Ogle County Zoning Board of Appeals

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

COPY

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 Larry Pontnack, 6309 E. Brick Rd., Oregon, IL, in case #02-12AM. The applicant is requesting a map amendment to change the zoning classification of part of Parcel Identification No.17-03-100-008, an 8.0 acre parcel, from AG-1 Agricultural District to I-1 Industrial District. Said parcel is part of Section 3, Township 23N, Range 11E of the 4th Principal Meridian and is located in Pine Rock Township at 6309 E. Brick Road.

After due notice, as required by law, the Zoning Board of Appeals held a public hearing in this case on April 26, 2012 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 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 9.07(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 industrial use is compatible with the existing uses and zoning of nearby property, as there is an existing industrial use adjacent to the proposed amendment. <u>Standard met.</u>**

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 development of the site for industrial use will not create a burden on the County of Ogle and other public service providers due to its location on seal coat surface County-maintained roads, and that the nature of the use will not demand a high level of public service. <u>Standard met.</u>**

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. <u>Standard met</u>.**

4. That the subject property is suitable for the proposed zoning classification. **The site is suitable for the I-1 zoning district, as it is located adjacent to an existing industrial use, the site is a logical area for extension of the adjacent industrial use, and the site is located on seal coat surfaced County-maintained roads. 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 no distinct trend of development in the general area other than agricultural uses; however, an industrial use has been in existence adjacent to the site for over 30 years. The proposed zoning classification of I-1 Industrial District is consistent with this established industrial use adjacent to the site. 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, although the LESA score indicates a high rating for protection, the proposed amendment is consistent with the purpose and intent of the Amendatory Zoning Ordinance, and the Regional Planning Commission has recommended approval. Standard met.**

RECOMMENDATION: We find that the proposed map amendment, if limited to the easterly 250' of the parcel described in the petition for map amendment, 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 easterly 250' of the property described in the petition for map amendment be changed from AG-1 Agricultural District to I-1 Industrial 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 April 2012 by the Ogle County Zoning Board of Appeals.

Bruce McKinney, Chairman
Jason Sword
Randall Anderson
Curtis Freeberg
Randy Ocken

Bruce McKinney, Chair

ATTEST:

Michael Reibel, Secretary

Ogle County Zoning Board of Appeals

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

COPY

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 Larry Pontnack, 6309 E. Brick Rd., Oregon, IL, in case #03-12SU. The applicant is requesting a Special Use Permit to permit storage of antique/old automobiles and parts thereof in the I-1 Industrial District on part of Parcel Identification No. 17-03-100-008, an 8.0 acre parcel which is part of Section 3, Township 23N, Range 11E of the 4th Principal Meridian and is located in Pine Rock Township at 6309 E. Brick Road.

After due notice, as required by law, the Zoning Board of Appeals held a public hearing in this case on April 26, 2012 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 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(C) (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 rural area with few near-by residential uses, fronts on hard surfaced roads, is located on a large parcel, and is adjacent to an existing industrial use. 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 zoning district regulations, as the proposed use is adjacent to an existing industrial use, it is located on hard surfaced roads, and it will be screened from adjacent properties by a fence and vegetation. 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 Chana Road and Brick 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 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, particularly the screening and landscaping requirements. 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 I-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© of the *Ogle County Amendatory Zoning Ordinance.*

Therefore, the Zoning Board of Appeals hereby recommends that a Special Use Permit be granted to allow storage of antique/old automobiles and parts thereof in the I-1 Industrial District subject to the following conditions:

1. A perimeter fence a minimum of 8 feet in height shall be maintained around the entire perimeter of the storage area. No automobiles and/or parts thereof shall be stored outside the enclosed area. The fence shall be set back from the property line a minimum of fifteen (15) feet.

2. A vegetative buffer of two staggered rows of evergreen trees, planted on 20-foot centers, with a minimum height of 6 feet at the time of planting shall be installed along the west boundary of the storage area, west side of fence, and permanently maintained in good condition, satisfactory to the County, with at least the same quality and quantity of landscaping as initially approved. In the event that any tree should die, the property owner shall replace same in a timely fashion, taking into consideration the season of the year.

3. The site shall at all times remain in compliance with all requirements of the Illinois Environmental Protection Agency and any and all other local, state and/or federal environmental requirements.

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

Respectfully submitted this 26th day of April 2012 by the Ogle County Zoning Board of Appeals.

Bruce McKinney, Chairman
Jason Sword
Randall Anderson
Curtis Freeberg
Randy Ocken

Bruce McKinney, Chairman

ATTEST:

Michael Reibel, Secretary

STATE OF ILLINOIS)
)SS
COUNTY OF OGLE)

In the Matter of the Petition

of

Larry Pontnack, Pine Rock Township

Ogle County, Illinois

Testimony of Witnesses
Produced, Sworn and
Examined on this 26th day
of April A.D. 2012
before the Ogle County
Zoning Board of Appeals

Present:

Randy Ocken
Curtis Freeberg
Randall Anderson
Jason Sword
Bruce McKinney, Chairman

Michael Reibel, Zoning Administrator

INDEX

Witness Page
Larry Pontnack 11
(By Ms. Maas) 23

Testified in Opposition:
Linda Carlson. 38
Attorney Deb Maas. 47

EXHIBITS

Exhibit Marked
Petitioner's Exhibit No. 1 11

Objector's Exhibit Nos. 1 - 5. 49

Certificate of Shorthand Reporter 78

CHAIRMAN MCKINNEY: Next item of business.

MR. REIBEL: If I may, Mr. Chairman, as we discussed, I'm going to introduce both the Amendment -- No. 2-12 Amendment and Special Use 3-12 SU, I'm going to introduce both those cases together for efficiency sake, just kind of conduct one hearing regarding the two.

CHAIRMAN MCKINNEY: Unless anybody has an objection.

MR. OCKEN: No.

MR. SWORD: No.

CHAIRMAN MCKINNEY: Then we'll have one public hearing for both petitions. It's the same property.

MR. REIBEL: Related petitions.

CHAIRMAN MCKINNEY: Related petitions.

MR. REIBEL: Okay, so the next item of business is to consider the request filed March 15th, 2012 of Larry Pontnack, 6309 East Brick Road, Oregon, Illinois, for an Amendment to the Zoning District to rezone from AG-1 Agricultural District to I-1 Industrial District on property described as follows and owned by the petitioner:

Part of Lot 2 of the subdivision of GL 4 and GL 5 of the NW1/4 Fractional Section 3 Pine Rock township 23N, R11E of the 4th P.M., Ogle County, Illinois, 8.0 acres, more or less. Part of Property Identification Number: 17-03-100-008. Common Location: 6309 East Brick Road.

For the record, a sign was posted along the frontage of the premises indicating that a hearing is to be held.

A public notice was published in the Ogle County Life on April 2nd, 2012, notifying the public of the hearing this evening and the specifics of the petition.

And all adjoining property owners to the petition have been notified by certified mail of the hearing this evening and the specifics of the petition.

Under the staff report, a copy of which is on file, the board members have received. I will point out that the location of the site is the southeast corner of the intersection of North Chana and East Brick Roads.

Existing land use is agricultural crop land and two private storage buildings. The site is located in an area that contains a mixture of agricultural and residential uses and

an industrial use. Land to the south and west of the site is in agricultural use zoned AG-1; land to the north of the site is in large-lot rural residential and agricultural use zoned AG-1; land to the east of the site is industrial use zoned I-1. There are four dwellings within a 1/4 mile of the site and 10 houses within a 1/2 mile of the site.

No previous zoning history on the site.

Applicable regulations: The I-1 Industrial District is intended to help implement the goals and objectives of the Amendatory Comprehensive Plan and is established to provide for industrial uses in areas whose principal use is or ought to be manufacturing, warehousing, and other limited industrial uses. Uses in the district shall create a minimum of noise, glare, odor, dust, vibration, air and water pollutants, fire, explosive, radioactive, and other hazardous, harmful, or obnoxious matter. This district is provided to permit the development of these industrial uses, to protect adjacent areas against encroachment by incompatible uses, and to lessen congestion on

public roads.

Public utilities, none.

Transportation: Both Chana Road and Brick Road are seal coat surfaced Ogle County highways.

Physical characteristics: The site is located on an upland ridgetop/side slope system. The site is gently sloping to sloping, and is not subject to ponding or flooding. According to the Digital Soil Survey, soil types are: 243B - St. Charles silt loam, 412-B - Ogle silt loam, 429B - Palsgrove silt loan, and 429C2 - Palsgrove silt loam. The following are selected characteristics of the identified soils: 97.4 percent are classified as prime farm land, the remainder being farmland of state-wide importance; 89.7 percent are rated as being very limited for septic fields due to slow water movement and depth of bedrock; depth to water table on the site is greater than 79 inches.

The LESA score of 210.1 indicates a high rating for protection. Land evaluation 76.1; site assessment 134.

The Illinois Department of Natural

Resources indicates that the Natural Heritage Database obtains no record of threatened or endangered species, etcetera, and the consultation process with IDNR has been terminated.

I have a letter on file from Pine Rock Township which states the Pine Rock Township board voted to approve the request by a vote of 4 to zero. Sent by Carol Ackert, Pine Rock Township Clerk.

And now I'll introduce the related petition No. 3-12 SU.

