

Ogle County Regional Planning Commission

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REGIONAL PLANNING COMMISSION REPORT MARCH 23, 2017

The regular monthly meeting of the Ogle County Regional Planning Commission was held on Thursday, March 23, 2017 at 6:00 P.M. at the Old Ogle County Courthouse, Third Floor County Board Room #317, 105 S. Fifth St., Oregon, IL.

The Order of Business was as follows:

1. ROLL CALL AND DECLARATION OF A QUORUM.

Chairman White called the meeting to order at 6:00 P.M. Roll call indicated that five members of the Regional Planning Commission were present: Dale Flanagan, Corky Wetzel, Alan Nelson, Wayne Reising, and Chairman Paul White. Michael Timm & Tom Smith were absent.

2. READING AND APPROVAL OF REPORT OF FEBRUARY 23, 2017 AS MINUTES.

Chairman White asked for changes, corrections and/or additions to the February 23, 2016 Regional Planning Commission report. Mr. Flanagan made a motion to approve the February 23, 2016 report as presented; seconded by Mr. Wetzel. Motion carried via voice vote.

3. UNFINISHED BUSINESS (CONSIDERATION AND POSSIBLE ACTION)

There was no unfinished business for consideration.

4. NEW BUSINESS

A. DECISIONS (CONSIDERATION AND POSSIBLE ACTION)

#2-17 Special Use - Patricia M. Fennell, 424 Davis St., Downers Grove, IL for a Special Use Permit to allow the operation of a Small Rural Business (venue for holding wedding ceremonies, wedding receptions and special events) in the AG-1 Agricultural District on property described as follows and owned by the petitioner:

Part of G.L. 3 & 4 of the NW1/4 Fractional Section 5 Oregon-Nashua Township
23N, R10E of the 4th P.M., Ogle County, IL, 44.16 acres, more or less
Property Identification Number: 16-05-100-008
Common Location: 1746 W. Oregon Trail Rd.

Mr. Reibel reviewed the Staff Report, including three recommended conditions.

Ms. Fennell was present, and stated that she wants to use property for a wedding venue—specifically utilizing the two buildings as indicated on the Concept Plan. She further stated that toilet facilities and handwash stations will be provided during events, and to prevent guests from leaving the property a 5 foot high woven wire fence will be completed

and maintained along the west boundary of the property from Oregon Trail Road to approximately 300 feet into the timber to the north; all activities will be contained on the property in this location; the renters will be required to provide everything including decorations, food, flowers, etc.; the use would operate from May thru October and only on the weekends; the parking has established vegetative screening and will hold approximately 100 vehicles comfortably, and is well drained; the cement area behind large barn is where the toilet facilities will be located. Ms. Fennel stated that she believes this is a good use for the property and the wedding venue idea is good for local vendors without a negative impact for our neighbors.

Mr. Flanagan asked how many guests that facility can accommodate, and Ms. Fennel responded that she estimates 250 guests would be the maximum.

Mr. Wetzel asked how many events she expects to hold in a season, and Mrs. Fennel responded that she hopes to have an event every weekend.

Mr. Reising asked how late the events will go into the evening, and Mrs. Fennel responded that events will end by midnight. Mr. Reising stated that his son was married at a similar venue out of state, and the event was required to end by 10:00 P.M.; he further stated that we should consider recommending an earlier end time than midnight. Mrs. Fennel stated that the nearest neighbors are nearly ½ mile away, and the sound-generating activities will be conducted from within the barns, but agreed that sound does travel.

Mr. Reising asked Mrs. Fennel what her plans are for the grapes that are growing on the property, and she stated that they will have nothing to do with the proposed wedding venue.

Mr. Reising stated that traffic travels at a high rate of speed on Oregon Trail Road and he is concerned about cars exiting the site. Mrs. Fennel stated that she plans to have someone directing traffic when cars are coming to and leaving an event.

Mr. White asked if there is an individual present with concerns regarding this special use that would like to speak. Jeff Tremble, 1514 W. Mud Creek Road, addressed the Planning Commission stating that he owns the property adjacent to the west of the Fennel site; he expressed concerns with trespassing, fence maintenance, traffic control, alcohol consumption, and keeping cars of guests on the Fennell property. He also expressed concerns about the structural integrity of the large barn proposed to be used by Mrs. Fennell for events.

Mr. Flanagan asked Mr. Reibel if the required Occupancy Permit from the Oregon Fire Protection District would address structural issues of the buildings. Mr. Reibel responded that the Oregon Fire Protection District is enforcing the Life Safety Code as adopted by the State of Illinois, and that he is not sure if it addresses building structural issues or not.

Mr. White asked for further discussion or questions. Hearing none, he asked for a motion to be made.

