

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

**Regular Meeting
Thursday, April 7, 2022, 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=oC9CI39jREI>**

Board Members

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

Staff

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

At 6:00 p.m., Chair Bruce Forster called the meeting to order, and roll was called.

Members present: Forster, Buhrow, Pratt, Hughes, Meyer

Members absent: None

Staff present: Duffy, Henkel, Boonstra

Staff absent: None

Chair Forster noted that Gene Bothe had completed his term with this Board and his seat has been filled by former alternate member, Rex Meyer. Mr. Forster thanked Mr. Bothe for his many years of service to the Zoning Board of Appeals.

The next order of business was the approval of minutes for the Zoning Board of Appeals' hearing on Petition No. 21-P-1586 by Petitioner Sauk Valley Hydrogen, LLC that took place on March 14, March 16, March 21, and March 22, 2022. Glen Hughes 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, 5-0 (Mike Pratt did not vote).

There were no petitions to adjourn pursuant to County's Board vote. Petition No. 21-P-1586 by Petitioner Sauk Valley Hydrogen, LLC will go before the County Board on April 21, 2022.

The first order of new business was Petition No. 22-P-1591 by Petitioner GSG Wind, LLC. The parcel identification numbers can be found in the petition. The parcels are located in Brooklyn,

Lee Center and Sublette Townships. The parcels are zoned Ag-1, Rural/Agricultural District. Petitioner is requesting a special use in Ag-1, Rural/Agricultural District, for the purpose of repowering an existing wind energy system.

Glen Hughes made a motion to engage the services of Retired Judge Tim Slavin to act as facilitator *pro tem*. A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0 (Pratt did not vote).

Judge Slavin stated the ZOOM and YouTube instructions for this hearing. He noted the following persons as personally present at the hearing: Chair Forster, Vice Chair Buhrow, Member Hughes, Member Meyer, Zoning Administrator Dee Duffy, Renewable Energy Coordinator and ZBA Clerk Alice Henkel, State's Attorney Charley Boonstra, Petitioner's Attorney Kyle Barry with one representative for the Petitioner, Court Reporter Callie Bodmer, and Facilitator Judge Slavin. Seven interested parties were present in the courtroom, and seven interested parties were present via ZOOM.

Judge Slavin gave a brief introduction and explained the procedures and rules for this hearing, including public participation via Zoom and public observation via YouTube.

Judge Slavin proceeded with the scheduling of the special hearing dates. The following dates were set aside as possible hearing dates for this petition: April 13, April 26, May 4, May 9, and May 12, 2022. The hearing will begin at 6:00 p.m. on the April dates and at 7:00 p.m. for the May dates.

Judge Slavin recessed the hearing on Petition No. 22-P-1591 by Petitioner GSG Wind, LLC to April 13, 2022, at 6:00 p.m.

Chair Forster called for a brief recess as 6:32 p.m. The hearing resumed at 6:40 p.m.

The next orders of new business were Petition No. 22-P-1589 by Petitioner Dustin Burmeister and Petition No. 22-P-1590 by Petitioner Jerad Zellhofer. Attorney Courtney Kennedy was present on behalf of Mr. Burmeister, as well as Mr. Zellhofer.

Attorney Kennedy asked the Board to recess the hearing on Petition No. 22-P-1589 by Petitioner Dustin Burmeister as he was unable to be present. Glen Hughes made a motion to continue the hearing on Petition No. 22-P-1589 by Petitioner Dustin Burmeister to May 5, 2022, at 7:00 p.m.

With regard to Petition No. 22-P-1590 by Petitioner Z-Best Enterprises, Inc., the Petitioner and the County have agreed to have the hearing on this petition on April 12, 2022, at 6:00 p.m., as it is likely the hearing of tonight's old business would take the remainder of the allotted time for this meeting.

There was no other new business.

Under old 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.

Petitioner Jerad Zellhofer was sworn in.

Zoning Administrator Dee Duffy provided to the Board a copy of a letter to Mr. Zellhofer from the health department. Attorney Kennedy addressed the letter. Following the last meeting, she and the Petitioner met with the health department. There was some discrepancy with what the code is requiring Petitioner to do with regard to the septic system. At one point he was required to install a new septic system; however, ultimately, it was determined that the current septic system could possibly remain at the property. Petitioner needed to provide to the health department the number of employees at his business at that location and have the septic system sized to determine if the current system is suitable for the use on the property. Petitioner has contacted a contractor to perform the sizing; however, the weather has prevented that from occurring.

