

**TABLED UNTIL MAY 2016 COUNTY BOARD MEETING**

STATE OF ILLINOIS            )  
  ) SS  
COUNTY OF OGLE            )

ORDINANCE NO. O-2016-0401

AN ORDINANCE APPROVING A SPECIAL USE PERMIT ON  
PROPERTY LOCATED AT 11123 W. IL ROUTE 72 IN FORRESTON TOWNSHIP

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WHEREAS, Mike Stukenberg, 7833 N. Columbine Rd., Forreston, IL and STKE, LLC c/o Steve Moring and Kevin Moring, 306 E. Main St., Forreston, IL have filed a petition for a Special Use Permit in the AG-1 Agricultural District (Petition No. 1-16SU) to allow a Class II Motor Carrier Facility on property located at 11123 W. IL Route 72 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 March 22, 2016, at which the petitioners presented evidence, testimony, and exhibits in support of the requested Special Use Permit, and seven member(s) of the public spoke 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 Special Use Permit be granted subject to eight (8) conditions as set forth in the *Findings of Fact and Recommendation of the Ogle County Zoning Board of Appeals* dated March 22, 2016, a copy of which is appended hereto as Exhibit “B”; and

WHEREAS, the Planning & 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 Special Use Permit be granted subject to nine conditions; 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 & Zoning Committee, and has determined that granting the Special Use Permit in the AG-1 Agricultural District (Petition No. 1-16SU) to allow a Class II Motor Carrier Facility would be consistent with the requirements established by Section 16-9-8C 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 set forth above, the petition of Mike Stukenberg, 7833 N. Columbine Rd., Forreston, IL and STKE, LLC c/o Steve Moring and Kevin Moring, 306 E. Main St., Forreston, IL for a Special Use Permit in the AG-1 Agricultural District (Petition No. 1-16SU) to allow

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a Class II Motor Carrier Facility on property located at 11123 W. IL Route 72 in Forreston Township and legally described as shown in Exhibit "A" attached hereto, is hereby approved subject to the following conditions:

1. All proposals and representations made by the applicant and/or their representative shall be conditions of the Special Use Permit.
2. A floor drain collection system with an oil/gas separator shall be installed on the site to serve any and all buildings utilized pursuant to this Special Use Permit.
3. Any and all requirements of the Illinois Department of Transportation shall be complied with prior to conducting the use authorized pursuant to this Special Use Permit.
4. Any site work (grading, construction of drives or impervious surface areas) shall be conducted only after the issuance of a Drainage Permit by the County Engineer.
5. Not more than ten (10) commercial vehicles (semi-truck and trailer combined) shall be stored in an open, unenclosed area on the site. Any commercial vehicles parked in an open, unenclosed area on the site shall be parked south of the existing approximately 60' x 204' building.
6. No additional buildings connected with or utilized in conjunction with the authorized Special Use shall be constructed unless a supplemental Special Use Permit is granted.
7. Any container/dumpster storage area shall be enclosed on the east, west and north sides with a minimum 6 foot high solid fence and/or minimum 6 foot high vegetative screen.
8. Container/dumpster storage shall be limited to the existing concrete pad of the southernmost building on the site after demolition of said building, and extension of any container/dumpster storage area beyond the existing building pad to any other area on the site shall require that a Supplemental SUP be obtained.
9. The use authorized pursuant to the Special Use Permit shall be subject to any and all requirements of the Illinois Environmental Protection Agency.

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 16-9-10 of the *Ogle County Amendatory Zoning Ordinance*.

PASSED BY THE COUNTY BOARD THIS 19<sup>TH</sup> DAY OF APRIL 2016 A.D.

\_\_\_\_\_  
Kim P. Gouker, Chairman of the Ogle County Board

ATTEST:

\_\_\_\_\_  
Laura J. Cook, Ogle County Clerk and  
Ex Officio Clerk of the Ogle County Board

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**EXHIBIT "A"**

**LEGAL DESCRIPTION**

Part of the Northeast Quarter of Section 34, Township 25 North, Range 8 East of the Fourth Principal Meridian, Ogle County, Illinois described as follows:

