

**BOONE COUNTY PLANNING, ZONING AND BUILDING COMMITTEE**  
**Agenda**  
**Wednesday, March 2, 2016**  
**Boone County Administrative Campus**  
**County Board Room**  
**5:30 PM**

**ROLL CALL:**

**Members:**

Denny Ellingson, Chair  
Cory Lind, Vice Chair  
Kenny Freeman  
Raymond Larson  
Brad Stark

**Staff:**

Kathy Miller, Interim Planning Director  
Gina DelRose, Associate Planner  
Catherine Crawford, Administrative Assistant

**APPROVAL OF AGENDA:**

**MINUTES:** Approval of Minutes from the January 6, 2016 meeting.

**PUBLIC COMMENT:**

**UNFINISHED BUSINESS:** None

**NEW BUSINESS:**

**01-2016; Boone County:** The applicant is requesting a text amendment to the Boone County Zoning Ordinance Chapter 4: Design Criteria for Specific Uses by adding a new Section 4.15. Second Dwelling Unit for Lot of Record Exchange.

**Staff (Approval); BCRPC (4-0); ZBA (5-0); PZB ( ); CB ( )**

**02-2016; Brent Johnson:** The applicant on behalf of the owner Huntwood Holdings I LLC is requesting a Special Use Permit to allow the use of all metal siding as the exterior building material in the US Highway 20 Corridor Overlay District in the I-1 Light Industrial District at 1445 Huntwood Drive, Cherry Valley in unincorporated Flora Township.

**Staff (Approval); ZBA (5-0); PZB ( ); CB ( )**

**OTHER BUSINESS:** None

**DISCUSSION:** Proposed Train through Boone County

**COMMUNICATIONS/PLANNING REPORTS:** Staff Report

**ADJOURNMENT**

# BELVIDERE - BOONE COUNTY PLANNING DEPARTMENT

401 Whitney Boulevard, Suite 300, Belvidere, Illinois, 61008 PH 815 544-5271 FAX 815 547-9214

February 3, 2016

## ADVISORY REPORT

**CASE NO:** 01-2016

**APPLICANT:** Boone County, TA, LOR Exchange

### REQUEST:

The applicant, Boone County, 1212 Logan Avenue, Belvidere, Illinois 61008 is requesting a text amendment pursuant to Section 2.10.1 to add language to Chapter 4 Design Criteria for Special Uses adding a section to allow a second dwelling unit for a Lot of Record Exchange.

### **4.15. SECOND DWELLING UNIT FOR LOT OF RECORD LAND EXCHANGE.**

**4.15.1 Intent.** The purpose of the Dwelling Unit linked to the lot of record land exchange special use is to provide a means of obtaining the agricultural goals and objectives of the Boone County Land Use Plan to those properties with an existing lot of record that for some reason the owner wishes to build on the farm in a different location than the existing lot of record. This special use would allow the land owner of a lot of record to exchange land on a contiguous farm property (with an existing dwelling unit) to exchange a parcel of land (not less than two acres with 250 feet of road frontage) to construct a second dwelling. The existing lot of record would then be abandoned. The lot of record shall be located in the A-1 Agricultural Preservation Area District and in lawful existence prior to May 10, 1978.

### **4.15.2 Minimum Requirements to be Eligible for Special use**

- A. The existing lot of record shall be abandoned. Documentation of the abandonment shall be provided prior to the issuance of any building permits.
- B. The new dwelling unit site in exchange for the lot of record parcel shall be part of the contiguous farm owned by the applicant.
- C. The exchanged parcel shall not be less than two acres and have a minimum of 250 feet of road frontage.
- D. A minimum distance of 200 feet shall be placed between detached dwelling units.

### **4.15.3 If the Dwelling Unit is to be separated from the property**

- A. The minimum lot area shall be two acre. (Larger lots may be required due to other codes and ordinances such as setbacks and septic requirements.)
- B. The minimum amount of road frontage shall be 250 feet.
- C. The minimum front yard setback shall be 75 feet from any existing right of way.
- D. The minimum rear and side yard setbacks shall be 40 feet.
- E. Corner lots shall have the same minimum front yard requirements on each street side of the lot.

01-2016; Boone County, TA, Lot of Record Exchange

**4.15.4 Additional Requirements**

- A. Unless specifically stated above, all other A-1 zoning requirements shall apply.
- B. The additional dwelling unit shall be constructed on the contiguous farm property with common ownership of the lot of record.
- C. A Special Use Permit shall be issued for the construction of the dwelling unit according to Section 2.7 of the Boone County Zoning Ordinance.

**4.156. MEDICINAL CANNABIS DISPENSARIES**

**4.156.1. Purpose.** It is the purpose of this section to establish regulations for Medicinal Cannabis Dispensaries as authorized by Compassionate Use of Medical Cannabis Pilot Program Act 410 ILCS 130/140. To promote the safety and general welfare of the residents of Boone County, the criteria, processes, and regulations enumerated in this Section shall apply to any medicinal cannabis dispensary that operates within the County.

xxxxxxxxxx = (Standard text) existing text within the zoning code; no changes proposed.  
~~xxxxxxxxxx~~ = (Strike through text) text that is proposed to be deleted from the zoning code.  
xxxxxxxxxx = (Underlined and highlighted text) new text that is proposed to be inserted into the zoning code

**BACKGROUND AND SUMMARY OF FINDINGS:**

The stated intent of the Agricultural Preservation Area District is to maintain, enhance and conserve prime agricultural soils and historically farmed soils; to protect sensitive natural features; and to prevent the uncontrolled, uneconomical spread of nonagricultural development resulting in excessive costs to the county for public services. The A-1 District's valuable agricultural soils and lots are to be very sparsely developed to protect the county's natural resources, indigenous plant and animal habitats and traditional rural lifestyles. The A-1 District is not intended for residential subdivisions. The ordinance allows all undeveloped A-1 lots in lawful existence prior to May 10, 1978 may be developed with one single-family residence per lot provided other provisions of the ordinance are met to limit the number of single-family homes constructed in the A-1 District.

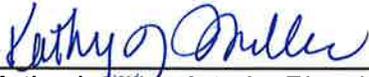
Currently there is no opportunity to exchange an existing lot of record with another non-lot of record site to construct a home. The proposed amendment will allow a new dwelling unit site on the contiguous farm owned by the applicant in exchange for the lot of record parcel with a special use permit. The existing lot of record shall be abandoned with documentation presented prior to the issuance of a certificate of occupancy. The exchanged parcel shall not be less than two acres, have a minimum of 250 feet of road frontage and a minimum distance of 200 feet between detached dwelling units.

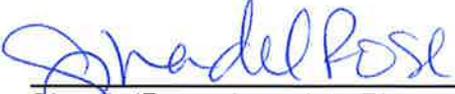
The planning staff recommends approval of case 01-2015 for a text amendment adding language to Chapter 4 for a special use for a second dwelling unit in exchange for an existing lot of record.

**01-2016; Boone County, TA, Lot of Record Exchange**

**Submitted by:**

**Reviewed by:**

  
\_\_\_\_\_  
Kathy J. Miller, Interim Planning Director

  
\_\_\_\_\_  
Gina DelRose, Associate Planner

**ZONING BOARD OF APPEALS/COUNTY BOARD ACTION**

The Zoning Board of Appeals shall make and forward findings of fact as to the whether the proposed text amendment furthers the purposes of the Zoning Ordinances and make a recommendation to the County Board. The County Board shall review the findings and recommendation and may accept or reject the findings and recommendation of the Zoning Board of Appeals in whole or in part; or the County Board may refer the matter back to the Zoning Board of Appeals for further consideration. Any approval shall be considered the approval of a unique request and not be construed as precedent for any other proposed text amendment.

**01-2016; Boone County, TA, Lot of Record Exchange**

**ATTACHMENTS**

1. Application/proposed language.
2. January 29, 2016 letter from Rich Lundin, Boone County Engineer.
3. January 28, 2016 letter from William Hatfield, Boone County Health Department.
4. February 10, 2016 letter from Drew Bliss, Senior Building Inspector.
5. February 12, 2016 letter from Raymond Morse, Manchester Township.

# APPLICATION FOR TEXT AMENDMENT

## BELVIDERE - BOONE COUNTY PLANNING DEPARTMENT

Belvidere City Hall  
401 Whitney Blvd. Suite 400  
Belvidere, IL 61008

**FOR OFFICE USE ONLY**

**Belvidere**

**Boone County**

Case Number: 01-2016

RZC Date

RPC Date February 16, 2016

BPZ Date

ZBA Date February 23, 2016

Filing Date: January 22, 2016

CC Date

PZB Date March 2, 2016

CC Date

CB Date March 8, 2016

City or County Text Amendment? (Please circle the appropriate answer)

Zoning Ordinance or ~~Comprehensive Plan Text Amendment~~ (Please circle the appropriate answer)

Request: Dwelling Unit ~~under~~ for Lot of Record Exchange

Applicant's Name: Boone County

Applicant's Address: 1212 Logan Avenue  
Belvidere, IL 61008

Applicant's Daytime Phone No: 815-544-5271 Fax No: 815-547-9214

If applicable:  
Attorney's Name: Nichelle Courier

Attorney's Address: 625 North Main Street  
Belvidere, IL 61008

Attorney's Phone No: 815-544-0868 Fax No: 815-547-4847

Applicant's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

STAFF'S SIGNATURE: Kathy J Miller Date: Jan. 22, 2016

Filing Fee - Amount Paid \_\_\_\_\_ Check Number: \_\_\_\_\_

- B. Individual agricultural conservation easement documents will be negotiated with the landowner and the organization accepting the easement, however at a minimum the following subjects must be addressed in the document to the satisfaction of the County Board.
1. An agricultural conservation easement document must be recorded with all appropriate agencies prior to any issuance of building permits.
  2. The agricultural conservation easement is legally binding to all present and future owners of the property in perpetuity.
  3. The primary purpose of the property will remain agricultural in nature. The easement shall not be sold or transferred to any other agency not qualified as stated above or with the intention of converting the property to a non-agricultural use.
  4. A site management plan will be prepared designating acceptable uses for each part of the property. At a minimum, the plan will contain a designated area for active agricultural enterprises and a designated area for residences(s) and buildings. At a minimum, the site management plan will be reviewed every 10 years by the landowner, easement holder, and the appropriate county committee or agency.
  5. The easement holder will make annual visits to the property and prepare a report documenting compliance with the easement and site management plan to the appropriate county committee or agency.
  6. If the easement is found to be noncompliant, the enforcement of the agricultural easement is the responsibility of the easement holder.

#### **4.15. SECOND DWELLING UNIT FOR LOT OF RECORD LAND EXCHANGE.**

**4.15.1 Intent.** The purpose of the Dwelling Unit linked to the lot of record land exchange special use is to provide a means of obtaining the agricultural goals and objectives of the Boone County Land Use Plan to those properties with an existing lot of record that for some reason the owner wishes to build on the farm in a different location than the existing lot of record. This special use would allow the land owner of a lot of record to exchange land on a contiguous farm property with an existing dwelling unit to exchange a parcel of land (not less than two acres with 250 feet of road frontage) to construct a second dwelling. The existing lot of record would then be abandoned. The lot of record shall be located in the A-1 Agricultural Preservation Area District and in lawful existence prior to May 10, 1978.

#### **4.15.2 Minimum Requirements to be Eligible for Special use**

- A. The existing lot of record shall be abandoned. Documentation of the abandonment shall be provided prior to the to the issuance of any building permits.
- B. The new dwelling unit site in exchange for the lot of record parcel shall be part of the contiguous farm owned by the applicant.
- C. The exchanged parcel shall not be less than two acres and have a minimum of 250 feet of road frontage.
- D. A minimum distance of 200 feet shall be placed between detached dwelling units.

#### **4.15.3 If the Dwelling Unit is to be separated from the property**

- A. The minimum lot area shall be two acre. (Larger lots may be required due to other codes and ordinances such as setbacks and septic requirements.)

