

**MINUTES OF THE
LEE COUNTY ZONING BOARD OF APPEALS**

**Regular Meeting
Thursday, January 6, 2021, at 6:00 p.m.**

**County Board Room
Old Lee County Courthouse, Dixon, Illinois**

**Zoom Video- & Tele-conferencing
Meeting ID: 91539239154
Password: 209840**

**YouTube
<https://www.youtube.com/watch?v=rnWo3PrHKfY>**

Board Members

Bruce Forster, Chair
Craig Buhrow, Vice Chair
Mike Pratt, Member
Gene Bothe, Member
Glen Hughes, Member
Rex Meyer, Alternate Member

Staff

Dee Duffy, Zoning Administrator
Charles Boonstra, Lee County State's Attorney
Alice Henkel, Clerk

At 6:01 p.m., Chair Bruce Forster called the meeting to order, and roll was called.

Members present: Forster, Buhrow, Bothe, Hughes

Members absent: Pratt, Meyer

Staff present: Duffy, Henkel

Staff absent: Boonstra

The next order of business was the approval of minutes from the December 2, 2021 meeting of the Lee County Zoning Board of Appeals and the hearing on Petition No. 21-P-1566 (October 7, October 12, October 14, October 19, October 27, November 3, November 9, and November 22, 2021). Gene Bothe made a motion to approve the minutes and a second was discerned. There was no debate. A vote was taken, and the ayes prevailed. Motion passed, 4-0.

There was no old business.

Under new business was Petition No. 21-P-1585 by Petitioner Jerad M. Zellhofer. The parcel identification numbers are 13-21-01-101-007, commonly known as 1749 Winding Road, Amboy, Illinois; and part of 02-15-36-300-007, commonly known as 1760 Winding Road, Amboy, Illinois. The property commonly known as 1749 Winding Road is in May Township, and the property commonly known as 1760 Winding Road is in Amboy Township. The parcels are zoned Ag-1, Rural/Agricultural District. Petitioner is requesting that the County elect 10.16 acres of these parcels be designated as a Planned Unit Development (PUD) for the purpose of manufacturing and production of steel roofing, lawn care and landscaping services, and general carpentry.

Zoning Administrator Dee Duffy noted that the notification requirements for this petition had been met. She explained that while this project is located in both May and Amboy Townships, neither township has a planning committee. Mrs. Duffy said the Petitioner is working with Sanitarian Jennifer Kolb with the Lee County Health Department to make sure the well and septic system meet all state and local health code requirements. She noted that the Petitioner has obtained a Natural Resource Information Report for this project area. Lastly, Mrs. Duffy will be reviewing the Storm Water Management Plan to confirm code compliance once it has been submitted by the Petitioner.

Attorney Courtney Kennedy was present with Petitioner Jerad M. Zellhofer. She explained the following had been provided to this board:

- The development plan as prepared by Mr. Zellhofer.
- A copy of the Petition.
- A copy of the all the notices that were sent.
- A copy of the form notice that was sent to all adjacent landowners.
- A letter from the Lee County Sheriff relating to traffic issues at the Petitioner's location and business.
- A letter of support from the neighbors who reside on Winding Road near Petitioner's business.
- An email reflecting Petitioner's engagement with Willett Hofmann & Associates, Inc., a local engineering consultant firm.

Attorney Kennedy stated that Petitioner is in the process of obtaining a site plan and storm water management plan. It was previously believed that the Lee County Engineer would be able to prepare a site plan and storm water management plan; however, that is not correct. Petitioner was only made aware of this a few weeks prior to the hearing so he was unable to get that accomplished. Those items will be forthcoming.

Attorney Kennedy called Mr. Zellhofer to testify on behalf of his petition. Mr. Zellhofer was sworn in and proceeded to go through his development plan with the Board. A copy of the development plan is available to the public via the Lee County Zoning Office.

Mr. Zellhofer resides in Amboy, Illinois and owns and operates a business located at 1749 Winding Road, Amboy, Illinois, known as Z-Best Enterprises, Inc. ("Z-Best").