The other outstanding issue being handled by the health department is the floor drain in the vehicle bay located at 1749 Winding Road, Amboy, Illinois. The health department has decided as to what the Petitioner will need to do to come into compliance, and Petitioner is willing to comply with those requirements; however, he requested 60 days to complete the upgrades and that this be made a condition of the special use permit. Petitioner understands that if this is made a condition and he does not complete the work within 60 days, then that could result in the revocation of the special use permit.

The floor drain needs to be properly routed pursuant to the health department's code. Petitioner is agreeable to properly routing the drain; however, he needs time to complete the work.

Petitioner will also need to make changes to the existing stormwater management plan so that it includes twelve (12) inch outlets leading to the detention pond. He plans to do this work himself. He is also presenting an easement agreement to Circle F Farms, whose land on which his stormwater management system encroaches. He will also discuss with them the stormwater improvements that need to be made.

Petitioner will also need to create a bermed detention area in the southeast corner of the property. He is waiting for the soil to dry out before he can begin work.

There were no questions from any interested parties.

Petitioner provided a list of businesses that will be occurring at the property, from highest gross sales to least gross sales: building component manufacturing, land service crew, construction crew, and seasonal candy sales.

Petitioner would like the tillable acres located on the north side of winding road to continue to be farmed should the PUD be approved.

There were no further questions from the Board.

The Board proceeded to the finding of fact section of the hearing.

Glen Hughes made a motion that the Lee County Zoning Board of Appeals (“ZBA”) finds that Petition 21-P-1585 was submitted on December 2, 2021 for a Planned Unit Development (PUD). A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Craig Buhrow made a motion that the Lee County ZBA finds that the Petitioner, Mr. Jerad Zellhofer resides near Amboy, Illinois and owns and operates a business located at 1749 Winding Road, Amboy, Illinois, known as Z-Best Enterprises, Inc. (“Z-Best”). A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Rex Meyer made a motion that the Lee County ZBA finds that on January 6, 2022, the Petitioner, Jerad Zellhofer took the witness stand and committed to being bound by all representations made in the Application and statements made under oath during the ZBA hearing. A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Mike Pratt made a motion that the Lee County ZBA finds that the Petitioner prepared and provided a development plan labeled Appendix A-1, a copy of the Petition, a copy of 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, and an email reflecting Petitioner’s engagement with Willett Hofmann & Associates, Inc., a local engineering consultant firm. A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Glen Hughes made a motion that the Lee County ZBA finds that if the proposed Petition 21-P-1585 is approved, the Petitioner will purchase the contiguous 5.5 acres of land on the north side of Winding Road and combined with the Petitioners 4.66 acres at 1749 Winding Road, to meet the required ten (10) acres to be designated as a Planned Unit Development (PUD) for the purpose of the manufacturing and production of steel roofing, lawn care and landscaping services, and general carpentry. A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Craig Buhrow made a motion that the Lee County ZBA finds that through the Petitioner’s testimony that the property on the north side of Winding Road (1760 Winding Road) currently houses a lumber and equipment storage building for his business, a trailer storage area and a truck/vehicle parking area. A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Rex Meyer made a motion that the Lee County ZBA finds that the Petitioner stated that there are no plans for any expansion on the undeveloped area on the north side of Winding Road (1760 Winding Road). A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Mike Pratt made a motion that the Lee County ZBA finds that the Petitioner showed a depiction of the property at 1749 Winding Road with its 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. A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Glen Hughes made a motion that the Lee County ZBA finds that the Petitioner testified that the depiction of the property at 1749 Winding Road shows the locations of the private well, the private septic system, and proposed signage as there is currently no sign for the business. A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Craig Buhrow made a motion that the Lee County ZBA finds that the Petitioner has shown in the submitted development plan, the proposed property lines which identifies the location of semi-impervious surfaces on the portion of the proposed PUD that is part of 1760 Winding Road (north side of Winding Road). A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Rex Meyer made a motion that the Lee County ZBA finds that the Petitioner produced a depiction of the properties showing the existing drainage and indicated the water direction flow and the approximate topography for the property. A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Mike Pratt made a motion that the Lee County ZBA finds that the aerial photo in the development plan submitted by the Petitioner, shows the main building (a conglomeration of smaller buildings) located on 1749 Winding Road, and the approximate square footage of each of the smaller buildings that have been combined together to form the main building. A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Glen Hughes made a motion that the Lee County ZBA finds that the Petitioner did provide signed statements for driveway access permits by both the Amboy and May Township road commissioners but based on the requirements of a PUD no preliminary impact reports were submitted because the properties have already been developed. A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Craig Buhrow made a motion that the Lee County ZBA finds that in Appendix G of the development plan a copy of an email from Lee County Zoning Administrator to the Petitioner showing that based on conversations with Lee County Engineer Dave Anderson, a Traffic Study report would not be required as the properties have already been developed. A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Rex Meyer made a motion that the Lee County ZBA finds that the Petitioner submitted a letter from the Lee County Sheriff confirming there had been no traffic or safety concerns related to the businesses over the last twenty-three (23) years. A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Mike Pratt made a motion that the Lee County ZBA finds that the Petitioner stated he spoke to landowners along Winding Road about any concerns related to traffic safety and road conditions and has submitted a signed letter of neighborhood support for the proposed PUD. A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-

