Bottschers live on the adjacent properties. There is no commercial use within more than a mile. Both families want to live in an exclusively residential/agricultural area, as per the current zoning ordinance. The added noise, congestion, traffic, visual clutter, and other attributes of commercial development are contrary to the wishes of the long-time residents of the area. The long-time residents do not want this demonstrated nuisance to become a permitted use.

3. Diminution of neighborhood value.

The Application is inconsistent with the Boone County Comprehensive Plan. We further maintain that by locating a non-neighborhood business of this kind at the Site will diminish the value and potential value of surrounding properties.

Boone County Comprehensive Plan. The Boone County Comprehensive Plan calls for ultimate development of the Site as a "planned neighborhood" involving a "carefully planned" mixture of residential development and "neighborhood" businesses.

Black's Law Dictionary defines a "neighborhood" as a place near; an adjoining or surrounding district; a more immediate vicinity. Per the Advisory Report, the Comprehensive Plan attempts to define "neighborhood business" as "residential, office, and neighborhood supporting institutional and commercial uses...." (emphasis added)

While "building scale, building appearance, landscaping and signage" are important, they do not transform even an aesthetically pleasing business into one that is a "neighborhood supporting" use. The locality of a business' customers must be taken into account, otherwise any business (even an auto plant) could be considered a "neighborhood business," provided it had attractive landscaping. We do not believe that

an auction yard can be said to be "neighborhood supporting" use: The Goads' business is designed to serve customers from beyond the neighborhood and is not wanted by local residents.

It is clear, therefore, that the Goads' auction yard is not a "neighborhood business," is not "carefully planned," and is a deviation from the Comprehensive Plan.

This particular deviation from the Comprehensive Plan is undesirable. The Comprehensive Plan specifically discourages deviations such as this one:

Where zoning standards are used that (are) not intentionally designed to forward Plan objectives, each new development project will tend to take the County and its communities away from Comprehensive Plan recommendations...

This (recommended) approach is particularly crucial in downtown Belvidere, the village centers of Caledonia, Capron and Poplar Grove and, most importantly, along I-90, U.S. 20, U.S. Business 20, State Highway 76, and State Highway 173. (emphasis added)

Without the adoption of such standards, these critical community corridors will clearly become filled with unattractive and poorly designed strip commercial developments that are indistinguishable from similar strips in Winnebago County and the Chicago suburbs, that the general public and community officials throughout Boone County have emphasized repeatedly that they want to avoid at all costs.

Boone County Comprehensive Plan, p. 108

Potential for property. We believe the surrounding property has the potential to ultimately be developed for very-expensive, country-estate-type homes. Much of the property is on a ridge or hilltop and offers expansive views. This condition exists because of the combination of relatively rare, scenic, undeveloped property in reasonable proximity to Chicago, Milwaukee, and O'Hare Airport.

The surrounding property is less than 15 minutes away from Metra trains to Downtown Chicago (currently 9 trains per day) and one easy transfer at Jefferson Park to O'Hare Airport via Rapid Transit. Interstates 90 and 43 are 13 and 14 miles away, respectively. A final advantage is this property has been designated for planned residential and only neighborhood commercial activity. Unattractive businesses such as the Goads' will destroy the potential of this valuable neighborhood.

4. The Advisory Report dated August 4, 2016 is inadequate.

Given the number of issues that this Application raises, we believe that the Advisory Report should have been written in a more objective manner, clearly presenting the strengths and weaknesses of the proposal. Rather, the report appears to be an advocacy piece in support of the Application. In recommending the Application, the report advocates on behalf of approval, ignoring and dismissing serious deficiencies.

The report's "findings of fact" is particularly inadequate. We believe there is insufficient support in the report for all of the findings, most critically numbers 1, 2, and 6.

Fact 1 provides that the use must be in the interest of the public and that the use will contribute to the general welfare of the neighborhood or community.

The finding contains no support that the use is in the interest of the public and not even a finding that the use will contribute to the general welfare of the neighborhood or community.

We believe that we have demonstrated that the auction barn is not in the public interest and will contribute to the detriment of the neighborhood. None of the issues that we have raised have been discussed in this report.

Fact 2 provides that the use will not have a substantial adverse effect on the adjacent property, the character of the neighborhood, traffic conditions, utility facilities and other matters affecting the public health, safety and general welfare.

None of these factors except the character of the neighborhood were addressed in the finding.

