

AGENDA OF THE LEE COUNTY BOARD

June 21, 2005

6:00 p.m.

**3RD FLOOR BOARDROOM, OLD LEE COUNTY COURTHOUSE
112 E. SECOND STREET, DIXON, ILLINOIS**

OPEN MEETING WITH INVOCATION OR PLEDGE OF ALLEGIANCE

ROLL CALL

ANNOUNCEMENTS

APPROVAL OF BOARD MINUTES OF PREVIOUS MINUTES

PUBLIC/VISITOR COMMENT:

- A. ITEMS ON THE AGENDA – VISITORS ALLOWED 10 MINUTES
- B. ITEMS NOT ON THE AGENDA – VISITORS ALLOWED 5 MINUTES

TO ZONING BOARD: -0-

TO PLANNING COMMISSION: -0-

FROM ZONING BOARD: 05-P-1402 - Pande - Alto Township

FROM PLANNING COMMISSION:

REPORTS OF COMMITTEE:

FINANCE	R.C.&D. – BLACKHAWK HILLS
CLAIMS	COUNTY SERVICES
SOLID WASTE/HEALTH & WELFARE	911 BOARD
ROAD & BRIDGE	ADMINISTRATIVE SERVICES
COMMITTEE CLAIMS	EXECUTIVE/JUDICIAL/LAW ENFORCEMENT
COUNTY PROPERTIES	

COUNTY OFFICERS REPORTS, REQUEST FOR DEPOSIT OF FUNDS, ORDERS PAID IN VACATION

OLD BUSINESS

NEW BUSINESS

APPOINTMENTS Lee County Regional Planning Commission - William O'Keefe, Robert Logan

John Hilleson, Wendy Ryerson, James Book

Franklin Grove Fire District - Stanley Pfoutz

Zoning - Ordinance - 05-P-1401 - Lee County - Zoning, Subdivision & Stormwater Management

Chairman-Ordinance - Planning Commission Members amendment

St. Atty-Ordinance -Prevailing Wage

Highway -Resolution - Highway Engineer Salary

MILEAGE & PER DIEM

ALL BILLS & APPROPRIATIONS ALLOWED BY ROLL CALL

ADJOURN

LEE COUNTY
ZONING BOARD OF APPEALS
TELEPHONE 288-3643 LEE COUNTY COURT HOUSE
DIXON, ILLINOIS 61021

ZONING REPORT FOR MAY 2005

There were a total of 46 permits issued for the month of May with a total dollar volume of \$1,943,836. There were 7 permits issued for single-family homes in the amount of \$1,227,900.

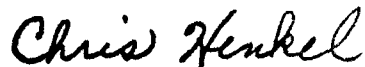
There is 1 petition for the County Board to take action on.

1. 05-P-1402, Dennis Pande

Petitioner is requesting PPN #01-06-19-100-002, Alto Township and commonly known as 3023 Perry Road, Steward be rezoned from AG-1, Agricultural District to C-3, Commercial Service District for mini storage. The property is located on the south side of Perry Road approximately ¼ mile east of Town Line Road and consists of 3 acres.

The Zoning Board of Appeals unanimously voted to recommend approval of only 1.8 acres of the entire parcel.

Respectfully submitted,



Chris Henkel
Zoning Administrator

LEE COUNTY ZONING BOARD OF APPEALS

Ron Conderman, Chairman
Craig Buhrow, Member
Gene Bothe, Member
Tom Fassler, Member
Mike Pratt, Member

Chris Henkel, Zoning Officer
Erica Scheidecker, Clerk

The Lee County Zoning Board of Appeals met on Thursday, June 2, 2005 at 7:00 p.m. in the Lee County Courthouse, Dixon, Illinois. Chairman Ron Conderman called the meeting to order and the clerk Erica Scheidecker called roll. The following members were present: Ron Conderman, Mike Pratt, Tom Fassler, Craig Buhrow, and Gene Bothe.

Chairman Conderman asked if there were any changes or corrections to last month's meeting. There were not and Mike Pratt made a motion to approve and Craig Buhrow seconded it. All were in favor.

The hearing began for petition 05-P-1402, Dennis Pande, who is requesting PPN #01-06-19-100-002 in Alto Township be rezoned from AG-1 to C-3 to use for mini storage. The property is commonly known as 3023 Perry Road, Steward, and is located on the south side of the road, approximately ¼ mile east of Town Line Road. The property is three acres in size.

Chris Henkel stated that all the paperwork had been turned in by Mr. Pande, the land owner, and notices were placed in the newspaper. He said all the required documentation was acceptable.

