STATE OF ILLINOIS)
)
COUNTY OF OGLE)

In the Matter of the Petition
of
Bushnell Walnut Creek Farm, LLC and Valley Evangelical Church of Stillman Valley, Marion Township
Ogle County, Illinois

Testimony of Witnesses
Produced, Sworn and
Examined on this 26th day
of August 2010
before the Ogle County
Zoning Board of Appeals

Present:
Maurice Bronkema
Randall Anderson
John Finfrock
Jason Sword
Bruce McKinney, Chairman
Michael Reibel, Zoning Administrator

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MR. McKINNEY: I call this meeting of the Ogle County Zoning Board of Appeals for August 26th, 2010 to order. Please stand for the Pledge of Allegiance.

(WHEREUPON the Pledge of Allegiance was recited.)

MR. McKINNEY: Please be seated. Roll call.

(Roll call was taken and all were present.)

MR. McKINNEY: Five present. We do have a quorum. The verbatim transcripts serving as minutes from the last meeting is on file and will not be read at this time. I'll entertain a motion to approve the minutes of the last ZBA meeting.

MR. ANDERSON: I'll make a motion.

MR. McKINNEY: Randy has moved.

MR. SWORD: Second.

MR. McKINNEY: Jason has seconded. All those in favor signify by saying aye.

(All those simultaneously responded.)

MR. McKINNEY: Any opposed say nay.

Motion passes.

All testimony will be taken under oath. Please come forward to testify and state your name and address to the recording secretary. Please spell your last name. When testifying please speak clearly and loud enough to be heard.

This hearing is the only opportunity to place testimony and evidence on the record. There will not be another opportunity beyond tonight's hearing to submit additional evidence or testimony for consideration.

Please turn off all cell phones, pagers and any other electronic devices.

The procedures on the hearings that will be followed tonight is as found in the ZBA Rules of Procedures or the Citizen's Guide to the Zoning Board of Appeals which are available near the door in the back of the room.

Mr. Lloyd Funk is present representing the Ogle County Planning Commission if any Board member has any questions on their action on this petition.

If anyone has any trouble hearing please

let us know.
Mr. Reibel, what's the first order of business?
MR. REIBEL: The first order of business is to consider the request filed July 15th, 2010 of Bushnell Walnut Creek Farm, LLC in care of Edwin Bushnell, P.O. Box 249, Stillman Valley, Illinois and Valley Evangelical Church of Stillman Valley in care of Edward Clift, 103 South Maple Street, Stillman Valley, Illinois for an Amendment to the Zoning District to rezone from AG-1 Agricultural District to R-1 Rural Residence District on property described as follows and owned by Bushnell Walnut Creek Farm, LLC and being purchased by Valley Evangelical Church of Stillman Valley:

Part of G.L. 1 of the NW1/4 Fractional Section 3 Marion Township 24N, R11E of the 4th P.M., Ogle County, 6.0 acres, more or less. Part of Property Identification Number: 10-03-300-007. Common Location: 6300 Block of East Illinois Route 72.

For the record all adjoining property owners to the petition have been notified by certified mail of the hearing this evening and the specifics of the petition. A sign was

posted along the frontage of the premises indicating that a zoning hearing is to be held and a legal notice was published in the Ogle County Life on August 2nd, 2010 notifying the public of a hearing this evening and the specifics of the petition.
Under the staff report, a copy of which is on file and the Board members have received, I will point out under general information the location of the site is on the south side of East Illinois Route 72 beginning approximately one mile east of North Kishwaukee Road and approximately 1.5 miles west of North Stillman Road. Existing Land Use: Approximately 75 percent of the total site area is in row crop production; approximately 19 percent of the total site area is in trees, scrub and brush/grass; and approximately 6 percent of the total site area is in public road right-of-way. Surrounding Land Use and Zoning: The area surrounding the site contains a mixture of residential uses and agricultural uses. Land south of Illinois Route 72 is predominantly in agricultural uses. Land adjacent to the site

north of Illinois Route 72 is in large-lot-non-farm residential use; all other adjacent land is in agricultural use. All land surrounding the site is zoned AG-1 Agricultural District. Zoning History: None. Applicable Regulations: The R-1 District is intended to help implement the goals and objectives of the Ogle County Amendatory Comprehensive Plan and is established for low-density residential uses. It is designed for areas with few or no public improvements and where general conditions are not conducive to other than low-density development. Special Information, Public Utilities: None. Transportation: East Illinois Route 72 is a state-maintained highway. Physical Characteristics: The site is located on a nearly level to gently sloping upland convex shoulder. The site is well drained. According to the U.S. Fish & Wildlife Service "National Wetlands Inventory", no wetlands are identified on the site. According to the Ogle County Flood Insurance Rate Maps, a portion of the site is mapped as a Special Flood Hazard Area. According to the Ogle County Digital Soil