Petition filed March 15th, 2012, by Larry Pontnack, 6309 East Brick Road, Oregon, Illinois, for a Special Use Permit to allow storage of antique/old automobiles and parts thereof in the I-1 Industrial District on property described as follows and owned by the petitioner:

Part of Lot 2 of the subdivision of GL 4 and GL 5 of the NW1/4 Fractional Section 3 Pine Rock Township 23N, R11E of the 4th P.M., Ogle County, Illinois, 8.0 acres, more or less.
Part of Property Identification Number: 17-03-100-008.
Common Location: 6309 East Brick Road.

At the Regional Planning Commission meeting, on April 19th, 2012, Mr. Reising made a motion to recommend approval of this petition, No. 3-12 Special Use, subject to the recommended conditions of the Staff Report. Indicating that the petitioner has a good track record, Pine Rock Township has no objections, and it's not interfering with existing crop land. Seconded by Mr. Baumgarten, the motion carried unanimously by roll call vote.

I didn't mention the Planning Commission report for the previous case. Did I not?

MR. ANDERSON: Did not.

MR. REIBEL: I did not. So on the previous case on the amendment, Mr. White made a motion to recommend approval of the amendment petition, stating that the adjoining property's already zoned I-1 and the petitioner has a proven track record of compliance and that the area residents of Pine Rock Township had no objection, and the use will increase the value of the property to I-1 with the reduction of crop land being small. Seconded by Mr. Considine. The motion carried unanimously.

Continuing with the introduction of the Special Use case, uhm, a sign was posted along the front of the premises, along with the amendment case.

A separate public notice was published in the April 2nd edition of the Ogle County Life, again notifying the public of the hearing this evening and the specifics of the petition.

All adjoining property owners to that petition have been notified by certified mail of the hearing this evening and the specifics of the petition.

The Illinois Department of Natural Resources reported the same and the consultation process has been terminated. There are no threatened, endangered species, etcetera.

And the facts of the staff report was previously read are the same, with the exception of there are some recommended conditions tied to the Special Use Permit. No. 1. That a perimeter fence a minimum of 8 feet in height shall be maintained around the entire perimeter of the storage area. No automobiles and/or parts thereof shall be stored outside the

enclosed area. The fence shall be set back from the property line a minimum of 15 feet.

2. A vegetative buffer of two staggered rows of evergreen trees, planted on 20-foot centers, with a minimum height of 6 feet at the time of planting shall be installed along the west boundary of the storage area, west side of fence, and permanently maintained in good condition, satisfactory to the County, with at least the same quality and quantity of landscaping as initially approved. In the event that any tree should die, the property owner shall replace same in a timely fashion taking into consideration the season of the year.

And 3. The site shall at all times remain in compliance with all requirements of the Illinois Environmental Protection Agency and any and all other local, state, and/or federal environmental requirements.

That's all I have.

CHAIRMAN MCKINNEY: Entertain a motion to go into a public hearing.

MR. SWORD: I'll so move.

MR. ANDERSON: I'll second.

CHAIRMAN MCKINNEY: Jason's moved; Randy Anderson seconded. All those in favor signify by saying aye.

(All members voted in favor.)

CHAIRMAN MCKINNEY: Any opposed say nay. Motion carries.

Mr. Pontnack, please come forward.

Is there somebody else who's going to testifying along with you?

MR. PONTNACK: No.

CHAIRMAN MCKINNEY: Okay. Raise your right hand.

LARRY PONTNACK,

having been first duly sworn, testified as follows:

CHAIRMAN MCKINNEY: Give Doris your name and address.

MR. PONTNACK: Larry Pontnack, 6309 Brick Road, Oregon, Illinois 61061.

I got a couple things I want to hand you here.

MR. REIBEL: I believe I'll label this Petitioner's Exhibit No. 1.

(Petitioner's Exhibit No. 1 marked for identification.)

MR. PONTNACK: I feel like I left you out.

MR. HOPKINS: I feel left out all the time.

CHAIRMAN MCKINNEY: You want to read this into the record?

MR. PONTNACK: Yes, I can read it into the record. These are the neighbors that are buying the land that's right behind that adjoins my land, and it's John and Theresa Krueger says,

> "To Whom It May Concern: We are the neighbors of Larry Pontnack, and we are in the process of purchasing the land directly adjacent to his MoPar City business operation. That land contract purchase with Carol Traina will be fully completed in 4 years.
>
> Throughout the years that we have lived here we have enjoyed a mutual "good neighbors" relationship with Larry Pontnack and his MoPar City business operation.
>
> We have no objection to the expansion of his zoning category and Special Use permit that is currently being considered by Ogle County. We feel that Ogle County needs growing businesses to provide tax base and employment opportunities." And it's signed by them.

CHAIRMAN MCKINNEY: Okay. Tell us about your petitions.

MR. PONTNACK: I'm sorry?

CHAIRMAN MCKINNEY: Tell us about your two petitions.

MR. PONTNACK: What I want to do is expand my business. I've been there since 1974. I've stayed in compliance with Mike Reibel and the zoning board, and my plan is to put a parts business into the buildings, as far as antique parts. And I want to make known I'll probably build another building and expand into that, and then I plan just to transfer things over from what I have onto that land, is my theory.

At this point in time, we are trying to get another building figured out. I just talked to Mike about building it. That's what we're trying to do, just expand the business, that's what we're trying.

CHAIRMAN MCKINNEY: Okay. A couple things. Under your special use permit, there's -- was there four staff recommendations. Have you read them, do you agree with them?

MR. PONTNACK: Yes, yes.

CHAIRMAN MCKINNEY: Okay. The question that I have, not with this petition, but the adjoining property that you own, explain to me why behind your buildings that's not considered a junk yard.

MR. PONTNACK: Well, it's not a junk yard, it's not like previous ones around here used to. We have no EPA problems, we have no oil problems, we only do antique cars, is all we do. Muscle cars we call them from 1960 to 1982. So as far as cars being brought in there every day, no. We buy on average maybe 10, 12 a year. We take every part off the truck, there's no cars rolled over, no dumping, no garbage, we don't do that. We are into muscle cars only. And we're expanding and as we have more, we need to clean them up and get our aisles free, because we have enough now, but we don't get enough anymore, so it's not like -- again, it's not a salvage yard, it's not a junk yard, it's a restoration yard for muscle cars. Anybody can come look at it.

Mike's been there how many times. We try to keep it clean, keep it he mowed, keep it right. Again, we are in compliance with the EPA. We got no problem with them at all. No oil, antifreeze, none of them problems. We keep everything in containers.

CHAIRMAN MCKINNEY: Once a vehicle's stripped and you're not going to refurbish that

model, what do you do with --

MR. PONTNACK: I haul them to Behr in Rockford on a trailer to them. We have -- we call it crushing, we have not crushed any cars in -- shit, five, six, seven years, because there's too many pieces that's valuable. I mean, we sell every piece possible off that car. We torch nothing, we use everything with a Sawzall, every piece we need, because they don't make enough pieces, so that's why we do it. I mean, that's why you don't see me buying new cars and stuff. We don't do that. We're not in to do it. If it ain't a muscle car, '82 and below, we don't get it. We don't touch it, you know.

And if we do get a call to haul something new, we don't even take it. We take it right to Behr in Rockford and sell it. We don't even bring it to our place. We have nothing to do with it. But we have people call, would you haul this car and this and that. Yeah, we will, but we do not bring it back to our yard; it goes right to Behr.

CHAIRMAN MCKINNEY: I'm not -- I can't

recall if you mentioned it today, I know at planning commission meeting you mentioned that one of the reasons why you need some more buildings is because you've got several semi trailer loads of parts.

MR. PONTNACK: Yeah, I have eight semi loads that fit these benches of antique parts that -- I bought Kishwaukee Auto Supply out three years ago, and I have 202 Gaylord boxes of parts that have not been unloaded or gone through. So what I do is I hire all the school kids from the high school program, then we use them in our yard, and then we are going to use them, as we expand, we're going to do that, you know, we're going to bring more people in to run the business, and inventory, and put it all on computer.

I want to be in compliance with these other buildings on that land, because I want to start moving in. It's been three years sitting there, and I want to get it moved, so that's why I'm here.

CHAIRMAN MCKINNEY: The balance of that lot or property is going to stay in farming?

MR. PONTNACK: Yes.

CHAIRMAN MCKINNEY: You're just -- the zoning special use is just right behind, I think --

MR. SWORD: .9 acres.

MR. PONTNACK: Correct, and you see where it's drawn, and the only thing I'm going to do is maybe add another building. If I do add another building, I'm going to look at my farm and decide, you know, where it would be best at, but no they're going to keep farming it, that's the plan of attack. I have no intentions of doing that. It's going to stay being farmed.

CHAIRMAN MCKINNEY: Okay.

MR. PONTNACK: John Krueger will farm that in the end. This year there's a person from Rochelle farms it, but then we're going to go ahead and do that.

CHAIRMAN MCKINNEY: And you're wanting to rezone to I-1 which your property --

MR. PONTNACK: Same as it is now.

CHAIRMAN MCKINNEY: -- next to this petition property is already I-1.

MR. PONTNACK: Exactly. Now, in 2002 we

had zoned 2 more acres. We've had 10 acres total, and we had zoned 2 acres. I came to the board and we had zoned 2 acres to expand my yard. And now, again, we're trying to expand a little more, we're just trying to grow. My son and my grandsons, stuff like that's going to -- we're going to go on with this. We started this in 1974.

CHAIRMAN MCKINNEY: What time type of hardship would it be if we were not to recommend approval or the County Board did not approve the two petitions?

MR. PONTNACK: Well, it's going to stop people being hired, that's the first thing it's going to stop. Taxes in the County, that's going to be one thing. Yeah, it would -- it would stop a lot in the end result, yes.