Mr. Reising made a motion to recommend approval of Special Use Permit No. 2-17SU subject to the recommended conditions of the Staff Report, based on the low LESA score and consistency with the Comprehensive Plan, but subject to the additional condition that

all music and other loud activities cease no later than 11:00 P.M.; the motion was seconded by Mr. Wetzel. The motion carried by a roll call vote of 4 in favor (Flanagan, Reising, Wetzel and White) and 1 opposed (Nelson).

#3-17 Special Use - Robert DeCosta & Christie Hardt, 6367 E. Clare Rd., Clare, IL for a Special Use Permit to allow a commercial dog kennel (including dog breeding, import & sale of puppies, grooming facility and dog obedience training) in AG-1 Agricultural District on property described as follows and owned by the petitioners:

Part of the NW1/4 of the NW1/4 of Section 13 White Rock Township 41N, R1E of the 3rd P.M., Ogle County, IL, 10.94 acres, more or less
Property Identification Number: 18-13-100-006 & -005
Common Location: 14189 E. Dutch Rd.

Mr. Reibel reviewed the Staff Report, including four recommended conditions. Mr. Reibel reported that the Illinois Natural Heritage Database contains no record of State-listed threatened or endangered species, INAI sites, INPs or Land & Water Reserves in the vicinity of the project location, and the consultation with IDNR has been terminated.

Mr. Reibel reported that he received a letter from White Rock Township signed by the Trustees and Supervisor, stating that White Rock Township does not support Special Use Permit #3-17SU.

Petitioners Christy Hardt, Robert DeCosta and their attorney, Peter Smith of Sycamore, IL were present and showed a multimedia presentation that explained the way their business is conducted and will be conducted at the proposed location.

Ms. Hardt stated that she has been operating a successful kennel in Clare, IL for the past 7 years with hundreds of happy clients; she further stated that they do small-scale breeding in Clare, IL, and have 9 breeding females at this time. She added that they do not breed a dog until it is 1-1/2 to 2 years old and retire them by 6 years old; they work with different rescues to place them; all dogs are handled daily; they work 24/7 taking care of their dogs.

Mr. White asked if they will live on the Dutch Road site, and Ms. Hardt stated that an employee will live on the site and will serve as the caretaker of the property and kennel facility.

Mr. White asked where the dogs will be housed, and Ms. Hardt responded that their plans are to construct a 40'x80' building that will serve contain an office/customer counter, restroom, viewing area, obedience training area, and kennel area where the dogs are kept.

Ms. Hardt provided each RPC member with a packet containing paperwork that is provided to customers and reports from the State of IL regarding their Clare, IL facilities. Ms. Hardt added that all puppies are microchipped, and the customer contract states that if a customer cannot keep a dog for any reason, the dog is to be returned to them, after which they will place the dog in a shelter for adoption. Ms. Hardt stated that they have never had an issue placing puppies that they receive, and usually have a waiting list for litters not yet received.

Mr. Flanagan asked about potential noise from the kennel, and Ms. Hardt responded that their plan is to have primarily puppies on the site, and they will not be outside the building except for very short periods of time while cleaning is taking place, so noise will not be an issue.

Mr. Wetzel asked if boarding of dogs will take place at this facility, and Ms. Hardt responded that they will not be boarding dogs at this proposed facility.

Mr. White asked what percentage of puppies sold are imported, and Ms. Hardt responded that approximately 85 percent of puppy sales are imported; all importing is done in compliance with the law, and all dogs are registered with interstate paperwork. Ms. Hardt added that they breed on a small scale, and they could not keep up with customer demand without importing from other kennels.

Mr. White asked if dogs received from out-of-state are inspected individually by a veterinarian, and Ms. Hardt responded that puppies are 8 weeks old when shipped, have shots and are microchipped; each puppy has an individual health card with litter and vaccination information. Each shipment of puppies has a group health certificate.

Mr. White asked Ms. Hardt about an incident of about an incident of Canine parvovirus at her Clare, IL facility. Ms. Hardt explained the details of the incident, and believes that the parvo came from a visitor who had been exposed at another kennel.

Mr. Reising asked Ms. Hardt if she plans to keep her Clare, IL facility, and she responded that they will keep the Clare, IL facility as primarily a breeding and boarding facility.

Mr. White asked if a veterinarian checks puppies before they are sold, and Ms. Hardt responded that a vet checks puppies before they are transported to their facility from out-of-state kennel, and puppies are checked by vet in Illinois; she primarily uses Cortland Animal Clinic. She added that records are maintained for every puppy, and referred to information provided to each RPC member.

Mr. White asked Ms. Hardt how long she has been using microchipping, and she responded approximately 1 and one-half years.