0.

Glen Hughes made a motion that the Lee County ZBA finds that the Petitioner submitted a letter from the Amboy Fire Department that had two recommendations instructing the Petitioner that all the open space areas on the properties shall be properly mitigated for field/grass fire protection to be maintained yearly and was instructed to complete an Amboy Fire site survey for any needed response but based on the requirements of a PUD no preliminary impact reports were submitted because the properties have already been established. A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Craig Buhrow made a motion that the Lee County ZBA finds that the Petitioner submitted a letter of support for the proposed Planned Unit Development from the Amboy Community Unit School District #272 but because the properties are developed, a preliminary impact report was not obtained from the school district. A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Rex Meyer made a motion that the Lee County ZBA finds that the Petitioner testified that the area identified as parking towards the north of the 1749 Winding Road property, is for employee parking and the area identified as parking just east of the main building is for customer parking. The Petitioner explained that there are approximately ten (10) to twelve (12) employee parking spaces and approximately six (6) customer parking spaces and the area identified as truck loading is where delivery trucks (FedEx, material delivery, etc.) come in to unload their deliveries. A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Mike Pratt made a motion that the Lee County ZBA finds that the Petitioner testified that the area identified as truck and trailer storage at the 1749 Winding Road property is where delivery trucks and trailers for Z-Best are stored which consist of farm trucks, parts trucks, and approximately five (5) or six (6) main trucks for the steel product, as well as dump trucks and bucket trucks. A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Glen Hughes made a motion that the Lee County ZBA finds that during testimony, the Petitioner identified (Appendix B-1), an area on the development plan at 1749 Winding Road as the material yard where finished product and materials are stored until they are loaded and delivered to customers. A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Craig Buhrow made a motion that the Lee County ZBA finds that the Petitioner demonstrated in Appendices D-1 and D-2 that 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. The Petitioner testified that the retaining wall at 1749 Winding Road was to stop erosion and allow the catch basins to catch all the runoff water and the retaining wall at 1760 Winding Road was to prevent erosion and stop runoff onto the tillable portion of the property. A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Rex Meyer made a motion that the Lee County ZBA finds that the Petitioner submitted (Appendix D-1 of the development plan), an aerial view of 1749 Winding Road and the area of land located east of the main building located at 1749 Winding Road at which time the Petitioner

