

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

**Regular Meeting
Thursday, May 5, 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=GAw3nc3H-1Q>

Board Members

Bruce Forster, Chair
Craig Buhrow, Vice Chair
Mike Pratt, Member
Glen Hughes, Member
Rex Meyer, Member
Garrett Schoenholz, Alternate 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: Alternate Member

Staff present: Duffy, Henkel, Boonstra

Staff absent: None

The next order of business was approval of the for the April 7, 2022 meeting. Rex Meyer made a motion that the minutes be approved as written. A second was discerned and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

The next order of business was petitions to be adjourned pursuant to the County Board's vote. Mike Pratt made a motion to adjourn Petition No. 21-P-1585 (Jerad M. Zellhofer) and Petition No. 21-P-1586 (Sauk Valley Hydrogen, LLC) pursuant to the Lee County Board's vote. A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

The first order of old business was Petition No. 22-P-1590 by Petitioner Z-Best Enterprises, Inc. The parcel identification numbers are 02-15-23-300-007 and 02-15-26-200-005. The parcels are located in Amboy Township. The parcels are zoned I-1, Planned Industrial District. Petitioner is

requesting a special use in the I-1, Planned Industrial District, for the purpose of constructing and operating a miniwarehouse.

Notification requirements were met for this petition.

As the parcels are located within one and one-half miles of the City of Amboy, the petition was considered by the Amboy City Council and the Amboy Plan Commission, neither of which had any objections to the proposed development.

The Lee County Health Department did not have any objections to the petition. Its only concern was if there is a need for water or a septic system at the property; however, this will be addressed as part of the building permit approval process.

Attorney Courtney Kennedy was present on behalf of Petitioner Z-Best Enterprises, Inc. She called Jerad M. Zellhofer to testify, and he was sworn in. Mr. Zellhofer has owned and operated Z-Best Enterprises, Inc. for 23 years. Mr. Zellhofer filed an Amended Petition for Special Use Permit on April 14, 2022. Mr. Zellhofer also had submitted a site plan. He proceeded to present his proposed site plan to the Board.

The site plan showed the proposed location of three miniwarehouse buildings of various sizes for a variety of storage capacity, as well as three, future “sister buildings.” The entrance to the property would be located off of Dry Gulch Road, just off US Route 52.

Mr. Zellhofer has hired Willett Hoffmann & Associates, Inc. to prepare the site plan. They are working with Lee County Engineer Dave Anderson regarding stormwater management.

Given the long, narrow shape of these adjacent parcels, Mr. Zellhofer feels this would be a good use for this property.

Mr. Zellhofer then discussed how his proposed project will be in compliance with the performance standards set forth in the Lee County code for I-1, Planned Industrial Districts.

All lighting will comply with Section 10-15-1 (Exterior Lighting) of the Lee County code. Mr. Zellhofer said all the lighting will comply with this section and will most likely be downward facing soffit lighting. He is considering solar if financially feasible.

With regard to Section 10-15-2 (Vibration) of the Lee County code, Mr. Zellhofer feels this does not apply as no vibration as a result of the proposed use is anticipated.

With regard to Section 10-15-3 (Noise) of the Lee County code, Mr. Zellhofer feels this does not apply as no noise is anticipated to be generated by the proposed use.

With regard to Section 10-15-4 (Air Pollution) of the Lee County code, Mr. Zellhofer feels this does not apply as no air pollution is anticipated to be generated by the proposed use.

With regard to Section 10-15-5 (Odor) of the Lee County code, Mr. Zellhofer feels this does not apply as no odor is anticipated to be generated by the proposed use.

With regard to Section 10-15-6 (Electromagnetic Radiation) of the Lee County code, Mr. Zellhofer feels this does not apply as no electromagnetic radiation is anticipated to be generated by the proposed use.

With regard to Section 10-15-7 (Heat and Glare) of the Lee County code, Mr. Zellhofer feels this does not apply as no heat and/or glare are anticipated to be generated by the proposed use.

With regard to Section 10-15-8 (Fire and Explosion) of the Lee County code, Mr. Zellhofer feels this does not apply as no fire and/or explosions are anticipated to be generated by the proposed use. Additionally, tenants will not be allowed to store any flammable or explosive materials in the units per their lease agreements.