- B. The minimum amount of road frontage shall be 250 feet.
- C. The minimum front yard setback shall be 75 feet from any existing right of way.
- D. The minimum rear and side yard setbacks shall be 40 feet.
- E. Corner lots shall have the same minimum front yard requirements on each street side of the lot.

#### **4.15.4 Additional Requirements**

- A. Unless specifically stated above, all other A-1 zoning requirements shall apply.
- B. The additional dwelling unit shall be constructed on the contiguous farm property with common ownership of the lot of record.
- C. A Special Use Permit shall be issued for the construction of the dwelling unit according to Section 2.7 of the Boone County Zoning Ordinance.

### **4.156. MEDICINAL CANNABIS DISPENSARIES**

**4.156.1. Purpose.** It is the purpose of this section to establish regulations for Medicinal Cannabis Dispensaries as authorized by Compassionate Use of Medical Cannabis Pilot Program Act 410 ILCS 130/140. To promote the safety and general welfare of the residents of Boone County, the criteria, processes, and regulations enumerated in this Section shall apply to any medicinal cannabis dispensary that operates within the County.

**4.156.2. Where permitted.** Medicinal cannabis dispensaries may be allowed as a special use in any I-1 Light Industrial District and shall follow the procedure for special uses as specified in section 2.7 of this ordinance, as well as the provisions of this section 4.15.

**4.156.3. Buffer Zone.** Medicinal cannabis dispensaries may not be located within 1,000 feet of the property line of a pre-existing public or private preschool or elementary or secondary school or day care center, day care home, group day care home or part-day child care facility as required under 410 ILCS 130/130(d). Medicinal cannabis dispensaries also may not be located within 1,000 feet of the property line from a religious institution.

**4.156.4. Compliance with State Rules and Regulations.** All medicinal cannabis dispensaries shall strictly comply with the requirements outlined in the Compassionate Use of Medical Cannabis Pilot Program Act (410 ILCS 130/1 *et seq.*) and any administrative rules promulgated pursuant to the Act. All medicinal cannabis dispensaries must be registered with the Illinois Department of Financial and Professional Regulation and be in good standing.

**4.156.5. Indemnity.** The County Board may condition a special use permit on a requirement that the owners of any dispensary established in the County defend and indemnify the County of Boone, its officers and employees from and against any claim arising from the operation of the dispensary.

**4.156.6. Hours of Operation.** A medicinal cannabis dispensary may operate between the hours of 8:00 A.M. to 6:00 P.M. on any day of the week.

**4.156.7. Use of Medicinal Cannabis on Premises Prohibited.** The use of medicinal cannabis and the ingestion of medicinal cannabis infused products are prohibited on the site of any medicinal cannabis dispensary. A sign (at least 8.5 by 11 inches), shall be posted inside the dispensary in a manner that is readily and conspicuously visible to persons who enter the establishment and shall contain the following language, "Smoking, eating, and other forms of otherwise consuming or ingesting cannabis is prohibited on dispensary property."

**4.156.8. Drive-Through Lanes Prohibited.** No medicinal cannabis dispensary may operate a drive-through service, lane, or window.

**4.156.9. Drug Paraphernalia Sales.** Medicinal cannabis dispensaries that display or sell drug paraphernalia shall do so in strict compliance with the Illinois Drug Paraphernalia Control Act (720 ILCS 600/1 *et seq.*) and the Compassionate Use of Medical Cannabis Pilot Program Act (410 ILCS 130/1 *et seq.*).

**4.156.10. Age and Access Limitations.** It shall be unlawful for any medical cannabis dispensary to allow any person who is not at least eighteen (18) years of age on the premises. Dispensaries shall not employ anyone under the age of eighteen (18). Access shall be limited exclusively to dispensary staff, cardholders, designated caregivers, local and state officials and those specifically authorized under the Compassionate Use of Medical Cannabis Pilot Program Act.

#### **4.167. MEDICINAL CANNABIS CULTIVATION CENTERS**

**4.167.1.Purpose.** It is the purpose of this section to establish regulations for medicinal cannabis cultivation centers as authorized by Compassionate Use of Medical Cannabis Pilot Program Act 410 ILCS 130/140. To promote the safety and general welfare of the residents of Boone County, the criteria, processes, and regulations enumerated in this Section shall apply to any medicinal cannabis cultivation center that operates within the County.

**4.167.2.Where permitted.** Medicinal cannabis cultivation centers may be allowed as a special use in any I-1 Light Industrial District and shall follow the procedure for special uses as specified in section 2.7 of this ordinance, as well as the provisions of this section 4.16.

**4.167.3.Buffer Zone.** Medicinal cannabis cultivation centers may not be located within 2,500 feet of the property line of a pre-existing public or private preschool or elementary or secondary school or day care center, day care home, group day care home or part-day child care facility as required under 410 ILCS 130/130(d). Medicinal cannabis cultivation centers also may not be located within 2,500 feet of the property line of a religious institution.

**4.167.4.Compliance with State Rules and Regulations.** All medicinal cannabis cultivation centers shall strictly comply with the requirements outlined in the Compassionate Use of Medical Cannabis Pilot Program Act (410 ILCS 130/1 *et seq.*) and any administrative rules promulgated pursuant to the Act. All medicinal cannabis dispensaries must be registered with the Illinois Department of Agriculture and be in good standing.

**4.167.5.Indemnity.** The County Board may condition a special use permit on a requirement that the owners of any cultivation center established in the County defend and indemnify the County of Boone, its officers and employee from and against any claim arising from the operation of the cultivation center.

**4.167.6.Hours of Operation.** A medicinal cannabis cultivation center may operate between the hours of 8:00 A.M. to 6:00 P.M. on any day of the week.

**4.167.7.Use of Medicinal Cannabis on Premises Prohibited.** The use of medicinal cannabis and the ingestion of medicinal cannabis infused products are prohibited on the site of any medicinal cannabis cultivation center. A sign (at least 8.5 by 11 inches), shall be posted inside the cultivation center in a

manner that is readily and conspicuously visible to persons who enter the establishment and shall contain the following language, "Smoking, eating, and other forms of otherwise consuming or ingesting cannabis is prohibited on cultivation property."

**4.167.8.Noxious Odors.** The County Board may condition a special use permit on the condition that it is operated in a manner that prevents odor impacts on neighboring premises and, if necessary the facility shall be ventilated with a system for odor control.

**4.167.9.Retail Sales Prohibited.** The retail sale of any medicinal cannabis or medicinal cannabis related inventory by a cultivation center is prohibited. Sales of any products or inventory from a medicinal cannabis cultivation center must strictly comply with 410 ILCS 130/105.

**4.167.10. Age and Access Limitations.** It shall be unlawful for any medical cannabis cultivation center to allow any person who is not at least eighteen (18) years of age on the premises. Cultivation centers shall not employ anyone under the age of eighteen (18). Access shall be limited exclusively to cultivation staff, local and state officials and those specifically authorized under the Compassionate Use of Medical Cannabis Pilot Program Act.

xxxxxxxxxxx = (Standard text) existing text within the zoning code; no changes proposed.

~~xxxxxxxxxxx~~ = (Strike through text) text that is proposed to be deleted from the zoning code.

xxxxxxxxxxx = (Underlined and highlighted text) new text that is proposed to be inserted into the zoning code

### 3.16. Table Of Permitted Uses (continued)

KEY: P = Permitted Use; S = Special Use; T = Temporary Use; A = Accessory Use

<b>D. Residential and Tourist Lodging Uses:</b>	<b>A1</b>	<b>A2</b>	<b>RE</b>	<b>R1</b>	<b>RC</b>	<b>RC2</b>	<b>RTN</b>	<b>B1</b>	<b>B2</b>	<b>I1</b>	<b>I2</b>	<b>Clarifying Conditions</b>
Accessory dwelling units							P		P			
Accessory Relative Living Quarters	P	P	P	P	P	P	P					In the event a separate entrance and/or substantially separate living quarters is desired, then a special use is required in all permitted districts. See Section 4.11
Bed and breakfast establishment	S	S	S	S	S	S	S	S				
Convents, seminaries, monasteries	S		S	S	S	S	S					
Day care home	A	A	A	A	A	A	A	A				
Dwelling Unit Linked to Agricultural Conservation Easement	S				S							See Section 4.14
<u>Dwelling Unit Linked to Lot-of-record Exchange</u>	<u>S</u>											<u>See Section 4.15</u>
Dwelling units above ground floor retail, office, food service uses						P	P	P	P			
Group home	S				S	S	S					
Home-based business	P	P	P	P	P	P	P					
Home-based business, in accessory structure	A	S	S	S	S	S	S					
Hotels, Motels							S	S	P	P	S	
Mobile home parks				S			S					
Multiple-family residences						S	P					Subject to District conditions.
Private swimming pools	A	A	A	A	A	A	A					Provided they are totally enclosed by a fence or wall of a minimum 4 feet in height.
Rooming, boarding, or lodging houses (< 15 roomers or boarders)							P	S				
Single-family residences	P	P	P	P	P	P	P					Subject to District conditions



## 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

January 29, 2016

Ms. Kathy Miller, Interim Planning Director  
Belvidere-Boone County Planning Department  
401 Whitney Blvd., Suite 300  
Belvidere, Illinois 61008

RE: Zoning Ordinance Text Amendment – Chapter 4

Dear Ms. Miller,

I have no comments on the proposed text amendment changes.

Richard Lundin  
Boone County Engineer



**Boone County**  
DEPARTMENT OF  
**PUBLIC HEALTH**

1204 Logan Avenue ♦ Belvidere, Illinois 61008

Main Office: 815-544-2951 ♦ Clinic: 815-544-9780  
Fax: 815-544-2030 www.boonhealth.org

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

January 28, 2016

Kathy Miller  
Belvidere-Boone County Planning Dept.  
401 Whitney Blvd., Suite 400  
Belvidere, IL 61008

Re: Notice of Hearing 01-2016; Boone County  
Zoning Ordinance Text Amendment – Chapter 4, Design Criteria for Specific Uses

Dear Kathy,

We are in receipt of the text amendment for the above referenced case. Our office has no objections or comments on this request.

Thank you,

William L. Hatfield  
Director of Environmental Health

**BOONE COUNTY  
BUILDING DEPARTMENT**

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

February 10, 2016

To: Kathy Miller  
Interim Planning Director

From: Drew Bliss  
Senior Building Inspector

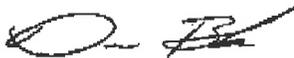
RE: Notice of Hearing 01-2016; Boone County Zoning Ordinance Text Amendment-  
Chapter 4 Design Criteria for Special Uses; adding a new section 4.15 Second Dwelling  
Unit for Lot of Record Exchange.

Dear Ms. Miller,

Our office has no objections or additional comments to the text amendment.

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

Feb. 12, 2016

Boone County Planning Department

From; Manchester Township Planning Commission  
In reference to 01-2016 Zoning Ordinance Text  
Amendment - Chapter 4.

0 to 5

The commission voted against the Amendment because of wording not aggressive enough about the abandoned dwelling. The commission would approve if the abandoned dwelling would be demolished in a reasonable time not to exceed 6 months after occupying the new dwelling.

The Manchester Board of Trustees also met and agreed with the Planning Commission.

Township Supervisor,

Raymond N. Morse

2-12-16

To: The Boone County Planning Department

From: Boone County Fire District 4

Reference: Lot of Record Text Amendment Response

Boone County Fire District #4 would recommend that if there is a long driveway in excess of 200 feet in the plans for any structure to be built in agricultural land, then there needs to be a requirement in place for tree setbacks and turn arounds.

Will the road and driveway have accessibility for fire trucks?

According to our District #4 fire department personal, there needs to be 15 feet of roadway and 30 feet of clearance for fire department trucks and equipment.

Comments submitted by the Boone County Fire District #4 executive board.