Commencing at the northeast corner of the Northeast Quarter of said Section 34; thence South 88 degrees 45 minutes 47 seconds West, a distance of 405.80 feet on the north line of said Northeast Quarter; thence South 1 degree 14 minutes 13 seconds East, a distance of 40.48 feet to the southerly right of way line of a public highway designated F.A. Route 549 (IL Route 72) and the Point of Beginning of the hereinafter described tract; thence South 2 degrees 22 minutes 57 seconds East, a distance of 352.03 feet; thence South 11 degrees 29 minutes 22 seconds West, a distance of 289.02 feet; thence North 83 degrees 51 minutes 04 seconds West, a distance of 397.14 feet; thence North 12 degrees 30 minutes 50 seconds West, a distance of 376.28 feet to said southerly right of way line; thence South 82 degrees 46 minutes 25 seconds East, a distance of 55.00 feet on said line; thence North 88 degrees 41 minutes 44 seconds East, a distance of 75.00 feet on said line; thence South 39 degrees 57 minutes 51 seconds East, a distance of 32.02 feet on said line; thence North 88 degrees 41 minutes 44 seconds East, a distance of 30.00 feet on said line; thence North 57 degrees 21 minutes 19 seconds East, a distance of 32.02 feet on said line; thence North 88 degrees 41 minutes 44 seconds East, a distance of 55.00 feet on said line; thence North 83 degrees 55 minutes 55 seconds East, a distance of 301.04 feet on said line; thence North 88 degrees 41 minutes 44 seconds East, a distance of 182.00 feet on said line to said Point of Beginning, containing 6.28 acres, more or less.

Parcel Identification Number(s): Part of 02-34-200-002

Common Location: 11123 W. IL Route 72

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**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  
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### 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 Mike Stukenberg, 7833 N. Columbine Rd., Forreston, IL and STKE, LLC c/o Steve Moring and Kevin Moring, 306 E. Main St., Forreston, IL in case #1-16SU. The applicants are requesting a Special Use Permit in the AG-1 Agricultural District to allow a Class II Motor Carrier Facility on part of Parcel Identification No. 02-34-200-002. Said parcel, 6.28 acres in area, is located in part of the NE 1/4 NE 1/4 Section 34, Township 25 North, Range 8 East of the 4<sup>th</sup> P.M., Ogle County, Illinois, and is located in Maryland Township at 11123 W. IL Route 72.

After due notice, as required by law, the Zoning Board of Appeals held a public hearing in this case on March 22, 2016 in the County Board Room, 3<sup>rd</sup> 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 16-9-8C (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 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 site is located on a minor arterial State highway, is surrounded by farmland, and is compatible with established agricultural uses in the vicinity. 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.

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**The proposed use will not dominate the immediate neighborhood as it will utilize and existing agricultural building. STANDARD MET.**

3. That off-street parking and loading areas will be provided in accordance with the standards set forth in these regulations. **The site is large enough so that adequate off-street parking and loading areas can be provided. 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. **Adequate utilities, ingress/egress to the site from W. 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. **The site is on a State highway and will utilize and existing agricultural building. Evidence indicates 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. 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 zoning 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 6-9-8C of the *Ogle County Amendatory Zoning Ordinance*.

Therefore, the Zoning Board of Appeals hereby recommends that a Special Use Permit in the R-1 Rural Residence District be granted to allow a guest house subject to the following conditions:

1. All proposals and representations made by the applicant and/or their representative shall be conditions of the Special Use Permit.
2. A floor drain collection system with an oil/gas separator shall be installed on the site to serve any and all buildings utilized pursuant to this Special Use Permit.
3. Any and all requirements of the Illinois Department of Transportation shall be complied with prior to conducting the use authorized pursuant to this Special Use Permit.
4. Any site work (grading, construction of drives or impervious surface areas) shall be conducted only after the issuance of a Drainage Permit by the County Engineer.
5. Not more than ten (10) commercial vehicles (semi-truck and trailer combined) shall be stored in an open, unenclosed area on the site. Any commercial vehicles parked in an open, unenclosed area on the site shall be parked south of the existing approximately 60' x 204' building.

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6. No additional buildings connected with or utilized in conjunction with the authorized Special Use shall be constructed unless a supplemental Special Use Permit is granted.
7. Any container/dumpster storage area shall be enclosed on the east, west and north sides with a minimum 6 foot high solid fence and/or minimum 6 foot high vegetative screen.
8. Any container/dumpster storage shall be on a concrete or asphalt surface.

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

Respectfully submitted this 22<sup>nd</sup> day of March 2016 by the Ogle County Zoning Board of Appeals.