Dennis Pande was sworn in. Mr. Pande stated he has lived on the property for almost 10 years. Currently, there is an old barn on it that has collapsed. He would like to remove and replace it with one mini storage building, and possibly an additional one in the future. He brought his plot plan and showed it to the board. He has contacted Steward fire department and they will be in attendance when he tears it down. The first building would be put up at the north wall of the existing barn. It would be approximately 100 to 120 feet long with a width of 30 feet. The possible second building would be the same size located 30 feet from the first one. The new building would be low profile, and the coloring would be beige and green to blend in with the scenery. He plans to call it Evergreen Storage. Ron Cardott, the Alto Township road commissioner, was the individual that started him on this endeavor. Mr. Cardott recently opened a storage facility with 18 units, and 13 are rented.

Chris Henkel showed the board where Mr. Pande's property was located on the map. Since it is within 1 ½ miles of the city limits of Steward, the LESA score was 184. The new building would be located 70 to 90 feet from the west lot line.

Mike Pratt asked what Lot 2 was on the map, adjacent to the property. Mr. Pande stated it was a single family home and that he had a verbal agreement with them regarding the possible storage facility.

Mr. Henkel stated that all the adjacent neighbors have been notified and none had contacted him yet.

Mr. Pratt stated he felt in 25 years someone would probably want to make the area into a subdivision.

Craig Buhrow asked who the customers were for Mr. Cardott's storage business. Mr. Pande stated they were from Rochelle.

Mr. Henkel stated at the Alto Township Planning Commission meeting on May 5th, Mr. Pande's petition was for 24 to 30 units. He asked if that was still correct. Mr. Pande said that had been changed due to a security risk. There would be 6 units on the side facing the house. On the other side, he has not decided.

Chris Henkel stated at the Alto Township meeting, the vote unanimous to approve Mr. Pande's petition.

Mr. Henkel asked how the area would be lit, and Mr. Pande replied that he had security lights in the yard. He is planning on installing motion sensor lighting facing the storage building.

Mike Pratt asked if it were possible to zone just the smaller west portion of the lot where the business would be located, instead of the entire property. He was concerned that it could be opened up to future development, such as tearing down the house and putting in a gas station.

Chris Henkel replied that yes, they could just change the zoning for a small portion of the lot. The board could vote to just rezone the areas where the 1st building will be built and the second potential area.

Mr. Pande stated he would prefer to have it zoned entirely C-3 in order to increase the value of his property.

It was determined that the minimum size needed for C-3 zoning would be 1.8 acres, which would include the footprint of the storage buildings and access to it.

Craig Buhrow asked what the long range plan for the Steward area was, according to the comprehensive plan, Chris Henkel stated that the intent of the comp plan was to have development occur within 1 ½ miles of municipalities, so this is in accordance with it. Also, this land is not currently being farmed, so it won't be reducing farm land.

Chairman Conderman asked if there was a motion to approve or not approve the petition as amended, specifically re-zoning the smaller 1.8 acre section C-3. Gene Bothe moved to recommend approval of the amended petition, and Mike Pratt seconded the motion. The vote was unanimously in favor. The amended petition will go to the Lee County Board on June 21st at 6:00 p.m. with a recommendation for approval.

Ron Conderman asked if there was any new business and Chris Henkel stated there was.

He reported that Papiechs applied for their building permits on time. They plan to start building two windmills this summer. It was asked how long the permits are good for and Mr. Henkel replied that our State's Attorney overruled the zoning board's right to require them to be done within a year's time. Mr. Henkel said that in the past the office policy has been that after receiving a building permit, within 90 days building must start and be completed within a year. Under the new ordinances, although the rule won't be in the ordinance, it will be in the Development Manual. Because the Lee County Board will have voted on it, it will be legal and enforceable.

Chris Henkel stated that the property is zoned special use and can be only used as a wind farm, even if someone else purchases it. The zoning stays with the property, not the owner.

Ron Conderman said that unless it goes to court, the legal decision that the board adheres to will be as stated by our State's Attorney.

Mr. Henkel said that he speaks with someone every day regarding windmills, and this board can expect to be seeing more of these developments

A motion to adjourn was made by Tom Fassler, and was seconded by Mike Pratt. All were in favor. The meeting was adjourned at 7:55 p.m.

LEE COUNTY REGIONAL PLANNING COMMISSION

William O'Keefe, Chairman
James Book, Member
Pat Dunphy, Member
Bob Logan, Member
John Hilleson, Member
John Schmidt, Member

Chris Henkel, Zoning Officer
Erica Scheidecker, Clerk

' The Lee County Planning Commission met on Monday, June 6, 2005 at 6:30 p.m. in the Lee County Courthouse, Dixon, Illinois. Chairman William O'Keefe called the meeting to order and took roll with the following members present: Pat Dunphy, Jim Book, Bob Logan, John Schmidt, and Erica Scheidecker, Clerk.