Survey, soil types on the site are: 440A - Jasper loam, zero to 2 percent slopes and 570B - Martinsville silt loam, 2 to 5 percent slopes. These soil types have the following selected characteristics: Prime farmland; somewhat limited for septic systems due to slow water movement; not subject to flooding or ponding.
Under the LESA program, the
LESA score of 181
indicates a Low rating for protection Land
Evaluation being 75.
Site Assessment 106.
I will note that the site is located within one and a half miles of the City of Stillman Valley -- actually the Village of Stillman Valley and the City of Byron both of which have adopted comprehensive plans. The site is located in Marion Township which has a township planning commission and has adopted a township land use plan.
At the April 19th, 2010 meeting of the Ogle County Regional Planning Commission, Mr. Reising made a motion to approve the petition. Second by Mr. Conn and the motion

carried unanimously by a roll call vote.
I have a letter on file from the Marion Township Planning Commission which was received via e-mail on Friday, August 20th and it reads: The church is willing to accommodate the plans for a bike path on the old railroad right-of-way. The day school at the church is growing and their Bread of Life program has grown to serve as many as 90 families. They're running out of space. Opperlander (phonetic) made a motion to approve the application saying that there is good visibility on Route 72 for a driveway and there is a need for the facility. Sterling seconded the motion and the motion passed unanimously and Member Freeberg reported that he had spoken to Mike Musso (phonetic) of the Stillman Valley Village Board and Larry Hewitt, Byron Zoning Administrator and they advised that neither Stillman nor Byron had any objections to the request as long as the church was willing to accommodate the proposed bike path.
I also have a letter on file from the Illinois Department of Transportation which

states there are no future roadway construction plans for this area in the near future. Signed by -- and it also indicates that if a new entrance or a modification to an existing entrance is proposed a permit would be required from the Illinois Department of Transportation. Signed by J.P. Howell, acting engineer of program development for George F. Ryan, PE, Deputy Director of Highways, Region 2 Engineer.
I have a letter from the Ogle County Soil and Water Conservation District. The district lists the following facts that are derived from the soils in the land evaluation and any other additional site facts that could be a concern to the protection of our county's natural resources: Land evaluation score 75 out of 100 points, severe limitations based on the following characteristics in a greater percent of the mapped soils are low strength for supporting loads. Signed by Phil Fossler, Chairman and Brian Lindquist, resource conservationist.
The Illinois Department of Natural Resources reports that the Illinois Natural

Heritage Database contains no record of state-listed threatened or endangered species, Illinois Natural Area Inventory Sites, dedicated Illinois nature preserves or registered land and water reserves in the vicinity of the project location.
That's all I have. Oh, I will just note for the record the staff report under general information requested action and purpose indicates AG-1 to R-2 and that's a typo. It should read R-1 Rural Residence District.
MR. McKINNEY: I'll entertain a motion to go into a public hearing.
MR. SWORD: So moved.
MR. ANDERSON: Second.
MR. McKINNEY: It's been moved and seconded to go into a public hearing. All those in favor signify by saying aye.
(All those responded simultaneously.)
MR. McKINNEY: Any opposed say nay. Motion passed. We're in a public hearing. Will the Petitioner come forward to be sworn in. You can come up here so we don't need binoculars to

see you.
ROGER CARLSON,
being first duly sworn, testified as follows:
MR. McKINNEY: Give Julie your name and address.
MR. CARLSON: Roger Carlson, C-A-R-L-S-O-N.
MR. McKINNEY: Your address.
MR. CARLSON: My address is 8666 North Hales Corner Road in Stillman Valley. It's -- 61084 is the zip code.
MR. McKINNEY: Tell us about the petition.
MR. CARLSON: Well, we've been planning for a number of years to do something and through the course of events we were able to contact the Bushnells and talk to them and they were willing to negotiate with us as far as purchasing some land and so we've gotten to that point now where we can do that and depending upon, you know, the decision of the Board as to whether or not we could get the zoning changed and if we can get that, why -- we haven't got any plans right now to build anything, but at least we're going to try and get the place --

