STATE OF ILLINOIS)
) SS
COUNTY OF OGLE)

ORDINANCE NO. 2009-1102

AN ORDINANCE APPROVING A SPECIAL USE PERMIT
ON PROPERTY LOCATED AT 5412 S. LOWELL PARK ROAD

WHEREAS, Mary Love Stuff, 1106 West John St., Champaign, IL has filed a petition for a Special Use Permit in the AG-1 Agricultural District (Petition No. 03-09SU) to allow a retreat/recreational facility which will include corporate retreats, business parties, family vacations, weddings and other special gatherings with lodging house for twelve (12) persons on property located at 5412 S. Lowell Park Road in Pine Creek 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 October 29, 2009, at which the petitioner and her representative presented evidence, testimony, and exhibits in support of the requested Special Use Permit, and no member(s) of the public spoke in favor or against the petition; and

WHEREAS, the Zoning Board of Appeals, having considered the evidence, testimony and exhibits presented has made its findings of fact and recommended that the requested Special Use Permit be granted with conditions as set forth in the *Findings of Fact and Recommendation of the Ogle County Zoning Board of Appeals* dated October 29, 2009, a copy of which is appended hereto as Exhibit "A"; and

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

WHEREAS, the Ogle County Board has considered the findings of fact and recommendation of the Zoning Board of Appeals and the recommendation of the Planning and Zoning Committee, and has determined that granting the Special Use Permit to allow a retreat/recreational facility which will include corporate retreats, business parties, family vacations, weddings and other special gatherings with lodging house for twelve (12) persons AG-1 Agricultural District would be consistent with the requirements established by Section 9.08(c) of the *Ogle County Amendatory Zoning Ordinance*;

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

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

SECTION TWO: Based on the findings of fact set forth above, the request of Mary Love Stuff, 1106 West John St., Champaign, IL for a Special Use Permit to allow a retreat/recreational facility which will include corporate retreats, business parties, family vacations, weddings and other special gatherings with lodging house for twelve (12) persons in the AG-1 Agricultural District on property located at 5412 S. Lowell Park Road in Pine Creek Township and legally described as shown in Exhibit "A" attached hereto, is hereby approved.

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

1. All proposals and representations made by the applicant and/or their representative shall be conditions of the Special Use Permit.
2. No camping (tent or recreational vehicle) shall be permitted.

3. Outside gatherings shall be discontinued no later than 1:00 A.M. Outside speakers, music, etc. shall be discontinued no later than 12:00 A.M.
4. The use shall not become obnoxious or create a nuisance to the neighborhood.
5. A fence of chain link, woven wire or equivalent or higher quality, shall be installed along the top of the quarry wall and equipped with warning signs. The fence shall be a minimum of 4' high.

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

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

PASSED BY THE COUNTY BOARD THIS 17TH DAY OF NOVEMBER 2009 A.D.

_____
W. Ed Rice, Chairman of the Ogle County Board

ATTEST:

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

EXHIBIT "A"

LEGAL DESCRIPTION

The East 1,650' of the Northeast 1/4, except the East 280.5' of the North 379.5', Section 31, Township 23North, Range 9 East of the 4th Principal Meridian, Pine Creek Township, Ogle County, IL, 97.56 acres, more or less

P.I.N.: 15-31-200-003

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 Mary Love Stuff, 1106 West John St., Champaign, IL, in case #03-09SU. The applicant is requesting a Special Use Permit to permit a retreat/recreational facility which will include corporate retreats, business parties, family vacations, weddings and other special gatherings, with lodging house for twelve persons in the AG-1 Agricultural District on Parcel Identification No. 15-31-200-003, a 97.56 acre parcel which is part of Section 31, Township 23N, Range 9E of the 4th Principal Meridian and is located in Pine Creek Township at 5412 S. Lowell Park Road.

After due notice, as required by law, the Zoning Board of Appeals held a public hearing in this case on October 29, 2009 at the Ogle County Farm Bureau, 421 W. Pines Rd., Oregon, Illinois and hereby report their findings of fact and their recommendation as follows:

SITE INFORMATION: See Staff Report (attached herewith).

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

1. That the proposed special use will not be unreasonably detrimental to the value of other property in the neighborhood in which it is to be located or the public health, safety, morals, comfort or general welfare at large. **The proposed special use will not be unreasonably detrimental to the value of other property in the neighborhood in which it is to be located or the public health, safety, morals, comfort or general welfare, as the proposed use is in a rural area on a County highway, is located on a large farm parcel with only two other dwellings within 1/4 mile of the site. STANDARD MET.**

2. That the location and size of the special use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the special use will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the applicable zoning district regulations. In determining whether the special use will so dominate the immediate neighborhood, consideration shall be given to:

    a. The location, nature and height of building, structures, walls and fences on the site; and,

    b. The nature and extent of proposed landscaping and screening on the proposed site.

The location and size of the special use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the special use will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the AG-1 zoning district regulations, as the proposed use will utilize a small portion of a 97.56 acre farm site, it is located on a County highway, the proposed use is periodic in nature, and there are few other dwellings in the immediate vicinity. 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 Lowell Park Road, access roads, drainage and other such necessary facilities have been or will be provided. STANDARD MET.**

5. That the proposed use can be operated in a manner that is not detrimental to the permitted developments and uses in the zoning district; can be developed and operated in a manner that is visually compatible with the permitted uses in the surrounding area; and is deemed essential or desirable to preserve and promote the public health, safety and general welfare of Ogle County. **The proposed use can be operated in a manner that is not detrimental to the permitted developments and uses in the AG-1 zoning district; can be developed and operated in a manner that is visually compatible with the permitted uses in the surrounding area; and is deemed essential or desirable to preserve and promote the public health, safety and general welfare of Ogle County, provided the proposed use will be operated in conformance to the recommended conditions of the Special Use Permit. STANDARD MET.**

6. That the proposed special use complies with all provisions of the applicable district regulations. **The proposed special use appears to comply with all provisions of the AG-1 district regulations. STANDARD MET.**

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

Therefore, the Zoning Board of Appeals hereby recommends that a Special Use Permit be granted to allow retreat/recreational facility which will include corporate retreats, business parties, family vacations, weddings and other special gatherings, with lodging ho in the AG-1 Agricultural District subject to the following conditions:

1. All proposals and representations made by the applicant and/or their representative shall be conditions of the Special Use Permit.
2. No camping (tent or recreational vehicle) shall be permitted.
3. Outside gatherings shall be discontinued no later than 1:00 A.M. Outside speakers, music, etc. shall be discontinued no later than 12:00 A.M.
4. The use shall not become obnoxious or create a nuisance to the neighborhood.

5. A fence of chain link, woven wire or equivalent or higher quality, shall be installed along the top of the quarry wall and equipped with warning signs. The fence shall be a minimum of 4' high.

ROLL CALL VOTE: The roll call vote was 4 members for the motion to recommend granting, 0 opposed.

Respectfully submitted this 29th day of October 2009 by the Ogle County Zoning Board of Appeals.

Bruce McKinney, Chairman
Maurice Bronkema
Jason Sword
Curtis Freeberg

Bruce McKinney, Chairman

ATTEST:

Michael Reibel, Secretary