VILLAGE OF POPLAR GROVE

"A Great Place to Call Home"

PLANNING & ZONING COMMISSION

Wednesday, March 27, 2019 - 7:00 PM

200 N. Hill Street, Poplar Grove, IL 61065

Commissioners – Jake Dykstra (Chair), Jessica Roberts, Don Sattler, Ed Wethington, Keith Richard, Nate Sroka, George Fowler

AGENDA

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES

1. Motion to approve meeting minutes from February 27, 2019

PUBLIC COMMENTS: *(General Comments)*

NEW BUSINESS

2. The applicant and property owner, Elizabeth Straw, 14837 IL Route 76, Caledonia, IL 61011, is requesting a special use pursuant to the Poplar Grove Zoning Ordinance, Section 8-9-3 Discontinuance of a Use (B) Exceptions by Special Use and 8-5-7 Special Uses. Specifically, the applicant is requesting the ability to have livestock on the property at 5445 IL Route 173, Poplar Grove, IL 61065 within the GB, General Business District on 29.85 acres of land. (PIN: 03-24-201-009.) The property is irregular in shape and developed with a residence and outbuildings.

ADJOURNMENT

VILLAGE OF POPLAR GROVE

"A Great Place to Call Home"

PLANNING & ZONING COMMISSION

Wednesday, February 27, 2019 - 7:00 PM

200 N. Hill Street, Poplar Grove, IL 61065

Commissioners – Jake Dykstra (Chair), Jessica Roberts, Don Sattler, Ed Wethington, Keith Richard, Nate Sroka, George Fowler

MINUTES

CALL TO ORDER
Chairman Jake Dkystra called the meeting to order at 7:06pm

ROLL CALL
PRESENT
Chairman Jake Dkystra
Commissioner Donald Sattler
Commissioner Ed Wethington
Commissioner George Fowler
Planner Gina Delrose
Clerk Karri Anderberg
Deputy Clerk Katie Jaster
Attorney Gino Galluzzo
ABSENT
Commissioner Jessica Roberts
Commissioner Keith Richard
Commissioner Nate Sroka

APPROVAL OF MINUTES

1. Motion to approve meeting minutes from October 24, 2018

   Motion made by Commissioner Wethington, Seconded by Commissioner Sattler.
   Voting Yea: Chairman Dkystra, Commissioner Sattler, Commissioner Wethington,

Commissioner Fowler

PUBLIC COMMENTS: *(General Comments)*
No Comment.

NEW BUSINESS
Clerk Anderberg let the record be known that Ed Wethington will be leaving as Commissioner to become a Village Trustee so if anyone knows of someone who would like to become a Commissioner to give their letters of interest to President Costanza. Clerk Anderberg also stated that Commissioner Keith Richards may be leaving so two possible opening may be open.

2. The applicant, Ryan Crombie, 201 S. 8th Street, South Beloit, IL 61080 on behalf of the property owner, LHC Properties, LLC, 201 S. 8th Street, South Beloit, IL 61080 is requesting a special use pursuant to the Poplar Grove Zoning Ordinance, Section 8-6-9-B-2 Indoor Entertainment Sales/Service and Vehicle Related Sales and Service, Table 8-6-13 Permitted Uses and Section 8-5-7 Special Uses. Specifically, the applicant is requesting a special use to bring the drive-through window into compliance and to operate a restaurant with liquor sales and video gaming at 13561 Julie Drive within the GB, General Business District on 0.72 acres of land. (PIN: 03-26-404-001).
   Public Hearing opened at 7:08pm Gina Delrose was sworn in and went through the background, finding of facts and recommendations. Staff recommends approval of case 2019-01. With conditions of the special use shall be developed in substantial conformance with the narrative submitted with the application and Compliance with all other applicable codes and ordinances. Discussion between the commission members, Gina Delrose, and Attorney Galluzzo.
   Swearing in of the applicant Ryan Crombie at 7:15pm. Commission members ask questions to Crombie about his business. Public Hearing closed at 7:17pm

   Motion made by Commissioner Sattler, Seconded by Commissioner Wethington to approve the finding and facts.
   Voting Yea: Chairman Dkystra, Commissioner Sattler, Commissioner Wethington, Commissioner Fowler

   Motion made by Commissioner Fowler, Seconded by Commissioner Wethington to approve the application 2019-01.
   Voting Yea: Chairman Dkystra, Commissioner Sattler, Commissioner Wethington, Commissioner Fowler