The first order of business was the approval of last month's minutes. Chairman O'Keefe asked if there were any changes and there were. Chris Henkel stated he had a letter from Vern Gottel asking for an amendment to the May minutes. Last month Mr. Henkel stated that it was not logical for Mr. Gottel to be an alternate on the commission since he hadn't been attending meetings. Mr. Gottel's letter responded to Mr. Henkel's statement, clarifying his absence, and it was agreed that his letter would be attached to the May meeting minutes. (See attached).

John Schmidt had two changes to last month's minutes. On the third page toward the bottom, he requested the statement he made be changed by adding that he was not in favor of "taking out acreage for development" from the 23 acre field. On the 6th page, John Schmidt asked that the word "only" be deleted from the following statement by Bill O'Keefe: ".....LESA is not required only in cases where they have previously zoned residential lots."

Chairman O'Keefe asked if anyone would care to make a motion to approve the minutes to include Mr. Schmidt's changes and Vern Gottel's letter of clarification. Bob Logan made a motion to approve the amended minutes and all were in favor.

Chairman O'Keefe asked if there was anyone present who had issues not listed on the agenda. Visitor Connie Shannon stated she was present with a LESA appeal, and Mr. O'Keefe said he would like to defer it to new business.

Visitor Steven Halitzer announced he had questions about the proposed ordinances.

Mr. Halitzer stated he had submitted a letter dated June 6th to all members of the Lee County Board. Mr. Halitzer stated he had two items for discussion outlined in his letter. The first issue was the four building permits per quarter section which he feels will be a regulatory nightmare and will create chaos in the real estate market. He believes it is a poor way to regulate growth, if that was the purpose of it. His second issue was wording

of the last part with clause 10.12.2, which he finds misleading and incomprehensible. He asked if he could be given an example of a modification

Member John Hilleson arrived at this time.

Chairman O'Keefe explained that the purpose of that section was to deal with changes in the future to something that has already been approved. If it was approved prior to the ordinance, then it's grandfathered in. However, if they come in later, seeking changes to what was previously legal, then the new ordinance applies to any modifications. That would be true of a building and true of a lot.

Mr. O'Keefe said after the last meeting in response to Mr. Halitzer's comments, he made revisions to the second paragraph, but it hasn't been circulated to the members yet. Chris Henkel stated it was posted on the internet.

Visitor Dr. Purdy was present to recommend improvements to the ordinances. He pointed out that in the glossary there is no definition of the word easement or subdivision. He also had a concern that there is no mechanism for coordination between the Recorder and Zoning Office, in terms of questions of legality. Dr. Purdy felt things needed to be reviewed, before a building permit is issued. It should not just depend on the LESA score.

Bill O'Keefe stated that the definition of subdivision is not included because half the ordinance addresses what is a subdivision. In Illinois, if what you do when dividing a piece of property doesn't fall within the exemption of the Plat Act, it's probably a subdivision, but not necessarily so. He said the goal of the ordinance is to regulate what the ordinary developer does in a county like this, what people who live next to each other do, what people do when they inherit estates, and to do so in a fair manner.

Mr. O'Keefe stated that as far as easement, it's a term in law that is so old and so broad, you cannot possibly define it.

In response to coordination between the Recorder and Zoning, Mr. O'Keefe said the recorder is responsible for recording hundred of kinds of documents, 99.9 % that the Planning Commission is not involved with. The commission is only responsible for plats and documents of that nature, which are spelled out in the subdivision or zoning ordinance. The question of whether something is a survey or a subdivision is not a question for the Recorder or for the Planning Commission, it is a question for the State's Attorney. Mr. Henkel confirmed that is correct.

Chris Henkel provided the report of action by the Lee County Board. He said the new ordinances are still on the table from last month. There were some minor changes and it had to sit for 30 days, which it has. On June 21st the county board will vote to approve, disapprove, or make recommendations for changes. The second item going to County Board is a zoning petition from property owner Dennis Pande in Alto Township. He wants to rezone a portion of his property from AG-1 to C-3 in order to build and operate

a mini-storage business. The Zoning Board of Appeals voted to recommend approval at the June 2nd hearing.

The commission then addressed old business from Mike Gletty. He presented a preliminary sketch which incorporated the commission's suggestions from the May meeting. The new sketch showed a 10.4 acre lot which stayed within the wooded area. The new LESA score was 220, down from 242 previously.

