

STATE OF ILLINOIS)
) SS
COUNTY OF OGLE)

ORDINANCE NO. 2014-0701

AN ORDINANCE APPROVING A ZONING MAP AMENDMENT ON
PROPERTY LOCATED AT 110 COMMERCIAL STREET IN FORRESTON TOWNSHIP

WHEREAS, Jeffrey J. Schlamp, Administrator of the Barry G. Schlamp Estate, 1975 Spinnaker Ct., Aurora, IL has filed a petition for a Map Amendment (Petition No. 4-14AM) to re-zone from B-1 Business District to R-2 Single Family Residence District on property located at 110 Commercial Street in Forreston Township, and legally described as shown in Exhibit "A" attached hereto; and

WHEREAS, following due and proper notice by publication in the Ogle County Life at least fifteen (15) days prior thereto, and by mailing notice to all owners of property abutting the subject property at least fifteen (15) days prior thereto, the Ogle County Zoning Board of Appeals conducted a public hearing on June 26, 2014 at which the petitioner presented evidence, testimony, and exhibits in support of the requested Map Amendment, and no member(s) of the public spoke in support of or in opposition to the petition; and

WHEREAS, the Zoning Board of Appeals, having considered the evidence, testimony and exhibits presented has made its findings of fact and recommended that the requested Map Amendment be approved as set forth in the Findings of Fact and Recommendation of the Ogle County Zoning Board of Appeals dated June 26, 2014, a copy of which is appended hereto as Exhibit "B"; and

WHEREAS, the Planning and Zoning Committee of the Ogle County Board has reviewed the testimony and exhibits presented at the public hearing and has considered the Findings of Fact and recommendation of the Zoning Board of Appeals, and has forwarded a recommendation to the Ogle County Board that the requested Map Amendment be approved; and

WHEREAS, the Ogle County Board has considered the findings of fact and recommendation of the Zoning Board of Appeals and the recommendation of the Planning and Zoning Committee, and has determined that granting the Map Amendment would be consistent with the requirements established by Section 9.07(G) of the *Ogle County Amendatory Zoning Ordinance*;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY BOARD OF OGLE COUNTY, ILLINOIS, as follows:

SECTION ONE: The report of the Ogle County Zoning Board of Appeals, Exhibit "B" attached hereto, is hereby accepted and the findings set forth therein are hereby adopted as the findings of fact and conclusions of the Ogle County Board.

SECTION TWO: Based on the findings of fact as set forth above, the petition of Jeffrey J. Schlamp, Administrator of the Barry G. Schlamp Estate, 1975 Spinnaker Ct., Aurora, IL for a Map Amendment (Petition No. 4-14AM) to re-zone from B-1 Business District to R-2 Single Family Residence District on property located at 110 Commercial Street in Forreston Township, and legally described as shown in Exhibit "A" attached hereto, is hereby approved, and the Ogle County Zoning Map shall be amended to reflect said zone change.

SECTION THREE: This Ordinance shall be in full force and effect upon its adoption by the County Board of Ogle County, Illinois and attestation by the Ogle County Clerk.

SECTION FOUR: Failure of the owners of other party in interest to comply with the terms of this Ordinance, after execution of such Ordinance, shall subject the owners or party in interest to the penalties set forth in Section 9.10 of the Ogle County Amendatory Zoning Ordinance.

PASSED BY THE COUNTY BOARD THIS 15TH DAY OF JULY 2014 A.D.



Kim P. Gouker, Chairman of the Ogle County Board

ATTEST:



Rebecca Huntley, Ogle County Clerk and
Ex Officio Clerk of the Ogle County Board

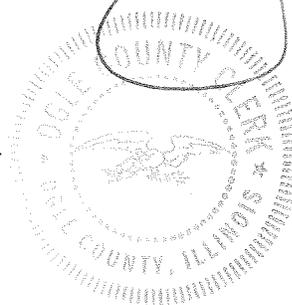


EXHIBIT "A"
LEGAL DESCRIPTION

Lot 1 Block 13 Original Town of Baileyville, located in part of the NE 1/4 Fractional Section 5, Township 25 North, Range 8 East of the 4th Principal Meridian, Ogle County, IL.

Part of Property Identification Number (PIN): 02-05-233-003

Common Location: 110 Commercial Street

EXHIBIT "B"

**FINDINGS OF FACT AND RECOMMENDATION
OF THE ZONING BOARD OF APPEALS**

FINDINGS OF FACT AND RECOMMENDATION OF THE OGLE COUNTY ZONING BOARD OF APPEALS

This is the findings of fact and the recommendation of the Ogle County Zoning Board of Appeals concerning an application of Jeffrey J. Schlamp, Administrator of the Barry G. Schlamp Estate, 1975 Spinnaker Ct., Aurora, IL, in case #4-14AM. The applicant is requesting a map amendment to change the zoning classification of Parcel Identification No. 02-05-233-003 from B-1 Business District to R-2 Single Family Residence District. Said parcel is described as Lot 1 Block 13 Original Town of Baileyville, located in part of NE 1/4 Fractional Section 5 Forreton Township 25N, Range 8E of the 4th Principal Meridian and is located in Forreton Township at 110 Commercial Street (Baileyville).

After due notice, as required by law, the Zoning Board of Appeals held a public hearing in this case on June 26, 2014 in the County Board Room, 3rd Floor, Ogle County Courthouse, Oregon, Illinois and hereby reports its findings of fact and recommendation(s) as follows:

SITE INFORMATION: See Staff Report (attached herewith).

ANALYSIS OF SIX STANDARDS: After considering all the evidence and testimony presented at the public hearing, this Board makes the following analysis of the six standards listed in Section 9.07(G) (Standards for Map Amendments) of the *Ogle County Amendatory Zoning Ordinance* that must all be found in the affirmative prior to recommending granting of the petition.

1. That the proposed amendment will allow development that is compatible with existing uses and zoning of nearby property. **Rezoning of the site to R-2 to allow continued residential use of the site is compatible with the existing uses and zoning of nearby property, as the site is adjoined by residential uses on three side, and although the surrounding residential properties are zoned B-1, all other residential properties in Baileyville west of Main Street are zoned R-2. Standard met.**
2. That the County of Ogle and other service providers will be able to provide adequate public facilities and services to the property (including, but not necessarily limited to, schools, police and fire protection, roads and highways, water supply and sewage disposal), while maintaining adequate public facilities and levels of service to existing development. **Continued residential use of the site will not create a burden on the County of Ogle and other public service providers, as no change in the intensity of use is proposed. Standard met.**
3. That the proposed amendment will not result in significant adverse impacts on other property in the vicinity of the subject site or on the environment, including air, noise, stormwater management, wildlife and natural resources. **No adverse impacts or impact on the environment will result from the proposed map amendment, as no change to the property will occur. Standard met.**

4. That the subject property is suitable for the proposed zoning classification. **The site is suitable for the R-2 zoning district, as it is currently, and has been used for single-family residential purposes. Standard met.**

5. That the proposed zoning classification is consistent with the trend of development, if any, in the general area of the subject property including changes, if any, which have taken place since the day the property in question was placed in its present zoning classification. **The trend of development in the general area is of existing and established residential uses. The proposed zoning classification of R-2 Single Family Residence District is consistent with this trend. Standard met.**

6. That the proposed amendment is consistent with the public interest and not solely for the interest of the applicant, giving due consideration to the stated purpose and intent of the Amendatory Zoning Ordinance as set forth in Division 1 therein, the Land Evaluation and Site Assessment (LESA) findings (if applicable), and the recommendation(s) of the Ogle County Regional Planning Commission with respect to the *Ogle County Amendatory Comprehensive Plan*. **The proposed amendment is consistent with the public interest and not solely for the interest of the applicant, as it will make an existing and established use consistent with the Zoning Ordinance and surrounding uses; the proposed amendment is also consistent with the purpose and intent of the Amendatory Zoning Ordinance. The Zoning Board of Appeals has given due consideration that the Regional Planning Commission has recommended approval. Standard met.**

RECOMMENDATION: We find that the proposed map amendment requested meets all the standards for recommending granting as found in Section 9.07(G) of the *Ogle County Amendatory Zoning Ordinance* and that such request is in the public interest. Therefore, the Zoning Board of Appeals hereby recommends that the zoning district classification of the property described above be changed from B-1 Business District to R-2 Single Family Residence District.

ROLL CALL VOTE: The roll call vote was 5 members for the motion to recommend granting, 0 opposed.

Respectfully submitted this 26th day of June 2014 by the Ogle County Zoning Board of Appeals.

Jason Sword, Chairman
Maynard Stivers
Randy Ocken
Dennis Williams
David Williams

Jason Sword, Chairman

ATTEST:



Michael Reibel, Secretary

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1 STATE OF ILLINOIS)
 2 COUNTY OF OGLE)
 3
 4
 5 In the Matter of the Petition
 6 of
 7 Jeffrey J. Schlamp, Administrator of the Barry G.
 8 Schlamp Estate, Forreston Township
 9 Ogle County, Illinois
 10
 11 Testimony of Witnesses
 12 Produced, Sworn and
 13 Examined on this 26th day
 14 of June 2014
 15 before the Ogle County
 16 Zoning Board of Appeals
 17 Present:
 18 Randy Ocken
 19 Dennis Williams
 20 David Williams
 21 Maynard Stivers
 22 Jason Sword, Chairman
 23 Michael Reibel, Zoning Administrator
 24

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1 MR. SWORD: I'd like to call this June
 2 meeting of the Ogle County Zoning Board of
 3 Appeals to order. Mr. Reibel, please read the
 4 roll.
 5 (Roll call was taken and all
 6 were present.)
 7 MR. REIBEL: Five present.
 8 MR. SWORD: We do have a quorum. All
 9 right. Please rise for the Pledge of
 10 Allegiance.
 11 (WHEREUPON the Pledge of
 12 Allegiance was recited.)
 13 MR. SWORD: The verbatim transcripts
 14 serving as minutes from the last meeting are on
 15 file and will not be read at this time. I'll
 16 entertain a motion to approve the minutes of the
 17 last ZBA meeting.
 18 MR. OCKEN: So moved.
 19 MR. SWORD: It's been moved. Is there a
 20 second?
 21 MR. STIVERS: Second.
 22 MR. SWORD: It's been moved and seconded.
 23 All those in favor?
 24 (All those simultaneously
 In Totidem Verbis, LLC (ITV)

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 2 Witness Page
 3 David Shockey 7
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 12 End 16
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 In Totidem Verbis, LLC (ITV)

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1 responded.)
 2 MR. SWORD: Those opposed? Motion
 3 carries. All testimony will be taken under
 4 oath. Please come forward to testify, state
 5 your name and address to the recording
 6 secretary. Please spell your last name. When
 7 testifying, please speak clearly and loud enough
 8 to be heard.
 9 This hearing is the only opportunity to
 10 place testimony and evidence on the record.
 11 There will not be another opportunity beyond
 12 tonight's hearing to submit evidence or
 13 testimony for consideration. Please turn off or
 14 silence all cell phones and pagers.
 15 The procedure on hearings that will be
 16 followed tonight is as found in the ZBA Rules of
 17 Procedures or Citizen's Guide to the Zoning
 18 Board of Appeals, which are available on the
 19 desk at the entrance to this room.
 20 If anyone has any trouble hearing, please
 21 let us know.
 22 Mr. Reibel, what is the first order of
 23 business?
 24 MR. REIBEL: The first order of business
 In Totidem Verbis, LLC (ITV)