MR. OCKEN: How many employees do you have.

MR. PONTNACK: I have -- right now I have, let's see, I got Lou -- just a second, one, two -- I have five now. We laid two off. We got some part-timers. I got a lot of part-time high school kids working for us. And I'm planning on

putting another four, probably two full-time, and probably three part-time, when I get this up and moving.

I've got all the racking bought off of KD Briggs (phonetic). I just got all that bought, and that's laying there now, so I have racking enough to the start putting this stuff on racks, and then it's going to take a computer system and that, we're going to put over there. But at this point, I would probably say -- I'd like to think once we get moving, and we get this thing going on E-bay and that, three full-time, probably two or three kids again, but I always -- right now we probably got three kids now that mow grass and do things like that, tear the mowers apart and stuff like that.

MR. OCKEN: Thank you.

MR. PONTNACK: Uh-huh.

CHAIRMAN MCKINNEY: Future buildings, storage buildings, can you talk a little bit more about that?

MR. PONTNACK: I just got something from Mike Reibel today about that, as far as how they got to be built, how they got to be checked and

that, and that's something I'm going to do.

I'm going to build one more building, I'm not sure where I'm going to put it. We have two buildings over there now, and I'm not positive where it's going to sit yet. It's going to be close to the one that's there, because I'm going to have cement runs to it, so I can run fork trucks in and out, so I would say -- I would say probably to the west and then I'll have to keep my -- as far as footage from the building over, I'll have to do that and probably just be another one and just pour cement to it, I would imagine.

MR. REIBEL: Do you have plans to do some storage rental units or something like that someday?

MR. PONTNACK: In the future, I've talked about -- it's nothing solid, but I thought about putting storage units in on the corner, finish -- if I did that someday, that would be something I thought about doing, putting storage units there, then with that special use I could have a fence and that -- but at this point that's something in the future, I'm not going to

tell you it's going to happen for sure. That's something I would like to do, yes.

CHAIRMAN MCKINNEY: The high school kids that you use. Is that a program you got set up at the high school?

MR. PONTNACK: Oh yeah, yeah, I thought -- I didn't know that -- I got Mike a letter. I don't know if I made enough of them copies and that -- letter on all that, where the lady gave me a letter on it and everything about hiring them. We do that a lot.

CHAIRMAN MCKINNEY: Okay. Any other questions right now?

MR. SWORD: Mike, has the office ever had any calls or complaints about this operation from the neighborhood?

MR. REIBEL: Just a couple times when Larry has a few cars out. A little more than he should.

MR. PONTNACK: I think at that time I called you, Mike, and told you we're going to haul some cars.

MR. REIBEL: I can go out and I see Larry, we sit down and have a talk, and Larry takes

care of it.

MR. SWORD: Okay, good.

MR. PONTNACK: I usually call him when I'm going to set something out. He knows ahead of time so he don't get the call. He knows what I'm doing. It's not very often we talk, very seldom.

CHAIRMAN MCKINNEY: These buildings, storage buildings, do they have electricity, water, sewer, or septic?

MR. PONTNACK: No water and sewer. I have electricity only to them is what we have.

CHAIRMAN MCKINNEY: Any other questions?

MR. SWORD: Nope.

CHAIRMAN MCKINNEY: Okay. We do have a letter of appearance filed. What's the name -- Deborah Maas?

At this time, you can only ask questions of Mr. Pontnack.

MS. MAAS: Okay. Do you want me to stand up?

CHAIRMAN MCKINNEY: Yes, please come forward, and just so that we've got it on record, give Doris your name and your address,

please.

MS. MAAS: It's Deb Maas, M-A-A-S, Smith, Hahn, Morrow & Floski, PC, 129 South 4th Street, Oregon, Illinois 61061. On behalf of two of the adjacent landowners.

CHAIRMAN MCKINNEY: Can you give us the landowner's names, ma'am?

MR. SWORD: Yeah.

MS. MAAS: Yes, it's Carol Traina and Steven Fillipow, if I'm saying it right.

THE REPORTER: Can you spell it, please?

MS. MAAS: F-I-L-L...

THE REPORTER: I'm sorry, I couldn't hear you.

MS. MAAS: F-I-L-L-I-P-O-W.

THE REPORTER: Thank you.

EXAMINATION BY MS. MAAS:

MS. MAAS: So I just wanted to clarify, on your petition, as I understood your application, you're asking to rezone the 10 acres to industrial. The remaining 8 acres, did I understand you that it will continue to be farmed?

MR. PONTNACK: At this point in time now,

we are going to put buildings up, and we are going to leave the ground. That way they can farm it until I change it different. But at this point, what we're trying to do is get the buildings into compliance, what we got to do, and then basically you're talking a special use permit of a hundred by 300, which that would not affect any of the farm land right now. If it does, it's very little.

MS. MAAS: And so to clarify on the special use permit application, are you asking that the entire 8 acres be used for this.

MR. PONTNACK: Not even close.

MS. MAAS: Okay, so on your concept plan you identified the .93 acre proposed expansion on the storage area.

MR. PONTNACK: Right.

MS. MAAS: That's the only storage area you're asking for the special use?

MR. PONTNACK: That is correct.

MS. MAAS: Okay.

MR. PONTNACK: And if you've been out there, you can see it goes right down even with the buildings all the way down to the end.

MS. MAAS: Understood, and then right now, you don't have a location in mind for this third storage site.

MR. PONTNACK: I do not, no.

MS. MAAS: Okay. In terms of your timeline with regard to the Ag use, is there a point in time that you will have all this accomplished by then, that future date, the Ag use would stop?

MR. PONTNACK: At this point, I don't have a time. Ag use, as far as I can see, will go on. I'm going -- if I want to put the building up, that is not going to stop. And if I put the usage here, that is not going to stop. So at this point, I have no intentions unless as, again, I mentioned if down the road, years down the road, I want to put in some storage units, then it will stop and that would be the way that --

MS. MAAS: Okay, so you don't have a time limit on it.

MR. PONTNACK: No, I don't.

MS. MAAS: Okay, so if you put in the storage units, that would be on whatever is

remaining there --

MR. PONTNACK: Correct.

MS. MAAS: -- doesn't meet the special use.

MR. PONTNACK: Correct. Until then, the land would be farmed.

CHAIRMAN MCKINNEY: Right now the storage units are not part of the petition --

MR. PONTNACK: No.

CHAIRMAN MCKINNEY: -- until you decide to do storage units, he would have to come back with a new petition.

MR. REIBEL: If that was zoned industrial, that would a permitted use in industrial.

MS. MAAS: Right, he wouldn't have to have it.

CHAIRMAN MCKINNEY: I'm sorry.

MS. MAAS: All right. My next question was, when I reviewed your application, I noticed you did provide the owner's deed to the zoning office. You're aware that your deed to ownership has restricted covenants in it.

MR. PONTNACK: Well, at the time, what you're -- I think you're bringing up something

that me and Carol Triana had, like, 15, 16 years ago.

MS. MAAS: When you acquired the property, right, back in '97?

MR. PONTNACK: Back in '97, that is correct. Now, at that time, I had no plans of expanding my business and she --

MS. MAAS: Right.

MR. PONTNACK: Me and her --

MS. MAAS: Let me just back up so I can get everybody on the board -- I was going to mark this -- Mr. Reibel, how do you want me to mark it?

MR. REIBEL: Are you testifying or asking questions?

MS. MAAS: Oh, yeah, okay I'm mark it later.

MR. REIBEL: Okay.

MS. MAAS: So let me back up and ask the question this way then. You're aware that the deed by which you acquired the property contains a covenant that limits the use of the property for residential purposes and does not allow industrial use.

MR. PONTNACK: At that time, me and Carol Traina made that agreement, was agreed upon, which is not wrote in there, that as long as she lived here, her land that she owned, her house, lived there, nothing to do with this, that would be fine, but she no longer lives there. That's been -- she's been gone 15 or 16 years.

CHAIRMAN MCKINNEY: That's right, Miss Maas, the contract really has nothing to do with this petition. If you want to take it on further. It would have to be a civil matter.

MS. MAAS: Understood, but I do want to make the board aware that it is a covenant in his ownership of the property.

CHAIRMAN MCKINNEY: And how long ago was that signed?

MS. MAAS: Pardon?

CHAIRMAN MCKINNEY: How long ago was that?

MS. MAAS: Well, he bought it in '97 looks like.

MR. PONTNACK: January '97.

MR. REIBEL: Duly noted.

CHAIRMAN MCKINNEY: Duly noted. Duly noted.

MS. MAAS: All right. So just to clarify again, Mr. Pontnack, would you then agree that your petition for the special use permit should be limited to the .93 acres on your concept plan?

MR. PONTNACK: I don't understand, say that again.

MS. MAAS: Would you agree or acknowledge that your request for the special use permit be limited to the .93 acres that you set forth on your concept plan?

MR. PONTNACK: That is what we have the concept plan for, we're asking for now, yes.

MR. ANDERSON: Miss Maas, would you repeat the question you just asked him?

MS. MAAS: I asked him if he would agree or acknowledge that his petition and his request for the special use permit being limited to the .93 acres that's set forth on his concept plan.

MR. ANDERSON: Okay.

MR. SWORD: Okay.

MR. PONTNACK: Where is Carol Traina living? Does she live around here yet?

MS. MAAS: And then I also wanted to

clarify with the storage for antique and old automobiles, that you have identified it on your concept plan, you're still subject to Illinois EPA regulations?