**Randy Ocken, Chairman**  
**Maynard Stivers**  
**Dennis Williams**  
**Paul Soderholm**  
**Cody Considine**

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Randy Ocken, Chairman

ATTEST:



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Michael Reibel, Secretary

Ogle County Planning & Zoning Department

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

STAFF REPORT

To: Zoning Board of Appeals File #1-16SU  
Date: March 7, 2016 Prepared By: Michael Reibel

**GENERAL INFORMATION:**

<b>Applicant:</b>	Mike Stukenberg, 7833 N. Columbine Rd., Forreston, IL and STKE, LLC c/o Steve Moring & Kevin Moring, 306 E. Main St., Forreston, IL
<b>Status of Applicant:</b>	Stukenberg = Owner; STKE, LLC = Contract purchaser
<b>Requested Action:</b>	Special Use Permit in AG-1 Agricultural District
<b>Purpose:</b>	Class II Motor Carrier Facility
<b>Location:</b>	Part of the NE 1/4 NE 1/4 Section 34 Maryland Township 25N, R8E of the 4 <sup>th</sup> P.M., Ogle County, IL (located on the south side of W. IL Route 72 beginning approximately 0.6 mile west of N. Columbine Road and approximately 0.8 mile east of the corporate boundary of the Village of Forreston). Common location: 11123 W. IL Route 72
<b>Size:</b>	6.28 acres
<b>Existing Land Use:</b>	Farmstead (single-family dwelling and three agricultural accessory buildings)
<b>Surrounding Land Use and Zoning:</b>	All land surrounding the site is in agricultural use. The site and all surrounding land is zoned AG-1 Agricultural District.
<b>Comprehensive Plan:</b>	The site is located within 1.5 miles of the Village of Forreston, which has an adopted Comprehensive Plan ( <i>2005 Village of Forreston Comprehensive Plan</i> ). Maryland Township does not have a township planning commission.  The site and surrounding area are designated on the “2005 Comprehensive Plan General Development Plan, Village of Forreston” as “Continued Agricultural Uses” and “Recreational/Open Space”.
<b>Zoning History:</b>	None.



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<b>Applicant:</b>	Mike Stukenberg, 7833 N. Columbine Rd., Forreston, IL and STKE, LLC c/o Steve Moring & Kevin Moring, 306 E. Main St., Forreston, IL
<b>Applicable Regulations:</b>	The AG-1 Agricultural District regulations provides “Class II Motor Carrier Facility” as a listed Special Use. “Class II Motor Carrier Facility” is defined as follows: <i>A property upon which a person or company that provides transportation of freight or passengers using commercial motor vehicles keeps, parks or stores said commercial motor vehicles where the total combined number of trucks and trailers exceeds eight (8), and provided vehicle maintenance is conducted only on vehicles owned and operated by the owner of the property upon which the motor carrier facility is conducted. Commercial motor vehicles kept, parked or stored on a farm as defined herein shall not constitute a “Motor carrier facility, Class II” when the principal use of said commercial motor vehicles is directly related to the agricultural activities on the farm upon which they are kept, parked or stored.</i>

**SPECIAL INFORMATION:**

<b>Public Utilities:</b>	None.
<b>Transportation:</b>	The site fronts on W. IL Route 72, which is a State-maintained highway and is functionally classified as a “minor arterial” highway.
<b>Physical Characteristics:</b>	<p>The site is part of an upland convex sideslope and stream bottom/drainageway. The site ranges from being well drained in the upland portions of the site (approximately 70% of the site) to being poorly drained and frequently flooded on the bottomland areas of the site (approximately 30% of the site). The site contains a man-made pond, which is mapped by the USFWS Preliminary Wetland Inventory as a fresh-water pond wetland. There are no mapped Special Flood Hazard Areas on the site. According to the Ogle County Digital Soil Survey, soil types on the site are: 86B - Osco silt loam, 2-5% slopes; and, 3107A - Sawmill silty clay loam, 0-2% slopes, frequently flooded. The soils contain the following selected characteristics:</p> <ul style="list-style-type: none"><li>• Approximately 30% of the soils on site are classified as “poorly drained” and “frequently flooded”, and the remainder are “well drained” and not subject to ponding or flooding.</li><li>• All soils on site are classified as “Prime farmland”.</li><li>• Approximately 70% of the soils on site are classified as being “Somewhat limited” for septic fields due to slow water movement and depth to saturated zone; approximately 30% of the soils on site are “very limited” for septic fields due to flooding, ponding, depth to saturated zone and slow water movement.</li></ul>
<b>LESA:</b>	The LESA score of 205.1 indicates a MEDIUM RATING FOR PROTECTION (LE = 91.1; SA = 114).

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***ATTACHMENTS:***

LESA Summary Sheet
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***RECOMMENDATIONS:***

*The following are recommended conditions for approval of this Special Use Permit:*

1. All proposals and representations made by the applicant and/or their representative shall be conditions of the Special Use Permit.
2. A floor drain collection system with an oil/gas separator shall be installed on the site to serve any and all buildings utilized pursuant to this Special Use Permit.
3. Any and all requirements of the Illinois Department of Transportation shall be complied with prior to conducting the use authorized pursuant to this Special Use Permit.
4. Any site work (grading, construction of drives or impervious surface areas) shall be conducted only after the issuance of a Drainage Permit by the County Engineer.