Karen Kenney

Julie Van Laar

Kerry Kenney

## MEMO

**DATE:** February 24, 2016

**TO:** Boone County Board

**FROM:** Zoning Board of Appeals

**SUBJECT:** Recommendation for Case 01-2016; Boone County, TA, LOR Exchange

### **REQUEST:**

The applicant, Boone County, 1212 Logan Avenue, Belvidere, Illinois 61008 is requesting a text amendment pursuant to Section 2.10.1 to add language to Chapter 4 Design Criteria for Special Uses adding a section to allow a second dwelling unit for a Lot of Record Exchange.

### **RECOMMENDATION:**

The Zoning Board of Appeals motioned to approve case number 01-2016 as presented.

#### **4.15. SECOND DWELLING UNIT FOR LOT OF RECORD LAND EXCHANGE.**

**4.15.1 Intent.** The purpose of the Dwelling Unit linked to the lot of record land exchange special use is to provide a means of obtaining the agricultural goals and objectives of the Boone County Land Use Plan to those properties with an existing lot of record that for some reason the owner wishes to build on the farm in a different location than the existing lot of record. This special use would allow the land owner of a lot of record to exchange land on a contiguous farm property (with an existing dwelling unit) to exchange a parcel of land (not less than two acres with 250 feet of road frontage) to construct a second dwelling. The existing lot of record would then be abandoned. The lot of record shall be located in the A-1 Agricultural Preservation Area District and in lawful existence prior to May 10, 1978.

#### **4.15.2 Minimum Requirements to be Eligible for Special use**

- A.** The existing lot of record shall be abandoned. Documentation of the abandonment shall be provided prior to the issuance of any building permits.
- B.** The new dwelling unit site in exchange for the lot of record parcel shall be part of the contiguous farm owned by the applicant.
- C.** The exchanged parcel shall not be less than two acres and have a minimum of 250 feet of road frontage.
- D.** A minimum distance of 200 feet shall be placed between detached dwelling units.

#### **4.15.3 If the Dwelling Unit is to be separated from the property**

- A. The minimum lot area shall be two acre. (Larger lots may be required due to other codes and ordinances such as setbacks and septic requirements.)
- B. The minimum amount of road frontage shall be 250 feet.
- C. The minimum front yard setback shall be 75 feet from any existing right of way.
- D. The minimum rear and side yard setbacks shall be 40 feet.
- E. Corner lots shall have the same minimum front yard requirements on each street side of the lot.

**4.15.4 Additional Requirements**

- A. Unless specifically stated above, all other A-1 zoning requirements shall apply.
- B. The additional dwelling unit shall be constructed on the contiguous farm property with common ownership of the lot of record.
- C. A Special Use Permit shall be issued for the construction of the dwelling unit according to Section 2.7 of the Boone County Zoning Ordinance.

**4.156. MEDICINAL CANNABIS DISPENSARIES**

**4.156.1. Purpose.** It is the purpose of this section to establish regulations for Medicinal Cannabis Dispensaries as authorized by Compassionate Use of Medical Cannabis Pilot Program Act 410 ILCS 130/140. To promote the safety and general welfare of the residents of Boone County, the criteria, processes, and regulations enumerated in this Section shall apply to any medicinal cannabis dispensary that operates within the County.

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xxxxxxxxxxx = (Underlined and highlighted text) new text that is proposed to be inserted into the zoning code

The motion to approve case 01-2016 as presented carried with a (5-0) roll call vote.

Motion to recommend the Planning, Zoning and Building Committee to further investigate the language referencing a second dwelling unit carried with a (5-0) roll call vote.

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**Tony Savino, Chairman**  
**Boone County Zoning Board of Appeals**

**BOONE COUNTY  
REGIONAL PLANNING COMMISSION MINUTES  
February 16, 2016  
City Council Chambers  
6:00 PM**

**ROLL CALL**

**Members Present:**

Matthew Branom, Chair  
Rachel Bachrodt  
Phil Newhouse  
Tony Savino

**Staff Present:**

Kathy Miller, Interim Planning Director  
Gina DelRose, Associate Planner  
Catherine Crawford, Administrative Assistant

**Members Absent:**

Bob Kemp, Vice Chair

A quorum present, Matt Branom called the meeting to order at 6:03 p.m.

**MINUTES:**

It was motioned and seconded (Savino/Bachrodt) to approve the minutes from the June 16, 2015 meeting. The motion carried with a 4-0 voice vote.

**UNFINISHED BUSINESS:** None

**PUBLIC COMMENTS:**

**NEW BUSINESS:**

**01-2016; Boone County:** The applicant is requesting a text amendment to the Boone County Zoning Ordinance in Chapter 4: Design Criteria for Specific Uses by adding a new Section 4.15. Second Dwelling Unit for Lot of Record Exchange with the following intent:

**4.15.1 Intent.** The purpose of the Dwelling Unit linked to the lot of record land exchange special use is to provide a means of obtaining the agricultural goals and objectives of the Boone County Land Use Plan to those properties with an existing lot of record that for some reason the owner wishes to build on the farm in a different location than the existing lot of record. This special use would allow the land owner of a lot of record to exchange land on a contiguous farm property with an existing dwelling unit to exchange a parcel of land (not less than two acres with 250 feet of road frontage) to construct a second dwelling. The existing lot of record would then be abandoned. The lot of record shall be located in the A-1 Agricultural Preservation Area District and in lawful existence prior to May 10, 1978.

Chairman Matt Branom invited Kathy Miller to explain the proposed text amendment.

Kathy Miller read the proposed text amendment and explained that there is currently no means to exchange an existing lot of record with another non-lot of record parcel to construct a home in exchange for the established lot of record. The proposed text amendment will allow a new dwelling unit site on the contiguous farm owned by the applicant with a special use permit in exchange for the lot of record with a special use permit. The previous lot of

record that was exchanged for the non-lot of record would be abandoned with documentation presented prior to the issuance of a certificate of occupancy. The exchanged parcel shall not be less than two acres, have a minimum of 250 feet of road frontage and a minimum distance of 200 feet between detached dwelling units. Ms. Miller said the planning staff recommends approval of case 01-2016.

Gina DelRose further clarified the proposed text amendment. Ms. DelRose said at times the existing lot of record may be unsuitable for building a house due to a variety of reasons, including personal preference or soil unsuitability. Ms. DelRose said the previous lot of record would be abandoned and would not be buildable in the future.

Matt Branom described the exchange as a "net sum zero gain." The agricultural land, in this way is preserved in compliance with the stated goals of the Comprehensive Plan. Mr. Branom asked if it is correct that a landowner wishing to pursue this exchange would require a special use permit.

Gina DelRose said this is correct; the special use allows the county to monitor and maintain documentation of the exchange.

Phil Newhouse asked Ms. DelRose if the proposed text amendment protects the land from being further subdivided.

Gina DelRose said this is correct; documentation of the abandonment of the lot of record status must be forwarded to the county prior to a certificate of occupancy is given.

Matt Branom presented a letter from the Manchester Township Planning Commission regarding the proposed text amendment.

Kathy Miller stated it seems clear from the letter that the intent of the proposed amendment was partially misunderstood by that body.

It was moved and seconded (Newhouse/Savino) to approve case 01-2016 as compliant with the Comprehensive Plan.

Tony Savino asked the staff if there was any "downside" to the passage of the proposed text amendment.

Kathy Miller said she had no knowledge of a downside.

Gina DelRose said she feels the special use permit allows the county to keep track of such exchanges.

The motion carried with a unanimous roll call vote.

**OTHER BUSINESS:** None

**COMMUNICATIONS/PLANNING REPORTS:**

Kathy Miller said the last text amendment that was brought before the commission was a text amendment on behalf of Belvidere Township to allow animated signs in industrial and

business districts in the county with a special use. Ms. Miller reminded the commission that the original language of the text amendment called for allowing animated signs for governmental entities only. Ms. Miller said the text amendment was approved with language allowing such uses in the industrial and business districts.

Matt Branom said the animated sign at the Belvidere Township building is attractive and unobtrusive.

Kathy Miller announced that this would be her last meeting with this body due to her impending retirement in March.

Matt Branom said he spoke for the entire commission in thanking Ms. Miller for her time and service; he wished her well in her future.

**DISCUSSION:** None

**ADJOURNMENT:**

It was moved and seconded (Savino/Bachrodt) to adjourn the meeting. The meeting adjourned at 6:14 p.m.

**Recorded by:**

**Reviewed by:**

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Catherine Crawford  
Administrative Assistant

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Kathy Miller  
Interim Planning Director

**BOONE COUNTY  
ZONING BOARD OF APPEALS  
MINUTES  
Meeting February 23, 2016  
County Board Room  
7:00 P.M.**

**ROLL CALL**

**Members Present:**

Tony Savino, CHM  
Brian Van Laar, VCHM  
Norm Stimes  
Mark Rhode  
Joan Krumm

**Staff Present:**

Kathy Miller, Interim Planning Director  
Gina DelRose, Associate Planner  
Drew Bliss, Senior Building Inspector  
Catherine Crawford, Administrative Assistant

**Ex-Officio:**

Denny Ellingson  
Brad Stark

With a quorum present, Chairman Tony Savino called the meeting to order at 7:00 p.m.

**MINUTES:**

It was moved and seconded (Stimes/Van Laar) to approve the minutes of the December 22, 2015 meeting. The motion carried with a 5-0 voice vote.

**PUBLIC COMMENT:**

Joan Krumm stated that her board packet arrived a day after the meeting last month.

**NEW BUSINESS:**

**01-2016; Boone County:** The applicant is requesting a text amendment to the Boone County Zoning Ordinance in Chapter 4: Design Criteria for Specific Uses by adding a new Section 4.15. Second Dwelling Unit for Lot of Record Exchange with the following intent:

4.15.1. Intent. The purpose of the Dwelling Unit linked to the lot of record land exchange special use is to provide a means of obtaining the agricultural goals and objectives of the Boone county Land Use Plan to those properties with an existing lot of record that for some reason the owner wishes to build on the farm in a different location than the existing lot of record. This special use would allow the land owner of a lot of record to exchange land on a contiguous farm property with an existing dwelling unit to exchange a parcel of land (not less than two acres with 250 feet of road frontage) to construct a second dwelling. The existing lot of record would then be abandoned. The lot of record shall be located in the A-1 Agricultural preservation Area District and in lawful existence prior to May 10, 1978.

The public hearing opened at 7:04 p.m.

Gina DelRose said she would present the case for Kathy Miller who was running late. Ms. DelRose was sworn in. Ms. DelRose said the case was published twice in the Boone County Journal; the second publication date was February 5, 2016.

Kathy Miller arrived at 7:05 p.m.

Gina DelRose stated Boone County is the applicant of the proposed text amendment. Ms. DelRose explained that the proposed text amendment does not provide for a second dwelling unit to be built on a lot of record; it allows the owner of a lot of record to move the lot of record to another location within the contiguous farm. At times, a lot of record may not be ideal or desirable for building. The proposed amendment would allow the owner to move the buildable site elsewhere on the farm. The proposed language is written to provide for this exchange only if there is already a dwelling unit built on the farm. Ms. DelRose suggested the board members may wish to discuss allowing such an exchange on farms that are vacant of dwelling units. The text amendment would make such an exchange allowable with a special use permit; therefore, the county board would make the ultimate decision to allow such an exchange. The special use process allows the county to verify that the former lot of record has been abandoned with an officially recorded document. The exchanged parcel may not be less than two acres and must have a minimum of 250 feet of road frontage with a minimum distance of 200 feet between detached dwelling units. If the house is built on a larger lot, and the property owner wished to separate the two acres containing the house from the remaining parcel (a circumstance often required to secure refinancing), the proposed language allows for the smaller parcel to meet the A-1 zoning requirements of a minimum of two acres with 250 feet of road frontage. The staff recommends approval of the text amendment.

Kathy Miller said a letter was provided to her from the Boone County Fire District Four; the letter expressed concern with accessibility for driveways over 200 feet in length. The fire district expressed concern for tree setback and equipment turn-around.