MR. PONTNACK: Oh yes, and we comply with them perfectly.

MS. MAAS: Okay. You've never had any --

MR. PONTNACK: Never have had any problem.

MS. MAAS: -- notices from IEPA on any issues?

MR. PONTNACK: The only thing I ever had was a tire problem, which wasn't a tire problem. We were not -- we do not sell tires, and they questioned us, and we don't sell tires, so we harped a lot with the EPA on tires out of Rockford, they find that I have no problems with them.

MS. MAAS: So no issues about run-off or contamination?

MR. PONTNACK: No, no.

MS. MAAS: Okay. I think that's all I have for him right now.

CHAIRMAN MCKINNEY: Okay. Mr. Pontnack, there was some discussion up here about your

storage units that are going to be down the road, in the future.

MR. PONTNACK: Okay.

CHAIRMAN MCKINNEY: Randy?

MR. ANDERSON: Just a question, if a condition was put into place, at this point, that your AG-1 to I-1 would be limited to about 200 feet on the east side of this parcel that you're asking for at this point?

MR. PONTNACK: I don't understand that, say that again?

MR. SWORD: If it's limited to that.

MR. ANDERSON: If you're asking for an AG-1 to I-1 rezoning --

MR. PONTNACK: Correct.

MR. ANDERSON: -- for the whole parcel --

MR. PONTNACK: Yes.

MR. ANDERSON: -- if it was a recommendation made that it would be limited to just basically the .93 acres.

MR. PONTNACK: .93 acres.

MR. ANDERSON: That's the parcel that you would like to make your extension, with -- approximately 200 feet wide.

MR. REIBEL: Easterly 200 feet of what you're -- the 8 acres you're proposing.

MR. ANDERSON: You've got about 125 feet here.

MR. PONTNACK: Correct.

MR. ANDERSON: Say it was just extended 200 feet, and allowed that it would be AG-1/I-1 just on that parcel right now.

CHAIRMAN MCKINNEY: And the reasons why we're asking this, is so that when you do decide, I mean, five, ten years down the road to put in those storage units, if you were going to make it a larger one, you'd have to come back for -- with another petition so that the County Board or the County has a little bit more control on the size of the storage units.

MR. PONTNACK: Oh, I see. I figure -- yeah, if that's the case, yeah, I mean, that's what I would do. I would have to come back and get that, you know, to be in compliance with that. But as far as footing wise now, I don't know where I'm going to put that building and what footage I'm going to do. I can draw a plan up and try to look it over and measure more and

decide. I don't want to commit to that, because I'm not sure yet.

CHAIRMAN MCKINNEY: Well, if you wanted to put up some other place, again you would have to come back --

MR. PONTNACK: Correct.

CHAIRMAN MCKINNEY: -- for a petition.

MR. PONTNACK: Well, Mike and me talked, as we said earlier, with the zone, it would -- it would allow me to do it, but you're saying for me to come back again if I did do it, as far as --

CHAIRMAN MCKINNEY: If you wanted to put in a hundred storage units, you know, then the County would have a little more say.

MR. PONTNACK: I see. I see what you're saying.

MR. SWORD: For the storage units, does he understand that?

MR. REIBEL: What they're suggesting, Larry, is that they may be -- the board here may be inclined to recommending that, say the easterly, say, 200 feet of this parcel being zoned, be zoned industrial and leave this zoned

ag, and if at some point in the future you wanted to do the storage rental units over here, you would have to come in for a special use permit.

MR. PONTNACK: I understand that now, and as I said, I haven't measured what -- you're saying 200 feet from basically here over, correct?

MR. REIBEL: We've got 125 feet on here now.

CHAIRMAN MCKINNEY: Be another 70, right.

MR. ANDERSON: So here to here would be 200.

MR. PONTNACK: Well, where I'm going to have it at, this is in line with this building. If I put another building here, I'm going to be out further than that. That's why I'm trying to say, I would like to figure out the footage so I know we get it right, I'm going to say to be safe.

CHAIRMAN MCKINNEY: Say 225 feet? That'd be another hundred feet.

MR. PONTNACK: Yeah, I was going say that, even -- why don't you just make it 250 feet.

Because the reason I'm telling you that, if I have to drive along here or something like that, I don't want Mike saying I can't put a trailer over there or -- a flat trailer, that's what I'm trying to do. I'd like to see -- if you're going to do that, maybe 250 feet and that way --

MR. REIBEL: Put 125 feet on the other side of this.

MR. PONTNACK: That's correct, and then I'm safe. I don't have to come back and ask you again. And then the rest of this I'll just leave farm land.

MR. ANDERSON: Okay, so if you do the hundred -- extra 125, that would give you enough room --

MR. PONTNACK: That's correct.

MR. ANDERSON: -- for your storage building that you're going to use for the antiques.

MR. PONTNACK: That is correct.

MR. ANDERSON: But then if you're going to do the rental, you'll come back and talk to us.

MR. PONTNACK: Yeah, I had would have to come back and talk to you people. I wouldn't do

nothing without you, as I said.

MR. ANDERSON: If you can work with the 250, okay.

MR. PONTNACK: Yeah, I think I can. I'm -- I'm going to go home and do some measuring for sure, but I think I'm fine, because the next building worst scenario would be I turn it a certain way would be a hundred foot bigger, you know, something bigger than that. At this point, I think if you zone that much --

MR. ANDERSON: Okay.

MR. PONTNACK: -- with the light industrial that will get me where I need to be without him calling me saying, what are you doing parking stuff there, which I've had that call, okay? I'm going to write that down here, too.

And if I got a question on that tomorrow, Mike, I'll come see you.

CHAIRMAN MCKINNEY: Just so everybody knows on this parcel, instead of rezoning the whole parcel I-1, over to the east side of parcel where it's marked special use, we are going to come out another -- what did we say, a

hundred and 25 feet and that would be the I-1 zoning. That way if he comes back and wants to have a large storage rental place, he would have to come back for another petition. That way the County has a little bit more control on what's being built there.

MR. PONTNACK: Okay.

MR. OCKEN: So are those two existing storage buildings zoned AG-1 then?

MR. SWORD: Nope, they would be in the --

CHAIRMAN MCKINNEY: They would be in the I-1.

MR. OCKEN: So you're going to go over another 125 feet and go all the way to the road.

MR. ANDERSON: Correct.

MR. SWORD: Yes.

MR. PONTNACK: Go all the way to the road.

MR. REIBEL: Would be the easterly 250 feet.

MR. OCKEN: This is going to go over here and square off.

MR. PONTNACK: That will be --

MR. OCKEN: Okay.

MR. REIBEL: Well, Larry and I will need

to talk about that, probably clean up a little bit, but we'll talk about that.

MR. PONTNACK: We can do that.

Okay. Any other questions guys?

CHAIRMAN MCKINNEY: Okay. Does anybody have anymore questions?

All right. Have a seat.

Is there anybody here who wishes to testify in favor of the petition?

Anybody here wishes to testify opposing the petition?

MS. CARLSON: I do.

CHAIRMAN MCKINNEY: Please come forward.

LINDA CARLSON,

having been first duly sworn, testified as follows:

CHAIRMAN MCKINNEY: Give her your name and address.

MS. CARLSON: Linda Carlson, C-A-R-L-S-O-N, 47 South Chana Road, Chana, Illinois 61015.

Okay. Uhm, I'm against this because for one thing it's changing the character of the Paynes Point area. It's a small community and nobody needs a big ole industrial park or

whatever you want to call it, taking up such a large area in the community. Uhm, I -- also on the southeast side, the way the drainage is, I worry about my lake. I feel that a big wall just makes our area look terrible. We're proud on Chana Road. It's a beautiful, agricultural, and we all love the wildlife, and I just feel that -- I'm opposing this. I just don't think it's going to benefit our community.

I understand, I know he helps the high school children, but there's a lot of jobs that are offered right in Oregon. I work at the Eagle's Nest, and they are available.

I have people behind me that also oppose this. I don't know if they have to talk, but I wished you would reconsider this. I feel that if it does damage to my lake. I will be definitely back in here and very upset, so -- and if I need that more explained, this lady here will explain it to you. Thank you.

MR. ANDERSON: I have a question.

CHAIRMAN MCKINNEY: Where do you live?

MR. ANDERSON: Where do you live?

MS. CARLSON: 47 South Chana. I live

where the 5-acre lake is. I'm living in Traina's home.

CHAIRMAN MCKINNEY: So you're about a quarter, half a mile off of Route 64?

MS. CARLSON: Yes, uh-huh.

CHAIRMAN MCKINNEY: About how far away are you from this property there?

MS. CARLSON: Uhm, I don't know, I but -- John Kruegers. I can't believe that John is agreeing to this. I own 46.1 acres.

CHAIRMAN MCKINNEY: You're what, a mile or a little bit more?

MS. CARLSON: No, I wouldn't even say a mile. Quarter mile, not even that.

MR. ANDERSON: How long have you lived there?

MS. CARLSON: Four years.

MR. SWORD: Do you have any evidence that he's had problems with drainage or run-off of any kind chemicals or anything?

MS. CARLSON: I don't know. My lake doesn't look right. I don't know. I don't know. I apologize. Just so you're aware of it, I lost my husband a year ago, otherwise he would

be standing here doing this. So I wish I could say more, I -- I'm a single lady fighting for what I think is wrong.

MR. SWORD: Sure.

CHAIRMAN MCKINNEY: Mr. Pontnack, would you care to cross-examine?