<p style="text-align: right;">Page 5</p> <p>1 is to consider the request filed May 15th, 2014 2 of Jeffrey L. (sic) Schlamp, Administrator of 3 the Barry G. Schlamp Estate, 1975 Spinnaker 4 Court, Aurora, Illinois for an Amendment to the 5 Zoning District to rezone from B-1 Business 6 District to R-2 Single-Family Residence District 7 on property described as follows and owned by 8 Barry G. Schlamp: 9 Lot 1, Block 13, Original Town of 10 Baileyville, part of the NE1/4 Fractional 11 Section 5, Forreston Township 25N, R8E of 12 the 4th P.M., Ogle County, Illinois. 13 Property Identification Number: 14 02-05-233-003. Common Location: 110 15 Commercial Street. 16 For the record, a legal notice was 17 published in the Monday, June 2nd, 2014 edition 18 of the Ogle County Life notifying the public of 19 the hearing this evening and the specifics of 20 the petition. All adjoining property owners to 21 the petition have been notified by certified 22 mail of the hearing this evening and a sign was 23 posted along the frontage of the premises, 24 again, indicating that a zoning hearing is to be held.</p> <p>Under the staff report, which is on file and the Board members have received, I will In Totidem Verbis, LLC (ITV)</p>	<p style="text-align: right;">Page 7</p> <p>1 present on the site. 2 At the June 19th, 2014 meeting of the Ogle 3 County Regional Planning Commission, 4 Mr. Reising made a motion to approve the 5 petition as it is the correct zoning for the use 6 of the property and conforms to the County's 7 Comprehensive Plan. Seconded by Mr. White and 8 the motion carried unanimously by a roll call 9 vote. 10 And the Illinois Department of Natural 11 Resources reports that the Illinois Natural 12 Heritage Database contains no record of 13 state-listed threatened or endangered species, 14 etcetera, in the vicinity of the project and 15 consultation with IDNR has been terminated. 16 That's all I have. 17 MR. SWORD: Okay. Will the Petitioner 18 please come forward. You can stay at the 19 podium, that's fine. If you'll raise your right 20 hand, I'll swear you in. 21 DAVID SHOCKEY, 22 being first duly sworn, testified as follows: 23 MR. SWORD: Spell your name and -- give 24 your address and spell your last name for the In Totidem Verbis, LLC (ITV)</p>
<p style="text-align: right;">Page 6</p> <p>1 point out under general information that the 2 site is located at the southwest corner of the 3 intersection of North Commercial Street and West 4 Olive Street in Baileyville. Size of the parcel 5 is 66 feet by 123.75 feet or 8,167 and a half 6 square feet. Existing land use is residential. 7 Surrounding Land Use and Zoning: Land adjacent 8 to the north, west and south of the site is in 9 residential use. Land to the east of the site 10 is in commercial use. All surrounding land is 11 zoned B-1 Business District. Zoning History: 12 The site and surrounding area were zoned B-1 in 13 1965 upon adoption of the first Ogle County 14 Zoning Ordinance. Special Information, Public 15 Utilities: None. The site is served by a 16 private, on-site well and septic system. 17 Transportation: Commercial Street and Olive 18 Street are seal coat surface roads under the 19 jurisdiction of Forreston Township. Physical 20 Characteristics: The site contains a 21 single-family dwelling and detached garage. The 22 site is located on a convex side slope in an 23 area of gently sloping topography and is well 24 drained. There are no wetlands or floodplains In Totidem Verbis, LLC (ITV)</p>	<p style="text-align: right;">Page 8</p> <p>1 record please. 2 MR. SHOCKEY: David Shockey, 3 S-H-O-C-K-E-Y, attorney for the Petitioner, 208 4 West Stephenson Street, Freeport, Illinois, 5 61032. 6 Jeffrey Schlamp, as Administrator of the 7 Barry Schlamp Estate, is my client and we're 8 seeking to have the property at 110 Commercial 9 Street changed from B-1 to R-2 zoning. The 10 property is under contract to be sold and 11 actually the buyer, Mr. Michael Kephorn 12 (phonetic) is here tonight. And as is the 13 nature of things today in residential lending, 14 his lender very much desires to have the 15 property in conforming use by an R-2 zoning in 16 the event the property is ever destroyed and 17 needs to be replaced. We think it adds to the 18 value and is certainly consistent with the use 19 of the property since the house was built some 20 50 years ago and we think it is in keeping with 21 the character of the neighborhood and the 22 continued use of residential purposes and we 23 seek your approval. I'd be happy to answer any 24 questions. In Totidem Verbis, LLC (ITV)</p>

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1 MR. SWORD: How long has the current owner
 2 owned it, do you know?
 3 MR. SHOCKEY: Barry Schlamp has owned
 4 it --
 5 AUDIENCE MEMBER: 1978.
 6 MR. SHOCKEY: -- since 1978. Barry is
 7 deceased, but this is his son who's petitioning.
 8 MR. SWORD: Sure, exactly. Well, it's
 9 definitely something to be done that would fit
 10 with the area. There's not a lot of commercial
 11 development happening in Baileyville.
 12 MS. SHOCKEY: I would concur with that,
 13 Mr. Chairman.
 14 MR. SWORD: Does the Board have any
 15 questions at this time? It's a pretty
 16 straightforward matter at hand here, so --
 17 MR. SHOCKEY: Thank you.
 18 MR. SWORD: Well, all right. I guess you
 19 can have a seat then. Thanks. Has anyone filed
 20 for an appearance in this matter?
 21 MR. REIBEL: No, they have not.
 22 MR. SWORD: Anyone here in favor of this
 23 petition? Anyone opposed? Okay. Seeing none,
 24 I guess we'll go through the standards.
 In Totidem Verbis, LLC (ITV)

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1 MR. REIBEL: Amendment Standard 1) That
 2 the proposed amendment will allow development
 3 that is compatible with existing uses and zoning
 4 of nearby property.
 5 MR. OCKEN: Rezoning the site to R-2 to
 6 allow continued residential use of the site is
 7 compatible with the existing uses and zoning of
 8 nearby property as the site is adjoined by
 9 residential uses on three sides and although the
 10 surrounding residential properties are zoned
 11 B-1, all of the residential properties in
 12 Baileyville west of Main Street are zoned R-2.
 13 I feel the standard is met.
 14 (All those agreed.)
 15 MR. REIBEL: 2) That the County of Ogle
 16 and other service providers will be able to
 17 provide adequate public facilities and services
 18 to the property, including but not necessarily
 19 limited to schools, police and fire protection,
 20 roads and highways, water supply and sewage
 21 disposal while maintaining adequate public
 22 facilities and levels of service to existing
 23 development.
 24 DENNIS WILLIAMS: A continued residential
 In Totidem Verbis, LLC (ITV)

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1 use of the site will not create a burden on the
 2 County of Ogle and other public service
 3 providers as no change in the intensity of the
 4 use of -- of use is proposed. I believe this
 5 standard is met.
 6 (All those agreed.)
 7 MR. REIBEL: 3) That the proposed
 8 amendment will not result in significant adverse
 9 impacts on other property in the vicinity of the
 10 subject site or on the environment including
 11 air, noise, stormwater management, wildlife and
 12 natural resources.
 13 DAVID WILLIAMS: No adverse impacts or
 14 impact on the environment will result from the
 15 proposed map amendment, as no change to the
 16 property will occur. I feel the standard has
 17 been met.
 18 (All those agreed.)
 19 MR. REIBEL: 4) That the subject property
 20 is suitable for the proposed zoning
 21 classification.
 22 MR. STIVERS: The site is suitable for the
 23 R-2 zoning district, as it is currently, and has
 24 been used for single-family residential
 In Totidem Verbis, LLC (ITV)

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1 purposes. I believe the standard has been met.
 2 (All those agreed.)
 3 MR. REIBEL: 5) That the proposed zoning
 4 classification is consistent with the trend of
 5 development, if any, in the general area of the
 6 subject property including changes, if any,
 7 which have taken place since the day the
 8 property in question was placed in its present
 9 zoning classification.
 10 MR. OCKEN: The trend of development in
 11 the general area is of existing and established
 12 residential uses. The proposed zoning
 13 classification of the R-2 Single-Family
 14 Residence District is consistent with this
 15 trend. I feel this standard is met
 16 (All those agreed.)
 17 MR. REIBEL: 6) That the proposed
 18 amendment is consistent with the public interest
 19 and not solely for the interest of the
 20 applicant, giving due consideration to the
 21 stated purpose and intent of the Amendatory
 22 Zoning Ordinance as set forth in Division 1
 23 therein, the Land Evaluation and Site Assessment
 24 findings, if applicable and in this case they
 In Totidem Verbis, LLC (ITV)

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1 are not and the recommendations of the Regional
 2 Planning Commission with respect to the
 3 Comprehensive Plan.
 4 DENNIS WILLIAMS: The proposed amendment
 5 is consistent with the public interest and not
 6 solely for the interest of the applicant, as it
 7 will make an existing and established use
 8 consistent with the Zoning Ordinance and the
 9 surrounding uses. The proposed amendment is
 10 also consistent with the purpose and intent of
 11 the Amendatory Zoning Ordinance. The Zoning
 12 Board of Appeals has given due consideration
 13 that the Regional Planning Commission has
 14 recommended approval. I believe that standard
 15 has been met.
 16 (All those agreed.)
 17 MR. REIBEL: And have the Board members
 18 read and considered the LaSalle factors as
 19 applied to this petition?
 20 (All those responded
 21 affirmatively.)
 22 MR. SWORD: All right. Going through the
 23 standards, I'll entertain a motion at this time.
 24 MR. OCKEN: I'll move to approve Amendment
 In Totidem Verbis, LLC (ITV)

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1 4-14 to rezone this property from B-1 Business
 2 District to R-2 Single-Family Residence District
 3 as all of the standards have been met. The
 4 LaSalle factors have been considered and this is
 5 an appropriate use for this property.
 6 MR. STIVERS: I second.
 7 MR. SWORD: All right. Any further
 8 discussion by the Board at this time? It's been
 9 moved by Randy to approve, seconded by Maynard.
 10 Roll call vote.
 11 MR. REIBEL: Dennis Williams?
 12 DENNIS WILLIAMS: Yes.
 13 MR. REIBEL: David Williams?
 14 DAVID WILLIAMS: Yes.
 15 MR. REIBEL: Maynard Stivers?
 16 MR. STIVERS: Yes.
 17 MR. REIBEL: Mr. Ocken?
 18 MR. OCKEN: Yes.
 19 MR. REIBEL: And Mr. Sword?
 20 MR. SWORD: Yes.
 21 (By voice vote five ayes.)
 22 MR. REIBEL: Five voted yes.
 23 MR. SWORD: Motion carries.
 24 MR. REIBEL: This petition will go on to
 In Totidem Verbis, LLC (ITV)

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1 the Planning and Zoning Committee of the Ogle
 2 County Board on July 8th. For a recommendation
 3 to the Ogle County Board on July 15th at which
 4 time a final decision will be made.
 5 The Planning and Zoning Committee meeting
 6 is right here in this room at 2 p.m. The Ogle
 7 County Board meeting is also right here in this
 8 room at 5:30 p.m. on July 15th.
 9 MR. SHOCKEY: Thank you.
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 In Totidem Verbis, LLC (ITV)

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1 Now on this 26th day of June 2014, I do
 2 signify that the foregoing testimony was given
 3 before the Ogle County Zoning Board of Appeals.
 4
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 6
 7
 8 Jason Sword, Chairman
 9
 10
 11
 12 Michael Reibel,
 13 Zoning Administrator
 14
 15
 16
 17
 18 Julie K. Edeus
 19 Certified Shorthand Reporter
 20 IL License No. 084-003820
 21 P.O. Box 381
 22 Dixon, Illinois 61021
 23
 24
 In Totidem Verbis, LLC (ITV)

Ogle County Planning & Zoning Department



911 W. Pines Rd.
Oregon, IL 61061
(815) 732-1190
Fax: (815) 732-3709

COPY

STAFF REPORT

To: Zoning Board of Appeals	File # 4-14AM
Date: May 29, 2014	Prepared By: Michael Reibel

GENERAL INFORMATION:

Applicant:	Jeffrey J. Schlamp, Administrator of the Barry G. Schlamp Estate, 1975 Spinnaker Ct., Aurora, IL
Status of Applicant:	Owner
Requested Action:	Map Amendment
Purpose:	Rezone from B-1 Business District to R-2 Single Family Residence District
Location:	Lot 1 Block 13 Original Town of Baileyville, part of the NE 1/4 Fractional Section 5 Forreston Township 25N, R8E of the 4 th P.M., Ogle County, IL (located at the southwest corner of intersection of N. Commercial St. and W. Olive St. in Baileyville). Common Location: 110 Commercial Street
Size:	66' x 123.75' (8,167.5 sq. ft. / 0.19 acre)
Existing Land Use:	Residential
Surrounding Land Use and Zoning:	Land adjacent to the north, west and south of the site is in residential use; land to the east of the site is in commercial use. All surrounding land is zoned B-1 Business District.
Comprehensive Plan:	The Housing and Residential Development Goal of the <i>Ogle County Amendatory Comprehensive Plan</i> is to preserve or improve the quality and integrity of existing residential housing and neighborhoods, and encourage the provision of an adequate, affordable supply and choice of housing for all residents; and, encourage residential development that is compatible with the existing rural character of the County, provides a safe, attractive and "livable" environment for persons of all income levels, and promotes the public health, safety and general welfare.

Applicant: Jeffrey J. Schlamp, Administrator of the Barry G. Schlamp Estate, 1975 Spinnaker Ct., Aurora, IL

Zoning History: The site and surrounding area were zoned B-1 in 1965 upon adoption of the first Ogle County Zoning Ordinance.

Applicable Regulations: The B-1 Business District does not allow a single-family dwelling as a permitted or special use. The R-2 Single Family Residence District is intended to help implement the goals and objectives of the *Ogle County Amendatory Comprehensive Plan* and is established to provide areas in which the principal use of the land is for single-family dwellings. In this district public water supply and sewer facilities, essential to public health, **should** be available **and/or provided for** at the time of development.

Furthermore, it is the intent of this Ordinance that the "R-2" Single-Family Residence District be located within the one and one-half (1.5) mile area surrounding incorporated cities and villages in order that public facilities may be utilized, and on land that is less suitable for agricultural use and better suited for residential use due to factors such as, but not necessarily limited to, the following:

- Suitability of the land for agricultural use (as indicated by the Land Evaluation and Site Assessment [LESA] System);
- Trend(s) of development;
- Need for additional residential land;
- Consistency with County and municipal land use plans;
- Availability of adequate public facilities and infrastructure;
- Impact on existing public facilities and infrastructure.