ADJOURNMENT
Adjournment 7:20pm
Motion made by Commissioner Wethington, Seconded by Commissioner Sattler.
Voting Yea: Chairman Dkystra, Commissioner Sattler, Commissioner Wethington, Commissioner Fowler

Memorandum

DATE: March 20, 2019

TO: Village of Poplar Grove Planning and Zoning Commission

FROM: Gina DelRose, Community Development Planner

SUBJECT: Staff advisory memo for case: 2019-02: Straw, 5445 IL Route 173

REQUEST AND LOCATION:
The applicant and property owner, Elizabeth Straw, 14837 IL Route 76, Caledonia, IL 61011, is requesting a special use pursuant to the Poplar Grove Zoning Ordinance, Section 8-9-3 Discontinuance of a Use (B) Exceptions by Special Use and 8-5-7 Special Uses. Specifically, the applicant is requesting the ability to have livestock on the property at 5445 IL Route 173, Poplar Grove, IL 61065 within the GB, General Business District on 29.85 acres of land. (PIN: 03-24-201-009). The property is irregular in shape and developed with a residence and outbuildings.

BACKGROUND:
Although the property is currently in row-crop production, records show that it was annexed into the Village of Poplar Grove prior to 1996 and has been zoned commercial for quite some time. The property is located along Illinois Route 173 and North Hill Street, serviceable by municipal utilities and approximately 30 acres in size. This makes the current commercial zoning classification of general business an appropriate classification. As residential, civic, commercial and industrial uses develop near the property, the long term presence of livestock was not anticipated.

According to the applicant's narrative, the property had a dairy operation until recently. Without access to adequate records, it is assumed that the varied agricultural land uses have been operating as legal non-conforming uses. The Village's Zoning Ordinance states that nonconformities may continue to operate at the level of operation on the effective date granted subject the following: the nonconforming use shall not be added to or enlarged and repairs made to structures shall not exceed 50% of the fair market value. The legal nonconforming status shall be lost if the use is discontinued for twelve or more consecutive months or destroyed by more than 50% of its fair market value. Since livestock has not been housed on the property for more than twelve months, the legal non-conforming status has been lost. A special use is needed to bring back the previous land use.

The applicant is proposing to fence in an approximately 30,000 square-foot area and utilize an existing outbuilding. Their intent is to have no more than 6 calves or heifers and no milking will occur on-site. Even though the intent is to have limited livestock, enforcing such conditions could be burdensome and difficult at times.

FINDINGS OF FACT:
Per Section 8-5-7(D) of the Village of Poplar Grove Zoning Ordinance, the criteria for granting a Special Use Permit are as follows:

A. **Findings: The establishment, maintenance or operation of the special use could be detrimental to or endanger the public health, safety, morals, comfort or general welfare.**

Most non-agricultural land uses occur inside buildings, which have structural and aesthetic guidelines. Agricultural buildings do not share the same requirements and oftentimes, agricultural land uses occur outside. This creates a different set of potential negative impacts on nearby properties. The impact of agricultural activities, such as raising livestock can vary greatly depending on circumstances such as setbacks, bufferyards, type and quantity of livestock, etc. Conditions of approval shall be placed to help minimize potential negative impacts on nearby properties.

B. **Findings: The special use could be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted or substantially diminish or impair property values within the neighborhood.**

The property is zoned general business which permits personal or professional services, indoor retail sales/service, indoor repair sales/service and public parks and open spaces. Additional land uses such as outdoor entertainment sales/service and outdoor retail sales/service are permitted by special use. Although the raising of livestock is not in-line with the encouraged commercial land uses, with proper conditions of approval and enforcement, potential negative impacts would be minimized.

C. **Findings: The establishment of the special use could impede the normal or orderly development and improvements of the surrounding property for uses permitted in the district.**

The property is located along Illinois Route 173 which is transitioning from agriculture to a mix of residential, commercial, civic and industrial land uses within municipal areas. Developments that have begun in the area have done so with the understanding that the subject property was commercial and would eventual develop as such, not revert back to more agricultural land uses.

D. **Findings: Adequate utilities, access roads, drainage and/or necessary facilities will be provided.**

The property not located along the Village's perimeter. Proper utilities and infrastructure are nearby and serve adjacent properties.

E. **Findings: Adequate measures have been taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.**

The property is currently accessed by an approximately 200-foot long driveway that widens to provide adequate vehicle circulation near the barn that the livestock will be kept.