MR. PONTNACK: Yeah, I've been there since 1974. There's never been a problem at Traina's lake, land, or no complaints of any sort have I ever had, and I'm EPA compliance.

CHAIRMAN MCKINNEY: You can't testify. You can only ask questions.

MR. PONTNACK: Okay, I'm sorry, go ahead.

CHAIRMAN MCKINNEY: No, you can ask a question.

MR. PONTNACK: I'm just saying, I've never ever had a problem.

MS. CARLSON: The only thing I'm saying is the septic and then another big wall and then you're talking about building all these storage units. We don't want an industrial area out there, none of us do.

MR. PONTNACK: A storage area is not an industrial park.

MS. CARLSON: And then you start changing the zoning demographics. The taxes will go up a little bit -- they might go down, but then it decreases our property, because people don't want to be by a business like this. They moved out in this area to have country living and not --

MR. PONTNACK: Well, I was there before you came. Did you think there was a problem when you came?

MS. CARLSON: But I didn't have to look at it going down Chana Road.

MR. PONTNACK: You still don't have to look at it.

MS. CARLSON: When I go into Rockford, that's where my children live.

MR. PONTNACK: Well, then I --

MS. CARLSON: I mean, I don't want to argue.

MR. PONTNACK: I'm not going to argue about it. I'm not there to create a problem. I've never had a problem, and I always have been EPA compliance and always been in compliance with the zoning board, so at this point.

MS. CARLSON: Well, that's --

MR. PONTNACK: That's fine, and I appreciate it.

MS. CARLSON: You know, and I apologize, I don't -- we're neighbors, but I just don't want this to happen. I don't want a big wall. I mean, it's a beautiful corner, as you turn from Paynes Point and you go down Chana Road. It's just all this country, it's beautiful.

MR. ANDERSON: Ma'am, can I interject something here? You understand that we're looking at putting a limitation, and he only coming 250 feet. The corner will remain looking the same. We're not going to --

MR. SWORD: Show her a map.

MR. ANDERSON: You want to come up here and look at a map, see what we're talking about?

The proposal is from AG-1 to I-1 for this whole parcel, including up to the corner. The conversation we've had with him, that we'd only allow to come up 250 feet. The rest of this will stay agricultural land, just like it looks.

MR. SWORD: And if he would ever do anything else --

MR. ANDERSON: If he wants to do anything again, he'd have to come back here again and there would be another chance for you to come and say something to the ZBA. So this will stay looking the same, 250 feet would be the recommendation, is what we're talking about.

MS. CARLSON: Okay. I'm not -- okay, where's Chana Road in here?

MR. ANDERSON: Right here. This is where you live right here (indicating).

MS. CARLSON: Right.

MR. ANDERSON: And you'd come out, come up, and this is the corner, Paynes Point right there.

MS. CARLSON: So he's building it behind --

MR. ANDERSON: No, this is existing --

MR. SWORD: To the west.

MR. ANDERSON: Yeah, to the west, but he wanted to do this whole parcel, and we've talked with him about limiting it just to 250 feet.

CHAIRMAN MCKINNEY: The dark gray on the map.

MR. ANDERSON: Leave the rest of that

corner.

MS. CARLSON: Leave that corner agricultural.

MR. SWORD: Nothing else will change.

MR. ANDERSON: Nothing will change.

MS. CARLSON: But what -- no offense, I was listening when you started, it's already been approved by Pine Rock, correct?

MR. SWORD: Well, that's their recommendation.

MR. ANDERSON: That's just recommendation.

CHAIRMAN MCKINNEY: They're not objecting to it, that's all.

MS. CARLSON: Oh.

MR. ANDERSON: Nothing is --

MR. SWORD: They don't make the final say.

MR. ANDERSON: County Board does that.

MS. CARLSON: Yeah, I get it.

MR. ANDERSON: So we're trying to --

MR. SWORD: Compromise.

MR. ANDERSON: -- to compromise here.

MS. CARLSON: Then you said he had to come in and get --

MR. SWORD: He would have to come back to

the board.

MR. ANDERSON: Come back. Nothing --

MS. CARLSON: Will it be posted so we know about it again?

MR. ANDERSON: Oh, yes.

MR. SWORD: Of course, yeah.

MR. REIBEL: It'll be in the newspaper, a sign.

MR. ANDERSON: It could be 10 years, 15 years down the road somewhere, so...

MS. CARLSON: So this is hidden where, we're not going to see where he's adding on.

MR. SWORD: Uh-huh.

MR. REIBEL: The storage yard for vehicles will be an 8 foot fence with pine trees, just like his fence is now.

MR. ANDERSON: So when you come to the corner, you're still going to have this open corner is a field here.

MS. CARLSON: But that's not the way he had it.

MR. ANDERSON: It wasn't.

MR. SWORD: That's right, but we're changing that and that's what he's agreeing now

to.

MR. ANDERSON: We're changing it.

MR. SWORD: Only the 250 feet along the east side of it.

MR. ANDERSON: We wanted you to understand, that's why we're telling you, for information.

MS. CARLSON: Okay.

CHAIRMAN MCKINNEY: Do you have anything else?

MR. PONTNACK: No, I don't.

CHAIRMAN MCKINNEY: Does anybody else wish -- oh, were you finished?

MS. CARLSON: Oh, I'm sorry?

CHAIRMAN MCKINNEY: Were you finished?

MS. CARLSON: Yeah, I just -- what I said, I just don't think it should be done. I'm just hoping you'll think about it.

CHAIRMAN MCKINNEY: Thank you.

Anybody else wishing to testify opposing this petition?

Please raise your right hand.

ATTORNEY DEB MAAS,

having been first duly sworn, testified as follows:

CHAIRMAN MCKINNEY: You've got her name, haven't you?

THE REPORTER: Yes.

MS. MAAS: Deb Maas with Smith, Hahn, Morrow & Floski.

I have a couple things I wanted to mark.

How would you like me to mark those, Mr. Reibel?

MR. REIBEL: Objector's Exhibit 1 and 2?

MS. MAAS: Okay.

(Objector's Exhibit Nos. 1-5 marked for identification.)

MS. MAAS: Okay. So just -- I'll read it into the record what they are. Objector's Exhibit 1 is a Trustee's Deed. When Miss Carol Traina sold the property in 1997 to Larry Pontnack, we are introducing that for the ZBAs consideration, because there are covenants on the use of this property when it was transferred to Mr. Pontnack.

Yes, I understand that we can bring a civil action in court with regard to those covenants, but I still think the ZBA should be aware that they do exist.

The Objector's Exhibit 2 is a printout from the GAS, and the reason why I'm going to introduce that one is because Linda --

MS. CARLSON: Carlson.

MS. MAAS: -- Carlson, just so you can clearly see where she is located.

And Miss Carlson, are you the lake on this here?

MS. CARLSON: Yeah.

MS. MAAS: So Miss Carlson is Pin No. 17-03-100-03 and that would be the property that's just to the west of that pin, which is zoned residential. And the GAS identifies, I've marked it in green, where the stream runs straight from the southeast corner of the property in existence as MoPar City currently zoned industrial and runs into the lake, which she was referencing.

Objector's Exhibit 3 is a printout again from the Ogle County GAS, just to identify for you, the overview of the property in its current use in industrial, so that you can see -- and I understand that the petitioner referenced this as an existing storage yard, but I call it like

it is, I call this a junk yard.

MoPar City Objector's Exhibit 4 is their website, which is also an aerial view, and you can see that -- I mean, the fencing and the trees does some aesthetic visual work, but really the overview is -- you can -- I think you get a better impression of how this industrial use dominates the area, which is primarily residential, agricultural, and just that it changes the character of it.

And then lastly is Objector's Exhibit 5, which is a printout, which was a MoPar City junk yard tour. I printed this one out, and I gave you all eight pages, but really the only page I wanted you to pay attention to was Page 2, because it shows the condition of the property, you know, weeds growing up. Again, you know, I would refer to it as a junk yard.

MR. OCKEN: Thank you.

MS. MAAS: The primary things I want to emphasize for the board to consider was that I understand that the Regional Planning Commission voted in favor and recommendation of this. The main thing I wanted to point out to you was that

despite that vote and then also despite the letter from Pine Rock Township, it is -- the use is still inconsistent with the Pine Rock Township plan and the Ogle County Comprehensive Plan. I mean, those plans are -- time is spent developing them, there's policies in terms of developing or increasing the development in the County in terms of where the trend should be, and this location is not, you know, a area designated for increase in industrial use.

The other thing I wanted, the board I think should pay attention to, is the LESA findings. Again, the soil and water report identifies that those soil types that are on this site are of severe limitation for the proposed use. And the whole point in doing a Soil and Water Conservation District report in the first place is to identify what areas in the County here do we need to protect for either natural resources protection or for agricultural purposes. I think this whole plan or comments about the storage units are speculative. I'm happy to see that the ZBA is making limitations as far as rezoning and the special use permit.

I'm not sure, you know, why we came up with 250 feet instead of 125 that he proposed. I think, you know, it should be limited to what he initially put on his petition, in his --

CHAIRMAN MCKINNEY: Excuse me. He already has 125 in the proposal, and with an extra 125, which Mr. Pontnack, as you said proposed, that's the 250.

MS. MAAS: Right, you're talking about if we go from the eastern boundary of the parcel over 250 feet.

CHAIRMAN MCKINNEY: Right.

MS. MAAS: Correct.

CHAIRMAN MCKINNEY: Okay.