Even that finding is without adequate support:

- It dismissively describes the surrounding use as agricultural, ignores existing residences, and ignores the planned neighborhood classification of the property.
- As the auction business is typically conducted on weekends, the restriction to three-day operation is irrelevant.
- Stating that the property is large enough to accommodate off-street parking is conclusory and unsubstantiated. No statement has been made of how many vehicles are anticipated or how much parking they would require. (Off-street parking was obviously inadequate at the previous auctions conducted by the same people on the same parcel of land.)

As discussed in this letter, there is not even a finding on such factors as public safety, traffic, or substantial adverse affect on adjacent property. In this letter, we have shown substantial evidence of traffic, safety, and nuisance issues. We have also presented evidence on the potential diminution of value of surrounding properties.

Fact 6 provides for a finding that the potential public benefits outweigh any potential adverse impacts.

The finding states this to be the case with no evidence of any public benefit or discussion of potential adverse impacts.

We maintain that the past conduct of the Goads has clearly demonstrated potential adverse impact.

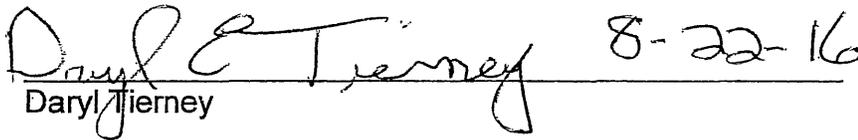
In conclusion, the project offers no benefit to the neighborhood or community, decreases safety, diminishes the value of surrounding property, and is inconsistent with the Boone County Comprehensive Development Plan.

We respectfully request that the Application be denied.

The undersigned affirm that the facts contained in this letter are true to the best of their knowledge and belief.

TIERNEY FARM

 8-22-16
Alan Tierney

 8-22-16
Daryl Tierney

BOONE COUNTY PLANNING DEPARTMENT

1212 Logan Avenue • Belvidere, IL 61008 • 815.547.4770

September 15, 2016

ADVISORY REPORT

CASE NO.: 19-2016

APPLICANT: William C. Thomas
(1401 Ipsen Road, Belvidere, IL)

REQUEST AND LOCATION:

The applicant, **William C. Thomas**, 6745 Auburn Road, Rockford IL 61101, is requesting a zoning map amendment under Sub-Section 2.12.2.C (Amending the Zoning Map/Special Uses) of Section 2.10 (Text and Map Amendments, Comprehensive Plan Amendments) of Chapter 2 (Administration, Enforcement, and Procedures) and Section 3.11 (Light Industrial District) of Chapter 3 (Districts and General Provisions) of the Boone County Zoning Ordinance to amend the Boone County Zoning Map from R-1 (Single Family Residential District) and I-1 (Light Industrial District) to I-1 (Light Industrial District) for the property located at 1401 Ipsen Road, Belvidere, Illinois, 61008 in unincorporated Flora Township, Boone County, Illinois. The property is legally described as:

W 418.93' NE NW LYING N OF TOLLWAY & S OF US 20 ROWS PER 79-4329
1401 IPSEN RD, as recorded in the Recorder's Office in Boone County, Illinois;
situated in Boone County, Illinois (PIN: 07-05-100-006).

EXISTING LAND USE FOR SUBJECT AND ADJACENT PROPERTIES:

Subject property: Industrial (vacant)

Adjacent properties:

North: Industrial

East: Agricultural

South: Agricultural

West: Industrial

CURRENT ZONING FOR SUBJECT AND ADJACENT PROPERTIES:

Subject property: R-1 Single Family Residential District; I-1 Light Industrial;
US20 US Highway 20 Corridor Overlay District

Adjacent properties:

North: I-1 Light Industrial; US20 US Highway 20 Corridor Overlay District

East: A-1 Agricultural Preservation District; US20 US Highway 20 Corridor
Overlay District

South: I-1 Light Industrial; A-1 Agricultural Preservation District; US20 US Highway 20 Corridor Overlay District

West: R-1 Single Family Residential District; I-1 Light Industrial; US20 US Highway 20 Corridor Overlay District

COMPREHENSIVE PLAN FOR SUBJECT AND ADJACENT PROPERTIES:

Subject property: Planned Office

North: Planned Industrial

East, South, and West: Planned Office

BACKGROUND:

The subject property is located on Ipsen Road in unincorporated Flora Township, Boone County. The property is comprised of one 3.78-acre parcel located on Ipsen Road at the southeast corner of US Highway 20 and Interstate 90 in unincorporated Boone County, Illinois. The subject property has one commercial building existing on the parcel. Until 2015, the applicant operated Thomas Painting Company on the property. The applicant also lived on the parcel until 2015, when the residential dwelling on the property was demolished. The applicant states that he does not anticipate changes to the subject property or the commercial building.