F. **Findings: The special use shall, in all other respects, conform to the applicable regulations of the districts in which it is located.**

The special use will be required to conform to all the applicable regulations of the Zoning Ordinance, the Subdivision Ordinance, all other regulations and to any conditions of approval enacted by the Village Board.

RECOMMENDATION:
The planning staff recommends approval of case 2019-02 subject to following conditions:

1. No additional agricultural buildings shall be constructed on the property.

2. The special use shall be restricted to inside the building and fenced area as shown on the site plan submitted by the applicant.

3. The only non-domesticated animals/livestock permitted are cows, heifers and calves. Bulls are not permitted.

4. No more than a total of six non-domesticated animals/livestock shall be on the property at any given time.

5. Compliance with all other applicable codes and ordinances.

PLANNING AND ZONING COMMISSION/VILLAGE BOARD ACTION
The Planning and Zoning Commission shall make and forward findings of fact as to the compliance of the proposed special use with the standards and make a recommendation to the Village Board. The Village Board shall review the findings and recommendation and may accept or reject the findings and recommendation of the Planning and Zoning Commission in whole or in part; or the Village Board may refer the matter back to the Planning and Zoning Commission for further consideration. Any approval shall be considered the approval of a unique request and not be construed as precedent for any other proposed special use.

ATTACHMENTS

1. Location Map submitted by Planning Staff.

2. Aerial Photo submitted by Planning Staff.

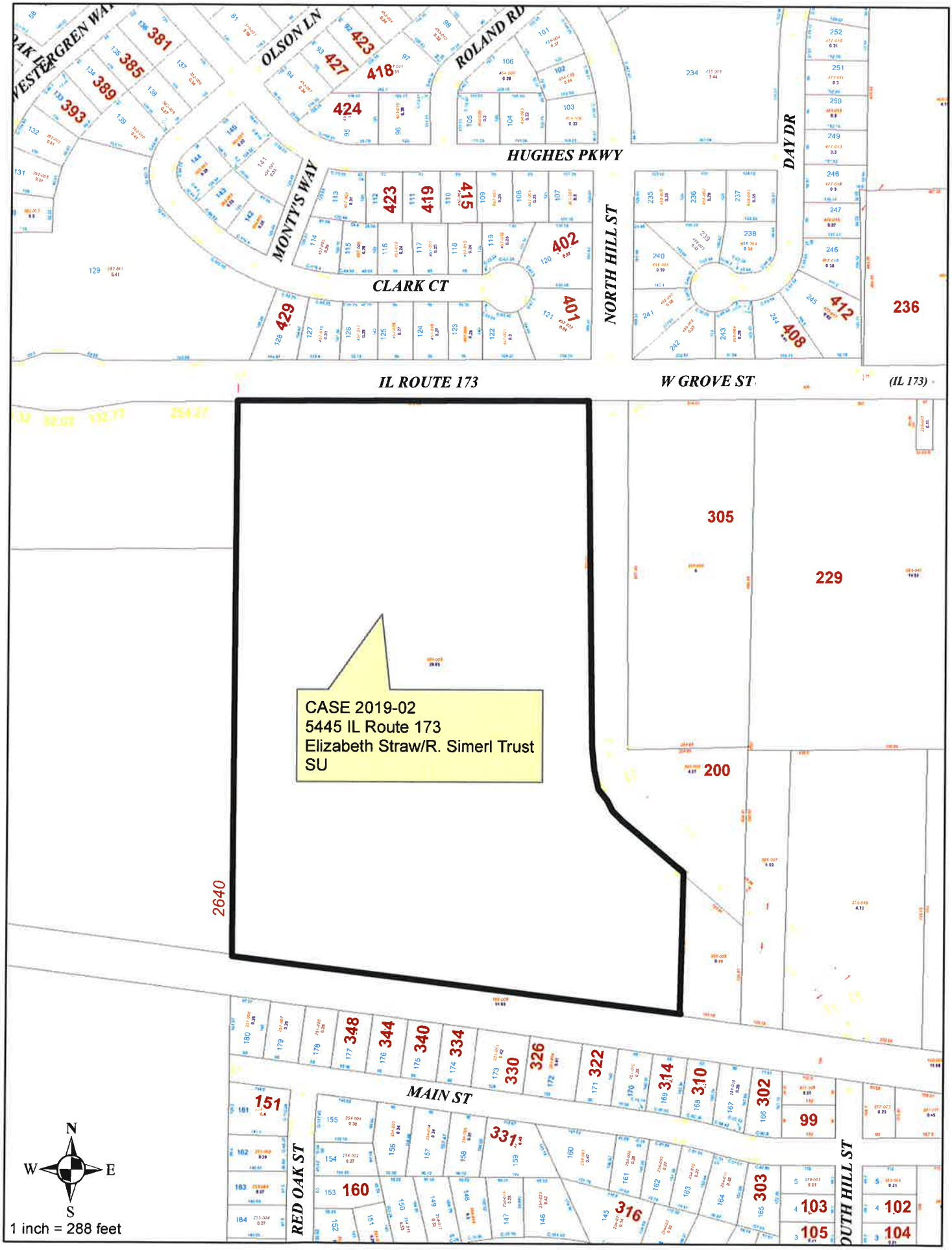
3. Narrative submitted by the Applicant.

