STATE OF ILLINOIS)
) SS
COUNTY OF OGLE)

ORDINANCE NO. 2012-0506

AN ORDINANCE APPROVING A SPECIAL USE PERMIT ON PROPERTY LOCATED AT 6309 E. BRICK ROAD IN PINE ROCK TOWNSHIP

WHEREAS, Larry Pontnack, 6309 E. Brick Rd., Oregon, IL has filed a petition for a Special Use Permit in the I-1 Industrial District (Petition No. 03-12SU) to allow storage of antique/old automobiles and parts thereof on property located at 6309 E. Brick Road in Pine Rock 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 April 26, 2012, at which the petitioner presented evidence, testimony, and exhibits in support of the requested Special Use Permit, no members of the public spoke in favor of the petition, and two members of the public spoke in opposition to the petition; and

WHEREAS, the Zoning Board of Appeals, having considered the evidence, testimony and exhibits presented has made its findings of fact and recommended that the requested Special Use Permit in the I-1 Industrial District (Petition No. 03-12SU) to allow storage of antique/old automobiles and parts thereof be granted subject to three (3) conditions as set forth in the *Findings of Fact and Recommendation of the Ogle County Zoning Board of Appeals* dated April 26, 2012, a copy of which is appended hereto as Exhibit "B"; and

WHEREAS, the Planning & Zoning Committee of the Ogle County Board has reviewed the testimony and exhibits presented at the public hearing and has considered the findings of fact and recommendation of the Zoning Board of Appeals, and has forwarded a recommendation to the Ogle County Board that the requested Special Use Permit in the I-1 Industrial District (Petition No. 03-12SU) to allow storage of antique/old automobiles and parts thereof be granted subject to three (3) conditions; and

WHEREAS, the Ogle County Board has considered the findings of fact and recommendation of the Zoning Board of Appeals and the recommendation of the Planning & Zoning Committee, and has determined that the granting of a Special Use Permit in the I-1 Industrial District (Petition No. 03-12SU) to allow storage of antique/old automobiles and parts thereof subject to three (3) conditions 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 and recommendation set forth above, the request of Larry Pontnack, 6309 E. Brick Rd., Oregon, IL for a Special Use Permit in the I-1 Industrial District (Petition No. 03-12SU) to allow storage of antique/old automobiles and parts thereof on property located at 6309 E. Brick Road in Pine Rock Township and legally described as shown in Exhibit "A" attached hereto is hereby granted 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.

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

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

PASSED BY THE COUNTY BOARD THIS 15TH DAY OF MAY 2012 A.D.

_____
James L. Barnes, Chairman of the Ogle County Board

ATTEST:

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

EXHIBIT "A"

LEGAL DESCRIPTION

Part of Lot 2 of the Subdivision of Government Lots 4 and 5 of the Northwest Fractional 1/4 of Section 3 lying South of the public highway, according to the Plat thereof recorded in Book C of Plats, page 189; EXCEPT that part thereof commencing at the intersection of the centerline of the public highway and the East line of the aforesaid Lot 2, thence West along the said centerline to the Northeast corner of said Lot 9 according to the aforesaid Plat; thence South along the East line of said Lot 9, approximately 330 feet to the Southeast corner of said Lot 9; thence West on the South line of said Lot 9, 264 feet to the Southwest corner thereof; thence South 30.5 feet, thence East parallel with the South line of said Lot 9, 594 feet to a point on the East line of said Lot 2; thence North along said East line to the point of beginning, ALSO EXCEPTING all of said Lot 9, all in Township 23 North, Range 11 East of the 4th P. M., in Ogle County, Illinois, situated in the County of Ogle and State of Illinois, containing 10.0 acres, more or less.

AND, EXCEPTING the following described parcel from the above described parcel of land:

Part of Lot 2 of the Subdivision of Government Lots 4 and 5 of the Northwest Fractional Quarter of Section 3, Township 23 North, Range II East of the Fourth Principal Meridian, Ogle County, Illinois, according to the Plat thereof recorded in Book C of Plats at page 189, described as follows:

Beginning at the southeast corner of said Lot 2 of the Subdivision of Government Lots 4 and 5 of the Northwest Fractional Quarter of Section 3; and running thence Westerly on the southerly line of said Lot 2, a distance of 594 feet, more or less, to the southerly extension of the west line of Lot 9 of said Subdivision of Government Lots 4 and 5 of the Northwest Fractional Quarter of Section 3; thence Northerly on said extension to a point 30.5 feet South of the southwest corner of said Lot 9; thence Easterly, parallel with the south line of said Lot 9, a distance of 594 feet, more or less, to the east line of said Lot 2; thence Southerly on said east line of Lot 2 to the point of beginning, containing 2.0 acres, more or less.

Property Identification No.: Part of 17-03-100-008

Common Location: 6309 E. Brick 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 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