MS. MAAS: So in terms of the board reviewing the standards and deciding to recommend or disallow his petition, uhm, I'd ask that the board pay attention to the fourth factor, which is the suitability of the site for the proposed amendment and this gets back to the LESA rating, as well as the risk factors that the Soil and Water Conservation Department identified in their report. The LESA findings are also set forth in Factor 6. You know, and

Factor 6 also gets into whether or not the proposal is consistent with the policies of the County as set forth either by the County comprehensive plan or the Pine Rock Township plan, you know, adjacent landowners, and not just individual interest.

And then in terms of the standards, in reviewing the special use petition, I'd ask that the board pay attention to Factor 2, which is whether or not this proposed use will dominate the immediate neighborhood; and Factor 5, which is whether or not it's deemed essential to promote the policies of the County and the township. Thank you.

CHAIRMAN MCKINNEY: On your statements about the township plan and the County's plan, you do realize that property next to this petition is already I-1?

MS. MAAS: I do.

CHAIRMAN MCKINNEY: That's already in the -- both.

MS. MAAS: I do, and I went back and obtained copies of the 2003 petition when the southern 2 acres, uhm, were rezoned to I-1 at

the first expansion, uhm, and in reviewing that transcript, I noticed that -- I mean, there was no objection, there was very little commentary, uhm, I mean, it went through quickly.

CHAIRMAN MCKINNEY: So I-1 is already in both comprehensive plans for that area.

MS. MAAS: In the Ogle County Comprehensive Plan?

CHAIRMAN MCKINNEY: Yeah, it's already I-1.

MS. MAAS: I would say, I understand that it's already -- that the property to the east is already zoned I-1, but I do believe -- - correct me if I'm wrong, Mr. Reibel, but I do believe your staff report identifies it, the Ogle County Comprehensive Plan does not identify this as an area for industrial use.

MR. REIBEL: The map may not indicate it for industrial use because it's not a part of comprehensive plan for land use, but --

MS. MAAS: Correct.

MR. REIBEL: -- the plan also in goals and objectives does speak to situations like this, possibilities of applications about allowing for

the expansion -- limited expansion of existing businesses and business areas. I think that's what the County comprehensive -- or our planning commission relied on in making their recommendation, primarily because it's an existing use, and it's a small expansion. It's not a large wholesale change in land use to a large -- covering a large areas, it's fairly restricted, so...

MS. MAAS: Right, although --

MR. REIBEL: Mr. Funk's here, and he can clarify that as well.

MS. MAAS: You know, it was -- there are two parcels. I think he started out as only on one parcel, the 2 acres was the first expansion, now there this is the second expansion, you know, I guess it's growing. Uhm, you know, the question is the balance between the growth and whether or not the growth is compatible in that particular neighborhood.

CHAIRMAN MCKINNEY: Mr. Pontnack, would you like to cross-examine?

MR. PONTNACK: No, that's fine.

CHAIRMAN MCKINNEY: Okay.

MS. MAAS: Thank you.

MR. PONTNACK: Not a problem.

CHAIRMAN MCKINNEY: Anybody else wishes to testify opposing the petition?

Mr. Pontnack, do you have any closing comments or remarks?

MR. PONTNACK: There is one thing I want to question up here on that drawing where we talked, so we don't get mixed up here. I want to make sure.

My concern is here. This is I-1, correct?

MR. REIBEL: Industrial, yes, I-1.

MR. PONTNACK: Now, I may not -- I may not put any automobiles out there or anything, because you know, I don't know when I'm going to do this. What I'm trying to say is, I want to keep that, and then like I said, I got so long to build that fence if I put cars behind it, correct?

MR. REIBEL: Yeah, right.

MR. PONTNACK: I can put cars on it.

MR. REIBEL: Right.

MR. PONTNACK: That's what I wanted to question.

MR. REIBEL: We talked about it, you know, if you don't get that used in a year, you got -- before the year's up, if you get this approved, you got to ask for an extension.

MR. PONTNACK: Right, but I keep my I-1 here.

MR. REIBEL: Yes.

MR. PONTNACK: That's what I'm concerned about. I don't want to lose that, because that's where my parts are going and if we don't do this. If we don't use it, I'll come back for an extension.

MR. REIBEL: Yes.

CHAIRMAN MCKINNEY: Mike, on this extra 125 feet, if he's not using it right now, does he have to have a fence along the perimeter of that 125?

MR. REIBEL: Not if he doesn't have any cars there.

MR. PONTNACK: Right, okay, that's what I was questioning. Thank you, that's what I was questioning. I assumed when I start putting cars around, so...

MR. REIBEL: Have a fence.

MR. PONTNACK: I know, you trained me already. I understand. I just wanted to make sure I questioned it.

MR. OCKEN: Now, do we have the -- was that in the staff recommendations is the line of trees?

MR. REIBEL: Yes.

MR. OCKEN: Was that only -- that's only if we're going out to the road there.

MR. REIBEL: No, that's along the fence.

MR. OCKEN: So we're still -- wherever -- so we go over here -- 250 feet over here, then that's where there's going to be a line of trees along here?

MR. PONTNACK: No.

MR. REIBEL: No, the special use permit is only for this area here, so the trees are going to be along here, staggered, you know, double row.

MR. PONTNACK: Right.

MR. REIBEL: Just like over here along this wall.

MR. PONTNACK: I'm not going to put automobiles over there.

MR. OCKEN: But then we're going over 250 feet --

MR. REIBEL: Right.

CHAIRMAN MCKINNEY: Special use.

MR. PONTNACK: So what building doing what on whatever place, you know, I'll have that. And only if I build a storage unit, if try to do that...

THE REPORTER: I'm sorry, I'm having a really hard time.

MR. REIBEL: You've got to speak up.

MR. PONTNACK: Oh, I'm sorry. But yeah, at this point in time, like I said, this is farmed. If I get this, like we're talking about, that's fine, and this will stay farm, and, as a matter of fact, Kruegers was talking about they are going to farm it, and they're fine with that. I went over and explained that to them and the only way this would ever be filled up again is if we did something like the storage unit or something like that. And again, I would come back in front you and talk about it, okay?

CHAIRMAN MCKINNEY: Before you make any

closing remarks -- Mr. Funk?

MR. FUNK: Yes.

CHAIRMAN MCKINNEY: Going to make you earn your money tonight. Can you explain to the ZBA the regional planning commission's decision on allowing this?

MR. FUNK: Well, I don't think I could speak for every member of the planning commission. My theory on chairmanship is that each member has its own opinion. I expect them to evaluate each petition in that way.

But I think the planning commission saw this gentleman's operation is as clean as it can be. If all parts places were like this gentleman's place, you'd have to take junk yard out of the dictionary, it just doesn't fit. And that's basically what I can say.

MR. PONTNACK: Anyway --

CHAIRMAN MCKINNEY: Your decision on allowing this I-1, did that have anything to do with the adjoining property already being I-1?

MR. FUNK: I don't believe so. It didn't bother me any, and I didn't have any --

CHAIRMAN MCKINNEY: But the thing was

voted unanimously that it fits the comprehensive plan.

MR. FUNK: Absolutely. Goals and land use, I think, were met perfectly.

CHAIRMAN MCKINNEY: Okay. Thank you.

MR. PONTNACK: Anyway, you people are welcome to come out anytime. Just call, I'll show you the operation.

CHAIRMAN MCKINNEY: Do you have any closing remarks?

MR. PONTNACK: No, I don't.

MR. FREEBERG: Can I ask question on something?

CHAIRMAN MCKINNEY: Yeah.

MR. FREEBERG: In the letter from Kruegers, are they buying all of Carol Traina's land? Does she own some land?

MR. PONTNACK: Yes, 43 acres behind me, runs up against all my land.

CHAIRMAN MCKINNEY: That would be this property here (indicating).

MR. REIBEL: You've got to speak up so our reporter can hear you.

MR. PONTNACK: Yeah, that abuts up to

mine.

MR. FREEBERG: Well, what I was wondering, is, they were talking about this conveyance thing. Anyway, it ends up here stating home occupation business, community uses are prohibited so long as grantor owns adjacent property, and she's selling it.

MR. PONTNACK: Correct, that is correct. They have four years to pay for it, they are on contract.

MR. FREEBERG: That's why I'm asking, you know, it says grantor owns adjacent property. So does she own anymore property still --

MS. CARLSON: Yes, she still owns --

MR. PONTNACK: She wouldn't --

MR. FREEBERG: -- or is she selling everything?

MS. CARLSON: She still owns the land. She owns land that's connected to my land. I have --

MR. PONTNACK: On the back side further back.

MS. CARLSON: Well, yeah, further back, but it's like Krueger's land runs up to my land.

MR. PONTNACK: Right, she owns stuff south of you further.

MS. CARLSON: Behind the -- well, I own 34 acres and then she owns that, and she owns what's across the road.

MR. PONTNACK: So this land here you're going to buy it from her?

MS. CARLSON: Loan me the money? No, I'm going to sell --

MR. PONTNACK: No, it's way south is what she's saying, way south of her.

MS. CARLSON: But she does have land right there on Chana Road. It runs all along Chana Road from the corner or from -- on the --

MR. PONTNACK: South.

MS. CARLSON: Right, all the way down the road.

MR. FREEBERG: Is she's still going to have land?

CHAIRMAN MCKINNEY: She has adjacent property.

MR. FREEBERG: Then she's still going to have adjacent property.

CHAIRMAN MCKINNEY: Again, I remind the

board that this is the a civil matter, it has nothing to do with the petition.

MR. REIBEL: Yeah, we don't get involved with enforcing deed restrictions or anything of the like, so that's the matter between Larry and Carol Traina.