One of the requirements of a PUD under the Lee County Code is the land to be designated as a PUD must be a contiguous tract of land, not less than ten (10) acres in size. The property commonly known as 1749 Winding Road is only 4.66 acres, so Mr. Zellhofer is under contract to purchase a contiguous 5.5 acres of land on the north side of Winding Road, contingent on approval of this petition. This property on the north side of Winding Road currently houses a lumber and equipment storage building for his business. Presently he owns that building but leases the land it sits on from Circle F Farms.

Appendix A-1 of the development plan is an aerial view of 1749 Winding Road and 1760 Winding Road, showing the proposed property lines and total acreage that will be covered by the PUD. This depiction of the proposed PUD identified the truck parking and lumber building and equipment areas that are located on the north side of Winding Road, on the property commonly known as 1760 Winding Road. Mr. Zellhofer said there are currently no plans for any expansion on the undeveloped area on the north side of Winding Road. It is Mr. Zellhofer's understanding that should the County Board approve his request for PUD designation, that it will cure the improper zoning violations that exist at 1749 Winding Road and 1760 Winding Road.

Appendix B-1 of the development plan is an aerial view of 1749 Winding Road, which is located on the south side of Winding Road. Mr. Zellhofer testified that this depiction of the property shows the existing buildings, the parking area, the truck loading zone, material yard, customer parking and truck/trailer storage, based on the current use of the property. The photo of the property Mr. Zellhofer used is old and showed buildings that have been replaced so he drew on the photo to show a representation of a building that is currently located on the property.

Appendix B-2 of the development plan is an aerial view of 1749 Winding Road and 1760 Winding Road, showing the proposed property lines of the proposed PUD. Mr. Zellhofer testified that this depiction of the proposed development focuses on the portion of the PUD that is part of 1760 Winding Road and identifies the lumber storage building (that also stores equipment), the trailer storage area and the truck parking area.

Appendix C-1 of the development plan is an aerial view of 1749 Winding Road. Mr. Zellhofer testified that this depiction of the property shows the locations of the private well, the private septic system, and proposed signage as there is currently no sign for the business.

Appendix C-2 of the development plan is an aerial view of 1749 Winding Road and 1760 Winding Road, showing the proposed property lines of the proposed PUD. Mr. Zellhofer testified that this depiction of this property identifies the location of semi-impervious surfaces on the portion of the PUD that is part of 1760 Winding Road (north side of Winding Road). This area is gravel, not greenspace.

Appendix D-1 of the development plan is an aerial view of 1749 Winding Road and the area of land located east of the main building located at 1749 Winding Road. Mr. Zellhofer testified that this depiction of the properties shows the existing drainage. Mr. Zellhofer drew blue arrows on the photo to indicate water direction flow and the approximate topography for the property. Mr. Zellhofer said that several years ago, a retainer wall was installed on the eastern property line of 1749 Winding Road, along with two catch basins and two independent tile lines that lead from his property, down a steep and highly erodible hill, into a retention basin located on the edge of timber, away from the productive farm ground. He said he did this on his own accord years ago to help with any erosion and watershed that is caused by his development being that is located at the top of a hill.

Appendix D-2 of the development plan is an aerial view of 1749 Winding Road and 1760 Winding Road, showing the proposed property lines of the proposed PUD. Mr. Zellhofer testified that this depiction of the proposed development focuses on the portion of the PUD that is part of 1760 Winding Road and identifies the existing drainage. Mr. Zellhofer again used blue arrows on the photo to indicate water direction flow and the approximate topography for the property. There is a waterway and trees on the northern part of this property. He explained that for the farmland portion of this property, the land and the water flow both lead right into that group of trees and waterway. The area immediately surrounding the lumber storage building (previously indicated to be a semi-pervious surface), the waterflow and topography arrows indicate that the area south of the building leads toward Winding Road; and the waterflow and topography arrows for the area to the east of the building mostly lead to the east, and slightly to the southeast, into wooded areas.

Appendix E of the development plan is an aerial view of 1749 Winding Road. Mr. Zellhofer testified that this depiction of the property shows the elevations of the property. Mr. Zellhofer identified the elevation for seven (7) different locations on this property using an app on his cell phone. He took a shot of the road to get a baseline of the road. He then took the top of concrete grade for each building.