SPECIAL INFORMATION:

Public Utilities: None. The site is served by a private, on-site well and septic system.

Transportation: Commercial Street and Olive Street are seal coat surface roads under the jurisdiction of Forrester Township.

Physical Characteristics: The site contains a single-family dwelling and detached garage. The site is located on a convex side slope in an area of gently sloping topography, and is well drained. There are no wetlands or floodplains present on the site.

SECTION TWO: Based on the findings of fact set forth above, the request of Gene & Vicki Miller, 7318 Stone School Rd., Leaf River, IL for a Special Use Permit in the AG-1 Agricultural District (Petition No. 3-14SU) to allow an Agribusiness (sale of seed, livestock/animal feed, bird food, pet food, salt, farm/agricultural products & supplies, and farm/country-related items) on property located at 700 E. IL Route 72 in Byron Township and legally described as shown in Exhibit "A" attached hereto, is hereby approved:

SECTION THREE: This Ordinance shall be in full force and effect upon its adoption by the County Board of Ogle County, Illinois and attestation by the Ogle County Clerk.

SECTION FOUR: Failure of the owners or other party in interest or a subsequent owner or other party in interest to comply with the terms of this Ordinance, after execution of such Ordinance, shall subject the owners or party in interest to the penalties set forth in Section 9.10 of the *Ogle County Amendatory Zoning Ordinance*.

PASSED BY THE COUNTY BOARD THIS 15TH DAY OF JULY 2014 A.D.



Kim P. Gouker, Chairman of the Ogle County Board

ATTEST:


Rebecca Huntley, Ogle County Clerk and
Ex Officio Clerk of the Ogle County Board

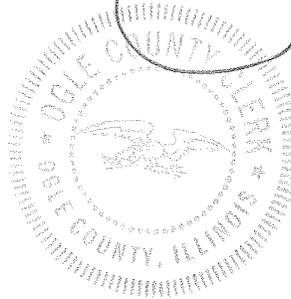


EXHIBIT "A"

LEGAL DESCRIPTION

Part of the Southwest Quarter of the Southeast Quarter of Section 27, Township 25 North, Range 10 East of the 4th P.M. described as follows: Commencing on the East line of said Quarter-Quarter Section at a point which is 47.40 feet North of the Southeast corner of said Quarter-Quarter Section, said point also being on the North right of way line of Ill. Route 72 and running thence West on and along said North right of way line of Route 72 a distance of 430.38 feet to a point; thence Northeasterly at an angle of $76^{\circ} 21' 30''$ measured counterclockwise from last named course a distance of 889.57 feet to the South line of the Chicago, Milwaukee, St. Paul and Pacific Railroad; thence Easterly on and along said South line of the Railroad a distance of 232.88 feet to the East line of aforesaid Southwest Quarter of the Southeast Quarter of Section 27; thence South on and along last named line a distance of 856.26 feet to the point of commencement; containing 6.56 acres, situated in the Township of Byron, County of Ogle, State of Illinois.

Part of Property Identification Number 04-27-400-002

Common Location: 700 E. IL Route 72

EXHIBIT "B"

**FINDINGS OF FACT AND RECOMMENDATION
OF THE ZONING BOARD OF APPEALS**

Ogle County Zoning Board of Appeals

911 W. Pines Road
Oregon, IL 61061
815.732.1190
Fax: 815.732.2229

FINDINGS OF FACT AND RECOMMENDATION OF THE OGLE COUNTY ZONING BOARD OF APPEALS

This is the findings of fact and the recommendation of the Ogle County Zoning Board of Appeals concerning an application of Gene & Vicki Miller, 7318 Stone School Rd., Leaf River, IL, in case #3-14SU. The applicants are requesting a Special Use Permit in the AG-1 Agricultural District to allow an Agribusiness (sale of seed, livestock/animal feed, bird food, pet food, salt, farm/agricultural products and supplies, and farm/country-related items) on Parcel Identification No. 04-27-400-002, a 6.58 acre parcel which is part of Section 27, Township 25N, Range 10E of the 4th Principal Meridian and is located in Byron Township at 700 E. IL Route 72.

After due notice as required by law, the Zoning Board of Appeals held a public hearing in this case on June 26, 2014 in the County Board Room, 3rd Floor, Ogle County Courthouse, Oregon, Illinois and hereby report their findings of fact and their recommendation as follows:

SITE INFORMATION: See Staff Report (attached herewith).

ANALYSIS OF SIX STANDARDS: After considering all the evidence and testimony presented at the public hearing, this Board makes the following analysis of the six standards listed in Section 9.08© (Standards for Special Use Permits) of the *Ogle County Amendatory Zoning Ordinance* that must all be found in the affirmative prior to recommending granting of the petition.

1. That the proposed special use will not be unreasonably detrimental to the value of other property in the neighborhood in which it is to be located or the public health, safety, morals, comfort or general welfare at large. **The proposed special use will not be unreasonably detrimental to the value of other property in the neighborhood in which it is to be located or the public health, safety, morals, comfort or general welfare at large, as the proposed use will utilize the office building of a former fertilizer facility that has been abandoned for many years, and is located within a predominately agricultural area with only two dwellings within 1/4 mile of the site. STANDARD MET.**
2. That the location and size of the special use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the special use will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the applicable zoning district regulations. In determining whether the special use will so dominate the immediate neighborhood, consideration shall be given to:
 - a. The location, nature and height of building, structures, walls and fences on the site; and,
 - b. The nature and extent of proposed landscaping and screening on the proposed site.

The proposed special use will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the AG-1 zoning district regulations, as the proposed use will utilize an existing former fertilizer facility office building that has been abandoned, and the proposed use will serve the agricultural community. STANDARD MET.

3. That off-street parking and loading areas will be provided in accordance with the standards set forth in these regulations. **Evidence indicates the site is large enough so that adequate off-street parking and loading areas can be provided, and there is adequate area existing. STANDARD MET.**
4. That adequate utilities, ingress/egress to the site, access roads, drainage and other such necessary facilities have been or will be provided. **Evidence indicates that adequate utilities, ingress/egress to the site from IL Route 72, access roads, drainage and other such necessary facilities have been or will be provided. STANDARD MET.**
5. That the proposed use can be operated in a manner that is not detrimental to the permitted developments and uses in the zoning district; can be developed and operated in a manner that is visually compatible with the permitted uses in the surrounding area; and is deemed essential or desirable to preserve and promote the public health, safety and general welfare of Ogle County. **Evidence indicates that the proposed use can be operated in a manner that is not detrimental to the permitted developments and uses in the AG-1 zoning district and is essential and desirable, as the proposed use will provide a service to the agricultural community in the area. The proposed use will be visually compatible with the area, as it is utilizing a former fertilizer facility office building that has been abandoned. STANDARD MET.**
6. That the proposed special use complies with all provisions of the applicable district regulations. **The proposed special use appears to comply with all provisions of the AG-1 district regulations. STANDARD MET.**

RECOMMENDATION: After considering all the evidence and testimony presented, this Board finds that the application meets all the standards as found in Section 9.08 (C) of the *Ogle County Amendatory Zoning Ordinance*.

Therefore, the Zoning Board of Appeals hereby recommends that a Special Use Permit in the AG-1 Agricultural District be granted to allow an an Agribusiness (sale of seed, livestock/animal feed, bird food, pet food, salt, farm/agricultural products and supplies, and farm/country-related items).

ROLL CALL VOTE: The roll call vote was 5 members for the motion to recommend granting, 0 opposed.

Respectfully submitted this 26th day of June 2014 by the Ogle County Zoning Board of Appeals.

Jason Sword, Chairman
Maynard Stivers
Randy Ocken
David Williams
Dennis Williams

Jason Sword, Chairman

ATTEST:



Michael Reibel, Secretary

Page 1

1 STATE OF ILLINOIS }
 2 COUNTY OF OGLE }
 3
 4
 5 In the Matter of the Petition
 6 of
 7 Gene and Vicki Miller, Byron Township
 8 Ogle County, Illinois
 9
 10
 11 Testimony of Witnesses
 12 Produced, Sworn and
 13 Examined on this 26th day
 14 of June 2014
 15 before the Ogle County
 16 Zoning Board of Appeals
 17
 18 Present:
 19 Randy Ocken
 20 Dennis Williams
 21 David Williams
 22 Maynard Stivers
 23 Jason Sword, Chairman
 24 Michael Reibel, Zoning Administrator

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 4 Gene Miller 8
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 24
 In Totidem Verbis, LLC (ITV)

Page 3

1 MR. SWORD: Next order of business?
 2 MR. REIBEL: The next order of business is
 3 to consider the request filed May 15th, 2014 of
 4 Gene and Vicki Miller, 7318 Stone School Road,
 5 Leaf River, Illinois for a Special Use Permit to
 6 allow an agri business, sale of seed,
 7 livestock/animal feed, bird food, pet food,
 8 salt, farm/agricultural products and supplies
 9 and farm/country-related items in the AG-1
 10 Agricultural District on property described as
 11 follows and owned by the Petitioners:
 12 Part of the SW1/4 of the SE1/4 of Section
 13 27, Byron Township 25N, R10E of the 4th
 14 P.M., Ogle County, IL, 6.58 acres, more or
 15 less. Property Identification Number:
 16 04-27-400-002. Common Location: 700 East
 17 Illinois Route 72.
 18
 19 For the record, all adjoining property
 20 owners to the petition have been notified by
 21 certified mail of the hearing this evening and
 22 the specifics of the petition. A legal notice
 23 was published in the Monday, June 2nd edition of
 24 the Ogle County Life, again, notifying the
 public of the hearing this evening and the
 specifics of the petition and a sign has been
 posted along the frontage of the premises
 In Totidem Verbis, LLC (ITV)

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1 notifying the public that a zoning hearing is to
 2 be held.
 3 Under the staff report, which is on file
 4 and the Board members have received, I will
 5 point out under general information that the
 6 site is located on the north side of East
 7 Illinois Route 72 beginning approximately
 8 one-quarter mile west of North Conger Road and
 9 nine-tenths of a mile east of North Stone School
 10 Road. Existing Land Use: Vacant, former
 11 fertilizer facility. Surrounding Land Use and
 12 Zoning: The site is located within a
 13 predominately agricultural area. Land adjacent
 14 to the north, south and east of the site is in
 15 agricultural use zoned AG-1. Land adjacent to
 16 the west of the site is in residential use zoned
 17 AG-1. There are two dwellings and a commercial
 18 building, Norup Trenching, within a half mile of
 19 the site. There are six dwellings, four
 20 non-farm and two farm dwellings within a half
 21 mile of the site. The site is not located
 22 within 1.5 miles of an incorporated city or
 23 village. Byron Township has a township planning
 24 commission. Zoning History: The site was
 In Totidem Verbis, LLC (ITV)