MR. PONTNACK: Any other questions for me?

MR. ANDERSON: No.

MS. CARLSON: Anything change, would you guys have told me then?

MR. ANDERSON: No.

CHAIRMAN MCKINNEY: Entertain a motion to go back into open session.

MR. SWORD: I'll so move.

MR. OCKEN: Second.

CHAIRMAN MCKINNEY: Jason's moved; Randy Ocken's seconded, to go back in open session. All those this favor signify by saying aye.

(All members voted in favor.)

CHAIRMAN MCKINNEY: Any opposed said nay. Back into open session, go through the findings -- what do you want to do first?

MR. REIBEL: Amendment.

CHAIRMAN MCKINNEY: Amendment finding of

facts.

MR. REIBEL: Amendment Standard No. 1. That the proposed amendment will allow development compatible with exiting uses and zoning of nearby property.

MR. SWORD: Use of the site for industrial use is compatible with existing uses and zoning of nearby property, as there is an existing industrial use adjacent to the proposed amendment. I feel that the standard is met.

(All members agree.)

MR. REIBEL: 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) which maintaining adequate public facilities and levels of service to the existing development.

MR. ANDERSON: The development of the site for industrial use will not create a burden on the County of Ogle or other public service providers due to its location on seal coat

surfaced County-maintained roads, and that the nature of the use of this will not demand a high level of public service. I find the standard is met.

(All members agree.)

MR. REIBEL: 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.

MR. OCKEN: 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. I feel this standard is met.

(All members agreed.)

MR. FREEBERG: I think the standard's met as long as we have limited it to just 250 feet west of his current property line -- 250 feet?

CHAIRMAN MCKINNEY: 250 feet.

MR. FREEBERG: Then I would say the

standard's met.

MR. ANDERSON: On the boundary.

MR. FREEBERG: Yeah.

MR. REIBEL: 4. That the subject property is suitable for the proposed zoning classification.

MR. ANDERSON: The site is suitable for I-1 zoning district, as it is located adjacent to an existing industrial use, the site is a logical area for extension of adjacent industrial use, and the site is located on seal coat surfaced County-maintained roads. The standard's met.

(All members agree.)

MR. REIBEL: 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.

MR. OCKEN: There is no distinct trend of development in the general area other than agricultural uses; however, an industrial use

has been in existence adjacent to the site for over 30 years. The proposed zoning classification of I-1 Industrial District is consistent with this established industrial use adjacent to the site. I feel this standard is met.

(All members agree.)

MR. REIBEL: 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 Ordnance as set forth in Division I therein, the Land Evaluation and Site Assessment findings, and the recommendations of the Ogle County Regional Planning Commission with respect to the Ogle County Amendatory Comprehensive Plan.

MR. SWORD: The proposed amendment is consistent with the public interest and not solely for the interest of the applicant, although the LESA score indicates a high rating for protection, the proposed amendment is consistent with the purpose and intent of the

Amendatory Zoning Ordinance, and the Regional Planning Commission has recommended approval. I feel that standard is met.

(All members agree.)

MR. REIBEL: And in addition to the standards contained herein, the courts have established additional factors, the LaSalle Factors that should be given consideration in all amendment or rezoning cases.

Has the board read and considered the LaSalle Factors as applied to this petition?

(All members agree.)

CHAIRMAN MCKINNEY: Going through the finding of facts for the amendment, we have found that all six standards have been met, so I will entertain a motion for the amendment.

MR. ANDERSON: I'll make a motion that we recommend to the County Board that Amendment 02-12 for Larry Pontnack be approved with the stipulation that the only incumbents 250 feet from the existing I-1 zoning.

MR. REIBEL: So the easterly 250 feet of the described 8 acres.

MR. ANDERSON: Correct.

MR. OCKEN: I'll second that.

MR. FREEBERG: Did you say east or west?

CHAIRMAN MCKINNEY: West from --

MR. REIBEL: Easterly 250 of the 8 acres that's described.

CHAIRMAN MCKINNEY: 250 from the west.

MR. REIBEL: Going west.

CHAIRMAN MCKINNEY: Going west.

Randy Anderson has moved; and Randy Ocken has seconded to approve Amendment 02-12 with the recommendations including the limitation of the I-1 area.

MR. FREEBERG: Are we going do the special use condition?

MR. REIBEL: Yeah, that will be in a couple seconds.

CHAIRMAN MCKINNEY: Okay. Roll call.

MR. REIBEL: Sword?

MR. SWORD: Yes.

MR. REIBEL: Freeberg?

MR. FREEBERG: Yes.

MR. REIBEL: Ocken?

MR. OCKEN: Yes.

MR. REIBEL: Anderson?

MR. ANDERSON: Yes.

MR. REIBEL: McKinney?

MR. ANDERSON: Yes.

MR. REIBEL: Five voted yes.

CHAIRMAN MCKINNEY: Pass.

Now, we'll do the finding of facts for the special use.

MR. REIBEL: Special Use Standard 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.

MR. OCKEN: 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 rural area with few near-by residential uses, fronts on hard surfaced roads, is located on a large parcel, and it is adjacent to an existing industrial use. I feel this standard's met.

(All members agree.)

MR. REIBEL: 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 the nature and extent of the proposed landscaping and screening on the proposed site.

MR. ANDERSON: 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 zoning district regulations as the proposed use is adjacent to an existing industrial use, it is located on hard surfaced roads, and it will be screened from adjacent properties by a fence and vegetation. I feel that standard's met.

(All members agree.)

MR. REIBEL: The off-street parking and loading areas will be provided in accordance with the standards set forth in these regulations.

MR. SWORD: The site has adequate off-street parking and loading areas. Standard met.

(All members agree.)

MR. REIBEL: 4. That adequate utilities, ingress/egress to the site, access roads, drainage and other such necessary facilities have been or will be provided.

MR. FREEBERG: Adequate utilities, ingress/egress to the site from Chana Road and Brick Road, access roads, drainage and other such necessary facilities have been or will be

provided. I feel the standard's met.

(All members agree.)

MR. REIBEL: 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.

MR. SWORD: 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, provided the proposed use will be operated in conformance to the recommended conditions of the Special Use Permit, particularly the screening and landscaping requirements, and also the fact that

we've limited to the 250 feet of the eastern parcel. I feel that standard is met.

(All members agree.)

MR. REIBEL: 6. That the proposed special use complies with all provisions of the applicable district regulations.

MR. ANDERSON: The proposed special use appears to comply with all provisions of the I-1 district regulations. I feel the standard's met.

(All members agree.)

CHAIRMAN MCKINNEY: We've gone through the finding of facts, we find that all six standards have been met. I'll entertain a motion. Is there a motion?

MR. SWORD: I'll make a motion -- excuse me, make a recommendation to the County Board to approve the Special Use Permit of Larry Pontnack No. 3-12 in lieu of all standards have been met.

MR. REIBEL: And recommendations.

CHAIRMAN MCKINNEY: And the recommendations -- and the recommendations, including the limiting it to the 250 --

MR. REIBEL: No, we already did that.

MR. SWORD: Okay, right.

MR. REIBEL: This is limited -- this Special Use actually limits it to 125.

MR. SWORD: That's right.

MR. REIBEL: So just the staff report recommended conditions.

MR. SWORD: Exactly, yes.

CHAIRMAN MCKINNEY: Is there a second?

MR. OCKEN: I'll second it.

CHAIRMAN MCKINNEY: Okay. Jason moved; Randy Ocken seconded to recommend to the County Board to approve Special Use 03-12 with staff recommendations and all standards having been met. Roll call.

MR. REIBEL: Freeberg?

MR. FREEBERG: Yes.

MR. REIBEL: Anderson?

MR. ANDERSON: Yes.

MR. REIBEL: Ocken?

MR. OCKEN: Yes.

MR. REIBEL: Sword?

MR. SWORD: Yes.

MR. REIBEL: McKinney?

MR. MCKINNEY: Yes.

MR. REIBEL: Five yes.

CHAIRMAN MCKINNEY: Motion passes.

MR. REIBEL: So both these petitions will go on to the Planning and Zoning Committee on May 8th -- May 8th, 2 p.m., right here in this room, and to the County Board for a final decision on May 15th at 5:30 p.m. over at Focus House, north of Rochelle.

(The hearing concluded at 8:06 p.m.)

Now on this 30th day of April, A.D. 2012, I do signify that the foregoing testimony was given before the Ogle County Zoning Board of Appeals.

Bruce McKinney, Chairman

Michael Reibel,
Zoning Administrator

Doris J. Kennay
Certified Shorthand Reporter
Registered Professional Reporter
IL License No. 084-002725
P.O. Box 8977
Rockford, Illinois 61126

Ogle County Planning & Zoning Department

911 W. Pines Rd.
Oregon, IL 61061
(815) 732-1190
Fax: (815) 732-2229

COPY

STAFF REPORT

To:	**Zoning Board of Appeals**	**File #02-12AM**
Date:	**March 26, 2012**	**Prepared By: Michael Reibel**

GENERAL INFORMATION:

Applicant:	Larry J. Pontnack, 6309 E. Brick Rd., Oregon, IL
Status of Applicant:	Owner
Requested Action:	Map Amendment
Purpose:	Rezone from AG-1 Agricultural District to I-1 Industrial District
Location:	Part of Lot 2 of the Subdivision of G.L. 4 and G.L. 5 of the NW 1/4 Fractional Section 3 Pine Rock Township 23N, R11E of the 4th P.M., Ogle County, IL (located at the southeast corner of the intersection of N. Chana Road and E. Brick Road). Common location: 6309 E. Brick Road
Size:	8.0 acres, more or less
Existing Land Use:	Agricultural (crop land) and two (2) private storage buildings. The site is located in an area that contains a mixture of agricultural and residential uses, and an industrial use. Land to the south and west of the site is in agricultural use zoned AG-1; land to the north of the site is in large-lot rural residential and agricultural use zoned AG-1; land to the east of the site is in industrial use zoned I-1. There are four (4) dwellings within 1/4 mile of the site, and ten (10) houses within ½ mile of the site.
Comprehensive Plan:	The site is not located within 1.5 miles of an incorporated city or village. Pine Rock Township has a township plan commission and an adopted township planning document ("Pine Rock Township Plan" dated March 7, 2005). Both the "Pine Rock Township Plan" and the "Ogle County Amendatory Comprehensive Plan" designate the site and surrounding area for continued agricultural use.
Zoning History:	None.