The property is located in the US Highway 20 Corridor Overlay District. Section 3.14.2 (US Highway 20 Corridor Overlay District/Establishment of the US Highway 20 Corridor Overlay District) states that “[a]ll portions of parcels with more than 50 percent of their area lying within ¼-mile of US Highway 20 or Business Route 20 and within unincorporated Boone County are hereby included within the US Highway 20 Corridor Overlay District”. The entirety of the subject parcel is located within ¼-mile of US Highway 20.

OTHER PLANNING CONSIDERATIONS:

The Boone County Soil and Water Conservation District states that their review does not apply in this instance.

The Boone County Engineer Richard A. Lundin reviewed the application and stated that he has no comments on this request.

The Boone County Building Department Drew Bliss, Senior Building Inspector has no comment at this time.

The Boone County Health Department (Bill Hatfield) reviewed the application and stated that some of the permitted uses in the Light Industrial classification have the potential to harm the aquifer in this area.

TREND OF DEVELOPMENT:

The subject property is located in unincorporated Flora Township, in southwest Boone County, Illinois. The trend of development is industrial to the north and west and agricultural to the east and south.

COMPREHENSIVE PLAN:

The Boone County Comprehensive Plan's Planned Land Use Map indicates "planned office" for the subject property; "planned industrial" for the adjacent properties to the north; and "planned office" for the adjacent properties to the east, south and west.

The Comprehensive Plan defines "planned office" as "high quality office, institutional and office-support land uses with very generous landscaping and limited signage".

The Comprehensive plan defines "planned industrial" as "high-quality indoor manufacturing, assembly and storage uses with generous landscaping and limited signage".

FINDINGS OF FACT:

According to Section 2.10.2.C. of the Boone County Zoning Ordinance, the board of appeals shall base its findings on evidence produced in the hearing. The board of appeals shall submit its findings of fact with its recommendation to the county board. Where the purpose and effect of the proposed amendment is to change the zoning classification of a particular property, the board of appeals shall make findings based upon the evidence presented to it in each specific case with respect to the following matters:

1. **Required:** Existing uses of property within the general area of the property in question.

Finding: The existing uses of the property in the general area of the property in question include industrial (to the north, south, and west), and agriculture (to the east and south). Amending the zoning map to show the entirety of the property in question as I-1 (Light Industrial) is in harmony with existing uses of property within the general area of the property in question.

2. **Required:** The zoning classification of property within the general area of the property in question.

Finding: The uses permitted by right, by special use, by temporary use, and by accessory use in Section 3.16.1 (Table of Permitted Uses) for the I-1 (Light Industrial District) in the Boone County Zoning Ordinance are in harmony with existing uses of property within the general area of the property in question.

3. **Required:** The suitability of the property in question for the uses permitted under the existing zoning classification.

Finding: The property meets the minimum lot size and frontage requirements for the I-1 zoning classification. However, the characteristics of use for the property are nonconforming in the following ways: 1) the existing building does not meet the side yard setback requirement (Section 3.11.4); 2) the property does not meet the I-1 landscaping requirements (Section 5.4); and 3) the property does not meet the I-1 parking requirements (Section 5.5). Since a year has elapsed since the nonconforming uses of the land ceased, any subsequent use of such land shall conform to the regulations specified by the Boone County Zoning Code for the I-1 district (Section 4.4.3).

4. **Required:** The trend of development, if any, in the general area of the subject property, including changes, if any, which may have taken place since the day the subject property was placed in its present zoning classification.

Finding: The trend of development in the area appears to be agricultural and light industrial; an I-1 zoning classification is in harmony with this trend.

5. **Required:** Whether the proposed amendment is consistent with the plans and policies of the official Comprehensive Plan adopted by Boone County.

Finding: The Boone County Comprehensive Plan's future land use map shows "planned office" for the subject property and adjacent properties to the east, south and west, and "planned industrial" for the properties north of US Highway 20. The "planned office" category calls for "high quality office, institutional and office-support land uses with very generous landscaping and limited signage". With mitigation efforts in the areas of landscaping and signage, an industrial use may be made more compatible with the County's future land use plans for this property. Recommendations for mitigation efforts are included below in the "Recommendations" section.

6. **Required:** That the potential public benefits of the amendment outweigh any potential adverse impacts of the amendment after taking into consideration the applicant's proposal to ameliorate such impacts.