4. Site Plan submitted by the Applicant.

5. Pictures submitted by the Applicant.

6. Letter from Boone County Health Department, Amanda Mehl, March 11, 2019.

7. NRI 1618 submitted by the Boone County Soil and Water Conservation District, Jennifer Becker, March 20, 2019.


OLSON LN
ROLAND RD
HUGHES PKWY
DAY DR
MONTY'S WAY
NORTH HILL ST
CLARK CT
IL ROUTE 173
W GROVE ST
(IL 173)
MAIN ST
RED OAK ST
SOUTH HILL ST
CASE 2019-02
5445 IL Route 173
Elizabeth Straw/R. Simerl Trust
SU
2640
N
W
E
S
1 inch = 288 feet


IL ROUTE 173
W GROVE ST
NORTH HILL ST
CASE 2019-02
5445 IL Route 173
Elizabeth Straw/R. Simerl Trust
SU
2640
MAIN ST
OAK ST
N
W
E
S
1 inch = 173 feet
305
200
151
306
310
314
318
322
326
330
334
340
344
348
352
356

Robinette Simerl Trust - Special Use Narrative

F. Eugene Simerl and Robinette K. Simerl resided at 5445 Route 173, Poplar Grove for many years. Unfortunately, both of the owners have recently passed away within the past 12 months and their daughter, Elizabeth Straw now succeeds to their interest in this property.

Eugene and Robinette were long time dairy farmers at this location. While livestock ceased to be a part of the picture in recent years, Eugene and Robinette continued to personally engage in crop farming and then rented out the property for agricultural purposes for grain farming when Eugene was no longer personally able to operate the farm himself.

Their daughter wishes to move her family into the residence on the property and improve the barn for purposes of having upon to 6 calves or heifers at this location, with new fences, as well as improve the house, without expanding the footprint for her family's occupancy. There will be no milking of cows on the premises. The remaining acreage of this parcel will continue to be used for grain farming.

The vegetable stand in the northeast corner of the property lease has expired and will not be renewed and that area will be restored to grain farming as well.