With regard to Section 10-15-9 (Toxic or Noxious Material) of the Lee County code, Mr. Zellhofer feels this does not apply as no toxic or noxious material is anticipated to be generated by the proposed use. Additionally, tenants will not be allowed to store any toxic or noxious materials in the units per their lease agreements.

With regard to Section 10-15-10 (Waste Material) of the Lee County code, Mr. Zellhofer feels this does not apply as no waste materials are anticipated to be generated by the proposed use.

With regard to Section 10-15-11 (Exterior Construction Material) of the Lee County code, Mr. Zellhofer explained that the buildings would have the same type of exterior construction materials as the property adjacent to his to the north, along US Route 52. The property is also zoned I-1, Planned Industrial District. He provided photos of other local storage facilities, all using the same type of exterior construction materials that he is proposing, which includes metal construction, exposed fasteners, trims, etc. Mr. Zellhofer stated that the City of Amboy did not have any objection to the proposed exterior construction material.

With regard to Section 10-15-12 (Hazardous Materials) of the Lee County code, Mr. Zellhofer feels this does not apply as no hazardous material is anticipated to be generated by the proposed use. Additionally, tenants will not be allowed to store any hazardous materials in the units per their lease agreements.

With regard to Section 10-15-14 (Signal Receiving Antennas) of the Lee County code, Mr. Zellhofer said there will be none.

With regard to Section 10-15-15 (Wind Energy Systems) of the Lee County code, Mr. Zellhofer said there will be none.

With regard to Section 10-15-18 (Communication Towers) of the Lee County code, Mr. Zellhofer said there will be none.

With regard to Section 10-15-19 (Recycling) of the Lee County code, Mr. Zellhofer said there should be none generated.

With regard to Section 10-15-20 (Solar Energy Systems) of the Lee County code, Mr. Zellhofer said there will be none.

The proposed project must also be in compliance with Section 10-12 (Signs), Section 10-13 (Landscaping), Section 10-14 (Fencing) of the Lee County code.

With regard to Section 10-12 (Signs), Mr. Zellhofer said all signs and lettering will comply with this section.

With regard to Section 10-13 (Landscaping), Mr. Zellhofer said there will be a mulched berm and green space located at the entrance of the property on Dry Gulch Road. He may create a water feature in the detention basin depending on the cost, size, and topography. He said there is also be more than 15% green space on the development.

With regard to Section 10-14 (Fencing), Mr. Zellhofer said that if there is any fencing, it will comply with this section. There is a potential for a gate shack with an electronically controlled gate. A key fob or key card would be needed for entrance to the property.

The facility will be accessible 24 hours a day and will be unmanned. Mr. Zellhofer is does not have security concerns with the facility being accessible 24 hours a day. He said if he does install an electronic gate, the facility will still be accessible 24 hours a day but only by persons with authorized access. The gate shack will also have a security camera. Mr. Zellhofer also noted that since the development will be located along US Route 52, there will be no where to park on the property that will not be visible from the highway.

The units will be accessible only from the outside of the building, via roll-up garage doors. The 50 feet by 140 feet units for extra-large items will have a regular door on the back of the unit so tenants can access the unit without having to open the large bay door. These units will also not have divider walls.

Mr. Zellhofer will have a garbage dumpster onsite for tenants. By having the entrance to the facility located on Dry Gulch Road, Mr. Zellhofer feels this will prevent any traffic disruption along US Route 52. The parcels are adjacent to agriculturally or industrially zoned parcels – no residentially zoned parcels. He feels there is a demand for storage in this area, and his facility will be the only one in the area to offer mega-storage. Further, understanding that this property may be annexed by the City of Amboy in the future, he has made sure that his design is consistent with the City's standards.

Questions from the Board were heard.

Discussion regarding drainage and water detention were held. Site grading and elevation were also discussed.

Mr. Zellhofer confirmed he is requesting the special use permit for miniwarehouse apply to the entirety of both parcels. He will still be able to use the property in accordance with the I-1, Planned Industrial District, but he will also have a special use permit for the miniwarehouse use.

There were no questions from any interested parties present in person or by ZOOM.