Mr. Flanagan asked Ms. Hardt if they inspect the facilities they import from, and she responded that they do regularly, and they are very clean and well-run.

Mr. Flanagan asked Ms. Hardt if she has adequate staff, and Ms. Hardt responded that their son-in-law is on staff now, along with one other full-time and three part-time staff members.

Mr. Flanagan asked how many puppies would be at the proposed facility, and Ms. Hardt responded that there will be approximately 100.

Mr. White asked how the puppies are transported from out-of-state to her facility, and Mr. DeCosta explained that they have a specially outfitted transport van with air conditioning and heat, a backup generator, and plenty of room for the puppies with fixed cages.

Mr. Flanagan asked if the proposed facility will have a backup generator, and Mr. DeCosta responded that they will have a backup generator.

Mr. Wetzel asked how the waste will be disposed of at the proposed facility, and Ms. Hardt explained that the waste will fall through the bottom each individual kennel and into a tray lined with newspaper; the waste will be collected, placed into sealed garbage bags, and placed into a dumpster for disposal.

Mr. White asked Ms. Hardt why they are not expanding their existing facility, and Ms. Hardt explained that they only have two acres, so the amount of land is prohibitive; also, they would like a separate facility that is not at the location of their home so they do not have to work 7 days a week.

Mr. White asked if they have had zoning issues in DeKalb County, and Attorney Smith explained that Ms. Hardt and Mr. DeCosta are pursuing a supplemental Special Use Permit from DeKalb County at the request of DeKalb County due to the growth of the business in Clare, IL.

Mr. Flanagan asked Mr. Reibel if this Special Use Permit would allow expansion in the future, and Mr. Reibel responded that expansion would require a supplemental Special Use Permit.

Mr. Reibel asked the petitioners to explain how they believe the proposed use is appropriate at the Dutch Road site. Attorney Smith explained that the proposed Special Use is consistent with the surrounding agricultural area and the property, and the proposed use meets the needs of the surrounding area by feeding the human spirit with a puppy; he concluded that the proposed use is a compatible and consistent use for the property.

Mr. White asked if there is a single representative for objectors that would like to state concerns.

Liz DeArvil of Chana, IL addressed the Planning Commission and stated that what they have represented sounds wonderful, but she has concerns with the number of dogs. She added that a lot of her questions were answered in the presentation, and she understands the need for certain breeds for people with allergies, but does not believe that large kennel operations are beneficial for our humanity when she knows that dogs are dying in shelter day after day by the millions.

Mr. White asked for discussion, and stated that a commercial kennel is an accepted use in the AG-1 zoning district. Mr. White added that our zoning ordinance states that a special use shall not be unreasonably detrimental to the public health, safety, morals, comfort or general welfare at large, and he personally has concerns with the import of puppies, which he sees as a weak point in the proposed Special Use Permit.

Mr. Nelson stated that he has concerns due to White Rock Township's letter of non-support.

Mr. Wetzel stated that he has concerns with the number of dogs, and there are many dogs out there to be adopted; he added that it seems like Ms. Hardt and Mr. DeCosta have a very nice facility.

Discussion ensued regarding applying the Comprehensive Plan, and setting a precedent with a decision.

Mr. Reibel stated that the Comprehensive Plan is most applicable to map amendments or zoning changes; however, the Planning Commission should assess a Special Use for conformity to the Plan by determining how the proposed Special Use will affect the surrounding area and planned land uses. Mr. Reibel added that a zoning decision does not

set a precedent, as each application is different and unique based on its location and characteristics, which is why the focus should be on whether or not the proposed use is suitable for the location at this time.

Mr. White asked for a motion.

Mr. Reising made a motion to recommend denial of Petition No. 3-17SU due to the recommendation of the White Rock Township Board, the high LESA score, non-conformity with the Comprehensive Plan, and health and safety issues with the importation of puppies from out of state; the motion was seconded by Mr. Nelson. A roll call vote indicated four in favor of the motion to recommend denial (Nelson, Reising, Wetzel and White), and one opposed (Flanagan).

5. OTHER BUSINESS

There was no "other business" for consideration.

6. PUBLIC COMMENT

There was no public comment.

7. ADJOURN

Mr. Flanagan moved to adjourn the meeting, and Mr. Wetzel seconded the motion. The motion passed by voice vote. Chairman White declared the meeting adjourned at 7:36 P.M. The next meeting of the Regional Planning Commission will be on April 20, 2017 at 6:00 P.M. in the Old Ogle County Court House, First Floor Conference Room #100, 105 S. Fifth St., Oregon, IL.

Respectfully submitted,



Michael Reibel
Planning & Zoning Administrator