Brian Van Laar provided information he received from the Fire District that long driveways often have trees and shrubs along their length; such obstructions make it difficult to bring fire equipment to a fire. There is a danger in the necessity of bringing firehoses across long areas of field.

Joan Krumm agreed and indicated she had some experience with this.

Gina DelRose said such concerns might be a factor not only in agricultural and residential districts, but also in industrial zones. Ms. DelRose said perhaps such a limit to allowable driveway lengths might be added to the Fire Code and could apply to all zoning districts.

Chairman Savino said the issue might be something to remember when a special use application is presented.

Joan Krumm asked why the language includes a limit of no less than two acres.

Kathy Miller said this is the language that is already in the zoning ordinance.

Joan Krumm asked that the staff explain a recent letter from Manchester Township expressing concern with the proposed text amendment.

Kathy Miller was sworn in. Ms. Miller said Manchester Township was concerned that the language of the text amendment was not strong enough regarding the abandonment of the existing dwelling unit; the objection was based on an incorrect assumption on the part of Manchester Township. The intent of the proposed amendment is to allow for a lot of record without a house on it to be exchanged for another parcel within the same contiguous farm. It does not refer to any abandonment of an existing dwelling unit on another lot of record.

It was moved and seconded (Van Laar/Rhode) to close the public hearing. The public hearing was closed at 7:18 p.m.

Chairman Savino clarified that the proposed language allows a landowner with a lot of record to exchange the lot of record designation to another parcel on the contiguous farm if there already exists a dwelling unit on the property. The language proposed does not allow for such an exchange on farms without a primary dwelling unit.

Joan Krumm asked if it would be possible to remove the language regarding the second dwelling unit.

Chairman Savino said he believed the members could discuss removing the language if they wished.

Kathy Miller said the amendment intent is to allow a second dwelling unit on a contiguous farm where a house already exists.

Drew Bliss said the intent is to allow for a second dwelling unit within the same contiguous farm. This is not meant to exchange lots of record throughout the county.

Brian Van Laar asked if it is correct that the text amendment is meant to address a farm dwelling and a second farm dwelling on the same contiguous farm.

Tony Savino said that is correct.

Brian Van Laar said if one has a lot of record on a farm with no house in existence, one can already build a house if one wishes.

Tony Savino asked if it may be unnecessarily limiting to include the language for the second dwelling.

Gina DelRose said if one had a five-parcel farm with no existing house, one could not exchange the lot of record to another one of the remaining four parcels with the language of the proposed text amendment.

Kathy Miller said the original discussion was clear in its intent to limit the language to a second dwelling unit.

Drew Bliss agreed, and added that it could only apply to someone with more than one lot of record and an existing home.

Joan Krumm said it seemed unnecessarily limiting.

Drew Bliss said the language was meant to limit the usage.

Chairman Savino said no matter what, there will never be more than two dwelling units on a farm.

Gina Delrose said if the property is not already a lot of record and does not have a conservation easement, it is not buildable under the current zoning ordinance.

Mark Rhode said in his opinion, a family should be allowed to exchange a lot of record if they wish to, whether a house exists on the farm or not.

Kathy Miller said the point was to create a net zero gain in lots of record.

Tony Savino clarified that each scenario results in the same number of lots of record in the county. Mr. Savino said he realizes the intent was to restrict what is allowed, but feels that allowing the same type of exchange of lots of record on a farm with no home does not result in any further overdevelopment.

Discussion was held regarding recommending a change in the proposed language.

Gina DelRose stated she was aware of several local families who have multiple farms throughout the county. The proposed language does not allow for a family to exchange lots of record although they own a farm elsewhere in the county, if the second farm is vacant. Ms. DelRose said she is not advocating exchanging parcels throughout the county, but allowing an exchange within a contiguous farm, with or without an existing house.

Chairman Savino said he sees no difference if an exchange is allowed on a farm without a house.

Drew Bliss said he is concerned with the possibility of changing the intent of the text amendment giving farm families a mechanism to keep families together on the farm.

Brian Van Laar said he feels the board should approve the text amendment as presented, with the recommendation for the county board to consider removing the word "second" from the proposed text language.

It was moved and seconded (Krumm/Rhode) to approve the proposed text amendment as presented, with the recommendation that the PZB consider removal of the word "second" from the language of the proposed amendment.

The motion carried with a unanimous roll call vote.

**02-2016: Brent Johnson:** The applicant, on behalf of the owner Huntwood Holdings I LLC is requesting a Special Use Permit to allow all metal siding as the exterior building material in the US Highway 20 Corridor Overlay District in the I-1 Light Industrial District at 1445 Huntwood Drive in unincorporated Flora Township.

The public hearing opened at 7:41 p.m.

Gina DelRose was sworn in. Ms. DelRose summarized the staff report. Ms. DelRose stated the case was published in the Boone County Journal on February 5, 2016. Ms. DelRose said the property in question is currently the Evac North America building. The parcel is zoned I-1, Light Industrial District. The Huntwood Business Park is within the US Highway 20 Corridor Overlay District. It was rezoned Light Industrial in 1998, platted in 1999 and the building was constructed in 2001. The Overlay District guidelines were adopted in 2008. The US Highway 20 Corridor Overlay District requires building to be constructed of masonry or glass materials. Metal siding is allowed in limited quantities on side and rear walls. The applicant plans to construct a 10,000-square foot addition to the rear of the existing facility to be constructed entirely of white metal siding to match the existing building. The existing building has 20,000 square feet of warehouse space and 7,000 square feet of office space. The notified county agencies had no objections to the special use. The addition will be to the rear of the building and will not be visible from Huntwood Drive. The majority of the buildings within Huntwood Business Park are comprised of metal siding. It is not anticipated to be a detriment to the neighborhood or to detract from the value or marketability of the area; it will be a benefit by allowing the business to stay in the community. The planning staff recommends approval of case 02-2016 subject to the following three conditions:

1. Compliance with the narrative, site plan and building elevations dated January 26, 2016.

# BELVIDERE - BOONE COUNTY PLANNING DEPARTMENT

401 Whitney Boulevard, Suite 300 - Belvidere, Illinois 61008 PH (815) 544-5271 FAX (815) 547-9214

February 17, 2016

## ADVISORY REPORT

**CASE NO.:** 02-2016

**APPLICANT:** Johnson, 1445 Huntwood Drive (EVAC)

### REQUEST AND LOCATION:

The applicant, Brent Johnson, 1725 Huntwood Drive, Cherry Valley, Illinois 61016 on behalf of the owner Huntwood Holdings I, LLC, 1725 Huntwood Drive, Cherry Valley, Illinois 61016 is requesting a special use pursuant to Sections 2.7 Special Use and 3.14.9 Exceptions to allow the use of all metal siding as the exterior building material in the US Highway 20 Corridor Overlay District (Boone County Zoning Ordinance Section 3.14.6.C.1.f Building Design and Construction Material Standards) in the I-1 Light Industrial District at 1445 Huntwood Drive, Cherry Valley in unincorporated Flora Township (PIN: 07-05-100-019) on 4.10 acres. The applicant intends to construct a 10,000 square-foot addition comprised of the same materials as the existing building (EVAC North America). The subject property is rectangular in shape and located within the Huntwood Business Park south of US Route 20.

### EXISTING LAND USE FOR SUBJECT AND ADJACENT PROPERTIES:

**Subject property:** EVAC North America

#### **Adjacent properties:**

**North:** Rock Valley Glass and vacant subdivision lot

**South:** Agricultural/row crop production

**East:** Badgerland Supply Inc.

**West:** Crossroads Self-storage

### CURRENT ZONING FOR SUBJECT AND ADJACENT PROPERTIES:

**Subject property:** I-1, Light Industrial District

#### **Adjacent properties:**

**North, West and East:** I-1, Light Industrial District

**South:** A-1, Agricultural Preservation Area District

### COMPREHENSIVE PLAN FOR SUBJECT AND ADJACENT PROPERTIES:

**Subject property:** Planned Office

**All adjacent properties:** Planned Office

### BACKGROUND:

The property is within the Huntwood Business Park off of Wheeler Road. The business park lies southwest of where US Route 20 passes over I-90. The subdivision was rezoned to light industrial in 1998 and platted in 1999. The building was constructed in 2001, prior to the adoption of the US Highway 20 Corridor Overlay District guidelines (adopted in 2008).

**02-2016; Johnson, 1445 Huntwood Drive (EVAC)**

The US Highway 20 Corridor Overlay District requires buildings to be of masonry or glass materials. Metal siding can be used in limited quantities on the side and rear walls. The applicant intends to construct 10,000 square-foot addition comprised entirely of white metal siding to match the exterior of the existing building. The building currently has 20,000 square feet of warehouse space and 7,000 square feet of office space.

**OTHER PLANNING CONSIDERATIONS:**

The Boone County Soil and Water Conservation District states that an NRI report is not required.

The Boone County Engineer has no comments at this time.

The Boone County Building Department has no objections to this request, but will require the issuance of a building permit prior to construction.

The Boone County Health Department has no objections.

**TREND OF DEVELOPMENT:**

The subject property is located south of US Route 20 and east of Wheeler Road. As properties annex into municipalities and develop, those lying west of Wheeler Road will be under Cherry Valley's jurisdiction and those lying east of Wheeler Road will be under Belvidere's jurisdiction.

**COMPREHENSIVE PLAN:**

The subject property is designated as "Planned Office" by the Boone County Comprehensive plan adopted November 10, 1999. The Planned Office map category encourages high-quality office, institutional and office-support land uses with very generous landscaping and limited signage;

**FINDINGS OF FACT:**

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

- 1. Findings: The proposed structure or use at the particular location requested may be 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.**

The expansion of a local business is beneficial to the community in terms of job retention and property taxes. The business park is bordered by Wheeler Road, US Route 20 and I-90; there is little visibility from adjacent properties.

- 2. Findings: 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.**

The majority of buildings within the business park are comprised of metal siding. The addition would not deter from the character of the neighborhood. The business park is comprised of a cul-de-sac (Huntwood Drive) accessed by Wheeler Road.

Increased traffic from employees and semi-trucks is not anticipated to create a negative impact on the existing road system.

- 3. Findings: 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 addition will be to the rear of the building and not visible from Huntwood Drive. The addition will meet all required setbacks, stormwater management and other applicable codes and ordinances. Development of neighboring properties will not be impacted by the addition.

- 4. Findings: Such other standards and criteria as are established by the ordinance for a particular 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 special use will be required to conform to all the applicable regulations of the Zoning in addition to any conditions of approval enacted by the County Board.

- 5. Findings: 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.**

Findings: This criterion does not apply.

- 6. Findings: 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.**

The special use would allow the applicant to not place any masonry materials on the 10,000 square-foot addition. It is not anticipated that the siding utilized would detract from the value or marketability of the area; in fact, the addition is allowing a business to stay in the community.

**SUMMARY OF FINDINGS:**

The business park is bordered by Wheeler Road, US Route 20 and I-90; there is little visibility from adjacent properties.

The majority of buildings within the business park are comprised of metal siding. The addition would not deter from the character of the neighborhood. The business park is comprised of a cul-de-sac (Huntwood Drive) accessed by Wheeler Road. Increased traffic from employees and semi-trucks is not anticipated to create a negative impact on the existing road system.

The addition will be to the rear of the building, not visible from Huntwood Drive. The addition will meet all required setbacks, stormwater management and other applicable codes and ordinances. Development of neighboring properties will not be impacted by the addition.

The special use would allow the applicant to not utilize masonry materials on the 10,000 square-foot addition. It is not anticipated that the use of metal siding would detract from the value or marketability of the area; in fact, the addition is allowing a business to stay in the community. The expansion of a local business is beneficial to the community in terms of job retention and property taxes.