Zoning Administrator Dee Duffy asked questions of the witness regarding security, garbage removal, extermination, climate control units, the driveway surface (gravel vs. blacktop), the possibility of a retail store front, and fire safety.

It was noted that the units will have metal dividers. The facility will be open year-round.

The Board proceeded with the Findings of Fact.

Glen Hughes made a motion that the Lee County Zoning Board of Appeals finds that Petition 22-P-1590 was submitted on February 4, 2022, requesting a special use permit for a miniwarehouse. 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 Zoning Board of Appeals finds that the Petitioner, Z-Best Enterprises, Inc., owns 7.61 acres of land identified as parcel no. 02-15-23-300-007 and 6.096 acres of land identified as parcel no. 02-15-26-200-005 are contiguous to each other for the proposed development of a self-storage facility. 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 Zoning Board of Appeals finds that the Petitioner, Z-Best Enterprises, Inc., had published a legal notification of the petition on March 16, 2022, in the Amboy News, and had mailed certified mailings of the same notice to adjacent real estate property owners who would be within 1000 feet of the proposed Project's boundary, and the Lee County Zoning Office had published the hearing information on the Lee County website and physically posted the petition notice where the proposed development would be located. 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 Zoning Board of Appeals finds that on May 5, 2022, the Petitioner, took the witness stand, was placed under oath and testified to be committed to being bound by all representations made in the application and statements made under oath during the Zoning Board of Appeals 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 Zoning Board of Appeals finds that the Petitioner indicated that for all exterior lightning, it will have a downward cast lighting system. 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 Zoning Board of Appeals finds that the Petitioner indicated there would be no extra vibration from the storage units. 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 Zoning Board of Appeals finds that the Petitioner indicated there would be no extra noise except during construction. 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 Zoning Board of Appeals finds that the Petitioner indicated that there would be no air pollution generated from the facility. 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 Zoning Board of Appeals finds that the Petitioner indicated that there would be no odor generated by the facility. 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 Zoning Board of Appeals finds that the Petitioner indicated there would be no extra electromagnetic radiation. 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 Zoning Board of Appeals finds that the Petitioner indicated there will be no heat and glare generated. 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 Zoning Board of Appeals finds that the Petitioner indicated that as part of his lease or contract on the storage units, no explosive or flammable materials will be allowed. 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 Zoning Board of Appeals finds that the Petitioner indicated that the tenants will not be allowed to store toxic or noxious material. 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 Zoning Board of Appeals finds that the Petitioner indicated that there will be no waste material generated by the facility. A second was discerned, and there was debate. Discussion was held as to what was meant by waste material. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Craig Buhrow made a motion that the Lee County Zoning Board of Appeals finds that the Petitioner indicated for exterior construction material would be steel, with interior wood framing. 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 Zoning Board of Appeals finds that the Petitioner indicated that the tenants will not be allowed to store hazardous materials. 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 Zoning Board of Appeals finds that the Petitioner indicated there would be no signal receiving antennas. 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 Zoning Board of Appeals finds that the Petitioner indicated there would be no wind energy systems there. 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 Zoning Board of Appeals finds that the Petitioner indicated that there would be no communication towers placed on 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 Zoning Board of Appeals finds that the Petitioner indicated that there would be no recycling business at the facility. 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 Petitioner's application and appendices, the Lee County Zoning Board of Appeals finds that Petition 22-P-1590, would not have any effects on the character of the neighborhood. 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 Petitioner's application and appendices, the Lee County Zoning Board of Appeals finds that Petition 22-P-1590, would not have effects upon public utility facilities. 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 Petitioner's application and appendices, the Lee County Zoning Board of Appeals finds that Petition 22-P-1590, would not have a material effect on traffic conditions from its current volume. 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 Petitioner's application and appendices, the Lee County Zoning Board of Appeals finds that Petition 22-P-1590, 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.