1 the land purchased and get that clear before we
2 do anything, so -- but that's our plan right now
3 is just to have the land available so we can do
4 something in the near future.
5 MR. McKINNEY: Okay. Just to get some
6 things on the record, there was some mention
7 about this bike path. Your church is agreeing
8 to --
9 MR. CARLSON: Yes, yes. We're willing to
10 -- to be involved with that because we're going
11 to have to have some area in the front where
12 there isn't going to be any -- you know, kind of
13 just some open space and that bike path would
14 fit into that area.
15 MR. McKINNEY: Okay. Are you going to
16 have a school there also or is it just a church?
17 MR. CARLSON: We're planning on eventually
18 moving the preschool that we presently have out
19 there at that time.
20 MR. McKINNEY: Okay.
21 MR. CARLSON: And that's the only plans we
22 have right at the moment is to deal with the
23 preschool.
24 MR. McKINNEY: You're not planning on

1 building a house or anything out there for the
2 minister, are you?
3 MR. CARLSON: No, no.
4 MR. McKINNEY: It would just be the church
5 and the school?
6 MR. CARLSON: Right, yeah.
7 MR. McKINNEY: About how many parking
8 places are you planning or do you know?
9 MR. CARLSON: I really don't know how many
10 it's going to be. You know, we're going to be
11 limited to whatever -- if the zoning will allow
12 us to do that, but we don't -- we don't have a
13 plan that says, you know, the church is going to
14 be so big or parking lot or anything of that
15 right now, but --
16 MR. McKINNEY: When do you think you'll
17 start building?
18 MR. CARLSON: We really haven't set a date
19 yet.
20 MR. McKINNEY: So it's off in the future
21 sometime?
22 MR. CARLSON: Yeah, yes, but --
23 MR. McKINNEY: Currently how many members
24 do you have?

1 MR. CARLSON: We've got about -- I think
2 it's about a hundred and ten, a hundred and
3 fifteen, somewhere in there.
4 MR. McKINNEY: It's a growing church?
5 MR. CARLSON: Well, it's kind of holding
6 its own right now, so -- so it's going to be a
7 challenge to do something, but we feel that we
8 want to be in that position when we could do
9 something.
10 MR. McKINNEY: Anybody else have any
11 questions?
12 MR. SWORD: How big is the -- preschool is
13 it you said?
14 MR. CARLSON: Yes.
15 MR. SWORD: How many children are part of
16 that?
17 MR. CARLSON: Oh, boy, I think they've got
18 somewhere in the neighborhood of around a
19 hundred in the different classes that they have.
20 They've got them spread out, 3s and 4s. They
21 have some groups in the mornings and afternoon
22 different days of the week.
23 MR. SWORD: Okay.
24 MR. BRONKEMA: Anyway, what about the

1 sewer and water, have you got like the city
2 water available out there or --
3 MR. CARLSON: No, no, we would have to,
4 you know, meet the standards that the County
5 would have for the requirements for that.
6 MR. BRONKEMA: You couldn't come up with a
7 piece of ground closer in the village?
8 MR. CARLSON: Well, we looked around, but
9 we couldn't find anything that we were satisfied
10 with and the price that we were looking at.
11 MR. BRONKEMA: Sewer and water would be a
12 big item I would think out there.
13 MR. McKINNEY: I'm sure if they got sewer
14 and water then the village would want them to
15 annex and then --
16 MR. ANDERSON: I don't think the sewer and
17 water comes very far out west.
18 MR. CARLSON: Not right now.
19 MR. ANDERSON: I don't think it even comes
20 out to that subdivision out there on the side.
21 MR. CARLSON: No, no.
22 MR. ANDERSON: They talked about that,
23 but --
24 MR. McKINNEY: And there are residential

1 homes in that area right now?
2 MR. CARLSON: Across the road there are,
3 yes.
4 MR. McKINNEY: So this isn't anything out
5 of the ordinary for rezoning this to a
6 residential section?
7 MR. CARLSON: No, no, no.
8 MR. McKINNEY: I'm sure you're not going
9 to be having a lot of noisy parties or anything
10 out there.
11 MR. CARLSON: Don't plan on it, so --
12 MR. McKINNEY: Would you have -- this is
13 probably something IDOT would have to require
14 depending on how many members, are you going to
15 be using a turn lane?
16 MR. CARLSON: We would have to meet the
17 requirements. I think they -- they're going to
18 want us to have somewhere around that 66 feet of
19 a right-of-way to get in and out of there and
20 stuff, so we -- we would have to meet those
21 requirements and I think there was a note there
22 that said something about that they had talked
23 with IDOT and they said that we would have
24 access to getting an entrance, but we'd have to