Finding: The I-1 zoning classification is comparable to surrounding industrial uses to the north and west and in harmony with the agricultural uses to the south and east. With the mitigation recommendations listed below, the property's zoning map designation of I-1 carries potential public benefits that outweigh any potential adverse impacts of the amendment.

The zoning board of appeals shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such an amendment is in the public interest.

SUMMARY OF FINDINGS:

The applicant, William C. Thomas, proposes to amend the zoning map classification for the property located at 1401 Ipsen Road, Belvidere, Illinois, from

19-2016 (William C. Thomas, 1401 Ipsen Road, Belvidere, Illinois)

R1 and I1 to I1. The Planning Department makes affirmative findings for criteria 1, 2, and 4 above, and makes qualified findings with suggested conditions for criteria 3, 5, and 6.

RECOMMENDATION:

Planning staff recommends the approval of case number 19-2016 with the following conditions, because it meets the requirements of Section 2.10.2.C of the Boone County Zoning Ordinance, when combined with the conditions recommended below.

1. That any future alteration or enlargement of the building existing on the property at the time of this zoning map amendment (which is not in compliance with the side yard setback requirements of Section 3.11.4 of the Boone County Zoning Ordinance) does not increase the degree of any existing nonconformity, does not establish any additional nonconformity, does not occur in any required setback, and complies with all of the regulations of the zoning district in which it is located and all other applicable codes and ordinances.
2. That prior to the issuance of any building, development or occupancy permit, the owner of the property shall submit a landscape and parking plan that is in compliance with Sections 5.4 and 5.5 of the Boone County Zoning Ordinance and reflects the standards for "generous landscaping" set forth in the Boone County Comprehensive Plan". Said plan shall be prepared by an Illinois-licensed landscape architect and shall be approved by the Boone County Building Department prior to issuance of any permit.
3. That prior to the issuance of any building, development or occupancy permit, the owner of the property shall submit a sign plan that is in compliance with Sections 5.6 of the Boone County Zoning Ordinance and reflects the standards for "limited signage" set forth in the Boone County Comprehensive Plan". Said plan shall be approved by the Boone County Building Department prior to issuance of any permit.
4. That a copy of this zoning map amendment ordinance is recorded against the deed of the property so that any subsequent purchasers are aware of the provisions of the ordinance.
5. That the applicant satisfies and complies with all applicable local, state, and federal regulations.

Submitted by:



19-2016 (William C. Thomas, 1401 Ipsen Road, Belvidere, Illinois)

Shelly R. Dunham, AICP
Interim Planner

APPLICATION FOR ZONING CHANGE

BELVIDERE - BOONE COUNTY PLANNING DEPARTMENT

**Belvidere City Hall
401 Whitney Blvd., Suite 400
Belvidere, Illinois 61008**

FOR OFFICE USE ONLY

Case Number	<u>19-2016</u>	Belvidere	PZC Date	_____	Boone County	ZBA Date	<u>9/27/16</u>
Filing Date	<u>8-23-16</u>		CC Date	_____		PZB Date	<u>10/5/16</u>
Zone District	<u>I-1(R-1)</u>		CC Date	_____		CB Date	<u>10/19/16</u>

PLEASE PRINT IN BLACK INK OR TYPE

1) The address or general location of the property for which this application is filed is:
1401 Ipsen Road, Belvidere, IL 61008

and its Parcel Identification Number is: 07-05-100-006

and the legal description for the subject property is: Lot _____ Block _____

Tract _____ Subdivision Name _____

(NOTE - If there is no lot, block, or tract, then attach a legal boundary description hereto.)

2) **Applicant Name:** William C. Thomas
Mailing Address: 6745 Auburn Road Rockford, IL 61101

Daytime Phone: 815-742-3648 Fax: _____ Email: wmcthomas1@aol.com

3) **Property Owner Name:** Same
Mailing Address: _____

Daytime Phone: _____ Fax: _____ Email: _____

4) **Attorney Name:** Natalie Hyser Barber, Tobin & Ramon
Mailing Address: 530 South State Street, #200

Belvidere, IL 61008

Daytime Phone: (815) 544-0316 Fax: (815) 544-4398 Email: natalie@tobinramon.com

5) **Project Manager:** In order to reduce confusion, the Planning staff requests one contact person be designated to discuss issues concerning this petition:

Name: Natalie Hyser Barber, Tobin & Ramon

Mailing Address: 530 South State Street, Suite 200
Belvidere, IL 61008

Daytime Phone: 815-544-0316 Fax: 815-544-0316 Email: natalie@tobinramon.com

- 6) Describe existing use of property: Industrial/Commercial
- 7) Describe proposed use of property: Industrial/Commercial
- 8) Existing Zoning: R-1 and I-1 Proposed Zoning: I-1
- 9) Size of parcel involved in the zoning change: 3.78 acres