Rex Meyer made a motion that through the Petitioner's testimony and the Petitioner's application and appendices, the Lee County Zoning Board of Appeals finds that Petition 22-P-1590, would not have effects upon the surround properties. 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 Petitioner's application and appendices, the Lee County Zoning Board of Appeals finds that Petition 22-P-1590, would not carry with it apparent environmental concerns. 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 Zoning Board of Appeals finds that the Petitioner has no plans to have water at the location for the proposed miniwarehouse. 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 Zoning Board of Appeals finds that the Petitioner affirmed in testimony that the business would be open 24 hours a day. 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 Zoning Board of Appeals finds that the proposed development is consistent with the City of Amboy's Future Land Use map in the Lee County Comprehensive Plan. 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 Zoning Board of Appeals finds that the Petitioner indicated the use of landscaping at the proposed site would consist of existing vegetation, a mulch berm, and green space at more than 15% of the total space. 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 Zoning Board of Appeals finds that the Petitioner indicated the use of fencing at the proposed site will comply with Section 10-14 of the Lee County code which might include a gate shack with an electronic gated entry. 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 Zoning Board of Appeals finds that the Petitioner indicated the use of signage at the proposed site would be within the current zoning standards. 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 Zoning Board of Appeals recommends to the Lee County Board that Petition 22-P-1590 for a special use permit for a miniwarehouse be approved. A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

Chair Forster called for recess at 8:18 p.m. The hearing resumed at 8:28.

The Board provided its proposed conditions for Petition No. 22-P-1590.

Glen Hughes made a motion that the Lee County Zoning Board of Appeals recommends to the Lee County Board that if the Petition for a miniwarehouse is allowed, a condition be that the facility be solely for self-storage usage and not allow onsite retail services due to traffic and parking and zoning requirements. 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 Zoning Board of Appeals recommends to the Lee County Board that, if the Petition for a miniwarehouse is allowed, a condition be that there shall be no outside storage on property including boats, vehicles, semi's, motorcycles, RVs or trailers. Outdoor material storage is considered a separate use. A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

It was announced that this petition will go before the full county board on May 19, 2022, with conditions and a recommendation for approval.

The next order of old business was Petition No. 22-P-1589 by Dustin Burmeister. Craig Buhrow made a motion to suspend the rules of the agenda and proceed to the hearing of Petition No. 22-

P-1592 and to hear Petition No. 22-P-1589 at the end of the meeting. A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

The first order of new business was Petition No. 22-P-1592 by Petitioners Michael and Mary Anderson. The parcel identification number is PIN 02-15-36-200-016. The parcel is located in Amboy Township and is approximately 2.96 acres in size. The parcel is Ag-1, Rural/Agricultural District. Petitioner is requesting a special use in the Ag-1, Rural/Agricultural District, for the purpose of constructing and operating a miniwarehouse.

Notification requirements were met for this petition.

Petitioner Michael Anderson was sworn in. He explained that he and his wife would like to develop a mini storage facility on a parcel they own that is adjacent to the parcel where their residence is located. The building would be approximately 153 feet by 40 feet. The soil on the property is sandy.

He intends to start with one building but may build a second building depending on need. He would like to have a total of 60-80 units over the next 10 years. The initial building will be setback 50 feet from the side and rear property lines and approximately 150 feet from US Route 52.

Access to the property will be the commercial entrance known as 670 US Route 52, which used to be the entrance to their former pumpkin patch business.

He plans to put fencing on the back of the property to appease the concerns of his neighbors as snowmobilers and ATVs will cut through this portion of his property and other's, from Searls Road. The fence will be located at the property line.

Mr. Anderson provided pictures of the proposed building type. The structure will be all metal, with a low roof line. Lighting will be located under the eaves, downward facing and potentially powered by solar. He plans to run power to the building for the purpose of running security cameras; however, he does not intend to provide power to the storage units.

Questions from the Board were heard.

The facility will be open 24 hours a day, and he would like to eventually like to install a gate and have key card access. There will be no onsite employees.

Tenants will not be allowed to store flammable, noxious and/or hazardous material in the units in accordance with the lease. Signage and pamphlets with tenant rules will be provided.

There will not be a dumpster onsite as he feels it will be abused by illegal dumpers.

The building will have gutters. His contractor does not believe a retention pond will be necessary for one building; however, if a second building is built, a retention pond may need to be installed. As part of the building permit process, a stormwater management plan will need to be approved Lee County Engineer Dave Anderson.

The units will not be climate control. The units will mostly be 10 feet by 20 feet in size, but he may put in some 5 feet by 10 feet units at one end of the building that faces the highway. He doesn't want any doors located in the back of the building where there is a blind spot.