Appendix F of the development plan is an aerial view of the main building (a conglomeration of smaller buildings) located on 1749 Winding Road. Mr. Zellhofer testified that this photo shows the approximate square footage of each of the smaller buildings that have been cobbled together to form the main building located at 1749 Winding Road.

Appendix G of the development plan is a copy of an email from Zoning Administrator Dee Duffy to Mr. Zellhofer where she indicates that based on her conversations with Lee County Engineer Dave Anderson, a Traffic Study report would not be required as the properties have already been developed. However, Mr. Zellhofer will need to obtain driveway access permits from the respective township road commissioners. Mr. Zellhofer testified that he has applied for those permits, that both commissioners have been out to the property and that both commissioners have signed off that the current driveways meet the specifications and location requirements. No alternations need to be made.

Appendix H of the development plan is a statement signed by both township road commissioners. Mr. Zellhofer testified that he was required to contact the township road commissioners as part of the petitioning process. He obtained this signed statement prior to knowing he needed driveway access permits; however, as previously stated, both road commissioners signed off on those permits as well.

Appendix I of the development plan is a copy of a letter from the Amboy Fire Department. Mr. Zellhofer testified that the fire chief and assistant visited the property and did an initial site survey. As a result, they stated they didn't really have a lot of concerns, other than some highly flammable materials located in lumber storage building on the north side of Winding Road that Mr. Zellhofer was instructed to isolate. Mr. Zellhofer noted that the letter from the Amboy Fire Department states, "There are no noted features related to this development that would compromise the safety of the public. If change of use occurs it would be unknown what that effect would be at that time." Additionally, in the letter the Amboy Fire Department recommended: 1) Open space areas be properly mitigated for field/grass fire protection and maintained yearly; and 2) Owner to allow our designated incident preplanner complete site survey for any needed response.

Appendix J of the development plan is a copy of a letter from the Amboy Community Unit School District #272. As part of the requirements, Mr. Zellhofer was to obtain a preliminary impact report from the school district serving the area in which the proposed PUD will be designated. Mr. Zellhofer testified that he received a letter of support, especially since he has employed several high school students over the years, as well as having donated to countless school programs and sporting organizations.

Mr. Zellhofer testified that Z-Best deals primarily with manufacturing of building components, such as roofing and siding materials. Should the County Board approve Mr. Zellhofer's petition, he intends to continue to operate Z-Best from the location described in his petition. He stated that there are currently no plans to develop his business and make it any larger. Mr. Zellhofer acknowledged that he understands he will be restricted to using the property he is requesting be designated as a PUD as he described in his petition.

To address concerns related to traffic safety, road conditions, etc. on Winding Road, Mr. Zellhofer approached his neighbors on Winding Road to get their input. Each of the neighbors he spoke with signed a letter of neighborhood support and Mr. Zellhofer stated that no one refused to sign the support letter.

In conjunction with the support letter, Mr. Zellhofer contacted the Lee County Sheriff to confirm there had been no traffic or safety concerns related to the business over the last twenty-three (23) years. A letter from the Sheriff's Department confirmed same.

Mr. Zellhofer testified that he is working with Geoffrey Smith at Willett Hofmann & Associates. Mr. Smith has been provided the requirements of the zoning office and will be working to address any of the requirements that have not yet been met (well/septic; storm water management; and topographic survey to verify grading).

Mr. Zellhofer does not anticipate any increase in traffic as a result of a PUD designation. He does not believe that his business diminishes the property value of any neighboring landowners. He believes there would be a gain to public as a result of a PUD designation through employment, sales tax dollars, property tax dollars, community support and donations. Mr. Zellhofer testified that he believes the area

he is requesting be designated a PUD is suitable for the requested use and that the area is already in use as he is requesting. He does not believe there are any negative environmental concerns associated with the development and has never received any notification from any environmental groups regarding these properties. Mr. Zellhofer does not believe that the proposed PUD will negatively impact the public health, safety or general welfare. Mr. Zellhofer requested an additional hearing date to allow him to present the site plan and storm water management plan to the ZBA should the documentation provided in his development plan not be adequate. Mrs. Duffy directed Mr. Zellhofer to have his engineer from Willett Hofmann & Associates to contact County Engineer Dave Anderson regarding the requirements of the storm water management plan.

Questions from the Board were heard.