<p style="text-align: right;">Page 5</p> <p>1 approved for a special use permit, No. 2-77S, on 2 March 8th, 1977 for the following uses: the 3 installation of an office and warehouse with 4 fertilizer sales including bulk storage and 5 mixing along with petroleum products and 6 anhydrous ammonia, equipment, containers and 7 storage facilities. Applicable Regulations: 8 Agribusiness is a listed Special Use in the AG-1 9 Agricultural District. Special Information, 10 Public Utilities: None. The site is served by 11 a private, on-site well and septic system. 12 Transportation: Illinois Route 72 is a 13 State-Maintained highway classified as a minor 14 arterial. Physical Characteristics: The site 15 is located on convex upland side slope in an 16 area of rolling terrain. Slopes on site range 17 from gently sloping to sloping and the site is 18 well drained to somewhat excessively drained. 19 The site contains no wetlands or floodplains. 20 The soil types present, according to the Ogle 21 County Digital Soil Survey, are 86B - Osco silt 22 loam; 403D - Elizabeth loam; and 506C2 - Osco 23 silt loam. The soils on-site are not subject to 24 ponding or flooding and depth to water table <p style="text-align: center;">In Totidem Verbis, LLC (ITV)</p></p>	<p style="text-align: right;">Page 7</p> <p>1 Department to approve this Special Use Permit 2 No. 3-14SU as presented. Signed by Mike Lewis, 3 Supervisor of Byron Township. 4 I have a letter on file from the Illinois 5 Department of Transportation dated June 3rd, 6 2014 which states that the petitioners must 7 apply to this office for an access permit for a 8 new entrance or a modification to an existing 9 entrance onto a State-maintained road. 10 Currently the department has no roadway 11 construction plans for this area that would 12 affect this rezoning request. Signed by Kevin 13 Marshang, PE, Engineer of Program Development. 14 And the Illinois Department of Natural 15 Resources reports that the Illinois Natural 16 Heritage Database contains no record of 17 state-listed threatened or endangered species, 18 etcetera and the consultation process with IDNR 19 is terminated. 20 That's all I have. 21 MR. SWORD: Okay. Does the Petitioner 22 want to come forward? Raise your right hands 23 and I'll swear you in. 24 <p style="text-align: center;">In Totidem Verbis, LLC (ITV)</p></p>
<p style="text-align: right;">Page 6</p> <p>1 ranges from greater than 59 inches to greater 2 than 79 inches. Approximately 31 percent of the 3 soils on site are "Prime farmland", 20 percent 4 are "Farmland of statewide importance", and 49 5 percent are "Not prime farmland". Approximately 6 31 percent of the soils on-site are rated as: 7 "Somewhat limited" for septic fields, and the 8 remainder are "Very limited". Under the LESA 9 program, the LESA score 185.8 indicates a low 10 rating for protection. Land Evaluation of 61.8. 11 Site Assessment 124. 12 At the June 19th, 2014 meeting of the 13 Regional Planning Commission, Mr. Wetzell made a 14 motion to recommend approval of the petition as 15 this is a listed use in the agricultural 16 district and follows the County's Comprehensive 17 Plan. Seconded by Mr. Considine. The motion 18 carried unanimously by a roll call vote. 19 I have a letter on file from Byron 20 Township which reads that at the regular board 21 of trustees meeting on June 12th, 2014, the 22 board unanimously approved the decision of the 23 Byron Township Planning Commission to recommend 24 to the Ogle County Planning and Zoning <p style="text-align: center;">In Totidem Verbis, LLC (ITV)</p></p>	<p style="text-align: right;">Page 8</p> <p>1 GENE and VICKI MILLER, 2 being first duly sworn, testified as follows: 3 MR. SWORD: State your name and address 4 and spell your last name for the recorder 5 please. 6 MS. MILLER: Gene and Vicki Miller, 7318 7 Stone School Road, Leaf River, M-I-L-L-E-R. 8 MR. SWORD: If you'll go ahead and tell us 9 about your plans. 10 MS. MILLER: Okay. Well, we're excited 11 about the opportunity to open -- have regular 12 store hours and have a feed store in the 13 building and we think that Gene has got the 14 agricultural background and feed sales 15 experience and my career has changed -- my 16 career of 17 years has changed and so I've got a 17 little bit more time to devote to some regular 18 store hours and we just think it will be an 19 asset to the community that -- to have a good 20 business in there instead of a vacant building, 21 so -- 22 MR. SWORD: Now, you say, Gene, that 23 you've had experience with feed sales or what 24 exactly -- <p style="text-align: center;">In Totidem Verbis, LLC (ITV)</p></p>

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1 MR. MILLER: Well, we farm, livestock and
 2 we've sold hay for 10, 15 years, so --
 3 MR. SWORD: Okay. So you've got some
 4 experience.
 5 MR. MILLER: I've got a little bit.
 6 MR. SWORD: Very good. You mentioned, you
 7 know, being open. Do you have as far as a plan
 8 of how many hours or days, that kind of thing?
 9 MS. MILLER: Right now I'm going to start
 10 out slow and do like Tuesday, Thursday, Saturday
 11 so that way then people will know that those are
 12 the set hours and -- and we'll go from there.
 13 MR. SWORD: See how the demand is.
 14 MR. MILLER: The feed business is open 365
 15 days a year, 24 hours a day.
 16 MS. MILLER: Yeah, he's going to have his
 17 name on there that if you need after-hour feed
 18 then -- and I think we'll bring in more people
 19 from the community. It's a great location. And
 20 having regular store hours I think will really
 21 be a good thing, so --
 22 MR. SWORD: As far as, you know, average
 23 agricultural livestock, are you going to try to
 24 cater to, you know, like -- there's a lot of
 In Totidem Verbis, LLC (ITV)

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1 specialty things nowadays as well. Are you
 2 going to try to cover the whole gamut or --
 3 MR. MILLER: Yes, dogs and cats and cows
 4 and pigs and whatever.
 5 MS. MILLER: It will bring people in from
 6 the city too and --
 7 MR. MILLER: Parakeets.
 8 MR. SWORD: Very good, good. Now, this
 9 being an old fertilizer site, is there any
 10 concern or anything as far as any type of
 11 cleanup or old, you know, fertilizer and
 12 petroleum or anything like that around or tanks
 13 or anything like that?
 14 MR. MILLER: No.
 15 MR. SWORD: Okay. Is there a well and
 16 septic there now?
 17 MR. MILLER: Yes.
 18 MR. SWORD: There is, okay. And as far as
 19 the entrance with IDOT, have you been in
 20 discussion with them about that or --
 21 MR. MILLER: It's never changed since
 22 1977, so --
 23 MR. REIBEL: You're not planning on
 24 modifying it?
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1 MS. MILLER: No, no, it's a nice entrance
 2 to the highway.
 3 MR. SWORD: They're not requiring
 4 anything, right?
 5 MR. REIBEL: No, no, not unless it's
 6 modified.
 7 MR. SWORD: Right. Okay. Very good.
 8 Okay. Does the Board have questions of them at
 9 this time?
 10 MR. OCKEN: How long has that property --
 11 that building been vacant?
 12 MS. MILLER: Since the early '90s.
 13 MR. OCKEN: Okay. And you own that
 14 property, right?
 15 MR. MILLER: Well, it still belongs to the
 16 co-op and there's kind of a fine line. We've
 17 been paying the taxes ever since 1990, so --
 18 MR. OCKEN: So the co-op just quit paying
 19 the taxes on it?
 20 MR. MILLER: Right.
 21 MR. STIVERS: Do you plan to remove any of
 22 that -- it seems to me to be quite expensive,
 23 but a lot of that -- like bins that are probably
 24 no longer usable and I don't know what some of
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1 that machinery is --
 2 MS. MILLER: Where the chemicals were
 3 down -- is that what you mean, in the back?
 4 MR. STIVERS: Right, in the back.
 5 MR. MILLER: You say are we going to move
 6 any of that?
 7 MR. STIVERS: Are your plans to remove any
 8 of that?
 9 MR. MILLER: No.
 10 MS. MILLER: The office buildings and
 11 where we're going to have the store is closer to
 12 the highway and that's -- there's a pretty good
 13 distance. They're not really close.
 14 MR. STIVERS: Okay.
 15 MR. OCKEN: And you had adequate parking
 16 there for a store, right, it seems like that's a
 17 pretty good-sized parking lot there?
 18 MS. MILLER: Yes.
 19 MR. SWORD: It would be a good use for the
 20 site instead of just sitting there vacant.
 21 MR. OCKEN: Oh, yeah.
 22 MR. SWORD: Any other questions from the
 23 Board? Thank you. You can have a seat. Do we
 24 have anyone that's filed for an appearance?
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1 MR. REIBEL: No, we do not.
 2 MR. SWORD: Anyone here in favor of this
 3 petition? Anyone opposed? All right. Any
 4 other discussion by the Board? I think it's
 5 pretty -- once again, a clearcut case. It's
 6 good to see it being put into use again instead
 7 of sitting vacant. We'll go through the
 8 standards.
 9 MR. REIBEL: Special Use Standard 1) That
 10 the proposed special use will not be
 11 unreasonably detrimental to the value of other
 12 property in the neighborhood in which it is to
 13 be located or the public health, safety, morals,
 14 comfort or general welfare at large.
 15 MR. OCKEN: The proposed special use will
 16 not be unreasonably detrimental to the value of
 17 other property in the neighborhood in which it
 18 is to be located or the public health, safety,
 19 morals, comfort or general welfare at large as
 20 the proposed use will utilize the office
 21 building of a former fertilizer facility that
 22 has been abandoned for many years and is located
 23 within a predominately agricultural area with
 24 only two dwellings within a quarter mile of the
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1 site. I feel the standard has been met.
 2 (All those agreed.)
 3 MR. REIBEL: 2) That the location and
 4 size of the special use, the nature and
 5 intensity of the operation involved in or
 6 conducted in connection with it and the location
 7 of the site with respect to streets giving
 8 access to it are such that the special use will
 9 not dominate the immediate neighborhood so as to
 10 prevent development and use of neighboring
 11 property in accordance with the applicable
 12 zoning district regulations. In determining
 13 whether the special use will so dominate the
 14 immediate neighborhood, consideration shall be
 15 given to: A) The location, nature and height
 16 of buildings, structures, walls and fences on
 17 the site. And B) The nature and extent of
 18 proposed landscaping and screening on the
 19 proposed site.
 20 DENNIS WILLIAMS: The proposed special use
 21 will not dominate the immediate neighborhood so
 22 as to prevent development and use of neighboring
 23 property in accordance with the AG-1 zoning
 24 district regulations as proposed -- as proposed
 In Totidem Verbis, LLC (ITV)

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1 use will utilize an existing former fertilizer
 2 facility office building that has been abandoned
 3 and the proposed use will serve the agriculture
 4 community. I believe the standard has been met.
 5 (All those agreed.)
 6 MR. REIBEL: 3) That off-street parking
 7 and loading areas will be provided in accordance
 8 with the standards set forth in these
 9 regulations.
 10 MR. STIVERS: Evidence indicates the site
 11 is large enough so that adequate off-street
 12 parking and loading areas can be provided, and
 13 there is adequate area existing. I believe this
 14 standard has been met.
 15 (All those agreed.)
 16 MR. REIBEL: 4) That adequate utilities,
 17 ingress/egress to the site, access roads,
 18 drainage and other such necessary facilities
 19 have been or will be provided.
 20 DAVID WILLIAMS: Evidence indicates that
 21 adequate utilities, ingress/egress to the site
 22 from Illinois Route 72, access roads, drainage
 23 and other such necessary facilities have been or
 24 will be provided. I feel the standard has been
 In Totidem Verbis, LLC (ITV)

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1 met.
 2 (All those agreed.)
 3 MR. REIBEL: 5) That the proposed use can
 4 be operated in a manner that is not detrimental
 5 to the permitted developments and uses in the
 6 zoning district; can be developed and operated
 7 in a manner that is visually compatible with the
 8 permitted uses in the surrounding area; and is
 9 deemed essential or desirable to preserve and
 10 promote the public health, safety and general
 11 welfare of Ogle County.
 12 MR. OCKEN: Evidence indicates that the
 13 proposed use can be operated in a manner that is
 14 not detrimental to the permitted developments
 15 and uses in the AG-1 zoning district and is
 16 essential and desirable as the proposed use will
 17 provide a service to the agricultural community
 18 in the area. The proposed use will be visually
 19 compatible with the area as it is utilizing a
 20 former fertilizer facility office building that
 21 has been abandoned. I feel the standard is met.
 22 (All those agreed.)
 23 MR. REIBEL: 6) That the proposed special
 24 use complies with all provision of the
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1 applicable district regulations.
 2 DENNIS WILLIAMS: The proposed special use
 3 appears to comply with all provisions of the
 4 AG-1 district regulations. I believe that
 5 standard is met.
 6 (All those agreed.)
 7 MR. SWORD: Going through the standards,
 8 at this time I'll entertain a motion.
 9 DENNIS WILLIAMS: I would make a motion to
 10 approve this amendment.
 11 MR. SWORD: Is there a second?
 12 DAVID WILLIAMS: I second.
 13 MR. SWORD: It's been moved by Dennis,
 14 second by David. Any further discussion?
 15 MR. STIVERS: No.
 16 MR. SWORD: All right. Roll call vote.
 17 MR. REIBEL: Ocken?
 18 MR. OCKEN: Yes.
 19 MR. REIBEL: Stivers?
 20 MR. STIVERS: Yes.
 21 MR. REIBEL: David Williams?
 22 DAVID WILLIAMS: Yes.
 23 MR. REIBEL: Dennis Williams?
 24 DENNIS WILLIAMS: Yes.
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1 Now on this 26th day of June 2014, I do
 2 signify that the foregoing testimony was given
 3 before the Ogle County Zoning Board of Appeals.
 4
 5
 6
 7 Jason Sword, Chairman
 8
 9
 10
 11
 12 Michael Reibel,
 13 Zoning Administrator
 14
 15
 16
 17 Julie K. Edeus
 18 Certified Shorthand Reporter
 19 IL License No. 084-003820
 P.O. Box 381
 Dixon, Illinois 61021
 20
 21
 22
 23
 24 In Totidem Verbis, LLC (ITV)

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1 MR. REIBEL: Sword?
 2 MR. SWORD: Yes.
 3 (By voice vote five ayes.)
 4 MR. REIBEL: Five voted yes.
 5 MR. SWORD: Motion carries.
 6 MR. REIBEL: Once again, this petition
 7 will go to the Planning and Zoning Committee on
 8 July 8th at 2 p.m. in this room for a
 9 recommendation and to the County Board for a
 10 final decision on July 15th at 5:30 p.m. also
 11 right here in this room.
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 24 In Totidem Verbis, LLC (ITV)

Ogle County Planning & Zoning Department

911 W. Pines Rd.
Oregon, IL 61061
(815) 732-1190
Fax: (815) 732-3709

COPY

STAFF REPORT

To: Zoning Board of Appeals

File #03-14SU

Date: May 30, 2014

Prepared By: Michael Reibel

GENERAL INFORMATION:

Applicant:	Gene & Vicki Miller, 7318 Stone School Rd., Leaf River, IL
Status of Applicant:	Owners
Requested Action:	Special Use Permit in the AG-1 Agricultural District
Purpose:	Agribusiness (sale of seed, livestock/animal feed, bird food, pet food, salt, farm/agricultural products & supplies, and farm/country-related items)
Location:	Part of the SW 1/4 SE 1/4 Section 27 Byron Township 25N, R10E of the 4 th P.M., Ogle County, IL (located on the north side of E. IL Route 72 beginning approximately 1/4 mile west of N. Conger Road and 0.9 mile east of N. Stone School Road). Common Location: 700 E. IL Route 72
Size:	6.58 acres
Existing Land Use:	Vacant (former fertilizer facility).
Surrounding Land Use and Zoning:	The site is located within a predominately agricultural area. Land adjacent to the north, south and east of the site is in agricultural use zoned AG-1; land adjacent to the west of the site is in residential use zoned AG-1. There are two dwellings and a commercial building (Norup Trenching) within 1/4 mile of the site; there are six dwellings (4 non-farm dwellings; 2 farm dwellings) within 1/2 mile of the site.
Comprehensive Plan:	The site is not located within 1.5 miles of an incorporated city/village. Byron Township has a township plan commission. Both the Byron Township Comprehensive Plan and the Ogle County Amendatory Comprehensive Plan designate the site and surrounding area for continued agricultural and agriculturally-related uses.