The structure will be all metal. The framing, studding, partitions, and walls will all be steel.

Mr. Anderson does not plan on having any retail taking place at the facility.

There will be no exterior storage. The drive and areas around the building will be gravel. He plans to install shrubs on the back side of the property, facing Searls Road. He would like to do this before he installs the fence. No shrubs are planned along US Route 52.

The performance standards set forth in the Lee County code for Ag-1, Rural/Agricultural District were reviewed.

With regard to Section 10-15-2 (Vibration) of the Lee County code, Mr. Anderson stated there would be no vibration generated by the proposed use.

With regard to Section 10-15-6 (Electromagnetic Radiation) of the Lee County code, Mr. Anderson stated there would be no electromagnetic radiation generated by the proposed use.

With regard to Section 10-15-8 (Fire and Explosion) of the Lee County code, Mr. Anderson said no fire and explosion would be generated by the proposed use.

With regard to Section 10-15-12 (Hazardous Materials) of the Lee County code, Mr. Anderson said no hazardous materials generated by the proposed use.

With regard to Section 10-15-14 (Signal Receiving Antennas) of the Lee County code, Mr. Anderson said there will be none.

With regard to Section 10-15-15 (Wind Energy Systems) of the Lee County code, Mr. Anderson said there will be no wind energy systems located on the property.

With regard to Section 10-15-16 (Swimming Pools) of the Lee County code, Mr. Anderson said there will be no swimming pools located on the property.

With regard to Section 10-15-17 (Manufactured Housing), Mr. Anderson said there will be no manufactured housing located on the property.

With regard to Section 10-15-18 (Communication Towers), Mr. Anderson said there will be no communication towers located on the property.

Questions and/or comments from interested parties were heard.

Jerad Zellhofer came forward to make a statement. He had handouts for the Board; however, he did not have the required 8 copies, he only had six. Mike Pratt made a motion to suspend the Board's rules to allow for entry of Mr. Zellhofer's exhibit without the proper number of copies. A second was discerned, and discussion was held. Mr. Pratt said they had accepted an exhibit at

a previous hearing without the proper number of copies. A vote was taken, and the ayes prevailed. Motion passed, 4-1 (Hughes dissent).

Mr. Zellhofer was sworn in.

Mr. Zellhofer said he was present on behalf of his mother, Debbie Zellhofer, and her brother, Gary. They are both part owners of land that is contiguous to Mr. Anderson's proposed miniwarehouse facility. He said he was also present on behalf of some of the other property owners in the neighborhood.

Mr. Zellhofer said that, collectively, these people have several concerns with regards to Mr. Anderson's petition for special use permit. He said the use would be improper for the location because they feel the predominant use for the area is residential and this would be a commercial use. They also feel the development would not be consistent with the characteristics of the neighborhood.

Mr. Zellhofer said those concerned also feel the special use may adversely affect the monetary values of the surrounding properties, alleging that Mr. Anderson dug a large hole on the north side of his property for the purposes of burning and burying debris. He claims Mr. Anderson is also bringing numerous damage campers onto the property to dismantle and that several campers and cars still exist on the property. He also alleged that there is a large debris pile from construction on the property that creates an unappealing look. Further, they feel this development is commercial and if not properly constructed and/or maintained, it may affect the resale value of their homes.

Another concern noted by Mr. Zellhofer was that Mr. Anderson may use the property to store damaged vehicles from his towing business that is located in the City of Amboy. There is also concern that more campers will be brought onto the property if the special use is approved.

Questions from the Board were heard. It was noted that Mr. Zellhofer's grandfather, Walter Fredenhagen, appears to be in favor of the proposed special use. Mr. Zellhofer said he is not representing his grandfather, just his mother and her brother from his family.

Mr. Anderson said that he has spoken with the neighbors and has received their support. He also noted that the people Mr. Zellhofer is representing do not live near the proposed location and that he has letters of supports for the property owners that live around the proposed location.

With regard to the campers, Mr. Anderson admitted that he did have 3 or 4 on the property at one time but that two of the campers were his. He used to store them there before he got a seasonal site at the Mendota Hills Campground.