**RECOMMENDATION:**

Planning staff recommends the approval of case number 02-2016, subject to the following conditions:

1. Compliance with the narrative, site plan and building elevations dated January 26, 2016.
2. A full site plan shall be submitted to and approved by the staff (building, public works, police, fire, planning, etc.) prior to the issuance of building permits.
3. The special use shall comply with all applicable codes and ordinances.

**Submitted by:**

**Reviewed by:**



Gina DelRose  
Associate Planner



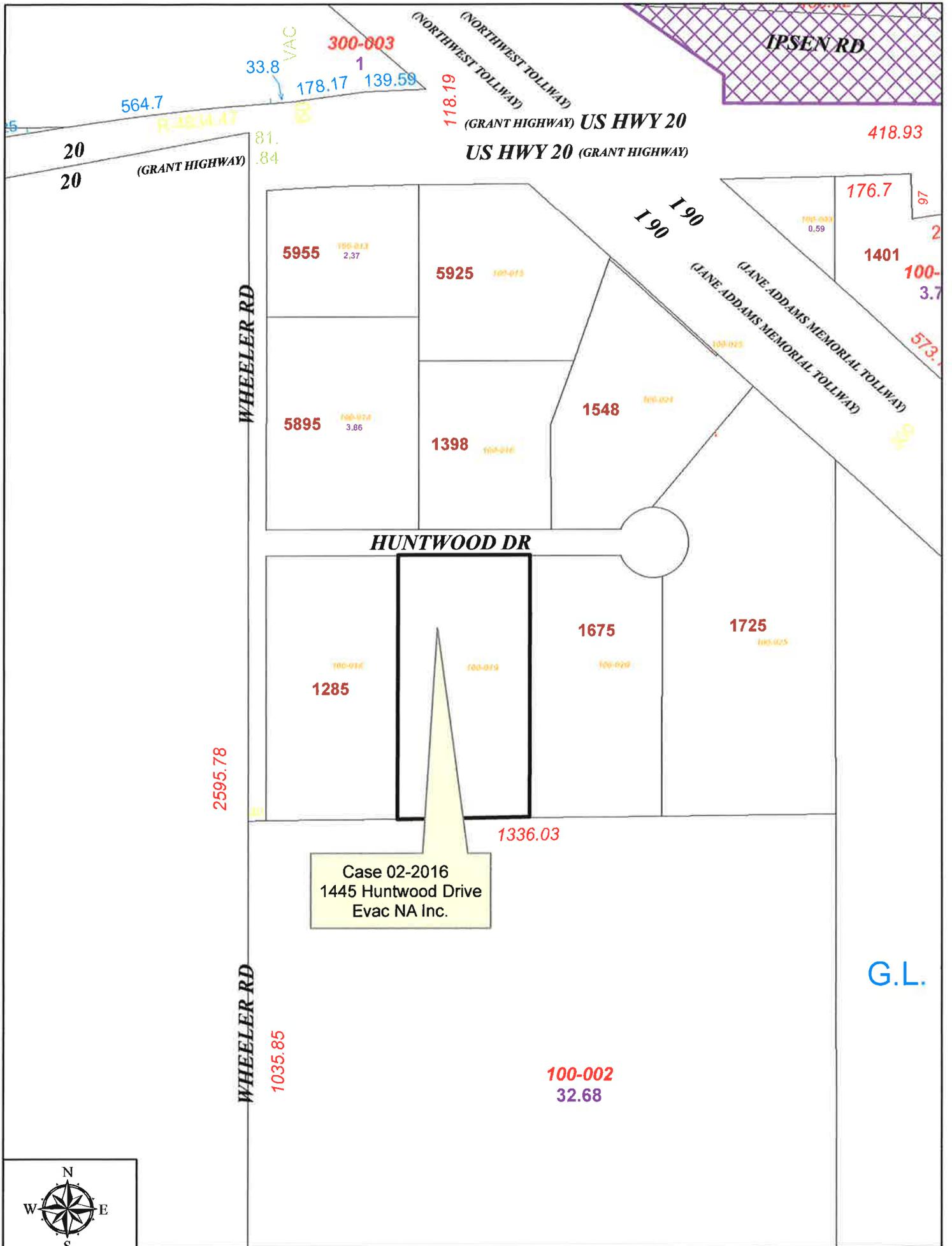
Kathy J. Miller, AICP  
Interim Planning Director

**ZONING BOARD OF APPEALS/COUNTY BOARD ACTION**

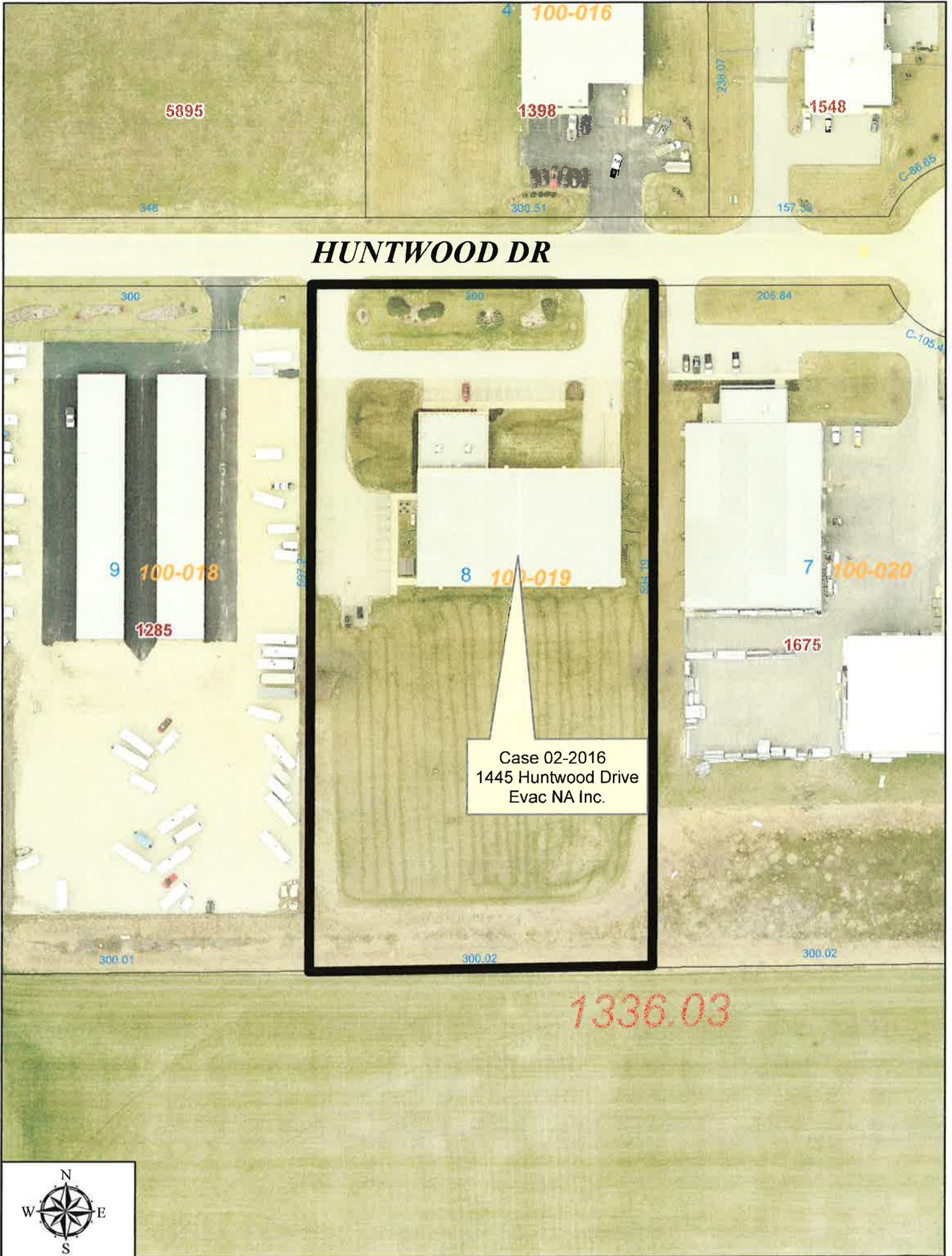
After the holding of the public hearing, the Zoning Board of Appeals shall make and forward findings of fact as to the compliance of the proposed special use with the standards and give a recommendation to the County Board. The Zoning Board of Appeals may recommend and the County Board may impose conditions as necessary to secure compliance with the standards. The County Board shall review the findings and recommendation and may accept or reject the findings and recommendation of the Zoning Board of Appeals in whole or in part; or the County Board may refer the matter back to the Zoning Board of Appeals for further consideration; or, in the case of rejecting the Zoning Board's recommendation and findings, the County Board may grant or deny the special use request.

**ATTACHMENTS**

1. Location Map, by Planning Staff.
2. Aerial Photo, by Planning Staff.
3. Application/Narrative submitted by the Applicant.
4. Site Plans and Building Elevations dated January 26, 2016 submitted by the Applicant.
5. Letter submitted by the Boone County Soil and Water Conservation District, Jennifer Becker, dated February 1, 2016.
6. Letter submitted by the Boone County Highway Department, Rich Lundin, dated February 9, 2016.
7. Letter submitted by the Boone County Building Department, Drew Bliss, dated February 10, 2016.
8. Letter submitted by the Boone County Health Department, William Hatfield, dated February 11, 2016.



1 inch = 277 feet



4 100-016

5895

1398

1548

**HUNTWOOD DR**

9 100-018

1285

8 100-019

7 100-020

1675

Case 02-2016  
1445 Huntwood Drive  
Evac NA Inc.

1336.03



1 inch = 107 feet

**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>02-2016</u>	PZC Date _____	ZBA Date <u>2/23/2016</u>
Filing Date <u>2/1/2016</u>	CC Date _____	PZB Date <u>3/2/2016</u>
Zone District <u>I 1</u>	CC Date _____	CB Date <u>3/16/2016</u>

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:  
1445 Huntwood Dr. Cherry Valley, IL 61016

\_\_\_\_\_ and its

Parcel Identification Number is: 0705100019

and the legal description for the subject property is: Lot #8, Block \_\_\_\_\_,  
Tract \_\_\_\_\_, Subdivision Name Huntwood Business Park

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

- 2) **Applicant Name:** Brent Johnson

Mailing address: 1725 Huntwood Dr.

Cherry Valley, IL

Zip: 61016

Daytime Phone: 815-332-8620 Fax: 815-332-8411 Email: bjohnson@ringland.com

- 3) **Property Owner Name:** Huntwood Holdings I LLC

Mailing Address: 1725 Huntwood Dr.

Cherry Valley, IL

Zip: 61016

Daytime Phone: 815-332-8620 Fax: 815-332-8411

- 4) **Attorney Name:** Ander Smith

Mailing Address: 4320 Spring Creek Road

Rockford, IL

Zip: 61107

Daytime Phone: 815-985-3000 Fax: \_\_\_\_\_ Email: ander@andersmithlaw.com

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

Name: Brent Johnson

Mailing Address: 1725 Huntwood Dr.  
Cherry Valley, IL

Zip: 61016

Daytime Phone: 815-332-8620 Fax: 815-332-8411 Email: bjohnson@ringland.com

6) Describe the current use of the subject property: Industrial/Warehouse

7) List the Special Use, as specified within the Zoning Ordinance, that you are seeking the approval of and describe the proposed use of the subject property in detail:  
Zoning Ordinance 3.14.6-C-1-f

Request exterior walls to be all metal panels to match existing building and business park.  
Addition is in the back of property and will not be visible to most roads. Any change to materials to this addition will clash with existing metal building in a non pleasing way.

8) Total number of acres the Special Use will occupy: 4.10 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 within 250 feet 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).