testified by showing a depiction of the properties existing drainage indicating the water direction flow and the approximate topography of the property. The Petitioner also testified that several years ago, a retainer wall was installed on the western property line at 1749 Winding Road, along with two catch basins and two independent tile lines that lead from the property, down a steep and highly erodible hill, into a retention basin located on the edge of timber, away from the productive farm ground. According to the testimony, the Petitioner stated this was done on the Petitioners own accord years ago to help with any erosion and watershed that is caused by the development located at the top of a hill. A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Mike Pratt made a motion that the Lee County ZBA finds that the Petitioner identified in Appendix D-1, the tile lines that were installed did not have a legal easement onto the adjacent property, but did have permission from the adjacent landowner, Circle F Farms, as it improved the erosion problem they were having. A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Glen Hughes made a motion that the Lee County ZBA finds that the Petitioner has no plans for any additional greenspaces, trees, landscaping or visual buffers for the property and/or areas between the business property and adjacent residential property. A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Craig Buhrow made a motion that the Lee County ZBA finds that through the Petitioners testimony that the residence located at 1755 Winding Road has its own septic system but is in a shared well agreement with the Petitioner. Said shared well agreement was presented by testimony only. A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Rex Meyer made a motion that the Lee County ZBA finds that the Petitioner testified that he worked with the Lee County Health Department in approximately 2010 regarding the existing septic on the property at 1749 Winding Road. At that time, the Petitioner was told the tank was adequately sized and properly constructed to serve the residential house and the sinks and restrooms of the business; however, the Petitioner was required to add on two hundred (200) feet to the septic field. The Petitioner further testified that there is one (1) bathroom in the residence and two (2) bathrooms located in the main building and the number of employees has not increased. A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Mike Pratt made a motion that the Lee County ZBA finds that the Petitioner 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. A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Glen Hughes made a motion that the Lee County ZBA finds that the Petitioner stated that he has no plans to have water or electricity running to the structure located at 1760 Winding Road. A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Craig Buhrow made a motion that the Lee County ZBA finds that the Petitioner indicated there will be no street or parking lighting on the property at 1749 Winding Road, only lighting on the exterior building that is dusk-to-dawn vapor lighting and that there are plans to add a light on the north side of the building for the truck loading area. A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Rex Meyer made a motion that the Lee County ZBA finds that the Petitioner testified that there are no future plans to building any overhead structure for the materials yard; however, a racking system may be installed that would have a roof structure just west of the material yard and south of the 1749 Winding Road's main building. A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Mike Pratt made a motion that the Lee County ZBA finds that the Petitioner affirmed in testimony that there should not be any activity at the business past 5:00 p.m. A second was discerned, and debate was held. The Board agreed that this statement was made by the Petitioner during testimony and should be a finding and restrictions for activities on the premises after business hours, if any, would be addressed in the conditions. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Glen Hughes made a motion that the Lee County ZBA finds with regard to noise, the Petitioner alleged the manufacturing equipment cannot be heard outside of the building unless the bay doors are open and noise will occur with the equipment moving the materials from the conveyor to the material yard. Further testimony entailed that the Petitioner does not have any equipment that operates at an extreme noise level and the Petitioner stated that any lawn care and landscaping business work is primarily done offsite with no compost materials are brought onto the property. A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Craig Buhrow made a motion that the Lee County ZBA finds that the Petitioner testified that the recycling and scrap pick up is on a will-call basis and that the material is stored in a twenty (20) to thirty (30) yard dumpster until it is picked up. A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Rex Meyer made a motion that the Lee County ZBA finds that through the reading of an email from Brenda Merriman with the Lee County Soil and Water Conservation District ("LCSWCD"), the completion of an EcoCAT is a recommendation, not a requirement, therefore no EcoCat was submitted. A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Mike Pratt made a motion that the Lee County ZBA finds that the Petitioner entered into evidence a report from the engineering firm of Willett Hofmann & Associates, Inc. titled Drainage & Detention Calculation (Willet Hofmann report). A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Glen Hughes made a motion that the Lee County ZBA finds that the Petitioner testified to the upgrades that would need to be made to existing drainage to bring the property into compliance with the Lee County Code, based on the Willet Hofmann report. Improvements will include, but not be limited to, increasing outlet pipes to 12", and developing a detention area in the southeast corner of the 1749 Winding Rd. property. A second was discerned, and there was no debate. A

vote was taken, and the ayes prevailed. Motion passed, 5-0.