Applicant:	Gene & Vicki Miller, 7318 Stone School Rd., Leaf River, IL
Zoning History:	The site was approved for a Special Use Permit (No. 2-77S) on March 8, 1977 for the following use(s): the installation of an office and warehouse with fertilizer sales, including bulk storage & mixing, along with petroleum products & anhydrous ammonia, equipment, containers and storage facilities.
Applicable Regulations:	“Agribusiness” is a listed Special Use in the AG-1 Agricultural District. “Agribusiness” is defined as: Agriculturally related business such as, but not limited to, anhydrous ammonia facilities; bulk fertilizer facilities, grain elevators, grain storage, sale and repair of farm implements; liquid petroleum products; animal feed storage; seed research and production; sale of seed, wholesale and retail; preparation, grinding and mixing, wholesale and retail; livestock depots and buying or sale yards, provided sufficient evidence accompanies the application that adjoining or neighboring properties will not be adversely affected by the pollution of air or water.

SPECIAL INFORMATION:

Public Utilities:	None. The site is served by a private, on-site well and septic system.
Transportation:	IL Route 72 is a State-maintained highway classified as a minor arterial.
Physical Characteristics:	The site is located on a convex upland side slope in an area of rolling terrain. Slopes on site range from gently sloping to sloping, and the site is well drained to somewhat excessively drained. The site contains no wetlands or floodplains. According to the Ogle County Digital Soil Survey, soil types on the site are: 86B - Osco silt loam, 2-5% slopes; 403D - Elizabeth loam, 10-18% slopes; and 506C2 - Osco silt loam, 2-5% slopes, eroded. The soils on site are not subject to ponding or flooding, and depth to water table ranges from greater than 59 inches to greater than 79 inches. Approximately 31% of the soils on site are “Prime farmland”, 20% are “Farmland of statewide importance”, and 49% are “Not prime farmland”. Approximately 31% of the soils on site are rated as “Somewhat limited” for septic fields, and the remainder are “Very limited”.
LESA:	The LESA score of 185.8 indicates a LOW RATING FOR PROTECTION (LE = 61.8; SA = 124).

ATTACHMENTS:

LESA Summary Sheet

SITE ASSESSMENT WORK SHEET - OGLE COUNTY, IL "L.E.S.A."

<u>Site Assessment Factors</u>	<u>Maximum Points per Factor</u>	<u>Score Assigned</u>
<i>Agricultural Land Use</i>		
1. Percent of land in agriculture within 1.5 mile of site	16	<u>16</u>
2. Percent of land in agriculture adjacent to site (63%)	16	<u>10</u>
3. Percent of site suitable for agricultural use	16	<u>0</u>
<i>Zoning</i>		
4. Number of non-farm dwellings within 0.5 mile of site 4	12	<u>10</u>
5. Percent of land zoned AG-1 within 1.5 miles of site	16	<u>16</u>
6. Availability of zoned land for proposed use	10	<u>5</u>
7. Number of similar map amendments and/or special use permits approved within 1.5 miles of site within last ten years	12	<u>12</u>
<i>Compatibility/Impact of Use(s)</i>		
8. Distance from fire/ambulance protection	11	<u>5</u>
9. Distance from school (high school)	11	<u>0</u>
10. Impact on the environment and unique historical/cultural factors	10	<u>6</u>
11. Compatibility with surrounding area	10	<u>4</u>
<i>Urban Infrastructure</i>		
12. Degree to which the affected transportation routes can bear the traffic that the proposed use may generate	10	<u>1</u>
13. Availability of central sewer	8	<u>8</u>
14. Availability of public water	8	<u>8</u>
<i>Land Use Feasibility</i>		
15. Soil suitability for on-site disposal 69% CAT 3	10	<u>10</u>
16. Size of site 6.5	10	<u>3</u>
17. Future need for more land	5	<u>5</u>
<i>Adopted Plans</i>		
18. a) Consistency with County "Comprehensive Plan"; or b) consistency with city/village plan if within 1.5 miles of city/village limits	9	<u>5</u>
SITE ASSESSMENT SUB-TOTAL	200	<u>124</u>

STATE OF ILLINOIS)
) SS
COUNTY OF OGLE)

ORDINANCE NO. 2014-0703

AN ORDINANCE APPROVING A ZONING MAP AMENDMENT ON
PROPERTY LOCATED AT 1674 E. TOWNLINE ROAD IN BYRON TOWNSHIP

WHEREAS, Joan Hanlin, 1674 E. Townline Rd., Byron, IL has filed a petition for a Map Amendment (Petition No. 5-14AM) to re-zone from AG-1 Agricultural District to R-1 Rural Residence District on property located at 1674 E. Townline Road in Byron Township, and legally described as shown in Exhibit “A” attached hereto; and

WHEREAS, following due and proper notice by publication in the Ogle County Life at least fifteen (15) days prior thereto, and by mailing notice to all owners of property abutting the subject property at least fifteen (15) days prior thereto, the Ogle County Zoning Board of Appeals conducted a public hearing on June 26, 2014 at which the petitioners presented evidence, testimony, and exhibits in support of the requested Map Amendment, and no member(s) of the public spoke in support of or in opposition to the petition; and

WHEREAS, the Zoning Board of Appeals, having considered the evidence, testimony and exhibits presented has made its findings of fact and recommended that the requested Map Amendment be approved as set forth in the Findings of Fact and Recommendation of the Ogle County Zoning Board of Appeals dated June 26, 2014, a copy of which is appended hereto as Exhibit “B”; and

WHEREAS, the Planning and Zoning Committee of the Ogle County Board has reviewed the testimony and exhibits presented at the public hearing and has considered the Findings of Fact and recommendation of the Zoning Board of Appeals, and has forwarded a recommendation to the Ogle County Board that the requested Map Amendment be approved; and

WHEREAS, the Ogle County Board has considered the findings of fact and recommendation of the Zoning Board of Appeals and the recommendation of the Planning and Zoning Committee, and has determined that granting the Map Amendment would be consistent with the requirements established by Section 9.07(G) of the *Ogle County Amendatory Zoning Ordinance*;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY BOARD OF OGLE COUNTY, ILLINOIS, as follows:

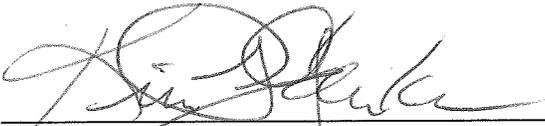
SECTION ONE: The report of the Ogle County Zoning Board of Appeals, Exhibit “B” attached hereto, is hereby accepted and the findings set forth therein are hereby adopted as the findings of fact and conclusions of the Ogle County Board.

SECTION TWO: Based on the findings of fact as set forth above, the petition of Joan Hanlin, 1674 E. Townline Rd., Byron, IL for a Map Amendment (Petition No. 5-14AM) to re-zone from AG-1 Agricultural District to R-1 Rural Residence District on property located at 1674 E. Townline Road in Byron Township, and legally described as shown in Exhibit "A" attached hereto, is hereby approved, and the Ogle County Zoning Map shall be amended to reflect said zone change.

SECTION THREE: This Ordinance shall be in full force and effect upon its adoption by the County Board of Ogle County, Illinois and attestation by the Ogle County Clerk.

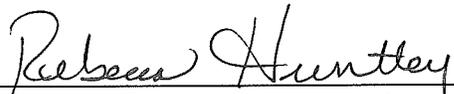
SECTION FOUR: Failure of the owners of other party in interest to comply with the terms of this Ordinance, after execution of such Ordinance, shall subject the owners or party in interest to the penalties set forth in Section 9.10 of the Ogle County Amendatory Zoning Ordinance.

PASSED BY THE COUNTY BOARD THIS 15TH DAY OF JULY 2014 A.D.



Kim P. Gorker, Chairman of the Ogle County Board

ATTEST:



Rebecca Huntley, Ogle County Clerk and
Ex Officio Clerk of the Ogle County Board

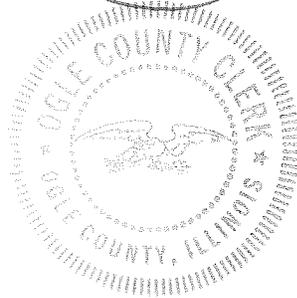


EXHIBIT "A"
LEGAL DESCRIPTION

Part of the West Half (W ½) of the Southeast Quarter (SE 1/4) of Section Thirty-five (35), Township Twenty-five (25) North, Range Ten (10) East of the Fourth Principal Meridian, Ogle County, Illinois, described as follows, to-wit:

Commencing at the Southwest corner of the Southeast Quarter (SE 1/4) of said Section Thirty-five (35); thence easterly, along the south line thereof, a distance of 652.32 feet to the Point of Beginning of the following described parcel; thence northerly perpendicular with the last described course a distance of 427.1 feet; thence westerly perpendicular with the last described course a distance of 152.5 feet; thence northerly perpendicular with the last described course a distance of 290.1 feet; thence easterly perpendicular with the last described course a distance of 188.4 feet; thence southeasterly a distance of 409.4 feet to a point on the west line of the parcel conveyed by William R. Hanlin, Sr. to William R. Hanlin, Jr. and Cynthia Hanlin on via Warranty Deed and recorded with the Ogle County Recorder on January 5, 2004 as Document No. 200400142, said point being 404.5 feet northerly of the south line of said Section Thirty-five (35); thence southerly along the west line of the parcel conveyed by William R. Hanlin, Sr. to William R. Hanlin, Jr. and Cynthia Hanlin on via Warranty Deed and recorded with the Ogle County Recorder on January 5, 2004 as Document No. 200400142 a distance of 404.53 feet; thence westerly along the south line of said Section Thirty-five (35), a distance of 300.0 feet to the Point of Beginning, containing 5.0 acres more or less.

Part of Property Identification Number (PIN): 04-35-400-032

Common Location: 1674 E. Townline Road

EXHIBIT "B"

**FINDINGS OF FACT AND RECOMMENDATION
OF THE ZONING BOARD OF APPEALS**

Ogle County Zoning Board of Appeals

911 W. Pines Road
Oregon, IL 61061
815.732.1190
Fax: 815.732.2229

FINDINGS OF FACT AND RECOMMENDATION OF THE OGLE COUNTY ZONING BOARD OF APPEALS

This is the findings of fact and the recommendation of the Ogle County Zoning Board of Appeals concerning an application of Joan Hanlin, 1674 E. Townline Rd., Byron, IL, in case #5-14AM. The applicant is requesting a map amendment to change the zoning classification of part of Parcel Identification No. 04-35-400-032 from AG-1 Agricultural District to R-1 Rural Residence District. Said parcel is located in part of the SW 1/4 SE 1/4 Section 35, Township 25N, Range 10E of the 4th Principal Meridian and is located in Byron Township at 1674 E. Townline Road.

After due notice, as required by law, the Zoning Board of Appeals held a public hearing in this case on June 26, 2014 in the County Board Room, 3rd Floor, Ogle County Courthouse, Oregon, Illinois and hereby reports its findings of fact and recommendation(s) as follows:

SITE INFORMATION: See Staff Report (attached herewith).

ANALYSIS OF SIX STANDARDS: After considering all the evidence and testimony presented at the public hearing, this Board makes the following analysis of the six standards listed in Section 9.07(G) (Standards for Map Amendments) of the *Ogle County Amendatory Zoning Ordinance* that must all be found in the affirmative prior to recommending granting of the petition.