F:\WPFILES\Zoning.anx\C\2019\Robinette Simerl Trust.narrative.wpd

February 28, 2019



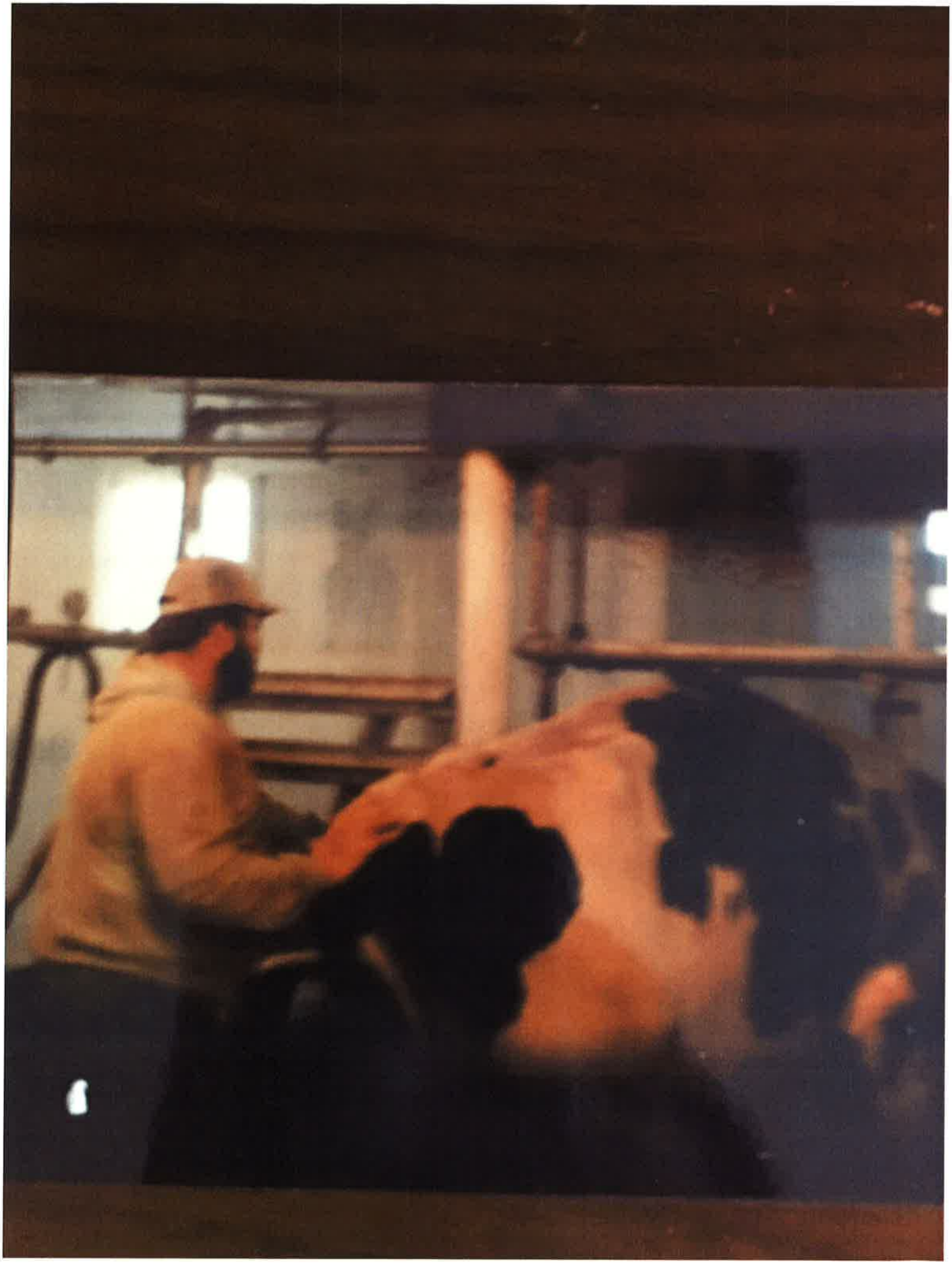
N
W E
S

WinGIS cannot and does not warrant the accuracy of property and boundary lines, dimensions of parcels and lots, location of structures or improvements, and topographic or geologic features on the land. Only on-site verification or field surveys by a licensed professional land surveyor can provide such accuracy.