Craig Buhrow made a motion that the Lee County ZBA finds that Lee County Engineer Dave Anderson reviewed the Willet Hofmann report, in addition to an email from Geoffrey F. Smith, Vice President of Willett Hofmann, which stated “the north side of the road having minimal or no effect on the drainage” (i.e. 1760 Winding Rd.), and based on this information signed off on a Lee County Drainage Permit. A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Rex Meyer made a motion that the Lee County ZBA finds that through the Petitioners testimony Z-Best deals primarily with manufacturing of building components, such as roofing and siding materials. Should the County Board approve Petition 21-P-1585, it is the Petitioners intention to continue to operate Z-Best from the location described in the petition. In further testimony, the Petitioner stated that there are currently no plans to develop his business or make it any larger. The Petitioner understands he will be restricted to using the property he is requesting be designated as a PUD as he described in the petition. A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Mike Pratt made a motion that through the Petitioner’s testimony and the petition’s application and appendices that the Lee County ZBA finds that Petition 21-P-1585 would not have any effects on the character of the neighborhood and the surrounding properties. A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Glen Hughes made a motion that through the Petitioner’s testimony and the petition’s application and appendices that the Lee County ZBA finds that Petition 21-P-1585 would not impose any negative effects on public health, public safety and/or general welfare. A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Craig Buhrow made a motion that through the Petitioner’s testimony and the petition’s application and appendices that the Lee County ZBA finds that Petition 21-P-1585 would not have a material effect on traffic conditions. A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Rex Meyer made a motion that through the Petitioner’s testimony and the petition’s application and appendices that the Lee County ZBA finds that Petition 21-P-1585 would not have much of an effect on public utility facilities. A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Mike Pratt made a motion that through the Petitioner’s testimony and the petition’s application and appendices that the Lee County ZBA finds that Petition 21-P-1585 does not carry with it any apparent environmental concerns. A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Mike Pratt made a motion that the Lee County ZBA finds that the Petitioner, through his testimony, testified that he created a list of his businesses, from most income generating to least, as follows: 1) building manufacturing and sales, 2) land service including lawn care and trees, 3) the construction crew, and 4) the sales of seasonal candy. A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Glen Hughes made a motion that the Lee county ZBA finds that based on a letter from Jennifer Kolb of the Lee County Health Department, in order to be in compliance with the Lee County Code, Petitioner needs to verify the sizing of the septic system on 1749 Winding Road and to address the floor drain in the primary building for the business, ensuring that it is properly routed and is used only to receive water from motorized equipment or vehicle washing or to drain melting snow and shall be increased in size based on the anticipated daily flow. When a maintenance area is adjacent to a parking area, physical barriers, such as a raised curb or a recessed floor in the maintenance area, shall be provided to assure that oil and gas are not discharged to floor drains. A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Glen Hughes made a motion that the Lee County ZBA recommends to the Lee County Board that Petition 21-P-1585 for a Planned Unit Development be approved. A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

The Board concluded its finding of fact and proceeds to the proposal of conditions.

Craig Buhrow made a motion that the Lee County ZBA recommends to the Lee County Board that, if the Petition for a PUD is allowed, a condition shall be that the purchase of the contiguous 5.5 acres of land on the north side of Winding Road shall be combined with the 4.66 acres at 1749 Winding Road and be legally platted into one parcel and the survey shall be recorded with the Lee County Clerk and a copy shall be submitted to the Lee County Zoning Office. A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Rex Meyer made a motion that the Lee County ZBA recommends to the Lee County Board that, if the Petition for a PUD is allowed, a condition be the completed Amboy Fire site survey for any needed fire or emergency response shall be submitted to the Lee County Zoning Office. A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Mike Pratt made a motion that the Lee County ZBA recommends to the Lee County Board that, if the Petition for a PUD is allowed, a condition be the Petitioner obtain a legal easement drainage agreement with the landowners for the property (PPN# 13-21-01-101-006) to the west of 1749 Winding Road. (The two catch basins and two independent tile lines). A second was discerned, and debate was held as to whether the Board could require private parties to engage in a contract. A vote was taken, and the ayes prevailed. Motion failed, 5-0.

Glen Hughes made a motion that the Lee County ZBA recommends to the Lee County Board that, if the Petition for a PUD is allowed, a condition be that the Lee County Engineer shall review any proposed drainage upgrades. A second was discerned, and discussion was held that because there are a couple items the Petitioner is still completing regarding stormwater management, etc., the Board would like to see the County's engineer review the items once completed. It was also debated as to whether the condition language is too broad. A vote was taken, and the ayes prevailed. Motion passed, 3-2 (Chair Forster, Member Pratt dissent).

Mike Pratt made a motion that the Lee County ZBA recommends to the Lee County Board that, if the Petition for a PUD is allowed, a condition be that the Petitioner verify to the Lee County

Zoning Office and the Lee County Health Department, through a certified inspector, the exact size of the septic tank at 1749 Winding Road and bring the floor drain in the main building at 1749 Winding Road up to the requirements of the Lee County Health Department code. A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Craig Buhrow made a motion that the Lee County ZBA recommends to the Lee County Board that, if the Petition for a PUD is allowed, a condition be that any expansion of, or addition to, the improvements of the PUD, whether on the north side of Winding Rd. (1760 Winding Rd.) or the south side of Winding Road (1749 Winding Rd.), requires the approval of the Lee County Zoning Administrator. A second was discerned, and debate was held. The Board wants to ensure that going forward, Petitioner obtains all necessary/required permits for making any changes. A vote was taken, and the ayes prevailed. Motion failed, 0-5.