<b>PIN #</b>	<b>Name/Trust No.</b>	<b>Street</b>	<b>City</b>	<b>Zip</b>
0705100018	Crossroads Self Storage	1285 Huntwood Dr.	Cherry Valley	61016
0705100020	Badgerland <i>Investors LLC</i>	1285 Huntwood Dr.	Cherry Valley	61016
0705100016	Rock Valley Glass	1398 Huntwood Dr.	Cherry Valley	61016
0705100002	Patricia Thompson	<i>19212 RIVER RD</i> Wheeler Rd.	<i>MARENGO, IL</i> Cherry Valley	61016 <i>60152</i>

*see attached*



# Ringland-Johnson

CONSTRUCTION

Builder-Developer

Date: February 2, 2016

Kathy Miller  
Boone County Planning Department  
401 Whitney Blvd.  
Belvidere, IL 61008

RE: EVAC North America -1445 Huntwood Dr. Cherry Valley, IL 61016

Dear Kathy,

In response of Zoning Ordinance 3.14.6-C-1-f.

We are requesting a Special Use Permit to allow the use of metal panel exterior wall finish for the addition at EVAC North America. The new addition will be located behind the current building and will not be visible to most roads. The current building is 100% metal panel and we feel introducing a second type of finish on the new addition would only make the existing front of the building look out of place and less appealing.

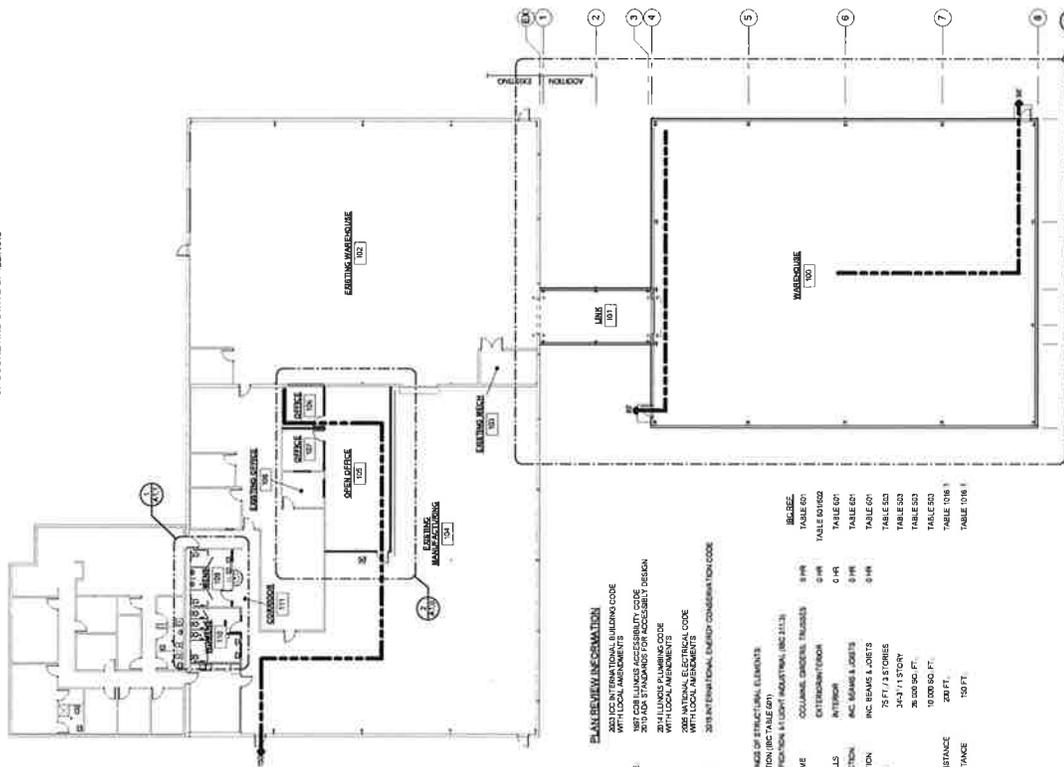
The current Huntwood Business Park is made up mostly of metal panel buildings. We feel this addition with the metal panel would fit seamlessly with the surrounding buildings.

Sincerely,  
RINGLAND-JOHNSON CONSTRUCTION

Name: Scott Mutton  
Title: BIM Manager

cc: Gina Delrose

**LEGAL DESCRIPTION:**  
 LOT EIGHT (8) AS DESIGNATED UPON THE PLAT OF HUNTWOOD BUSINESS PARK, BEING A  
 SUBDIVISION OF PART OF THE NORTHWEST QUARTER (1/4) OF SECTION 5, TOWNSHIP 45  
 NORTH, RANGE 11E, COUNTY OF BOONE, ILLINOIS, AS SHOWN ON THE PLAT THEREOF  
 FILED FOR RECORD APRIL 6, 1988 AND RECORDED AS DOCUMENT NO. 188893008, ENVELOPE  
 NO. 213A IN THE RECORDERS OFFICE OF BOONE COUNTY, ILLINOIS, SITUATED IN THE COUNTY  
 OF BOONE AND STATE OF ILLINOIS



- PLAN REVIEW INFORMATION**
- 2021 ILLINOIS BUILDING CODE
  - 2021 ILLINOIS PLUMBING CODE
  - 2021 ILLINOIS ELECTRICAL CODE
  - 2021 ILLINOIS MECHANICAL CODE
  - 2021 ILLINOIS ENERGY CONSERVATION CODE

**MIN. RESISTIVE RANGE OF STRUCTURAL ELEMENTS**

DESCRIPTION	MIN. RESISTIVE RANGE
1) STRUCTURAL FRAME	0.14
2) BEARING WALLS	0.14
3) NON-BEARING WALLS	0.14
4) FLOOR CONSTRUCTION	0.14
5) ROOF CONSTRUCTION	0.14
ALLOWABLE HEIGHT	34.3 FT. (10.5 STORIES)
ALLOWABLE AREA	26,000 SQ. FT.
ACTUAL AREA	10,000 SQ. FT.
MINIMUM EGRESS DISTANCE	20 FT.
ACTUAL EGRESS DISTANCE	150 FT.