10) **LIST THE OWNERS OF RECORD:** Belvidere applicants shall list the owner of record for all properties located 250 feet from the perimeter of the subject property. The number of feet occupied by all public roads, streets, alleys, and other public ways shall be excluded in computing the 250 foot requirement. Boone County applicants shall list the owner of record for all properties located adjacent to and across the street or alley from the perimeter of the subject property. This information is found at the Supervisor of Assessments Office, Suite 104, in the Boone County Courthouse, 601 North Main Street, Belvidere (use additional pages if necessary):

PIN #	Name/Trust No.	Street	City	Zip
07-05-100-003	Alpine Bank & Trust Co. of Trust 3892	P. O. Box 6086	Rockford	61125
07-05-100-007	Contel Cellular Inc. C/o Ad Velorem Services Co.	P. O. Box 211507	Bedford, TX	76095
07-05-100-010	Ajtana and Nesat Sabitoska	5755 Cohoon Road	Belvidere	61008
04-05-100-025	Brentwood II, LLC	1725 Huntwood Drive	Cherry Valley	61016
07-05-100-024	James A. Cox Trust	1846 Richmond Lane	Long Grove, IL	60047
05-32-300-024	Heritage Properties Partnership c/o Roger E. Lunstrom	2425 Clinton Road	Rockford	61103
05-32-300-022	Bel-Rock Self Storage LLC c/o Curtis G. Johnson	P. O. Box 160	Cherry Valley	61016
05-32-300-011	Gallano Brothers LLC	P. O. Box 313	Belvidere	61008
05-32-300-005	Pec Mud Farms LLC	15051 Telegraph Road	Pecatonica	61063

- 11) **SUPPORTING INFORMATION:** Attach a vicinity map and boundary map of the property involved in the proposed zoning change. Illustrate existing buildings and structures, adjoining roadways with their names, natural features such as flood plain, wetlands, lakes, ponds, etc. Provide a detailed written statement explaining your proposal and how it complies with City or County policies and plans. Include in the written statement any measures intended to mitigate negative affects of your proposal on neighboring properties.

Incomplete applications will be returned to the applicant after sixty (60) days.

Natural Resource information : Pursuant to state law, a copy of this application is to be provided to the Boone County Soil and Water Conservation District (SWCD). The SWCD is located at 211 N. Appleton Road, P.O. Box 218, Belvidere, and may be contacted at (815)544-2677. Their business hours are Monday thru Friday 8:00 a.m. to 4:30 p.m. An application fee is required. The SWCD has thirty (30) days to respond and provide their Natural Resource Information (NRI) Report to the Planning Office. **The SWCD must send a report to the Planning office for your application to proceed.**

NOTE: The "Endangered Species Act" entitles the Illinois Department of Natural Resources (IDNR) to review all zoning applications for their impact on endangered or protected species. Illinois law allows thirty (30) days for their response. The applicant is responsible for contacting the IDNR, via the EcoCAT website at DNR.EcoCAT@illinois.gov.

The "National Historic Preservation Act" entitles the Illinois Historic Preservation Agency to review all zoning applications for their impact on cultural or historical resources if the proposed development involves State or Federal funding. Illinois law allows thirty (30) days for their response. The applicant is responsible for contacting the Illinois Historic Preservation Agency at (1-217-782-4836).

DECLARATION:

I, the applicant, of the above legally described property on which the zoning change is proposed, has provided answers to the questions herein that are true to the best of my knowledge. I have been granted permission by the property owner(s) of the above legally described property to apply for a zoning change on said property.

By virtue of my application for a zoning change, I do hereby declare that the appropriate appointed and elected officials responsible for the review of my application are given permission to visit and inspect the property proposed for a zoning change in order to determine the suitability of the request.

Applicant Signature:	<u>Natalie [Signature]</u>	Date Signed:	<u>8/23/16</u>
Owner(s) Signature:	<u>[Signature]</u>	Date Signed:	<u>8/23/16</u>
	<u>Attorney for Applicant /</u>	Date Signed:	<u> </u>
STAFF SIGNATURE:	<u>[Signature] Owner</u>	Date Signed:	<u>8/23/16</u>
Filing Fee - Amount Paid:	<u>\$ 1000.00</u>	Check Number:	<u>061192</u>

FILING PROCEDURE:

- A. Submit this form and supporting information accompanied by an application fee (make checks payable to the **Boone County Treasurer**). See attached fee schedule.
- B. Submit application and supporting information with fee to the Boone County Soil and Water Conservation District.
- C. Selection of newspaper publication. See the attached newspaper selection sheet.
- D. City of Belvidere Applicants must appear before the Belvidere Planning & Zoning Commission, Building, Planning and Zoning Committee, and the Belvidere City Council.

