STATE OF ILLINOIS)
) SS
COUNTY OF OGLE)

ORDINANCE NO. 2010-0201

AN ORDINANCE APPROVING A SPECIAL USE PERMIT
ON PROPERTY LOCATED AT 1255 W. STAR ROAD

WHEREAS, Keith E. Wilson, 6931 N. Olcott, Chicago, IL by Attorney Deborah S. Maas of Smith, Hahn, Morrow & Floski, P.C., 129 S. 4th St., P.O. Box 10, Oregon, IL has filed a petition for a Special Use Permit in the AG-1 Agricultural District (Petition No. 04-09SU) to allow a heliport on property located at 1255 W. Star Road in Oregon-Nashua 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 January 28, 2010, at which the petitioner presented evidence, testimony, and exhibits in support of the requested Special Use Permit, and three members of the public spoke against 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 with the condition as set forth in the *Findings of Fact and Recommendation of the Ogle County Zoning Board of Appeals* dated January 28, 2010, 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 Special Use Permit be granted; 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 Special Use Permit to allow a heliport AG-1 Agricultural District would be consistent with the requirements established by Section 9.08(C) 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 request of Keith E. Wilson, 6931 N. Olcott, Chicago, IL by Attorney Deborah S. Maas of Smith, Hahn, Morrow & Floski, P.C., 129 S. 4th St., P.O. Box 10, Oregon, IL for a Special Use Permit to allow a heliport in the AG-1 Agricultural District on property located at 1255 W. Star Road in Oregon-Nashua Township and legally described as shown in Exhibit "A" attached hereto, is hereby approved.

SECTION THREE: This approval of a Special Use Permit is subject to the following condition:

1. Proof of any and all required State and/or Federal permits for the operation of the heliport shall be provided to the Ogle County Planning & Zoning Department prior to placing said heliport into service.

SECTION FOUR: 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 FIVE: 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 16TH DAY OF FEBRUARY 2010 A.D.

W. Ed Rice, 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

Tract "A"

Part of the East Half (E ½) of the Southwest Quarter (SW 1/4) and part of the West Half (W ½) of the Southeast Quarter (SE 1/4) of Section Thirty-two (32), Township Twenty-three (23) North, Range Ten (10) East of the Fourth (4th) Principal Meridian, Ogle County, Illinois, described as follows, to wit:

Beginning at a point on the West line of said East Half (E ½) of the Southwest Quarter (SW 1/4) of Section Thirty-three (33), said point being 495.00 feet (30 rods) North of the Southwest corner of said East Half (E ½), thence Easterly, parallel with the South line of said Southwest Quarter (SW 1/4), a distance of 1357.18 feet; thence Northerly, at an angle of 104 degrees 23 minutes 29 seconds as measured clockwise from the last described course, a distance of 264.58 feet; thence Northwesterly, at an angle of 106 degrees 29 minutes 20 seconds as measured clockwise from the last described course, a distance of 97.45 feet; thence Southwesterly at an angle of 125 degrees 37 minutes 33 seconds as measured clockwise from the last described course, a distance of 245.40 feet; thence Northwesterly at an angle of 86 degrees 17 minutes 27 seconds as measured counterclockwise from the last described course, a distance of 128.51 feet; thence Westerly parallel with said South line of Section Thirty-three (33), a distance of 1059.75 feet to said West line of the East Half (E ½) of the Southwest Quarter (SW 1/4); thence Southerly, along said West line, at an angle of 91 degrees 54 minutes 43 seconds as measured clockwise from the last described course, a distance of 329.57 feet to the Point of Beginning.

Tract "B"

Part of the East Half (E ½) of the Southwest Quarter (SW 1/4) of Section Thirty-Two (32), Township Twenty-Three (23) North, Range Ten (10) East of the Fourth (4th) Principal Meridian, Ogle County, Illinois, described as follows, to wit: Commencing at a point on the West line of said East Half (E ½) of the Southwest Quarter (SW 1/4) of Section Thirty-Three (33), said point being 495.00 feet (30 rods) North of the Southwest corner of said East Half (E ½); thence Northerly, along said West line, a distance of 329.57 feet to the Point of Beginning of the following described tract; thence Easterly, parallel with the South line of said Section Thirty-Three (33), at an angle of 91 degrees 54 minutes 43 seconds as measured counterclockwise from the last described course, a distance of 1059.75 feet; thence Northwesterly, at an angle of 70 degrees 12 minutes 55 seconds as measured clockwise from the last described course, a distance of 22.84 feet; thence Northwesterly, at an angle of 134 degrees 28 minutes 26 seconds as measured clockwise from the last described course, a distance of 369.30 feet; thence Northwesterly at an angle of 173 degrees 06 minutes 22 seconds as measured clockwise from the last described course, a distance of 37.4.71 feet; thence Westerly, at an angle of 152 degrees 12 minutes 17 seconds as measured clockwise from the last described course, a distance of 350.00 feet, ·to the West line of said East Half (E ½) of the Southwest Quarter (SW 1/4) of Section Thirty-Three (33); thence Southerly, along said West line, at an angle of 91 degrees 54 minutes 43 seconds as measured clockwise from the last described course, a distance of 290.43 feet to the Point of Beginning, containing 5.035 acres, more or less.