**2. LIFE SAFETY PLAN**  
 1/16" = 1'-0"

**Copyright 2016 - Sole Property of Ringland Johnson + design**

**Official Seal**

**Design Development**

**FOR BID PURPOSES ONLY NOT FOR CONSTRUCTION**

**HYNIES ASSOCIATES**

**Ringland Johnson + design**

**Ringland Johnson CONSTRUCTION**

**# Description Date**

**NEW ADDITION**

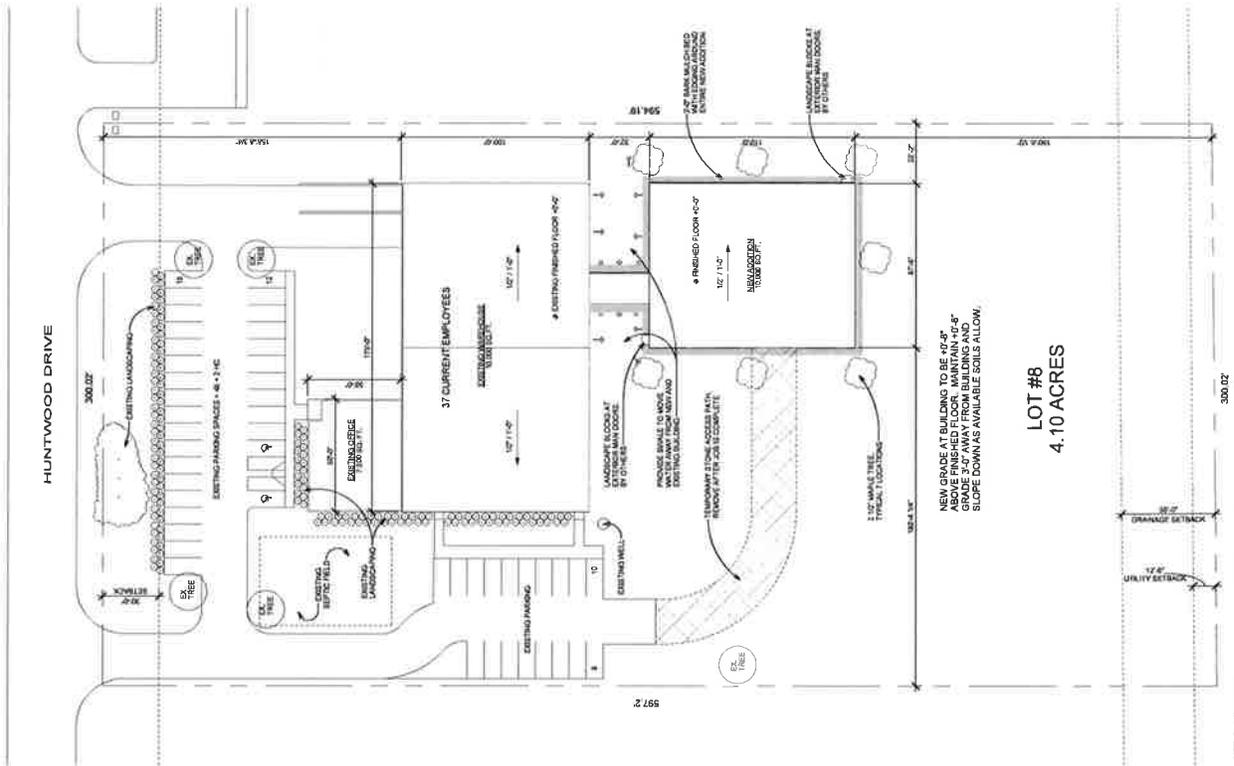
**EVAC**

**1445 Huntwood Drive**  
 Cherry Valley, IL 61016

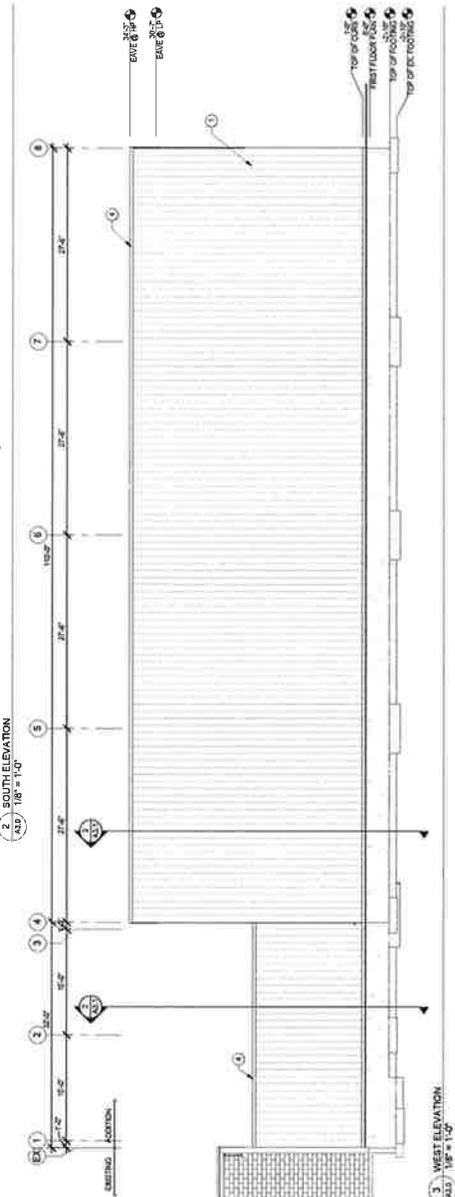
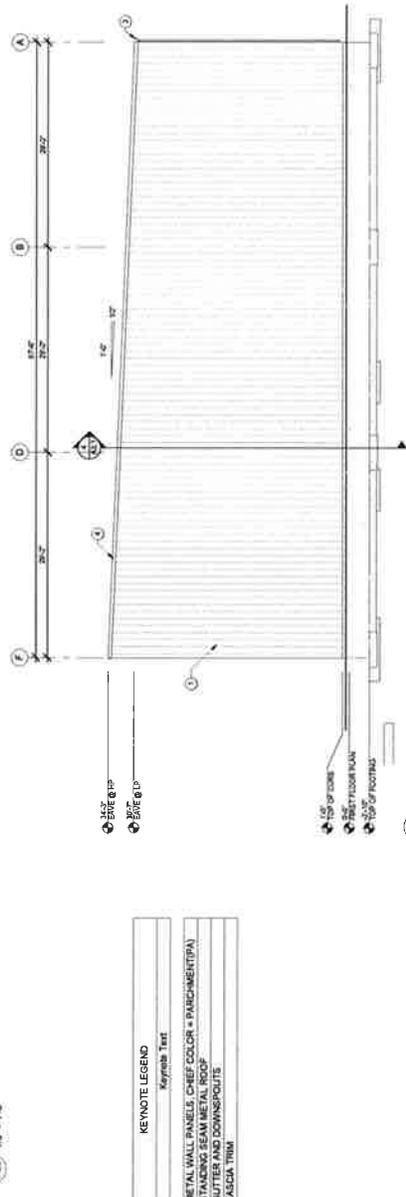
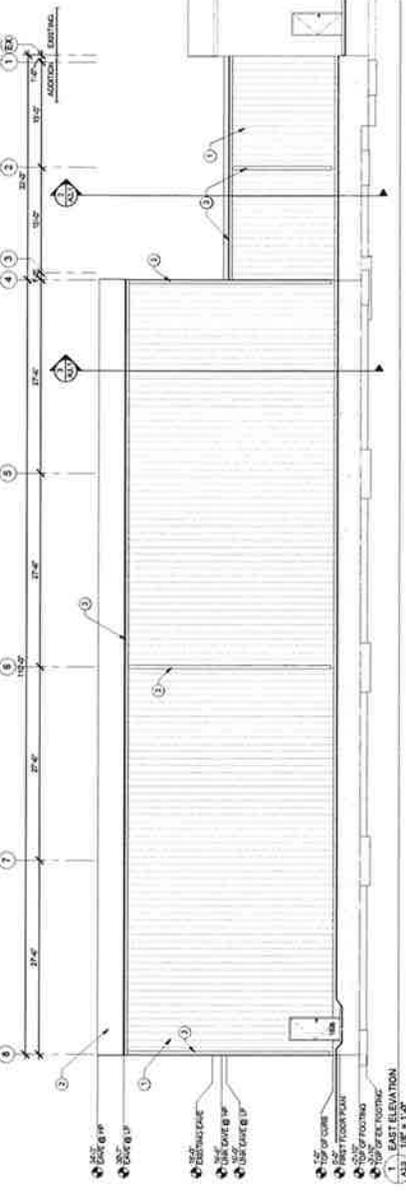
**PROJECT NO: 3154827**  
**DATE: 09/07/16**

**SITE & LIFE SAFETY PLAN**

**Sheet #: A0.0**



**1. SITE PLAN**  
 1/8" = 1'-0"



Key Values	Keynote Text
1	METAL PANELS, CASE COLOR = PARCHMENT/PA
2	STANDING SEAM MET. ROOF
3	GUTTER AND DOWNSPOUTS
4	FASCIA TRIM

Copyright 2016 - Sole Property of Ringland Johnson + design

Official Seal

Date: \_\_\_\_\_  
 Expiration Date: \_\_\_\_\_  
 Firm License No. \_\_\_\_\_

**DESIGN DEVELOPMENT**

FOR BID PURPOSES ONLY  
 NOT FOR CONSTRUCTION

**HYNIES**  
 1445 HUNTERWOOD DRIVE  
 CHERRY VALLEY, ILL. 61018  
 815.233.2222

**Ringland Johnson + design**  
 1445 Hunterwood Drive  
 Cherry Valley, IL 61018  
 815.233.2222

**Ringland Johnson Construction**

#	Description	Date

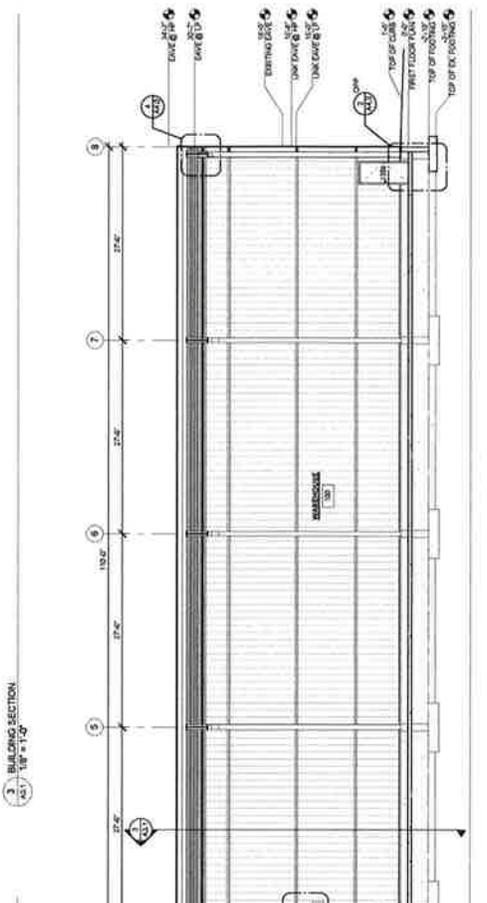
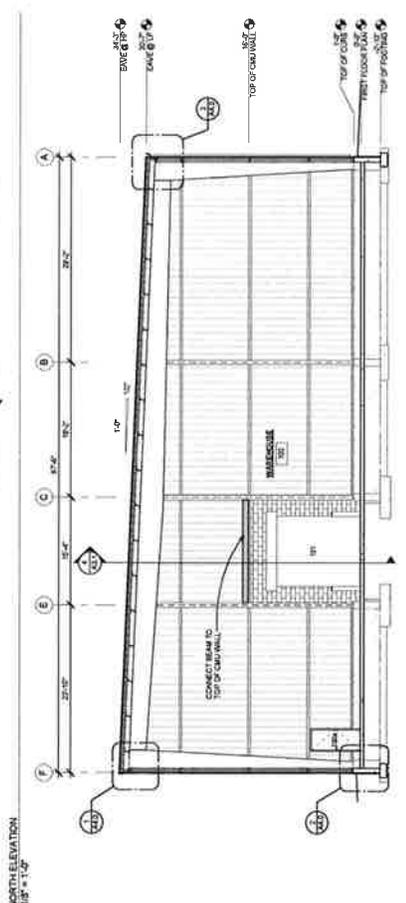
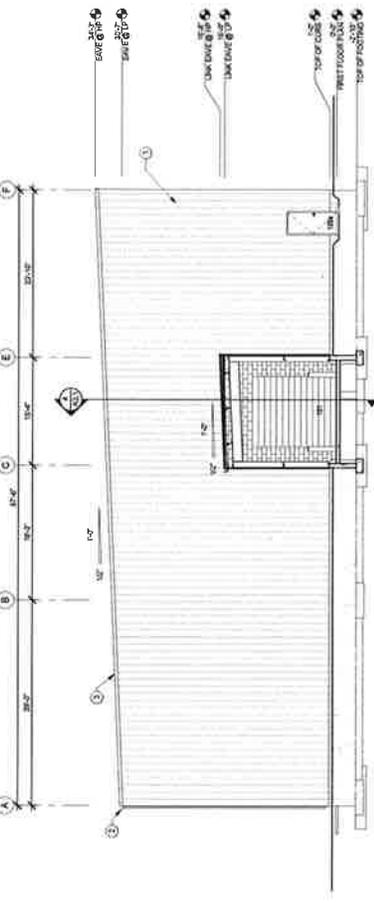
NEW ADDITION for

**Evoc** EVOC Energy Advantage  
 1445 Hunterwood Drive  
 Cherry Valley, IL 61018

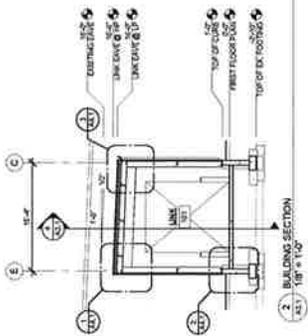
Project no.: 3115427  
 Date: 01/26/16

**EXTERIOR ELEVATIONS**

Sheet: **A3.0**

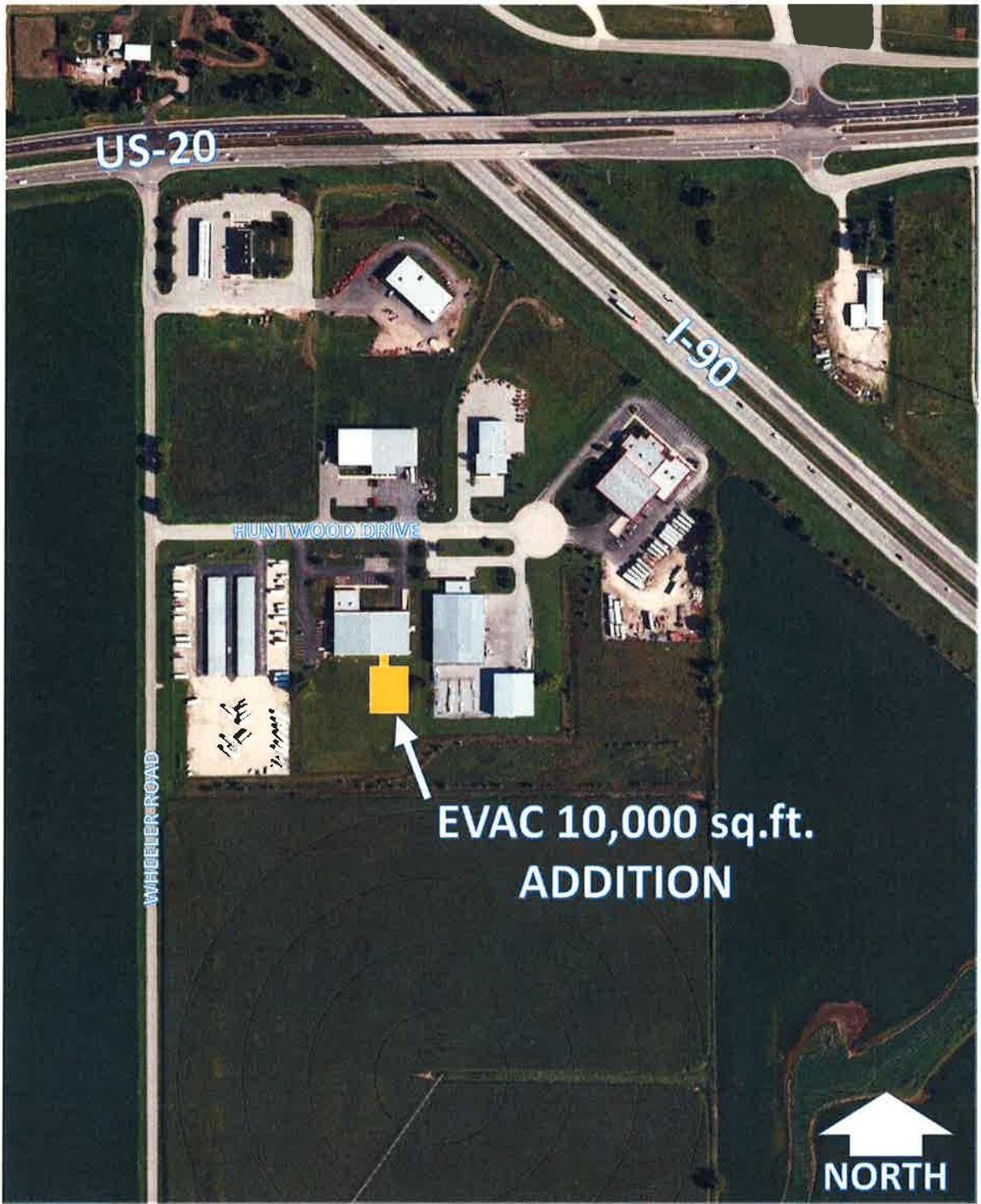


KEYNOTE LEGEND	
Key Value	Keynote Text
1	METAL WALL PANELS, CHEF COLOR = PARCHEMENT(PAN)
2	OUTLET AND DOWNSPOUTS
3	FASCIA TRIM



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<p>Official Seal</p>	<p>DESIGN DEVELOPMENT</p>	<p>FOR BID PURPOSES ONLY NOT FOR CONSTRUCTION</p>	<p><b>HYNES</b> 1445 HURWOOD DRIVE CHERRY VALLEY, IL 61016 TEL: 815.228.2830 FAX: 815.228.2811</p>	<p><b>Ringland Johnson</b> <b>+design</b> Ringland Johnson + design, LLC 1445 Hurwood Drive Cherry Valley, Illinois 61016 72.228.2830 815.228.2811</p>	<p><b>Ringland-Johnson Construction</b></p>	<p># Description Date</p>	<p>NEW ADDITION for</p> <p><b>Evac</b> <small>Evac - Evacuation Assessment</small> 1445 Hurwood Drive Cherry Valley, IL 61016</p>	<p>Project no: 315-427 Date: 01/26/16</p>	<p><b>BUILDING SECTIONS</b></p> <p>Sheet # <b>A3.1</b></p>
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EVAC North America Inc.