Boone County Applicants must appear before the Boone County Regional Planning Commission, Boone County Zoning Board of Appeals, Planning, Zoning and Building Committee, and the Boone County Board. Boone County applicants must appear before the Joint Planning Commission rather than the County Commission if their property is located within 1.5 miles of Belvidere.

LEGAL DESCRIPTION

Beginning at a point in the Northwest corner of the East Half of the Northwest Quarter of Section 5, Township 43 North, Range 3 East of the Third Principal Meridian, and running thence East on the North line of Section 5 aforesaid, 418.93 feet to a point, running thence at right angles South to a point on the Northeasterly line of the Right-of-way of the Illinois State Toll Highway, thence along said Right-of-way line Northwesterly to a point on the West line of the East Half of the Northwest Quarter of Section 5, Township 43 North, Range 3 East of the Third Principal Meridian, which point is 373.62 feet South of the North line of Section 5 aforesaid running thence North along the West line of the East Half of the Northwest Quarter of Section 5 aforesaid, 373.62 feet to the place of beginning, EXCEPTING THEREFROM that portion of the foregoing tract conveyed as a permanent easement to the Illinois State Toll Highway Commission as recorded in the Recorder's Office of Boone County, Illinois, in Book 113 of Deeds at page 310, ALSO EXCEPTING THEREFROM THE FOLLOWING: That part of the East Half of the Northwest Quarter of Section 5, Township 43 North, Range 3 East of the Third Principal Meridian, Boone County, Illinois, as set forth in Document No. 114729 recorded in Book 116 of Deeds on page 395 and more particularly described as follows: Beginning at the Northwest corner of the East Half of the Northwest Quarter of said Section 5; thence Easterly along the North line of said Section 5 for a distance of 418.93 feet to a point; thence Southerly on a normal line to said North line for a distance of 189.16 feet; thence Southwesterly at an angle of 80 degrees 25 minutes 48 seconds to the right of a prolongation of the last described course at the last described point for a distance of 245.63 feet to a point that is normally 230.0 feet Southerly of said North line; thence Northerly on a line that forms an angle of 99 degrees 34 minutes 12 seconds to the right of a prolongation of the last described course at the last described point for a distance of 97.0 feet to a point; thence Westerly, parallel with said North line for a distance of 176.7 feet to a point in the West line of the parcel of land as set forth in said Document No. 114729; thence Northerly along said West line for a distance of 133.0 feet to the point of beginning, except that portion previously dedicated and used for road purposes, situated in Boone County, State of Illinois.

NARRATIVE

The applicant and owner, William C. Thomas, 6745 Auburn Road Rockford, IL 61101, ("Thomas") is the owner of record for 1401 Ipsen Road, Belvidere, IL 61008 (PIN: 07-05-100-006) ("Subject Property") and is requesting a zoning change for the Subject Property from R-1/I-1 to I-1.

The Subject Property has one commercial building existing on the parcel. See attached WINGIS photograph. The current zoning for adjacent and closely situated properties includes; A-1, R-1 and I-1. See attached WINGIS photograph. The I-1 trend in the area and Planned Industrial area(s) in connection with the Boone County Comprehensive Plan supports this Application for I-1 zoning.

The I-1 District is intended to permit industries which encourage the development of wholesale warehousing, assembly, and limited manufacturing establishments which are clean, quiet and free of hazardous or objectionable elements such as noise, odor, dust, smoke or glare. The commercial business building is currently vacant. For over 32 years ending in 2015, Thomas operated Thomas Painting Company at the Subject Property and also lived at the Subject Property in the house that was torn down in 2015.

No changes to the Subject Property nor the commercial building are anticipated.