Mr. Henkel reported that Soil and Water's concern was that Mr. Gletty owes \$250 for the new LESA. Mr. Henkel said Mr. Gletty agreed to pay today. Bob Logan said he was pleased with the way Mr. Gletty had narrowed the area off. Chairman O'Keefe said what he was doing now was a credit to the county. The commission unanimously approved the new concept plan.

The first new business was with Connie Shannon, a realtor from Gaines Realty. Ms. Shannon stated she is representing a property owner who would like to split five acres off his farm and sell it.

Ms. Shannon said the LESA score came back at 225. The area is an old homestead. She brought pictures she had taken of the buildings. She took rough measurements of the lot and it was between two and three acres not in production.

Chris Henkel stated the owner's been farming around the area and the house is gone. He asked if the foundation was still there, and Ms. Shannon replied it was not.

Mr. Henkel said the owner is trying to split off five acres and sell it. The LESA score was based on a five acre lot size. It's the same type of soil that is underneath the home site, so it didn't get below 225.

Ms. Shannon said there are a crib, a barn, and a well house on the site. Mr. Henkel stated if the owner would consider reducing the number of acres, then he would recommend it to the commission. Since it's a home site and it would be the first time the owner split the property less than five acres, it would comply with the Plat Act. Mr. O'Keefe said the commission wouldn't see the need to go beyond the homestead, because they would not want to reduce acreage in agricultural production.

Mr. Henkel said by his calculations the original homestead was about 1.6 acres. John Schmidt said he would be in favor of the existing homestead being built on, but not additional land being taken out of the field. Mr. Henkel stated the consensus was if they reduce the area to the original footprint of the homestead, rounded up to two acres, it would be acceptable based on the LESA score.

The second item of new business was Jimmie Benavidez' LESA appeal. He was asked to come back from last month's meeting with a sketch. Mr. Benavidez said his father-in-law cash rents out the 140 acre farm because of his health. They are giving him the 1.1 acre site so he can help out. The LESA score was 237 previously. Mr. Henkel stated that

the soil type was downs, and it scored very well at 87. He stated it was prime farm ground. He felt the commission should consider they are clustering homes together, when making their decision.

John Hilleson asked if it was possible to put the proposed home site somewhere in the footprint of the existing homestead, and Mr. Benavidez replied they could not, because it was all trees. Mr. Henkel said that doesn't matter because it's all one parcel and you can only put one dwelling per parcel.

Jim Book observed that it would take out prime farm ground, and nobody here is involved in the farming.

Bill O'Keefe asked Mr. Henkel, in regards to the one house per parcel, if the other area was a separate defined parcel. He replied that it was not, and that the house was not defined from the farm. It's 56.2 acres and the house is included in it. Mr. O'Keefe replied if it was not a parcel, then the one house rule doesn't apply. Mr. Henkel stated that you would be creating the first parcel on the 56 acres. Mr. O'Keefe stated that in that case, Mr. Benavidez could place the home anywhere. Mr. Henkel replied that was true, but the LESA score would still be high because the same soil type is everywhere. Mr. O'Keefe replied that the issue is taking property out of production, so if that could be minimized, it would make this more palatable.

Chris Henkel stated that he'd like the commission to think about the LESA appeal from last month by John Hoelzer. Mr. Hoelzer owned, lived, and farmed property and was approved to split off a two acre parcel for his in-laws. He wanted the commission to be consistent. The Planning Commission felt the distinction from Mr. Benavidez was that someone from the family farmed it. The intent is to keep the owners farming and to assist them to do so.

Chairman O'Keefe said he'd like Mr. Benavidez to figure out somewhere to build on the existing homestead, otherwise he doesn't think it would pass.

The third item of new business was two concept plans from developer Louis Durin. The first was Meadowbrook – Phase II located at the intersection of 251 and Beamerville, north of Compton. The lots are two to four acres in size. The engineer for the project, Rick Bowers, was present to discuss the project. Mr. O'Keefe stated he liked the design of the plan; that the circulation pattern was good. Chris Henkel reported that the soil borings have not been done yet. The LESA score was 183, and John Hilleson asked what brought the LESA score down so low. Mr. Henkel replied that it's contiguous to another subdivision, as well as being wooded and not farmed. Mr. O'Keefe said he leaves it to Mr. Bower's judgment as to whether it will pass septic test.

The commission's consensus was that all were in favor of the concept plan at this stage.

The second concept plan was Willow Creek Estates, located south of Willow Creek Road and east of Steward Road, at the southeast corner of Scarborough. Engineer Rick Bowers