1. That the proposed amendment will allow development that is compatible with existing uses and zoning of nearby property. **Use of the site for residential use is compatible with the existing uses and zoning of nearby property, as residential use of the site will not adversely affect surrounding agricultural operations, there are nine non-farm dwellings within 1/4 mile of the site and 54 non-farm dwellings within 1/2 mile of the site, and the site is within 1.5 miles of the corporate limits of the City of Byron. Standard met.**
2. That the County of Ogle and other service providers will be able to provide adequate public facilities and services to the property (including, but not necessarily limited to, schools, police and fire protection, roads and highways, water supply and sewage disposal), while maintaining adequate public facilities and levels of service to existing development. **The continued used the site for residential use will not create a burden on the County of Ogle and other public service providers due to its location on a seal coat surface road, relative proximity to public service providers, and the low density of development that will be generated on the site. Standard met.**
3. That the proposed amendment will not result in significant adverse impacts on other property in the vicinity of the subject site or on the environment, including air, noise, stormwater management, wildlife and natural resources. **Little or no adverse impacts on other property in the vicinity of the subject site or on the environment, including air, noise, stormwater management, wildlife and natural resources are anticipated from the development of the site. Standard met.**
4. That the subject property is suitable for the proposed zoning classification. **The site is suitable for the R-1 zoning district, as it is located in a semi-rural area that contains several scattered non-farm residential uses within 1/4 mile of the site, is adjacent to an existing residential parcel, is located on a seal coat**

surfaced Township road, is close proximity to the City of Byron, and has a low LESA score. **Standard met.**

5. That the proposed zoning classification is consistent with the trend of development, if any, in the general area of the subject property including changes, if any, which have taken place since the day the property in question was placed in its present zoning classification. **There is a trend of development in the vicinity of large-lot residential uses. The proposed zoning classification of R-1 Rural Residence District is consistent with this trend. Standard met.**

6. That the proposed amendment is consistent with the public interest and not solely for the interest of the applicant, giving due consideration to the stated purpose and intent of the Amendatory Zoning Ordinance as set forth in Division 1 therein, the Land Evaluation and Site Assessment (LESA) findings (if applicable), and the recommendation(s) of the Ogle County Regional Planning Commission with respect to the *Ogle County Amendatory Comprehensive Plan*. **The proposed amendment is consistent with the public interest and not solely for the interest of the applicant as the LESA score indicates a low rating for protection, and the proposed amendment is consistent with the purpose and intent of the Amendatory Zoning Ordinance. The Zoning Board of Appeals has given due consideration that the Regional Planning Commission has recommended approval. Standard met.**

RECOMMENDATION: We find that the proposed map amendment requested meets all the standards for recommending granting as found in Section 9.07(G) of the *Ogle County Amendatory Zoning Ordinance* and that such request is in the public interest. Therefore, the Zoning Board of Appeals hereby recommends that the zoning district classification of the property described above be changed from AG-1 Agricultural District to R-1 Rural Residence District.

ROLL CALL VOTE: The roll call vote was 5 members for the motion to recommend granting, 0 opposed.

Respectfully submitted this 26th day of June 2014 by the Ogle County Zoning Board of Appeals.

Jason Sword, Chairman
Maynard Stivers
Randy Ocken
Dennis Williams
David Williams

Jason Sword, Chairman

ATTEST:



Michael Reibel, Secretary

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1 STATE OF ILLINOIS }
 2 COUNTY OF OGLE }
 3
 4
 5 In the Matter of the Petition
 6 of
 7 Joan Hanlin, Byron Township
 8 Ogle County, Illinois
 9
 10
 11 Testimony of Witnesses
 12 Produced, Sworn and
 13 Examined on this 26th day
 14 of June 2014
 15 before the Ogle County
 16 Zoning Board of Appeals
 17
 18 Present:
 19 Randy Ocken
 20 Dennis Williams
 21 David Williams
 22 Maynard Stivers
 23 Jason Sword, Chairman
 24 Michael Reibel, Zoning Administrator

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 2 Witness Page
 3 Bill Hanlin 8
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 24
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1 MR. SWORD: All right. Next order of
 2 business?
 3 MR. REIBEL: The next order of business is
 4 to consider the request filed May 20th, 2014 of
 5 Joan Hanlin, 1674 East Town Line Road, Byron,
 6 Illinois for an amendment to the zoning district
 7 to rezone from AG-1 Agricultural District to R-1
 8 Rural Residential District on property described
 9 as follows and owned by the Petitioner:
 10
 11 Part of the SW1/4 of the SE1/4 of Section
 12 35 Byron Township 25N, R10E of the 4th
 13 P.M., Ogle County, Illinois, 5.0 acres,
 14 more or less. Part of Property
 15 Identification Number: 04-35-400-032.
 16 Common Location: 1674 East Town Line
 17 Road.
 18 For the record, all adjoining property
 19 owners to the petition have been notified by
 20 certified mail of the hearing this evening and
 21 the specifics of the petition. A legal notice
 22 was published in the Monday, June 2nd, 2014
 23 edition of the Ogle County Life, again,
 24 notifying the public of the hearing this evening
 and the specifics of the petition and a sign was
 posted along the frontage of the premises
 notifying the public that there would be a
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1 hearing in reference to the property.
 2 Under the staff report, which is on file
 3 and the Board members have received, I will
 4 point out that the site is located on the north
 5 side of East Town Line Road. The size of the
 6 parcel is 5 acres. Existing Land Use:
 7 Single-family dwelling with associated lawn
 8 area. 42 percent of the total site area is in
 9 dwelling and lawn area and cropland which
 10 accounts for 54 percent of the total site area
 11 and road right-of-way which accounts for
 12 approximately 4 percent of the total site area.
 13 Surrounding Land Use and Zoning: The site is
 14 located within an area that contains a mixture
 15 of cropland, non-farm residential uses and
 16 recreational uses, the Byron Sportsman's Club
 17 and Ripplinger-Gouker Preserve. There are nine
 18 non-farm dwellings within one-quarter mile of
 19 the site and 54 non-farm dwellings within a half
 20 mile of the site. Land adjacent to the north
 21 and west of the site is in agricultural use.
 22 Land adjacent to the east is in residential use.
 23 Land to the south is in forest preserve use.
 24 All adjacent land is zoned AG-1. Zoning
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1 History: The dwelling on the site was
 2 constructed in 2001 as a farm dwelling. Special
 3 Information, Public Utilities: None. The
 4 dwelling on the site is served by a private
 5 on-site well and septic system. Transportation:
 6 East Town Line Road is a seal coat surface road
 7 under the jurisdiction of Byron Township.
 8 Physical Characteristics: The site is part of
 9 an upland ridge top/side slope system. The site
 10 is gently sloping and well drained. According
 11 to the Ogle County Digital Soil Survey, the soil
 12 type on the site is 419B - Flagg silt loam.
 13 This soil is classified as "Prime farmland" and
 14 is somewhat limited for septic fields due to
 15 slow water movement. It is not subject to
 16 ponding or flooding. Depth to water table is
 17 greater than 79 inches. Under the LESA program,
 18 the LESA score of 171.0 indicates a low rating
 19 for protection. Land Evaluation being 75. Site
 20 Assessment 96.

21 I have a letter on file from Byron
 22 Township that states that at the regular board
 23 of trustees meeting on June 12th, 2014, the
 24 board unanimously approved the decision of the
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1 Byron Township Planning Commission to recommend
 2 to the Ogle County Planning and Zoning
 3 Department to approve the zone change request,
 4 No. 5-14 as presented. Signed Mike Lewis,
 5 Supervisor of Byron Township.

6 At the June 19th, 2014 meeting of the
 7 Regional Planning Commission, Mr. Reising made a
 8 motion to approve No. 5-14 Amendment based on
 9 the approval of Byron Township, the low LESA
 10 score and that their request meets the
 11 requirements of the County's Comprehensive Plan.
 12 Seconded by Mr. Flannigan. The motion carried
 13 unanimously by a roll call vote.

14 And according to the Illinois Department
 15 of Natural Resources, the Illinois Natural
 16 Heritage Database shows the following protected
 17 resource may be in the vicinity of the project
 18 location: The Black Sandshell Ligumia Recta and
 19 IDNR has followed up with a letter that says
 20 that the department has evaluated the
 21 information and concluded that adverse effects
 22 to the identified resource are unlikely;
 23 therefore, consultation with IDNR is terminated.

24 And I do have a letter on file that
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1 accompanies the resource report from the Soil
 2 and Water Conservation District in which the
 3 Soil and Water Conservation District lists the
 4 following facts that are derived from the soils
 5 and the land evaluation and any other additional
 6 site facts that could be a concern to the
 7 protection of our County's natural resources
 8 and they note that the land evaluation score is
 9 75 out of 100 and there is severe limitations
 10 for proposed use based on the following
 11 characteristics of the soils: low strength for
 12 supporting loads and high potential frost
 13 action. That letter is signed by Phil Fossler,
 14 Soil and Water Conservation District Chairman
 15 and Brian Lindquist, Resource Conservationist.

16 And that's all I have.

17 MR. OCKEN: Mr. Chairman, I had a question
 18 about the staff report. It's classified as
 19 prime farmland and yet it has a really low LESA
 20 score and I was just curious about the
 21 contradiction. Is that because of development
 22 in the area that affects that LESA score?

23 MR. REIBEL: If you look at the Land
 24 Evaluation component is 75, which even that's
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1 not very high for prime farmland, that's on the
 2 lower end of prime farmland, but the Site
 3 Assessment is 96 out of 200 points, so that
 4 really brings down the total LESA score, yes.
 5 So it's mostly I would say due to the site
 6 factors.

7 MR. OCKEN: Which is development in the
 8 area, things like that, forest preserve and --

9 MR. REIBEL: Number of houses in the area
 10 and trend of development.

11 MR. OCKEN: Okay. Thank you. I just
 12 wanted a clarification on that.

13 MR. SWORD: Will the Petitioners come
 14 forward. Raise your right hand please.

15 BILL HANLIN,
 16 being first duly sworn, testified as follows:

17 MR. SWORD: State your name and address
 18 and spell your last name for the recorder
 19 please.

20 MR. HANLIN: My name is Bill Hanlin,
 21 H-A-N-L-I-N, 1676 Town Line Road, Leaf River,
 22 Illinois.

23 MR. SWORD: Tell us about your plans.

24 MR. HANLIN: My mom lives -- I live in the
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1 house right next door. We have an adjoining
 2 driveway and she's wanting to downsize, so we're
 3 -- she's wanting to sell the house. She
 4 actually owns approximately 50 acres out there.
 5 I don't want to sell the whole farm. I want to
 6 just try to sell the house and 5 acres. She
 7 wants to downsize and move into town. We're
 8 trying to keep as much of the ground in
 9 production as we can. All depends on what the
 10 new owner would want as far as what would happen
 11 out front. There's a lot of possibility to keep
 12 it in production. The guy that farms the ground
 13 now would love to keep the farm the way it is.
 14 The 5-acre parcel kind of fits the way
 15 everything is from Conger Road to Route 2 out
 16 there. There's quite a few 5-acre, 10-acre,
 17 2-acre plots out there. So kind of look at it
 18 that way. Right now the plan is -- when we sell
 19 it is to grant whoever buys that an easement on
 20 my driveway to get back to it. If they decide
 21 they want to do something different, I've talked
 22 to Ron Gipson, the road commissioner and he said
 23 he didn't have a problem with that. So that's
 24 kind of where we're at.

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1 MR. SWORD: Okay. And who lives in the
 2 house that you want to sell now -- she does,
 3 okay. And then who lives right across the --
 4 MR. HANLIN: I do.
 5 MR. SWORD: You live there, okay. I just
 6 want to get that straight. Very good.
 7 MR. OCKEN: So you live to the east of the
 8 house in question, is that right?
 9 MR. HANLIN: Yes, yes.
 10 MR. OCKEN: Okay.
 11 MR. SWORD: You got a question? There's
 12 definitely a lot of other residential out there.
 13 I hadn't been out that way for awhile and I was
 14 kind of surprised how many there are.
 15 MR. STIVERS: Just so I don't get
 16 confused. You want to sell the -- the 5 acres
 17 in front of your mother's?
 18 MR. HANLIN: Along with the house.
 19 MR. STIVERS: Just to the south, right, of
 20 your mother's?
 21 MR. HANLIN: Yes. Did you get a copy of
 22 the picture?
 23 MR. SWORD: And the house.
 24 MR. HANLIN: And the house, yes, yes.