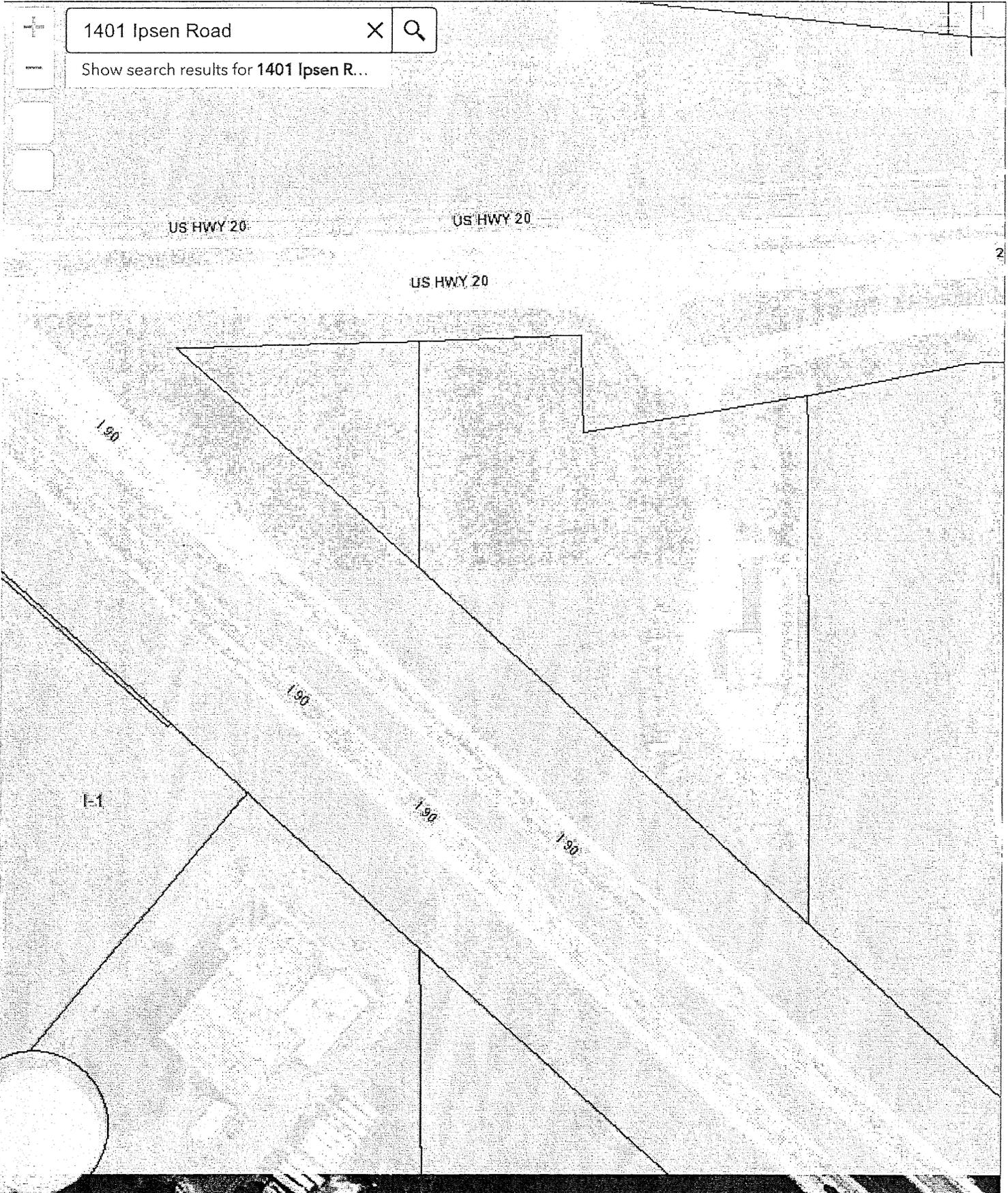
The proposed zoning will not have a substantial adverse effect upon the surrounding and adjacent properties nor the character of the neighborhood, traffic conditions, utility facilities or other matters affecting public health, safety and general welfare because the zoning fits within the intended nature for the nearby area and fits within the current character of the neighborhood and zoning district.

June 2, 2016



1401 Ipsen Road X Q

Show search results for 1401 Ipsen R...



200ft

42.238 -88.915 Degrees

NRI No. _____

Natural Resource Information Report

Boone County Soil and Water Conservation District
211 North Appleton Road, Belvidere, Illinois 61008-1983
815-544-2677 Ext. 3

Owner's Name: William C. Thomas

Address: 6745 Auburn Rd. Rte. 7L
61101

Petitioner's Name: Same

Address: Same

Contact Information:

Phone Number(s): (815) 742-3648

E-Mail Address: wmcthomas1@aol.com

If a letter, would you like a copy for your records? Yes or No

We will send copies via e-mail unless specifically told to mail.

Note: If a report is required the applicant will receive a copy, in addition to the applicant's legal representation, if applicable.