Glen Hughes made a motion that the Lee County ZBA recommends to the Lee County Board that, if the Petition for a PUD is allowed, a condition be that any expansion of, or addition to, whether on the north side of Winding Rd. (1760 Winding Rd.) or the south side of Winding Road (1749 Winding Rd.), requires the appropriate permitting per Lee County ordinance. A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Glen Hughes made a motion that the Lee County ZBA recommends to the Lee County Board that, if the Petition for a PUD is allowed, a condition be that within 60 days of the date of the County Board approval, the Petitioner shall have the septic tank at the premises sized and shall submit the information to the Lee County Health Department (“the Department”). The Department shall then advise the Petitioner if any additional work is necessary to the septic system in order for the septic system to meet the current use of the premises. Petitioner shall follow the determination of the Department to ensure that the septic tank located at the premises is appropriately sized to accommodate the present uses of the premises. Unless good cause is provided, Petitioner’s failure to do so within the timeframe prescribed herein, will result in the revocation of the special use permit. A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Glen Hughes made a motion that the Lee County ZBA recommends to the Lee County Board that, if the Petition for a PUD is allowed, a condition be that within 60 days of the date of the County Board approval, Petitioner shall bring the floor drain located at the premises in compliance with the applicable code. Unless good cause is provided, Petitioner’s failure to do so within the timeframe prescribed herein, will result in the revocation of the special use permit. A second was discerned, and there was no debate; however, it was noted that while this condition is redundant, as it is covered by the zoning code, it put a time limit on completing the necessary upgrades. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Glen Hughes made a motion that the Lee County ZBA recommends to the Lee County Board that, if the Petition for a PUD is allowed, a condition be that the Petitioner’s property, commonly known as 1749 Winding Road Amboy IL, must be in compliance with the requirements of the I-2, General Industrial District, excluding the residential aspect of said property. A second was heard, and debate was held. The intent to make it clear to the Petitioner what part of the code applies to his property. The I-2 standards are compatible with the current use of the property. The State’s Attorney suggested further defining what area of the property is considered residential.

The Board moved to amend Mr. Hughes' motion so that it states, "The Lee County ZBA recommends to the Lee County Board that, if the Petition for a PUD is allowed, a condition be that the Petitioner's property, commonly known as 1749 Winding Road Amboy IL, must be in compliance with the requirements of the I-2, General Industrial District, up to the foundation of the residential building." A second was discerned, and there was debate. A vote was taken, and the ayes prevailed. Motion passed.

The Board then moved to vote on Mr. Hughes' amended motion. A second was discerned and further debate was held as to whether I-2, General Industrial District is more restrictive than the Ag-1, Agricultural District. A vote was taken, and the ayes prevailed. Motion passed, 4-1 (Member Pratt, dissent).

Glen Hughes made a motion that the Lee County ZBA recommends to the Lee County Board that, if the Petition for a PUD is allowed, a condition be that the Petitioner's property, commonly known as 1760 Winding Road Amboy IL, must be in compliance with the requirements of the Ag-1, Agricultural District. A second was discerned, and there was debate. A vote was taken, and the ayes prevailed. Motion failed, 0-5.

Glen Hughes made a motion to reconsider the following motion: "The Lee County ZBA recommends to the Lee County Board that, if the Petition for a PUD is allowed, a condition be that the Petitioner's property, commonly known as 1749 Winding Road Amboy IL, must be in compliance with the requirements of the I-2, General Industrial District, up to the foundation of the residential building." A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Glen Hughes made a motion that the Lee County ZBA recommends to the Lee County Board that, if the Petition for a PUD is allowed, a condition be that the property that comprises the PUD (1749 Winding Road, Amboy and 1760 Winding Road, Amboy) must be in compliance with the requirements of the I-2 General Industrial District, up to the foundation of the residential building. A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

This matter will go before the Lee County Board with a recommendation to approve from the Zoning Board of Appeals on April 21, 2022.

There was no other new business.

There was no other business.

At 9:07 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, 5-0.

The next regular meeting of the Lee County Zoning Board of Appeals will take place on May 5, 2022, at 7:00 p.m. A special meeting of ZBA will take place on April 12, 2022, at 6:00 p.m., for hearing on Petition no. 22-P-1590 by Petitioner Jerad Zellhofer. A special meeting of the ZBA will also take place on April 13, 2022, at 6:00 p.m. for the continued hearing on Petition No. 22-P-1591 by GSG Wind, LLC.

Respectfully submitted,

/s/ _____
Alice Henkel