With regard to the so called, "dump," Mr. Anderson said Mr. Shaw dug that as a pond for the former pumpkin patch for the ducks, but it wouldn't hold water. They started to fill it back in and the City of Amboy brought out loads of fill when they were redoing the streets. He has had small fires at the property but has never burned any campers.

With regard to the cars, he admits that he has brought cars out of the city from his towing business. He said his lot in town is small and located next to the funeral home. Sometimes he needs to move vehicles that were involved in fatal accidents if the funeral is occurring next door. At the time of the hearing, all the vehicles had been removed except one, which was scheduled to

leave the property the following day. He plans to start removing the campers the following week, along with anything left over from the former pumpkin patch that needs to be disposed of.

Mr. Pratt noted that the areas of concern are not located on the same parcel where the proposed miniwarehouse will be located.

Mr. Anderson also noted that he had originally contacted Mr. Zellhofer for a bid but that Mr. Zellhofer tried to talk him out of it because he said there wasn't a need and that he was going to put up mini storage units.

Zoning Administrator Duffy said she could not recall receiving any complaints about the cars and campers that were located on the property. She said that additional zoning and/or special use permit may be necessary if he intends to keep the car at the property. Mr. Anderson said he will use a couple storage units to store vehicles if he needs to. Mr. Anderson said he will not store anything outdoors.

Mr. Anderson acknowledged that he would be bound by the statements he made under oath during this hearing.

There were no other questions and/or comments from any visitors present in person or by ZOOM.

The Board proceeded with its Findings of Fact.

Mike Pratt made a motion that the Lee County Zoning Board of Appeals finds that Petition 22-P-1592 was submitted on March 22, 2022 requesting a special use permit for a miniwarehouse. 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 Zoning Board of Appeals finds that the Petitioners, Michael and Mary Anderson, own 2.96 acres of land identified as parcel 02-15-36-200-016 for the proposed development of a self-storage facility. 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 Zoning Board of Appeals finds that the Petitioners, Michael and Mary Anderson, had published a legal notification of the petition on April 20, 2022, in the Amboy News, and had mailed certified mailings of the same notice to adjacent real estate property owners who would be within 1000 feet of the proposed Project's boundary; and the Lee County Zoning Office had published the hearing information on the Lee County website and physically posted the petition notice where the proposed development would be located. 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 Zoning Board of Appeals finds that on May 5, 2022, the Petitioner took the witness stand, was placed under oath and testified to be committed to being bound by all representations made in the application and statements made under oath during the Zoning Board of Appeals 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 Zoning Board of Appeals finds that the Petitioner indicated that the only exterior lighting would be solar lighting on the eaves of the building. 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 Zoning Board of Appeals finds that the Petitioner indicated there would be no extra vibration from the storage unit. 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 Zoning Board of Appeals finds that the Petitioner indicated the only excess noise would be during construction. 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 Zoning Board of Appeals finds that the Petitioner indicated no air pollution would be generated by the facility. 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 Zoning Board of Appeals finds that the Petitioner indicated no odor would be generated by the facility. 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 Zoning Board of Appeals finds that the Petitioner indicated no electromagnetic radiation from the facility. 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 Board of Appeals finds that the Petitioner indicated no glare and heat generated at this facility. 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 Zoning Board of Appeals finds that the Petitioner indicated little risk of fire and explosion since no combustible materials would be allowed per lease. 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 Zoning Board of Appeals finds that the Petitioner indicated tenants will not be allowed to store toxic or noxious materials. 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 Zoning Board of Appeals finds that the Petitioner indicated no waste material would be generated. 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 Zoning Board of Appeals finds that the Petitioner indicated the exterior construction will be all metal. 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 Zoning Board of Appeals finds that the Petitioner indicated no hazardous materials stored at or generated by the facility. 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 Zoning Board of Appeals finds that the Petitioner indicated there will be no signal receiving antennas. 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 Zoning Board of Appeals finds that the Petitioner indicated there will be no wind energy systems. 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 Zoning Board of Appeals finds that the Petitioner indicated there will be no communication towers. 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 Board of Appeals finds that the Petitioner indicated there will be no recycling done at the facility. 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 Board of Appeals finds there will be no swimming pools placed on 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 Board of Appeals finds there will be no manufactured housing placed on 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 Board of Appeals finds there will be nothing stored outside. 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 Petitioner's application and appendices, the Lee County Zoning Board of Appeals finds that Petition 22-P-1592 would not have any significant effects on the character of the neighborhood. 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 Petitioner's application and appendices, the Lee County Zoning Board of Appeals finds that Petition 22-P-1592 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.