Tract "C"

Part of the West Half (W 1/21 of the Southeast Quarter (SE 1/4) and part of the East Half (E 1/21 of the Southwest Quarter (SW 1/4) of Section Thirty-two (32), Township Twenty-three (23) North, Range Ten (10) East of the Fourth (4th) Principal Meridian, Ogle County, Illinois, described as follows, to wit:

Beginning at the Northeast corner of the West Half (W 1/21 of the Southeast Quarter (SE 1/41 of said Section Thirty-two (32); thence Southerly, along the East line of the West Half (W 1/21 of said Southeast Quarter (SE 1/4), a distance of 2144.98 feet to a point deeded as being 30 rods

North of the South line of said West Half (W 1/21, thence Easterly, parallel with said South line, at an angle of 92 degrees 33 minutes 55 seconds as measured counterclockwise from the last described course, a distance of 1270.74 feet to the Southeast corner of an existing 10.000 acre tract; thence Northeasterly, along the Easterly line thereof, at an angle of 75 degrees 36 minutes 31 seconds as measured counterclockwise from the last described course, a distance of 264.58 feet; thence Northwesterly, along said Easterly line, at an angle of 106 degrees 29 minutes 20 seconds as measured clockwise from the last described course, a distance of 97.45 feet; thence Southwesterly, along said Easterly line, at an angle of 125 degrees 37 minutes 33 seconds as measured clockwise from the last described course, a distance of 245.40 feet; thence Northwesterly along said Easterly line, at an angle of 86 degrees 17 minutes 27 seconds as measured counterclockwise from the last described course, a distance of 128.51 feet co the Northeasterly corner of said 10.000 acre tract, said point also being the Southeasterly corner of an existing 5.035 acre tract thence continuing Northwesterly along the Easterly line of said 5.035 acre tract on an extension of the last described course, a distance of 22.84 feet to the Northeast corner of said tract; thence Northwesterly, along the Northeasterly. line thereof, at an angle of 134 degrees 28 minutes 26 seconds as measured clockwise from the last described course, a distance of 369.30 feet; thence Northwesterly along said Northeasterly line, at an angle of 173 degrees 06 minutes 22 seconds as measured clockwise from the last described course, a distance of 374.7: feet to a point 350.00 feet East of the Northwest corner of said existing tract; thence Easterly, along an Easterly projection of the North line of said existing tract, at an angle of 17 degrees 47 minutes 43 seconds as measured counterclockwise from the last described course, a distance of 1789.81 feet; thence Northerly, at an angle of 89 degrees 43 minutes 32 seconds as measured clockwise from the last described course, a distance of 1524.87 feet to a point on the North line of said Southeast Quarter (SE 1/4); thence Easterly, along said North line, at an angle of 89 degrees 33 minutes 25 seconds as measured counterclockwise from the last described course, a distance of 570.73 feet to the point of Beginning, containing 41.046 acres, more or less.

Property Identification Number 16-32-400-004
Common Location: 1255 W. Star 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 Keith E. Wilson, 6931 N. Olcott, Chicago, IL by Attorney Deborah S. Maas of Smith, Hahn, Morrow & Floski, P.C., 129 S. 4th St., P.O. Box 10, Oregon, IL, in case #04-09SU. The applicant is requesting a Special Use Permit to permit a heliport in the AG-1 Agricultural District on Parcel Identification No. 16-32-400-004, a 56.02 acre parcel which is part of Section 32, Township 23N, Range 10E of the 4th Principal Meridian and is located in Oregon-Nashua Township at 1255 W. Star Rd.

After due notice, as required by law, the Zoning Board of Appeals held a public hearing in this case on January 28, 2010 at the Ogle County Farm Bureau, 421 W. Pines Rd., Oregon, Illinois and hereby report their findings of fact and their recommendation as follows:

SITE INFORMATION: See Staff Report (attached herewith).

ANALYSIS OF SEVEN 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, as the proposed use is in a predominately rural area, is located on a large farm parcel, and the intensity of the proposed use is relatively low. 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 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 AG-1 zoning district regulations, as the proposed use will be located within and will utilize a small portion of a 56 acre farm site, and the proposed use is sporadic in nature. 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 has adequate off-street parking and loading areas. 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 Star Road, 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 proposed use can be operated in a manner that is not detrimental to the permitted developments and uses in the AG-1 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, provided the proposed use will be operated in conformance to the recommended conditions of the Special Use Permit. 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 be granted to allow heliport in the AG-1 Agricultural subject to the following condition:

1. Proof of any and all required State and/or Federal permits for the operation of the heliport shall be provided to the Ogle County Planning & Zoning Department prior to placing said heliport into service.

ROLL CALL VOTE: The roll call vote was 4 members for the motion to recommend granting, 1 opposed.

Respectfully submitted this 28th day of January 2010 by the Ogle County Zoning Board of Appeals.

Bruce McKinney, Chairman
Maurice Bronkema
Jason Sword
Randall Anderson
Curtis Freeberg

Bruce McKinney, Chairman

ATTEST:

Michael Reibel, Secretary