On 1760 Winding Road (Appendix A-1), a truck parking has been identified. Mr. Zellhofer explained that his trucks for Z-Best, which may or may not be related to the steel manufacturing that is occurring on 1749 Winding Road. These trucks are delivery trucks, gravel trucks, etc.

On 1749 Winding Road (Appendix B-1), Mr. Zellhofer testified that the area identified as parking towards the north of the property, along Winding Road, is employee parking. The area identified as parking just east of the main building is customer parking. There are approximately ten (10) to twelve (12) employee parking spaces and approximately six (6) customer parking spaces. The area identified as truck loading is where delivery trucks (FedEx, material delivery, etc.) come in to unload their deliveries. There is no loading dock for the main building so deliveries that require a forklift are unload in that area. The area identified as truck and trailer storage is where delivery trucks and trailers for Z-Best are stored. He was not aware of the total number of trucks and trailers they have as a lot of them are farm trucks and some are parts trucks; however, he said he probably has five (5) or six (6) main trucks for the steel product, as well as dump trucks and bucket trucks that Z-Best owns. The area identified as material yard is where finished product and materials are stored until they are loaded and delivered to customers.

Within the main building located on 1749 Winding Road, Mr. Zellhofer testified that activities related to the sales portion of the business, the manufacturing portion of the business or the support of the business take place. Mrs. Duffy stated that she would like Mr. Zellhofer to note somewhere what occurs in each of the individual buildings that make up the main building so that it is known where the businesses are located. Mr. Hughes also noted because the main building is a hodge-podge that he would like to know the flow of the building, how it is accessed, and what the usage of it is so as to learn how Mr. Zellhofer is using the building (he later noted he would like the same information for the other buildings located on the property, as well). Attorney Kennedy said they would try to incorporate that information into the site or have Mr. Zellhofer map it out should that not be possible.

Based on the information provided in Appendix F, the total square footage of the main building is 22,444. Mrs. Duffy noted that according to the Lee County Assessment Office, the total square footage of the main building is 23,352.

Regarding the material yard located on 1749 Winding Road, Mr. Zellhofer explained that it is used for storing some finished goods such as sheeting products that is too large to store indoors. Accessories and trim are typically stored indoors within the main building. The products and materials that are stored in the material yard can be stored outdoors. He does not have any plans to building any overhead structure for the materials yard; however, he may install a racking system that would have a roof structure just west of the material yard and south of the main building. Mr. Hughes asked Mr. Zellhofer to include any intended storage upgrades into his site plan for this development to ensure that future upgrades can be done appropriately.

Mr. Zellhofer explained that south of the main building on 1749 Winding Road, there is a small structure that houses the wood burning boiler for the property. It is made from two (2) by two (2) by four (4) concrete blocks that are stacked with a floating roof structure. He noted that that structure may need to be

addressed in the future as it has been damaged by weather and it does provide enough indoor wood storage.

Mr. Zellhofer stated that the area west of the boiler structure used to be a series of small building that have since been removed as of January 2020 and replaced with a shipping container structure. The structure consists of four (4) shipping containers stacked end to end, with a roof over top of them. Mr. Hughes requested that Mr. Zellhofer provide the square footage of this structure. Mrs. Duffy noted that she reached out to Mr. Zellhofer the morning of the hearing to inform him he will need to obtain a building permit for this structure as one was not obtained for this structure.

With regard to Appendices D-1 and D-2 that deal with drainage, Mr. Zellhofer testified that the structure of the retaining walls on 1749 Winding Road and 1760 Winding Road are identical and made out of precast, two (2) by two (2) by four (4) concrete blocks. On 1760 Winding Road, the retaining wall is mostly one and one-half (1 ½) blocks high but is one (1) or (2) blocks high in some places. On 1749 Winding Road, the retaining wall is similar, but it is most two (2) blocks high with some blocks partially buried. Mr. Zellhofer said the main reason for the retaining wall at 1749 Winding Road was to stop erosion and allow the catch basins to catch all the water. On 1760 Winding Road, he agreed that the retaining wall was to prevent erosion and stop runoff on the tillable portion of the property.