Applicant:	Larry J. Pontnack; 6309 E. Brick Rd., Oregon, IL
Applicable Regulations:	The I-1 Industrial District is intended to help implement the goals and objectives of the Ogle County Amendatory Comprehensive Plan and is established to provide for industrial uses in areas whose principal use is or ought to be manufacturing, warehousing, and other limited industrial uses. Uses in this district shall create a minimum of noise, glare, odor, dust, vibration, air and water pollutants, fire, explosive, radioactive and other hazardous, harmful or obnoxious matter. This district is provided to permit the development of these industrial uses, to protect adjacent areas against encroachment by incompatible uses, and to lessen congestion on public roads.

SPECIAL INFORMATION:

Public Utilities:	None.
Transportation:	Both Chana Road and Brick Road are seal coat surfaced Ogle County highways.
Physical Characteristics:	The site is located on an upland ridgetop/side slope system. The site is gently sloping to sloping, and is not subject to ponding or flooding. According to the Ogle County Digital Soil Survey, soil types on the site are: 243B - St. Charles silt loam, 2-5% slopes; 412B - Ogle silt loam, 2-5% slopes; 429B - Palsgrove silt loam, 2-5% slopes; and, 429C2 - Palsgrove silt loam, 5-10% slopes, eroded. The following are selected characteristics of the identified soils on site: • 97.4% are classified as "Prime farmland", with the remainder being "Farmland of statewide importance"; • 89.7% are rated as being "Very limited" for septic fields due to slow water movement and depth to bedrock; • Depth to water table on the site is greater than 79".
LESA:	The LESA score of 210.1 indicates a HIGH RATING FOR PROTECTION (LE = 76.1; SA = 134).

ATTACHMENTS:

LESA Summary Sheet

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

Site Assessment Factors		Maximum Points per Factor	Score Assigned
Agricultural Land Use			
1.	Percent of land in agriculture within 1.5 mile of site	16	16
2.	Percent of land in agriculture adjacent to site 63% ±	16	10
3.	Percent of site suitable for agricultural use	16	16
Zoning			
4.	Number of non-farm dwellings within 0.5 mile of site 10	12	0
5.	Percent of land zoned AG-1 within 1.5 miles of site	16	16
6.	Availability of zoned land for proposed use	10	0
7.	Number of similar map amendments and/or special use permits approved within 1.5 miles of site within last ten years	12	10
Compatibility/Impact of Use(s)			
8.	Distance from fire/ambulance protection	11	11
9.	Distance from school (high school)	11	5
10.	Impact on the environment and unique historical/cultural factors	10	6
11.	Compatibility with surrounding area	10	4
Urban Infrastructure			
12.	Degree to which the affected transportation routes can bear the traffic that the proposed use may generate	10	1
13.	Availability of central sewer	8	8
14.	Availability of public water	8	8
Land Use Feasibility			
15.	Soil suitability for on-site disposal 90% CAT 3	10	10
16.	Size of site 8.0	10	3
17.	Future need for more land	5	5
Adopted Plans			
18.	a) Consistency with County "Comprehensive Plan"; or b) consistency with city/village plan if within 1.5 miles of city/village limits	9	5
SITE ASSESSMENT SUB-TOTAL		200	134

LAND EVALUATION WORK SHEET AND L.E.S.A. SUMMARY SHEET - OGLE COUNTY, IL "L.E.S.A."

1 Soil Type	2 Agricultural Group	3 Relative Value	4 Acres	5 Product (Relative Value x Acres)
243B	4	75	0.1	7.5
412B	3	87	0.7	60.9
429B	4	75	6.8	510.0
429C2	6	74	0.2	14.8
TOTAL	-----	-----	7.8	593.2

Note:
"Agricultural Group" is obtained from Table 1.
"Relative Value" is obtained from Table 2.
To calculate # acres, use a planimeter or dot grid on a soil survey map or consult with the Ogle county Soil and Water Conservation District or Ogle County Planning & Zoning Department.

593.2 / 7.8 = 76.1 mm

Total of Column 5 / Total of Column 4 = **Land Evaluation Sub-Total (Maximum 100 points possible)**

Site Assessment Sub-Total (Max. 200 pts.) = 134

Total Points Accrued (Max. 300 pts.) = 210.1 **(L.E.S.A. Score)**

In most cases, the site should be protected for agriculture when the points exceed 200. The following point scale should be observed:

0 - 199 = Low rating for protection
200 - 210 = Medium rating for protection
211 - 300 = High rating for protection

Petitioner: PONTNACK, LARRY J.

File No.: 2-12 Am.

Date: 3-27-12 Prepared By: MM

Ogle County Planning & Zoning Department

911 W. Pines Rd.
Oregon, IL 61061
(815) 732-1190
Fax: (815) 732-2229

COPY

STAFF REPORT

To: Zoning Board of Appeals	**File #03-12SU**
Date: March 27, 2012	**Prepared By: Michael Reibel**

GENERAL INFORMATION:

Applicant:	Larry J. Pontnack, 6309 E. Brick Rd., Oregon, IL
Status of Applicant:	Owner
Requested Action:	Special Use Permit in I-1 Industrial District
Purpose:	Storage of antique and/or old automobiles and parts thereof.
Location:	Part of Lot 2 of the Subdivision of G.L. 4 and G.L. 5 of the NW 1/4 Fractional Section 3 Pine Rock Township 23N, R11E of the 4th P.M., Ogle County, IL (located at the southeast corner of the intersection of N. Chana Road and E. Brick Road). Common location: 6309 E. Brick Road
Size:	8.0 acres, more or less
Existing Land Use:	Agricultural (crop land) and two (2) private storage buildings. The site is located in an area that contains a mixture of agricultural and residential uses, and an industrial use. Land to the south and west of the site is in agricultural use zoned AG-1; land to the north of the site is in large-lot rural residential and agricultural use zoned AG-1; land to the east of the site is in industrial use zoned I-1. There are four (4) dwellings within 1/4 mile of the site, and ten (10) houses within ½ mile of the site.
Comprehensive Plan:	The site is not located within 1.5 miles of an incorporated city or village. Pine Rock Township has a township plan commission and an adopted township planning document ("Pine Rock Township Plan" dated March 7, 2005). Both the "Pine Rock Township Plan" and the "Ogle County Amendatory Comprehensive Plan" designate the site and surrounding area for continued agricultural use.
Zoning History:	None. A petition is pending to rezone the site from AG-1 to I-1.

Applicant:	Larry J. Pontnack, 6309 E. Brick Rd., Oregon, IL
Applicable Regulations:	"Junkyard" is a listed Special Use within the I-1 Industrial District. Outside storage is required to be enclosed by solid fence and gates to a height of 8 feet.

SPECIAL INFORMATION:

Public Utilities:	None.
Transportation:	Both Chana Road and Brick Road are seal coat surfaced Ogle County highways.
Physical Characteristics:	The site is located on an upland ridgetop/side slope system. The site is gently sloping to sloping, and is not subject to ponding or flooding. According to the Ogle County Digital Soil Survey, soil types on the site are: 243B - St. Charles silt loam, 2-5% slopes; 412B - Ogle silt loam, 2-5% slopes; 429B - Palsgrove silt loam, 2-5% slopes; and, 429C2 - Palsgrove silt loam, 5-10% slopes, eroded. The following are selected characteristics of the identified soils on site: • 97.4% are classified as "Prime farmland", with the remainder being "Farmland of statewide importance"; • 89.7% are rated as being "Very limited" for septic fields due to slow water movement and depth to bedrock; • Depth to water table on the site is greater than 79".
LESA:	The LESA score of 210.1 indicates a HIGH RATING FOR PROTECTION (LE = 76.1; SA = 134).

ATTACHMENTS:

LESA Summary Sheet

RECOMMENDATIONS:

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

1. A perimeter fence a minimum of 8 feet in height shall be maintained around the entire perimeter of the storage area. No automobiles and/or parts thereof shall be stored outside the enclosed area. The fence shall be set back from the property line a minimum of fifteen (15) feet.
2. A vegetative buffer of two staggered rows of evergreen trees, planted on 20-foot centers, with a minimum height of 6 feet at the time of planting shall be installed along the west boundary of the storage area, west side of fence, and permanently maintained in good condition, satisfactory to the County, with at least the same quality and quantity of landscaping as initially approved. In the event that any tree should die, the property owner shall replace same in a timely fashion, taking into consideration the season of the year.
3. The site shall at all times remain in compliance with all requirements of the Illinois Environmental Protection Agency and any and all other local, state and/or federal environmental requirements.