# CURRENT BUILDING



# BUILDING WITH ADDITION



LOOKING NORTH FROM WHEELER ROAD



EVAC North America Inc.



# CURRENT BUILDING



# BUILDING WITH ADDITION



LOOKING SOUTHWEST FROM HUNTWOOD DRIVE



EVAC North America Inc.



# CURRENT BUILDING



# BUILDING WITH ADDITION



LOOKING SOUTHEAST FROM HUNTWOOD DRIVE



EVAC North America Inc.





Boone County  
**Soil & Water**  
Conservation District

211 N. Appleton Road  
PO Box 218  
Belvidere, IL 61008  
815-544-2677 ext. 3  
FAX 815-544-4281

February 1, 2016

**SWCD NRI #: 1484**

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:** 1445 Huntwood Dr. Cherry Valley, Illinois 61016

**PIN(S):** 07-05-100-019

**Contact:**

Brent Johnson  
Phone: (815) 332-8620  
Email: [bjohnson@ringland.com](mailto:bjohnson@ringland.com)

**Petitioner:**

Brent Johnson  
1725 Huntwood Dr.  
Cherry Valley, IL 61016

**Owner:**

Huntwood Holdings I LLC  
1725 Huntwood Dr.  
Cherry Valley, IL 61016

**Request:** Special use for exterior building materials

Sincerely,

Jennifer Becker  
Boone County Soil & Water  
Conservation District



## **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](mailto:boonecohwy@comcast.net)

February 9, 2016

Ms. Kathy Miller, AICP, Interim Planning Director  
Belvidere-Boone County Planning Department  
401 Whitney Blvd., Suite 300  
Belvidere, Illinois 61008

RE: Case 02-2016; Brent Johnson

Dear Ms. Miller,

I have no comments regarding this special use request.

Richard A. Lundin  
Boone County Engineer

**BOONE COUNTY  
BUILDING DEPARTMENT**

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

February 10, 2016

To: Kathy Miller  
Interim Planning Director

From: Drew Bliss  
Senior Building Inspector

RE: 02-2016; Brent Johnson, 1445 Huntwood Drive, Cherry Valley

Dear Ms. Miller,

Our office has no objections to the variance request. The applicant is aware 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.boonehealth.org

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

February 9, 2016

Kathy Miller  
Belvidere-Boone County Planning Dept  
401 Whitney Blvd., Suite 400  
Belvidere, IL 61008

Re: 02-2026; Brent Johnson, 1445 Huntwood Drive, Cherry Valley

Dear Kathy,

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

Our office has no objections or comments on this request.

Thank you,

  
William L. Hatfield  
Director of Environmental Health

# Memorandum

**DATE:** February 24, 2016  
**TO:** Boone County Board  
**FROM:** Boone County Zoning Board of Appeals  
**SUBJECT:** Findings of Fact for Case 02-2016; EVAC North America Inc., 1445  
Huntwood Drive

## **REQUEST AND LOCATION:**

The applicant, Brent Johnson, 1725 Huntwood Drive, Cherry Valley, Illinois 61016 on behalf of the owner Huntwood Holdings I, LLC, 1725 Huntwood Drive, Cherry Valley, Illinois 61016 is requesting a special use pursuant to Sections 2.7 Special Use and 3.14.9 Exceptions to allow the use of all metal siding as the exterior building material in the US Highway 20 Corridor Overlay District (Boone County Zoning Ordinance Section 3.14.6.C.1.f Building Design and Construction Material Standards) in the I-1 Light Industrial District at 1445 Huntwood Drive, Cherry Valley in unincorporated Flora Township (PIN: 07-05-100-019) on 4.10 acres. The applicant intends to construct a 10,000 square-foot addition comprised of the same materials as the existing building (EVAC North America). The subject property is rectangular in shape and located within the Huntwood Business Park south of US Route 20.

## **FINDINGS OF FACT:**

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

1. **Findings: The proposed structure or use at the particular location requested may be 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.**

The expansion of a local business is beneficial to the community in terms of job retention and property taxes. The business park is bordered by Wheeler Road, US Route 20 and I-90; there is little visibility from adjacent properties.

2. **Findings: 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.**

The majority of buildings within the business park are comprised of metal siding. The addition would not deter from the character of the neighborhood. The business park is comprised of a cul-de-sac (Huntwood Drive) accessed by Wheeler Road. Increased traffic from employees and semi-trucks is not anticipated to create a negative impact on the existing road system.

3. **Findings: 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 addition will be to the rear of the building and not visible from Huntwood Drive. The addition will meet all required setbacks, stormwater management and other applicable codes and ordinances. Development of neighboring properties will not be impacted by the addition.

4. **Findings:** Such other standards and criteria as are established by the ordinance for a particular 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 special use will be required to conform to all the applicable regulations of the Zoning in addition to any conditions of approval enacted by the County Board.

5. **Findings:** 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.

Findings: This criterion does not apply.

6. **Findings:** 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.

The special use would allow the applicant to not place any masonry materials on the 10,000 square-foot addition. It is not anticipated that the siding utilized would detract from the value or marketability of the area; in fact, the addition is allowing a business to stay in the community.

**RECOMMENDATION:**

**Motion to adopt the Finding of Facts as presented for case 02-2016; EVAC North America, Inc. carried with a 5-0 voice vote.**

---

**Tony Savino, Chairman**  
**Boone County Zoning Board of Appeals**

# MEMORANDUM

**DATE:** February 24, 2016  
**TO:** Boone County Board  
**FROM:** Boone County Zoning Board of Appeals  
**SUBJECT:** Recommendation for Case 02-2016; EVAC North America Inc., 1445  
Huntwood Drive

**RECOMMENDATION:**

The Boone County Zoning Board of Appeals motioned to approve case 02-2016; EVAC North America Inc. subject to the following conditions:

1. Compliance with the narrative, site plan and building elevations dated January 26, 2016.
2. A full site plan shall be submitted to and approved by the staff (building, public works, police, fire, planning, etc.) prior to the issuance of building permits.
3. The special use shall comply with all applicable codes and ordinances.

Motion to approve case 02-2016; EVAC North America Inc. subject to the conditions as presented by the Zoning Board of Appeals carried with a (5-0) roll call vote.

---

**Tony Savino, Chairman**  
**Boone County Zoning Board of Appeals**

Drew Bliss said he is concerned with the possibility of changing the intent of the text amendment giving farm families a mechanism to keep families together on the farm.

Brian Van Laar said he feels the board should approve the text amendment as presented, with the recommendation for the county board to consider removing the word "second" from the proposed text language.

It was moved and seconded (Krumm/Rhode) to approve the proposed text amendment as presented, with the recommendation that the PZB consider removal of the word "second" from the language of the proposed amendment.

The motion carried with a unanimous roll call vote.

**02-2016: Brent Johnson:** The applicant, on behalf of the owner Huntwood Holdings I LLC is requesting a Special Use Permit to allow all metal siding as the exterior building material in the US Highway 20 Corridor Overlay District in the I-1 Light Industrial District at 1445 Huntwood Drive in unincorporated Flora Township.

The public hearing opened at 7:41 p.m.

Gina DelRose was sworn in. Ms. DelRose summarized the staff report. Ms. DelRose stated the case was published in the Boone County Journal on February 5, 2016. Ms. DelRose said the property in question is currently the Evac North America building. The parcel is zoned I-1, Light Industrial District. The Huntwood Business Park is within the US Highway 20 Corridor Overlay District. It was rezoned Light Industrial in 1998, platted in 1999 and the building was constructed in 2001. The Overlay District guidelines were adopted in 2008. The US Highway 20 Corridor Overlay District requires building to be constructed of masonry or glass materials. Metal siding is allowed in limited quantities on side and rear walls. The applicant plans to construct a 10,000-square foot addition to the rear of the existing facility to be constructed entirely of white metal siding to match the existing building. The existing building has 20,000 square feet of warehouse space and 7,000 square feet of office space. The notified county agencies had no objections to the special use. The addition will be to the rear of the building and will not be visible from Huntwood Drive. The majority of the buildings within Huntwood Business Park are comprised of metal siding. It is not anticipated to be a detriment to the neighborhood or to detract from the value or marketability of the area; it will be a benefit by allowing the business to stay in the community. The planning staff recommends approval of case 02-2016 subject to the following three conditions:

1. Compliance with the narrative, site plan and building elevations dated January 26, 2016.

2. A full site plan shall be submitted to and approved by the staff (building, public works, police, fire, planning, etc.) prior to the issuance of building permits.

3. The special use shall comply with all applicable codes and ordinances.

Chairman Savino clarified the request.

There were no questions for the staff. The chairman invited the applicant's representative to step forward.

Scott Mutton was sworn in. Mr. Mutton presented handouts with photos to the board members; Mr. Mutton indicated on street-view posters the "before and after" images of the proposed facility. The images indicated the addition will only be visible from the Wheeler Road side of the business park.

There were no questions for Mr. Mutton.

It was moved and seconded (Rhode/Krumm) to close the public hearing. The public hearing was closed at 7:48 p.m.

It was moved and seconded (Krumm/Van Laar) to accept the findings of fact. The motion carried with a 5-0 voice vote.

Brian Van Laar asked if the current zoning guidelines for building materials of the buildings in the US 20 Overlay were implemented after the building was constructed.

Kathy Miller stated the use of all metal siding on the front of buildings is prohibited in the US Highway 20 Corridor Overlay District section of the zoning ordinance. This is what triggers the special use.

Brian Van Laar noted that all the other buildings in the subdivision were constructed with metal.

Mark Rhode asked why the Evac facility would not be grandfathered in.

Kathy Miller stated the original facility is grandfathered, but an addition must meet the ordinance.

Gina DeRose stated that having the other buildings in metal make the findings of fact positive as the use is not detrimental to the area.

It was motioned and seconded (Van Laar/Stimes) to approve case 02-2016 as presented. The motion carried with a unanimous roll call vote.

**2016**

**County**

<b>FEBRUARY</b>								
Date	Planner	Case Number	Request	Petitioner	PC	ZBA	PZB	CB
01/22/2016	KM	01-2016	TA	Boone County	02/16/2016	02/23/2016	03/02/2016	03/16/2016
2/1/2016	GD	02-2016	SU	Brent Johnson		2/23/2016	3/2/2016	3/16/2016
<b>MARCH</b>								
Date	Planner	Case Number	Request	Petitioner	PC	ZBA	PZB	CB
2/19/2016	GD	03-2016	VAR	Tom Diehl		3/22/2016		
<b>Subdivision</b>								
<b>Special Use</b>								1
<b>Rezone</b>								
<b>Text Amendment</b>								1
<b>Variation</b>								1
<b>Administ. Var</b>								
<b>Appeals</b>								
<b>Total</b>								<b>3</b>