With regard to the tile lines depicted in Appendix D-1, Mr. Zellhofer said there is not a legal easement for the tile lines, but he does have permission from the adjacent landowner, Circle F Farms, as it improved the erosion problem they were having. He noted that Circle F Farms is his family's corporation where his mother represents twenty two percent (22%) of its board.

Mr. Zellhofer stated he has no plans for any additional greenspaces, trees, landscaping or visual buffers for the property and/or area between the business property and adjacent residential property.

Mr. Zellhofer testified that he worked with the Lee County Health Department in approximately 2010 regarding the existing septic. At that time, Mr. Zellhofer said he was told the tank was adequate size and proper construct to serve the house and the sinks and restrooms of the business; however, he was required to add on two hundred (200) feet to the septic field. Mr. Zellhofer has complied, and the Health Department has inspected and approved the work that was done. He said the number of sinks and bathrooms has not changed since the Health Department was last out, nor has the number of his employees increased. There is one (1) bathroom in the residence and two (2) bathrooms located in the main building. Mr. Zellhofer is still working with the Health Department regarding necessary changes related to a PUD designation. He noted that the residence located at 1755 Winding Road has its own septic system but is in a shared well agreement. He owns the well but there is an agreement to share it with the adjacent property.

Mr. Zellhofer stated that his business does not require the use of any water. The private well located on 1749 Winding Road predates the main building and used to serve an old farmhouse. The lines from the private well run north to the north edge of the main building, then easterly to a meter pit located along the eastern property line, then into the basement of the house. Where the meter pit is located, a hydrant that served a pasture used to exist, so the lines already existed. The building at 1760 Winding Road does not have any water or electricity running to it. He has no plans to have water at the structure located at 1760 Winding Road.

Mr. Zellhofer intends to install a four (4) foot by eight (8) foot sign west of the eastern entrance at 1749 Winding Road. He was informed that he will need to obtain a permit for the sign.

With regard to street and parking lighting, Mr. Zellhofer indicated there will be no street or parking lighting on the property. He explained that the only lighting is exterior building lighting that is dusk-to-dawn vapor lighting. The lighting is located primarily at main entrances, on the west, east and south sides of the main building. There are plans to add a light on the north side of the building for the truck loading

area. There should not be any activity at the business past 5:00 p.m.; however, he would like to add the lighting on the north side of the building in case he has a circumstance arise where a delivery occurs past business hours. It was asked that Mr. Zellhofer include the main building access points included in the site plan.

With regard to noise, Mr. Zellhofer said the manufacturing equipment practically cannot be heard outside of the building unless the bay doors are open. He said the only thing that could be considered noise pollution would be the equipment moving the materials from the conveyor to the material yard. While some of his employees do use hearing protection equipment, he does not have any equipment that operates at a noise level that requires such. Regarding the lawn care and landscaping, Mr. Zellhofer said they are not doing much of that anymore and what is done is primarily done offsite. No compost is brought on the property.

Mr. Zellhofer identified the locations of the LP tanks located on 1749 Winding Road. One is located on the north side of the main building, one located south of the shipping container structure, and an isolated fueling station located north of the customer parking area. The fueling station has LP refueling for forklifts, gasoline, and diesel. The fire department did not note any concerns with the fueling station. Mr. Zellhofer noted the tanks are brand new, provided by FS and sit on concrete footings.

Mr. Hughes referenced the Natural Resource Information (“NRI”) Report that indicated certain protected species that may be in the area of the proposed PUD. He cited that the NRI report states that Mr. Zellhofer will need to contact the Illinois Department of Natural Resources (“IDNR”) for further clarifications and listing of resources for this site. Mr. Zellhofer was unaware of the requirement, but Attorney Kennedy said that it could be done prior to the meeting.

Mr. Zellhofer testified that his recycling and scrap pick up is on a will-call basis. The material is stored in a twenty (20) to thirty (30) yard dumpster until it is picked up.

There were no further questions from the Board.

There were no questions from any visitors, in person or on ZOOM.

There was no other new business.

There was no other business.

At 7:38 p.m., Glen Hughes made a motion to recess. A second was discerned and there was no debate. A vote was taken, and all were in favor. Motion passed, 4-0.

The next regular meeting of the Lee County Zoning Board of Appeals will take place on February 3, 2022, at 6:00 p.m.

Respectfully submitted,

/s/ _____
Alice Henkel