Type of Request:

Change in Zoning from R-1 to I-1

Subdivision- Attach proposed plat, if available.

Variance (Explain Type) _____

Other (Describe) _____

Legal Description Attached: Yes or No .

If yes, Section 5 and Township 44-3. Note: Please include a map outlining the exact boundaries of the parcel.

If no, please list the address of the property for the proposed request:

Street/Road Address _____ Village, Town, or City _____

07-05-100-006 3.78 acres

Parcel Identification Number(s), if known _____ Total Acres _____

Natural Resource Information Fee Schedule

0-5 Acres	\$400.00
5 or more Acres	\$400.00 plus \$20.00 per acre for each acre over five acres
Letter/No Report	\$75.00

Note: Unfortunately, we do not accept credit or debit cards at this time. Before the report or letter can be started a payment must be received in full. We are sorry for any inconveniences.

Checks payable to:

Boone County SWCD
211 North Appleton Road
Belvidere, IL 61008-1983

I (We) understand the filling of this application allows an authorized representative of the Boone County Soil & Water Conservation District to visit and conduct any necessary on-site investigations on the site described above. Completion of this report may require 30 days as allowed under State Law.

<u>William C. Thomas</u>	<u><i>Natalie H. Barber</i></u>	<u>8/23/16</u>
Petitioner's Name Printed	Petitioner's Name Signed	Date of Request
<i>Natalie H. Barber, Attorney</i>		

Approved by the Soil & Water Conservation District Board

Date of Approval

This report is issued as a guide in making land use decisions and does not preclude further refinement of soil type boundary lines during more detailed on-site investigations. Interpretations are based on criteria established by the National Soils Handbook (USDA-Natural Resources Conservation Service) and are subject to change by this office and appropriate agencies.



Boone County
DEPARTMENT OF
PUBLIC HEALTH

1204 Logan Avenue ♦ Belvidere, Illinois 61008

Main Office: 815-544-2951 ♦ Clinic: 815-544-9730
Fax: 815-544-2050 www.boonehealth.org

The mission of the BCDPH is to protect and promote health in Boone County.

September 22, 2016

Ken Terrinoni
Boone County Planning Dept.
1212 Logan Ave.
Belvidere, IL 61008
Fax 815-547-3579

Re: 19-2016; Thomas; 1401 Ipsen Road

Dear Ken,

We are in receipt of the amendment to Boone County's Zoning map request for the above referenced case.

The Boone County Health Department wishes to point out that this is a good example of the county's groundwater being vulnerable due to zoning classifications which should be reviewed and updated. Some of the permitted uses in this Light Industrial classification have the potential to harm the aquifer in this area.

Thank you,

A handwritten signature in cursive script that reads "William L. Hatfield".

William L. Hatfield
Director of Environmental Health
skm



BOONE COUNTY HIGHWAY DEPARTMENT

9759 Illinois Route 76
Belvidere, Illinois 61008

RICHARD A. LUNDIN
COUNTY ENGINEER

OFFICE 815-544-2066
GARAGE 815-547-6142
FAX 815-544-8329
E-MAIL boonecohwy@comcast.net

September 19, 2016

Mr. Ken Terrinoni, County Administrator
1212 Logan Avenue, Suite 102
Belvidere, Illinois 61008

RE: Case 19-2015; Thomas, 1401 Ipsen Road

Mr. Terrinoni,

I have no comments for the request to amend the zoning classification from R1 & I1 to I1 at the above captioned address.

A handwritten signature in cursive script, appearing to read "Richard A. Lundin".

Richard A. Lundin
Boone County Engineer



Boone County
Soil & Water
Conservation District

211 N. Appleton Road
Belvidere, IL 61008
815-544-2677 ext. 3

August 24, 2016

SWCD NRI #: 1514

Dear Sir/Madam,

A request for a Natural Resource Information Report was submitted for the property listed in this letter. We will supply a written reply to you office as indicated below:

Our review does not apply in this instance.
 Other (see attached)

Location of Site: 1401 Ipsen Road Belvidere, IL 61008

PIN(S): 07-05-100-006

Contact:

Tobin & Ramon
Phone: 815-544-0316
E-mail: Natalie@tobinramon.com

Petitioner:

William Thomas
Phone: 815-742-3648
E-mail: wmcthomas1@aol.com

Owner:

William Thomas
Phone: 815-742-3648
E-mail: wmcthomas1@aol.com

Request: Zoning change from R-1/I-1 to I-1

Sincerely,

Jennifer Becker
Boone County Soil & Water
Conservation District

cc: Tobin & Ramon
William Thomas