1 get a permit and be able to meet the
2 requirements, so --
3 MR. McKINNEY: Okay. Any other questions?
4 Okay. Have a seat? Since there's nobody else
5 in the audience -- anybody have any -- anybody
6 want to speak in favor of the petition or
7 opposing the petition? Seeing none, I'll
8 entertain a motion to go back into open session.
9 MR. BRONKEMA: So moved.
10 MR. McKINNEY: Maury.
11 MR. ANDERSON: Second.
12 MR. McKINNEY: Randy has seconded. All
13 those in favor signify by saying aye.
14 (All those simultaneously
15 responded.)
16 MR. McKINNEY: Any opposed say nay.
17 Motion passed. We're back into open session.
18 If nobody has anything right now, we'll go to
19 our finding of facts.
20 MR. REIBEL: Amendment Standard 1) That
21 the proposed amendment will allow development
22 that is compatible with the existing uses and
23 zoning of nearby property.
24 MR. BRONKEMA: Use of the site in the

1 immediate area for a church or other uses
2 permitted in the R-1 Zoning District are
3 compatible with the existing uses and zoning of
4 nearby property as there are established
5 residential uses and zoning in the immediate
6 vicinity of the site. Standard is met.
7 (All those agreed.)
8 MR. REIBEL: 2) The County of Ogle and
9 other service providers will be able to provide
10 adequate public facilities and services to the
11 property including but not necessarily limited
12 to schools, police and fire protection, roads
13 and highways, water supply and sewage disposal
14 while maintaining adequate public facilities and
15 levels of service to existing development.
16 MR. FINFROCK: The development of the site
17 for a church or a large lot residential use will
18 not create a burden on the County of Ogle and
19 other public service providers due to its
20 location on a state highway, the low density and
21 intensity of development that will be generated
22 on the site and the site's relative proximity to
23 public services. Standard met.
24 (All those agreed.)

1 MR. REIBEL: 3) That the proposed
2 amendment will not result in significant adverse
3 impacts on other property in the vicinity of the
4 subject site or on the environment including
5 air, noise, stormwater management, wildlife and
6 natural resources.
7 MR. ANDERSON: No adverse impacts on the
8 property in the vicinity of the subject site or
9 on the environment including air, noise,
10 stormwater management, wildlife, natural
11 resources are anticipated from the development
12 of the site. I find the standard is met.
13 (All those agreed.)
14 MR. REIBEL: 4) That the subject property
15 is suitable for the proposed zoning
16 classification.
17 MR. SWORD: The site is suitable for the
18 R-1 Zoning District as it is located in an area
19 that contains a mixture of residential and
20 agricultural uses, is located on a state
21 highway, located within one and a half miles of
22 the Village of Stillman Valley and the City of
23 Byron and has topography and soils that appear
24 to be suitable for development. That standard

is met.
(All those agreed.)
MR. REIBEL: 5) That the proposed zoning classification is consistent with the trend of develop, 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. BRONKEMA: There is a trend of development in the vicinity of residential uses. The proposed zoning classification of R-1 Rural Residential District is consistent with this trend and the existing zoning of the surrounding land. Standard is met.
(All those agreed.)
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 Ordinance as set forth in Division 1 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. FINFROCK: The proposed amendment is consistent with the public interest and not solely for the interest of the applicant. As the LESA score indicates a Low 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.
(All those agreed.)
MR. REIBEL: And have the Board members read and considered the LaSalle factors as applied to this petition?
(All those simultaneously responded affirmatively.)
MR. McKINNEY: Going through the finding of facts, the Board has found that all standards have been met. I'll entertain a motion.
MR. ANDERSON: I'll make a motion to recommend to the County Board the approval of Amendment 6-10 for the Valley Evangelical Church of Stillman Valley from AG-1 to R-1 Rural

Residence District finding that all the standards have been met.
MR. McKINNEY: It's been moved. Is there a second?
MR. BRONKEMA: I'll second that.
MR. McKINNEY: Randy has moved, Maury has seconded to recommend to the County Board to approve Amendment No. 6-10 with all standards being met. Roll call.
MR. REIBEL: Sword?
MR. SWORD: Yes.
MR. REIBEL: Finfrock?
MR. FINFROCK: Yes.
MR. REIBEL: Bronkema?
MR. BRONKEMA: Yes.
MR. REIBEL: Anderson?
MR. ANDERSON: Yes.
MR. REIBEL: McKinney?
MR. McKINNEY: Yes.
(By voice vote five ayes.)
MR. REIBEL: Five voted yes.
MR. McKINNEY: Motion passes. No further business?
MR. REIBEL: No further business.

MR. McKINNEY: This meeting is adjourned.
(The hearing was concluded at 7:22 p.m.)

1 Now on this 26th day of August 2010, I do
2 signify that the foregoing testimony was given
3 before the Ogle County Zoning Board of Appeals.
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Bruce McKinney, Chairman
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Michael Reibel,
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