

STATE OF ILLINOIS)
)SS
COUNTY OF DEKALB)

ORDINANCE 2009-02

**AN ORDINANCE APPROVING A SPECIAL USE PERMIT
FOR A CONSTRUCTION TRAILER REPAIR BUSINESS
ON PROPERTY LOCATED AT 10211 KESLINGER ROAD
IN AFTON TOWNSHIP**

WHEREAS, Elite Mobile Services, Inc., representing the property owner, has filed an application for a Special Use Permit in accordance with Section 9.02 of the DeKalb County Zoning Ordinance to allow the operation of a business providing several services including storage and rehabilitation of construction trailers, seal-coating and asphalt service, garage door repair service, and residential hard floor installation service, on property located at 10211 Keslinger Road in Afton Township, said property being zoned BC, Business Conservation District and legally described as shown in Exhibit “A” attached hereto; and

WHEREAS, as part of its application for Special Use Permit, the petitioner has asserted that the rehabilitation and outside storage of construction trailers is substantially similar to automobile sales, which also includes outside storage and repair, and is a listed possible Special Use in the BC District; and

WHEREAS, following due and proper notice by publication in the Daily Chronicle not less than fifteen (15) nor more than thirty (30) days prior thereto, and by mailing notice to all owners of property abutting the subject property at least ten (10) days prior thereto, the DeKalb County Hearing Officer conducted a public hearing on January 29, 2009, at which the petitioner presented evidence, testimony, and exhibits in support of the requested Special Use Permit, and no members of the public testified in favor of the request and none in opposition thereto; and

WHEREAS, the Hearing Officer, having considered the evidence, testimony and exhibits presented has made his findings of fact, including finding that the rehabilitation and outside storage of construction trailers is substantially similar to automobile sales, and has recommended that the requested Special Use Permit be granted subject to conditions, as set forth in the Findings of Fact and recommendation of the DeKalb County Hearing Officer, dated February 4, 2009, a copy of which is appended hereto as Exhibit “B”; and

WHEREAS, the Planning and Zoning Committee of the DeKalb County Board has reviewed the testimony and exhibits presented at the public hearing and has considered the Findings of Fact and recommendation of the Hearing Officer, and has forwarded a recommendation to the DeKalb County Board that the requested Special Use Permit be approved; and

WHEREAS, the DeKalb County Board has considered the findings of fact and recommendation of the Hearing Officer and the recommendation of the Planning and Zoning Committee, and has determined that the rehabilitation and outside storage of construction trailers is

substantially similar to automobile sales, and further that granting the Special Use Permit to allow the operation of a business consisting of the rehabilitation, storage and sales of construction trailers, seal-coating and asphalt service, garage door repair service, and residential hard floor installation service on the subject property would be consistent with the requirements established by Section 9.02.B.3. of the DeKalb County Zoning Ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY BOARD OF DEKALB COUNTY, ILLINOIS, as follows:

SECTION ONE: The report of the DeKalb County Hearing Officer, Exhibit “B” attached hereto, is hereby accepted and the findings set forth therein are hereby adopted as the findings of fact and conclusions of the DeKalb County Board.

SECTION TWO: Based on the findings of fact set forth above, the request of Elite Mobile Services, Inc. for a Special Use Permit to allow a business providing several services including storage and rehabilitation of construction trailers, seal-coating and asphalt service, garage door repair service, and residential hard floor installation service, on property located at 10211 Keslinger Road in Afton Township, said property being legally described in Exhibit “A” attached hereto, is hereby approved.

SECTION THREE: This approval of a Special Use Permit is subject to the following conditions:

1. The applicant shall submit a detailed, revised Site Plan, subject to review and approval by the Planning, Zoning and Building Department staff, which shall set forth all required improvements and identify use and storage areas;
2. Uses on the property be limited to the following:
 - a). Sales, storage, and rehabilitation/refurbishment of mobile office units;
 - b). Seal coating and asphalt work;
 - c). Residential hard surface flooring installation and repair; and
 - d). Residential garage door installation and repair;
3. Rehabilitation of mobile office units shall take place within the existing building on the site;
4. There shall be no storage of asphalt on the subject property; and
5. The applicant shall put and maintain the property in a neat and orderly condition, subject to review and approval by the Planning, Zoning and Building Department staff.

SECTION FOUR: This Ordinance shall be in full force and effect upon its adoption by the County Board of DeKalb County, Illinois.

SECTION FIVE: Failure of the owners or other party in interest to comply with the terms of this Ordinance, after execution of such Ordinance, shall subject the owners or party in interest to the penalties set forth in Section 11.07.C. of the DeKalb County Zoning Ordinance.

PASSED BY THE COUNTY BOARD THIS 18TH DAY OF MARCH, 2009, A.D.