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1 MR. STIVERS: Okay. Which would leave,
 2 what did you think, 35 acres in probably?
 3 MR. HANLIN: Approximately. I think she
 4 owns about 50 I believe, so it will leave about
 5 40 acres, 45 acres.
 6 MR. OCKEN: And you currently farm the
 7 land around that now?
 8 MR. HANLIN: I farm the hay ground and
 9 another guy rents the crop ground.
 10 MR. OCKEN: Oh, okay.
 11 MR. HANLIN: I've got the cows. I don't
 12 know if when you were out there you saw the
 13 white cows, but the white cows are mine.
 14 MR. SWORD: This is the way they separated
 15 it off, correct?
 16 MR. REIBEL: Yeah.
 17 MR. SWORD: Any other questions from the
 18 Board? All right. You can have a seat. Thank
 19 you. Did we have anyone file for appearance?
 20 MR. REIBEL: No.
 21 MR. SWORD: Anyone here in favor? Anyone
 22 against? Any discussion by the Board? All
 23 right. Then we'll go through the standards.
 24 MR. REIBEL: Amendment Standard 1) That

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1 the proposed amendment will allow development
 2 that is compatible with existing uses and zoning
 3 of nearby property.
 4 MR. OCKEN: Use of the site for
 5 residential use is compatible with the existing
 6 uses and zoning of nearby property as
 7 residential use of the site will not adversely
 8 affect surrounding agricultural operations.
 9 There are nine non-farm dwellings within
 10 one-quarter mile of the site and 654 non-farm
 11 dwellings within one-half mile of the site and
 12 the site is within one and a half miles of the
 13 corporate limits of the city of Byron. I feel
 14 the standard is met.
 15 (All those agreed.)
 16 MR. REIBEL: Yeah, that was actually 54
 17 and not 654.
 18 MR. OCKEN: I was thinking does that get
 19 clear up into Byron.
 20 MR. REIBEL: 2) That the County of Ogle
 21 and other service providers will be able to
 22 provide adequate public facilities and services
 23 to the property, including but not necessarily
 24 limited to schools, police and fire protection,

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1 roads and highways, water supply and sewage
 2 disposal while maintaining adequate public
 3 facilities and levels of service to existing
 4 development.
 5 DENNIS WILLIAMS: The continued use of the
 6 site for residential use will not create a
 7 burden on the County of Ogle and other public
 8 service providers due to its location on a seal
 9 coat surfaced road, relative proximity to public
 10 service providers and low density of development
 11 that will be generated on the site. I believe
 12 the standard is met.
 13 (All those agreed.)
 14 MR. REIBEL: 3) That the proposed
 15 amendment will not result in significant adverse
 16 impacts on other property in the vicinity of the
 17 subject site or on the environment, including
 18 air, noise, stormwater management, wildlife and
 19 natural resources.
 20 MR. STIVERS: Little or no adverse impacts
 21 on other property in the vicinity of the subject
 22 site or on the environment, including air,
 23 noise, stormwater management, wildlife and
 24 natural resources are anticipated from the
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1 development of this site. I believe this
 2 standard has been met.
 3 (All those agreed.)
 4 MR. REIBEL: 4) That the subject property
 5 is suitable for the proposed zoning
 6 classification.
 7 DAVID WILLIAMS: The site is suitable for
 8 the R-1 zoning district, as it is located in a
 9 semi-rural area that contains several scattered
 10 non-farm residential uses within one-quarter
 11 mile of the site, is adjacent to an existing
 12 residential parcel, is located on a seal coat
 13 surfaced township road, is in close proximity to
 14 the city of Byron and has a low LESA score. I
 15 believe the standard has been met.
 16 (All those agreed.)
 17 MR. REIBEL: 5) That the proposed zoning
 18 classification is consistent with the trend of
 19 development, if any, in the general area of the
 20 subject property, including changes, if any,
 21 which have taken place since the day the
 22 property in question was placed in its present
 23 zoning classification.
 24 MR. OCKEN: There is a trend of
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1 development in the vicinity of large-lot
 2 residential uses. The proposed zoning
 3 classification of R-1 Rural Residence District
 4 is consistent with this trend. I feel the
 5 standard has been met.
 6 (All those agreed.)
 7 MR. REIBEL: 6) That the proposed
 8 amendment is consistent with the public interest
 9 and not solely for the interest of applicants
 10 giving due consideration to the stated purpose
 11 and intent of the Amendatory Zoning Ordinance as
 12 set forth in Division 1 therein, the Land
 13 Evaluation and Site Assessment findings and the
 14 recommendation of the Ogle County Regional
 15 Planning Commission with respect to the Ogle
 16 County Amendatory Comprehensive Plan.
 17 DENNIS WILLIAMS: The proposed amendment
 18 is consistent with the public interest and not
 19 solely for the interest of the applicant as the
 20 LESA score indicates a low rating for protection
 21 and the proposed amendment is consistent with
 22 the purpose and intent of the Amendatory Zoning
 23 Ordinance. The Zoning Board of Appeals has
 24 given due consideration that the Regional
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1 Planning Commission has recommended approval. I
 2 believe that standard has been met.
 3 (All those agreed.)
 4 MR. REIBEL: And have the Board members
 5 read and considered the LaSalle factors as
 6 applied to this petition.
 7 (All those responded
 8 affirmatively.)
 9 MR. SWORD: At this time I'll entertain a
 10 motion.
 11 MR. STIVERS: I make a motion that the
 12 application applying for the rezoning of AG-1 to
 13 R-1 to the residence in question made by Joan
 14 Hanlin be approved as written.
 15 DENNIS WILLIAMS: I'll second that.
 16 MR. SWORD: Maynard has moved to approve,
 17 Dennis seconds. Any further discussion? Seeing
 18 none, we'll have the roll call vote.
 19 MR. REIBEL: Dave Williams?
 20 DAVID WILLIAMS: Yes.
 21 MR. REIBEL: Randy Ocken?
 22 MR. OCKEN: Yes.
 23 MR. REIBEL: Maynard Stivers?
 24 MR. STIVERS: Yes.
 In Totidem Verbis, LLC (ITV)

1 MR. REIBEL: Dennis Williams?
2 DENNIS WILLIAMS: Yes.
3 MR. REIBEL: Jason Sword?
4 MR. SWORD: Yes.
5 (By voice vote five ayes.)
6 MR. REIBEL: Five voted yes.
7 MR. SWORD: Motion carries.
8 MR. REIBEL: And then once again, this
9 petition will go to the Planning and Zoning
10 Committee of the County Board on July 8th at
11 1:30 right here in this room. And to the Ogle
12 County Board for a final decision on
13 July 15th at 5:30 p.m. also right here in this
14 room. You're welcome to attend those meetings,
15 but you're not required to by any means.
16 MR. SWORD: Any other further business?
17 MR. REIBEL: No further business.
18 MR. SWORD: Seeing none, meeting
19 adjourned.
20 (The zoning hearing was concluded
21 at 6:45 p.m.)
22
23
24

In Totidem Verbis, LLC (ITV)

1 Now on this 26th day of June 2014, I do signify
2 that the foregoing testimony was given before the
3 Ogle County Zoning Board of Appeals.
4
5
6
7
8 Jason Sword, Chairman
9
10
11
12
13 Michael Reibel,
14 Zoning Administrator
15
16
17
18 Julie K. Edeus
19 Certified Shorthand Reporter
20 IL License No. 084-003820
21 P.O. Box 381
22 Dixon, Illinois 61021
23
24

In Totidem Verbis, LLC (ITV)

Ogle County Planning & Zoning Department



911 W. Pines Rd.
Oregon, IL 61061
(815) 732-1190
Fax: (815) 732-3709

COPY

STAFF REPORT

To: Zoning Board of Appeals	File # 5-14AM
Date: May 30, 2014	Prepared By: Michael Reibel

GENERAL INFORMATION:

Applicant:	Joan Hanlin, 1674 E. Townline Rd., Byron, IL
Status of Applicant:	Owner
Requested Action:	Map Amendment
Purpose:	Rezone from AG-1 Agricultural District to R-1 Rural Residence District
Location:	Part of the SW 1/4 SE 1/4 Section 35 Byron Township 25N, R10E of the 4 th P.M., Ogle County, IL (located on the north side of E. Townline Road beginning approximately
Size:	5.0 acres
Existing Land Use:	Single-family dwelling with associated lawn area (42% of total site area), cropland (54% of total site area) and road right-of-way (4% of total site area).
Surrounding Land Use and Zoning:	The site is located within an area that contains a mixture of cropland, non-farm residential uses and recreational uses (Byron Sportsman's Club and Ripplinger-Gouker Preserve). There are nine non-farm dwellings within 1/4 mile of the site, and fifty-four (54) non-farm dwellings within 1/2 mile of the site. Land adjacent to the north and west of the site is in agricultural use; land adjacent to the east is in residential use; land to the south is in forest preserve use. All adjacent land is zoned AG-1 Agricultural District.

Applicant:	Joan Hanlin, 1674 E. Townline Rd., Byron, IL
Comprehensive Plan:	The site is located within 1.5 miles of the City of Byron, which has and adopted comprehensive plan (<i>Greater Byron Area Comprehensive Plan, 2003</i>). Byron Township has a township plan commission and a township comprehensive plan (<i>Byron Township Comprehensive Plan, 2011</i>). Both the <i>Ogle County Amendatory Comprehensive Plan</i> and the Byron Township Comprehensive Plan defer to the municipal plan for land within 1.5 miles of a municipality with a comprehensive plan. The <i>Greater Byron Area Comprehensive Plan</i> designates the site and immediate area for “agricultural/natural open space”; however, the site is on the fringe of the area planned for “single family detached residential”, which is approximately 1/4 mile to the east.
Zoning History:	The dwelling on site was constructed in 2001 as a farm dwelling.
Applicable Regulations:	The “R-1” district is intended to help implement the goals and objectives of the Ogle County Amendatory Comprehensive Plan and is established for low-density residential uses. It is designed for areas with few or no public improvements and where general conditions are not conducive to other than low-density development.

SPECIAL INFORMATION:

Public Utilities:	None. The dwelling on site is served by a private, on-site well and septic system.
Transportation:	E. Townline Road is a seal coat surface road under the jurisdiction of Byron Township.
Physical Characteristics:	The site is part of an upland ridgetop/side slope system. The site is gently sloping and well drained. According to the Ogle County Digital Soil Survey, the soil type on the site is 419B - Flagg silt loam, 2-5% slopes. This soil is classified as “Prime farmland”; it is “Somewhat limited” for septic fields due to slow water movement; it is not subject to ponding or flooding; depth to water table is greater than 79 inches.
LESA:	The LESA score of 171.0 indicates a LOW RATING FOR PROTECTION (LE = 75.0; SA = 96).

ATTACHMENTS:

LESA Summary Sheet

SITE ASSESSMENT WORK SHEET - OGLE COUNTY, IL "L.E.S.A."

<u>Site Assessment Factors</u>	<u>Maximum Points per Factor</u>	<u>Score Assigned</u>
<i>Agricultural Land Use</i>		
1. Percent of land in agriculture within 1.5 mile of site	16	<u>10</u>
2. Percent of land in agriculture adjacent to site	16	<u>10</u>
3. Percent of site suitable for agricultural use	16	<u>8</u>
<i>Zoning</i>		
4. Number of non-farm dwellings within 0.5 mile of site	12	<u>0</u>
5. Percent of land zoned AG-1 within 1.5 miles of site	16	<u>10</u>
6. Availability of zoned land for proposed use	10	<u>5</u>
7. Number of similar map amendments and/or special use permits approved within 1.5 miles of site within last ten years	12	<u>5</u>
<i>Compatibility/Impact of Use(s)</i>		
8. Distance from fire/ambulance protection	11	<u>5</u>
9. Distance from school (high school)	11	<u>0</u>
10. Impact on the environment and unique historical/cultural factors	10	<u>6</u>
11. Compatibility with surrounding area	10	<u>4</u>
<i>Urban Infrastructure</i>		
12. Degree to which the affected transportation routes can bear the traffic that the proposed use may generate	10	<u>4</u>
13. Availability of central sewer	8	<u>8</u>
14. Availability of public water	8	<u>8</u>
<i>Land Use Feasibility</i>		
15. Soil suitability for on-site disposal 100% CAT. 2	10	<u>0</u>
16. Size of site 5.0	10	<u>3</u>
17. Future need for more land	5	<u>5</u>
<i>Adopted Plans</i>		
18. a) Consistency with County "Comprehensive Plan"; or b) consistency with city/village plan if within 1.5 miles of city/village limits	9	<u>5</u>
SITE ASSESSMENT SUB-TOTAL	200	<u>76</u>

ORDINANCE 2014-0704

**AN ORDINANCE TO ALLOW VIDEO GAMING WITHIN THE COUNTY
FOR AN ANNUAL FEE FOR THE OPERATION OF A VIDEO
GAMING TERMINAL**

WHEREAS, the County of Ogle has authority under Section 65 of the Illinois Video Gaming Act (230 ILCS 40/1, et seq.) (the “Act”), to impose an annual fee not in excess of Twenty-Five and No/100 Dollars (\$25.00) for the operation of an individual video gaming terminal by a terminal operator within the County’s limits; and

WHEREAS, Section 5 of the Act defines a “video gaming terminal” as any electronic video game machine that, upon insertion of cash, is available to play or simulate the play of a video game, including but not limited to video poker, line up, and blackjack, authorized by the [Illinois Gaming Board] utilizing a video display and microprocessors in which the player may receive free games or credits that can be redeemed for cash; provided, however, such term does not include a machine that directly dispenses coins, cash, or tokens or is for amusement purposes only; and

WHEREAS, Section 5 of the Act defines a “terminal operator” as an individual, partnership or corporation that is licensed under the Act and that owns, services, and maintains video gaming terminals for placement in licensed establishments, licensed fraternal establishments, licensed veterans establishments, or licensed truck stop establishments; and

WHEREAS, Section 5 of the Act defines a “licensed establishment” as any licensed retail establishment where alcoholic liquor is drawn, poured, mixed or otherwise served for consumption on the premises; provided, however, such term does not include a facility operated by an organization licensee, an inter-track wagering licensee, or an inter-track wagering location licensee licensed under the Illinois Horse Racing Act of 1975 or a riverboat licensed under the Riverboat Gambling Act; and

WHEREAS, Section 5 of the Act defines a “licensed fraternal establishment” as the location where a qualified fraternal organization that derives its charter from a national fraternal organization regularly meets; and

WHEREAS, Section 5 of the Act defines a “licensed veterans establishment” as the location where a qualified veterans organization that derives its charter from a national veterans organization regularly meets; and

WHEREAS, Section 5 of the Act defines a “licensed truck stop establishment” as a facility that is at least a 3-acre facility with a convenience store and with separate diesel islands for fueling commercial motor vehicles and parking spaces for commercial motor vehicles as defined in Section 18b-101 of the Illinois Vehicle Code; and

WHEREAS, the Act, as a whole, legalizes the use of video gaming terminals in such establishments throughout the State of Illinois; and

WHEREAS, the County Board of Ogle County finds that it is in the best interests of the County to impose an annual fee of Twenty-Five and No/100 Dollars (\$25.00) for the operation of an individual video gaming terminal by a terminal operator within the County and to enact certain other limits upon the placement of video gaming terminals within the County.