Glen Hughes made a motion that through the Petitioner's testimony and the Petitioner's application and appendices, the Lee County Zoning Board of Appeals finds that Petition 22-P-1592 would not have any material effects upon 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 Petitioner's application and appendices, the Lee County Zoning Board of Appeals finds that Petition 22-P-1592 would

not impose any significant 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.

Rex Meyer made a motion that through the Petitioner's testimony and the Petitioner's application and appendices, the Lee County Zoning Board of Appeals finds that Petition 22-P-1592 would not have any significant effects upon the surrounding properties. 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 Petitioner's application and appendices, the Lee County Zoning Board of Appeals finds that Petition 22-P-1592 would not carry with it any apparent 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 the Lee County Zoning Board of Appeals finds that the Petitioner has no plans to have water at the location for the proposed miniwarehouse. 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 Zoning Board of Appeals finds that the Petitioner affirmed in testimony that the business would be open 24 hours a day and the entrance will eventually be controlled by a key card system. 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 Zoning Board of Appeals finds that the proposed development area is consistent with the City of Amboy's Future Land Use map in the Lee County Comprehensive Plan. A second was discerned, and there was debate. A vote was taken, and the ayes prevailed. Motion passed, 4-1 (Hughes dissent).

Craig Buhrow made a motion that the Lee County Zoning Board of Appeals finds that the Petitioner indicated the use of landscaping at the proposed site would consist of current trees, with additional trees being added to provide screening for Searls Road. 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 Zoning Board of Appeals finds that the Petitioner indicated the use of fencing at the proposed site and will be in compliance with the Lee County code for Fencing.

Mike Pratt made a motion that the Lee County Zoning Board of Appeals recommends to the Lee County Board that Petition 22-P-1592 for a special use permit for a miniwarehouse be approved. 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 Zoning Board of Appeals recommends to the Lee County Board that if the Petition for a miniwarehouse is allowed, a condition be that the facility be solely for self-storage usage and not allow onsite retail services due to traffic and parking and zoning requirements. 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 Zoning Board of Appeals recommends to the Lee County Board that, if the Petition for a miniwarehouse is allowed, a condition be that there shall be no outside storage on property including boats, vehicles, semi's, motorcycles, RVs or trailers. Outdoor material storage is considered a separate use. A second was discerned, and there was no debate. A vote was taken, and the ayes prevailed. Motion passed, 5-0.

It was announced that this petition will go before the full county board on May 19, 2022, with conditions and a recommendation for approval.

The next orders of new business were Petition Nos. 22-P-1593 and 22-P-1594 by Petitioner Lee County Zoning Office. Attorney Courtney Kennedy was present on behalf of the landowners, Bruce and Joyce Papiach for a petition to revoke a special use. Due to a pending court case before the circuit court, Glen Hughes made a motion to recess Petition Nos. 22-P-1593 and 22-P-1594 to July 7, 2022, at 7:00 p.m.

The final order of business was Petition No. 22-P-1589 by Dustin Burmeister. The parcel identification number is 07-08-06-377-018. The parcel is located in Dixon Township. Mr. Burmeister is requesting to appeal the Zoning Administrator's final decision and determination of a zoning violation dated January 11, 2022.

Lee County State's Attorney Charley Boonstra informed the Board that the petition submitted by Mr. Burmeister does not specify the grounds for his appeal. He advised the Board that they could a) dismiss Mr. Burmeister's petition; b) provide Mr. Burmeister leave to allow him to amend his petition; or c) proceed with the hearing based on the petition submitted.

Following a lengthy discussion, Rex Meyer made a motion to recess the hearing until June 9, 2022 at 7:00 p.m. to allow the appellant to amend his appeal to specify what it is the appellant is arguing. A second was discerned and there was debate. A vote was taken, and the ayes prevailed. Motion passed, 4-1 (Hughes dissent).

At 10.25 pm, Craig Buhrow 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.

Respectfully submitted,

/s/

Alice Henkel