0 70 140 Feet

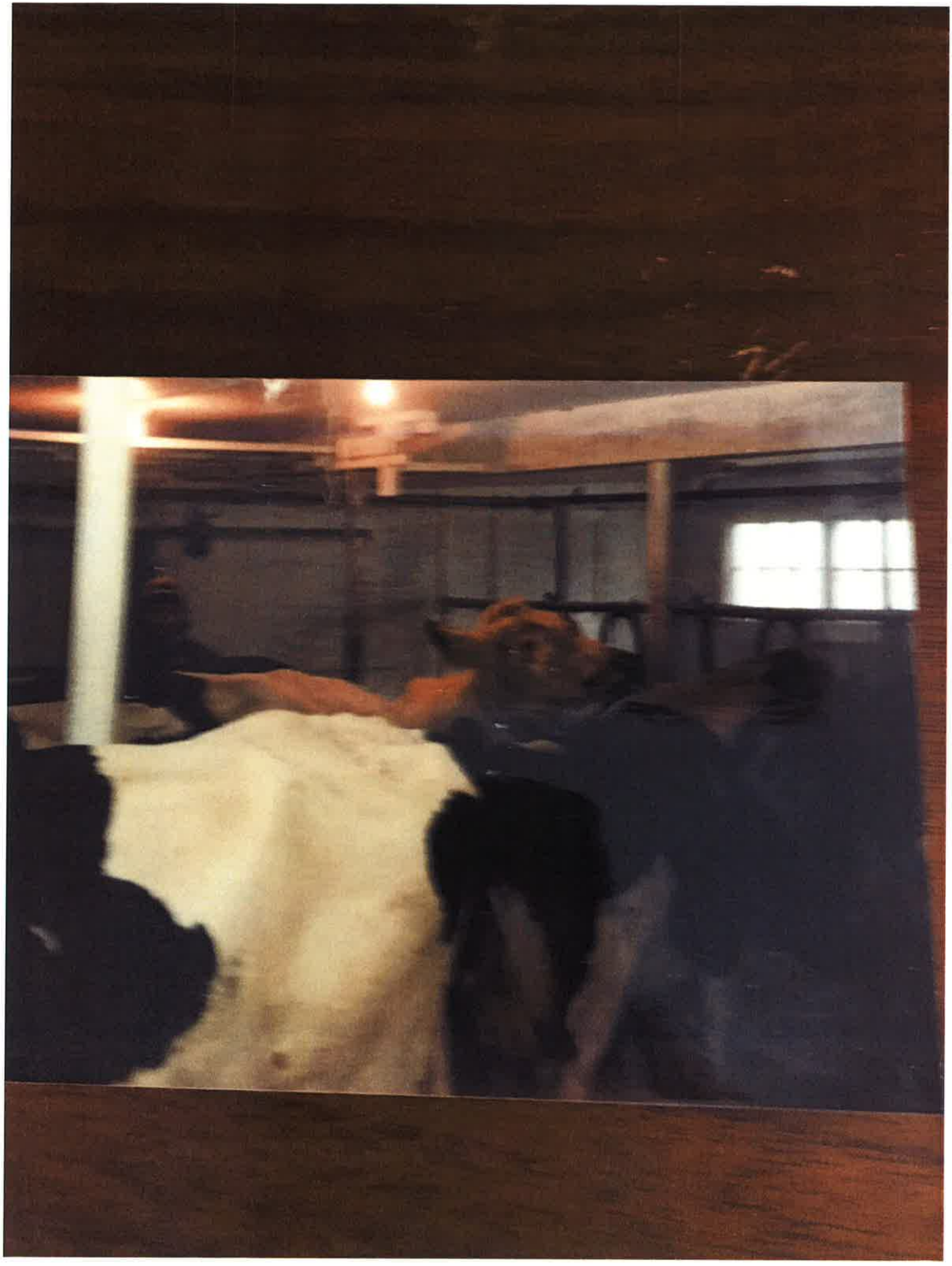
SCALE: 1:866

WIN GIS
Winnebago County Geographic Information System









Public Health
Prevent. Promote. Protect.

Boone County Health Department
1204 Logan Avenue, Belvidere, Illinois 61008
Main Office 815.544.2951 Clinic 815.544.9730 Fax 815.544.2050
www.boonehealth.org

The mission of the Boone County Health Department is to serve our community by preventing the spread of disease, promoting optimal wellness & protecting the public's health.

March 11, 2019

FAX: 815-547-0789

Gina DelRose
Community Development Planer
401 Whitney Blvd Suite 300
Belvidere, IL 61008

Planning Services for Village of Poplar Grove

Re: Case; 2019-02; Straw: 5445 IL Route 173

Dear Gina,

We are in receipt of a copy for special use permit to have livestock on their property. Our office has no objections or comments on this request.

Please let us know if you have any questions or concerns.

Thank you,

Amanda Mehl
Administrator of Public Health
skm

Boone County
Soil & Water
Conservation District

211 N. Appleton Road
Belvidere, IL. 61008
815-544-2677 ext. 3

20 March 2019

SWCD NRI #: 1618

Village of Poplar Grove
200 N. Hill St.
Poplar Grove, IL 61065

Dear Sir/Madam,

A request for a Natural Resource Information Report was submitted. We will supply a written reply to you office as indicated below:

___X___ Our review does not apply in this instance.
_____ Other (see attached)

Location of Site: 5445 Illinois Route 173 Poplar Grove, IL 60165
PIN(S): 03-24-201-009

Contact	Petitioner	Owner
Lois Ramon 530 S. State Street, Suite 200 Belvidere, IL 61008	Elizabeth Straw 14837 Route 76 Caledonia, IL 61011	Elizabeth Straw 14837 Route 76 Caledonia, IL 61011
608-346-0118 lois@tobinramon.com		

Request: Special Use to bring back a discontinued use.

Sincerely,

Jennifer Becker

Jennifer Becker
Boone County Soil & Water
Conservation District

Re: Lois Ramon