NOW THEREFORE, it is hereby ordained by the Ogle County Board as follows:

Section 1. Incorporation of Preambles. The above recitals are hereby incorporated as though fully set forth herein.

Section 2. Chapter 4, Division 2, Article D, Section 11 of the County Code shall read as follows:

(2D-11) VIDEO GAMING TERMINALS.

A. Definitions. (1) The phrases “video gaming terminal”, “licensed establishment”, “licensed fraternal establishment”, “licensed veterans establishment”, and “licensed truck stop establishment” shall have the meanings set forth in the Illinois Video Gaming Act (230 ILCS 40/1 et seq.).

(2) “Licensee” shall mean and include all of the establishments defined in Paragraph (A) hereof.

B. Imposition of Annual Fee. Commencing upon adoption of this ordinance, an annual fee of Twenty-Five and No/100 Dollars (\$25.00), is hereby imposed upon each video gaming terminal operated by a licensed establishment, licensed fraternal establishment, licensed veterans establishment or licensed truck stop establishment within the County in accordance with the provisions of the Illinois Video Gaming Act, 230 ILCS 40/1 et seq. (the “Act”). The fee paid for each video gaming terminal shall be for the fiscal year May 1 through April 30, and any fee paid during a fiscal year shall apply until the end of the fiscal year in which paid. Any continuing operation of a video gaming terminal shall require the payment of a new annual fee on or before May 1 of each year for the ensuing fiscal year.

C.. Application for Permit. Every licensee shall make application to the County Clerk's Office for a permit, and shall pay the annual fee for each video gaming terminal operated. Any individual, partnership, or corporation intending to place a video gaming terminal in its establishment shall first file an application for a video gaming licensed establishment permit, which application shall include the following information:

1. The name of the applicant, its business address, its owners and in the case of corporations, veteran or fraternal establishments, the names and address of its officers and board members;
2. The location for which the license is sought;
3. A copy of the written, signed lease or rental agreement or other written authority for use of the equipment at the location;
4. The number of video gaming terminals to be on the location for which a permit is requested;
5. Each application shall be accompanied by a non-refundable fee of One Hundred Dollars (\$100.00). The application fee shall be payable to the County by certified check or money order;
6. No permit shall be issued to any person whose video gaming terminal is not licensed by the State of Illinois for the location for which the permit is sought;
7. All permits issued hereunder shall be issued by the Ogle County Board Chairman attested by the County Clerk, and no permit shall issue until the application therefore shall have been approved by the Ogle County Board Chairman;
8. No video gaming terminal permit shall be issued to, and no video gaming terminal shall be placed or operated from within, a location that does not also have issued to it a Class A or Class A-1 license for the sale of alcoholic beverages at retail by the drink for consumption on the premises; and
9. Notwithstanding any greater limit which may from time to time be established by the Illinois legislature, no more than five (5) video gaming terminals shall be allowed, nor permits be issued therefor, under this ordinance for each licensee at any one location.

D. Play by Minors Prohibited; Penalties. No person under the age of twenty-one (21) years shall be permitted to use or play a video gaming terminal, and any licensee who shall suffer or permit a person under the age of twenty-one (21) years to use or play a video gaming terminal shall be subject to fine or have his or her licenses issued under this Chapter suspended or revoked, after hearing before the Liquor Control Commissioner acting pursuant to the procedures applicable to hearing held pursuant to the provisions of Chapter 4, Division 2, Article C, Section 10, of the County Code.

E. Penalty for Violation. Any person, firm or corporation violating the provisions of this ordinance by operation of a video gaming terminal without having obtained the permit and paid the annual fee therefore, or by operating a video gaming terminal in violation of any provision of this ordinance or the Act, shall be guilty of a petty offense, and shall be fined an amount not to exceed \$500.00 for each such offense, and the license or licenses shall be subject to suspension or revocation as herein provided. Each day that a video gaming terminal is operated in violation of this ordinance shall constitute a separate offense.

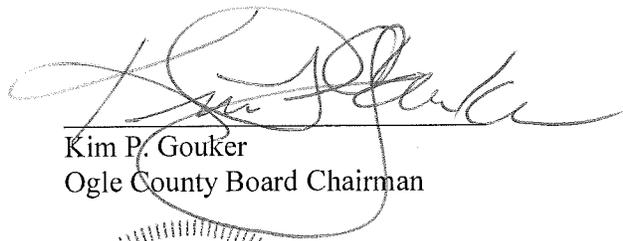
F. Inspection of Records. Each licensee shall permit the inspection of books and records of the licensee pertaining to and reflecting operation of each video gaming terminal of the licensee at the request of any law enforcement officer of the city or the State of Illinois at all reasonable times.

Section 3. All prior county ordinances in conflict herewith are hereby repealed.

Section 4. If any section, paragraph, sentence, clause or other portion of this ordinance is held or deemed to be unenforceable or invalid, then such holding or finding of unenforceability or invalidity shall not affect the validity of the remaining provisions of this ordinance.

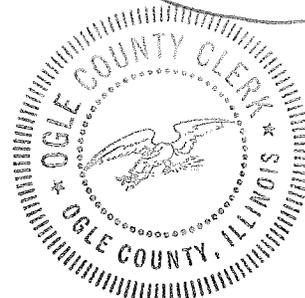
Section 5. This ordinance shall be effective from and after its passage, approval and publication as provided by law. This ordinance shall be published in pamphlet form.

Presented and Adopted at the July 15, 2014 Ogle County Board meeting.


Kim P. Gouker
Ogle County Board Chairman

ATTEST:


Rebecca Huntley
Ogle County Clerk



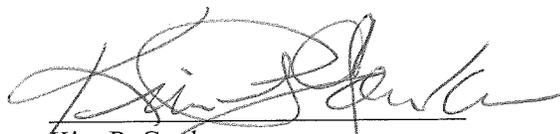
ORDINANCE 2014-0705

**AN ORDINANCE AMENDING CHAPTER 4, SECTION 2D-9 OF THE
OGLE COUNTY CODE TO ALLOW GAMING WITHIN THE COUNTY
FOR AN ANNUAL FEE FOR THE OPERATION OF A VIDEO
GAMING TERMINAL**

NOW THEREFORE, it is hereby ordained by the Ogle County Board as follows:

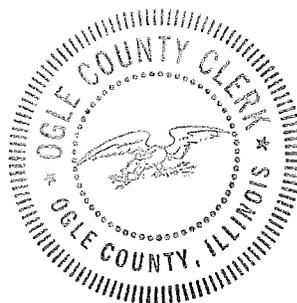
Chapter 4, Division 2, Article D, Section 9 of the County Code is hereby amended to read as follows:

Prostitutes, Lewdness and Gaming Prohibited. It shall be the duty and responsibility of every licensee under this Division to provide that no lewd persons or prostitutes remain in or about the licensed premises and that no soliciting to prostitution, practices of prostitution or lewdness, idleness, fornication or other misbehavior is conducted on such licensed premises. Gaming shall be prohibited except as authorized by the provisions of the Illinois Video Gaming Act, 230 ILCS 40/1 et. seq. and this County Code.


Kim P. Gouker
Ogle County Board Chairman

ATTEST:


Rebecca Huntley
Ogle County Clerk



ORDINANCE 2014-0706

**AN ORDINANCE AMENDING CHAPTER 4, SECTION 2C-5B Parts 1 and 2 OF THE
OGLE COUNTY CODE**

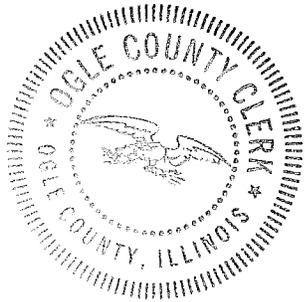
NOW THEREFORE, it is hereby ordained by the Ogle County Board as follows:

Chapter 4, Division 2, Article C, Section 5B Parts 1 and 2 of the County Code is hereby amended to read as follows:

1. Class A License: A class A license shall authorize the retail sale of alcoholic liquor on the premises specified of all alcoholic liquors for consumption on the premises, as well as other retail sales of such liquor. The annual fee for such license shall be seven hundred fifty dollars (\$750.00), payable in advance. The location must derive at least sixty five percent (65%) of their sales from liquor, food and non-gaming income. For purposes of income, retail sales shall be calculated using gross retail sales, for all purposes except gaming income which shall be calculated using net terminal income received by the establishment. The Liquor Control Commissioner may require proof of such percentages before issuance or renewal of license.
 - a. Any holder of a Class A license may apply for a Class V license which Class V license shall also be required in order for the applicant to have, locate, maintain and operate video gaming terminals (as defined under the Illinois Video Gaming Act, 230 ILCS 40/1 et seq.) Within the Class A license establishment. Any person holding a Class V license shall comply with all provisions of the Video Gaming Act.
 - b. The annual fee for a Class V license shall be 0 in which is in addition to the annual fee for a Class A license.
2. Class A-1 License: A class A-1 license shall authorize all sales of a Class A license but shall also authorize the licensed establishment to be open on Sunday from twelve o'clock (12:00) noon to eleven o'clock (11:00) P.M. The annual fee for such license shall be one thousand five hundred dollars (\$1,500.00), payable in advance. The location must derive at least sixty five percent (65%) of their sales from liquor, food and non-gaming income. For purposes of

income, retail sales shall be calculated using gross retail sales, for all purposes except gaming income which shall be calculated using net terminal income received by the establishment. The Liquor Control Commissioner may require proof of such percentages before issuance or renewal of license.

- a. Any holder of a Class A-1 license may apply for a Class V license which Class V license shall also be required in order for the applicant to have, locate, maintain and operate video gaming terminals (as defined under the Illinois Video Gaming Act, 230 ILCS 40/1 et seq.) Within the Class A-1 license establishment. Any person holding a Class V license shall comply with all provisions of the Video Gaming Act.
- b. The annual fee for a Class V license shall be 0 in which is in addition to the annual fee for a Class A-1 license.




Kim P. Gouker
Ogle County Board Chairman

ATTEST:


Rebecca Huntley
Ogle County Clerk

ORDINANCE 2014-0707

**AN ORDINANCE AMENDING CHAPTER 4, SECTION 2C-5A OF THE
OGLE COUNTY CODE**

NOW THEREFORE, it is hereby ordained by the Ogle County Board as follows:

Chapter 4, Division 2, Article C, Section 5A of the County Code is hereby amended to read as follows:

- A. Control of Number of Licenses: The County Liquor Control Commission may set from time to time, as public welfare seems to warrant, a limit to the total licenses to be issued in the county for any locality, neighborhood, or part of the county, except that in no event shall the County Liquor Control Commission issue more licenses than as follows:

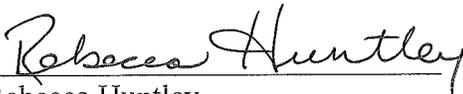
	<u>Number of Licenses</u>
Class A and A-1	15
Class B or B-1	3
Class B-1(W)	1
Class C and C-1	3
Class F	1

This provision does not limit special one day licenses (classes E and G). (3-18-2004; and. 6-21-2005; 3-22-2006).



Kim P. Gouker
Ogle County Board Chairman

ATTEST:



Rebecca Huntley
Ogle County Clerk