Chairman, DeKalb County Board

ATTEST:

County Clerk

Legal Description of Subject Property

A part of the Southwest 1/4 of Section 2, Township 39 North, Range 4 East of the Third Principal Meridian, described as follows: Beginning at the Southwest corner of the Southwest 1/4 of said Section 2; Thence East along the South line of said Southwest 1/4 (Being also the center line of Keslinger Road), a distance of 714.5 feet to the point of beginning; Thence continuing along the South line of said Section 2, 463.0 feet to a point; Thence north 00 degrees 00 minutes 00 seconds East, a distance of 833.0 feet to a point; Thence South 89 degrees 38 minutes 00 seconds West 463.0 feet to an iron pin set 714.5 feet east of the West line of Section 2; Thence South 00 degrees 00 minutes 00 seconds West 833.0 feet to the point of beginning, all in DeKalb County , Illinois.

P.I.N.: 11-02-300-007

Elite Mobile Services, Inc.
Special Use Permit
Petition Number: AF-08-19
Date: February 4, 2009

FINDING OF FACT

This matter came before DeKalb County Zoning Hearing Officer Kevin E. Buick on January 29, 2009, for consideration of an Application for a Special Use Permit requested by Elite Mobile Services, Inc. for property located at 10211 Keslinger Road in Afton Township, The nature of the request is to permit the Petitioner to continue to operate a business on the 8.8 acre subject property, the nature of which Petitioner contends may be analogized to automobile, motorbike, and recreational vehicle sales, lease and rental; a listed Special Use in the BC, Business Conservation District.

The Application of the Petitioner was duly filed in accordance with the DeKalb County Code. The Petition and its attachments are incorporated into the Record of Proceedings by reference.

Publication of Notice:

The Notice of Public Hearing was duly published in the Daily Chronicle on January 11, 2009.

Location of Subject Property:

The existing business is located at 10211 Keslinger Road in Afton Township. The site is located on the north side of Keslinger Road, approximately 720 feet east of the intersection with Illinois State Route 23 and Keslinger Road, and is zoned BC, Business Conservation District.

Site Characteristics:

a. Surrounding Uses and Zoning

Surrounding zoning is BC, Business Conservation to the east and west, and A-1, Agricultural to the north and south. The subject parcel is adjacent to the Commonwealth Edison business office to its west, with Nestle on the east side, with such use essentially best characterized as quasi-manufacturing at both facilities.

b. Access

Access to the existing business is from Keslinger Road.

c. Proposed Use

Petitioner is proposing a range of services to take place on the property, including the refurbishing and storage of mobile offices for the purposes of sale, as well as seal coating and asphalt work, the repair of garage doors, and residential flooring work.

Correspondence:

DeKalb County Engineer William Lorence has indicated his support of the Township Road Commissioner with regard to the application to approve the proposed Special Use. No other correspondence has been received.

Site Visit:

The undersigned viewed the property on January 29, 2009.

Persons Testifying at Public Hearing:

David Tenney, President of Elite Mobile Services, Inc., 790 South Prospect, Bartlett, Illinois spoke on behalf of the Petitioner. Mr. Tenney indicated that he felt that the Special Use requested would have the same effect as automobile, motorbike, and recreational vehicle sales in terms of the use of the property, and requested approval of the Special Use permit on this basis. Mr. Tenney outlined the plans of his company for use of the property, stating that the rehabilitation, refurbishment, and storage of mobile office units was the primary activity taking place on the subject property. He gave a history of the company's development and indicated that in order to adapt to the worsening economy, Elite Mobile Services, Inc. decided to expand their business to include providing the following services: seal coating and asphalt work, hard surface flooring, and residential garage door repair. Mr. Tenney clarified that they no longer had any future plans to do excavating, as was noted on the original application.

He stated that 13 mobile office units have been sold by his company. The company currently has 10 employees, some of whom stay at the shop all day and some of whom travel for business calls. Mr. Tenney estimated a total of 25 trips in and out of the facility per day.

Mr. Tenney stated that he felt that the use of the land was very similar to the neighboring properties, on a much smaller scale. He felt that Elite Mobile Services Inc. Would be operating in a manner which complies with the Zoning Ordinance and integrates into the neighborhood area.

Mr. Tenney explained in detail the work done in association with the refurbishment process for the mobile office units. He stated that they paint, patch, and extract rotten wood from the structures in the process of refurbishing them, but contended there was very little waste generated and noted a water based latex tile glue was used on the interior, and that no chemicals were used on the outside of the units.

Dorothy Tenney, 790 South Prospect, Bartlett, Illinois, stated that there were no plans to expand the activities on the subject property beyond their present scope. She stated that no new structures will be put on the property. She noted that some landscaping existed on the site – grassy areas, trees, and estimated the landscaping area to total approximately 25%.

The Petitioner's sales primarily occur through E-Bay, and units have been sold to locations in Canada, Kentucky, Missouri, and North Dakota. There is no showroom in the building, and the room that currently exists is used for carpentry work only.

Ms. Tenney stated that some of the parking spaces are shown on the rough diagram attached to the application, but indicated that Petitioner would be willing to locate additional parking spaces on the west side of the building. She noted that there is outside lighting on the site because the previous owner had an outside race track there. The lighting facilities would not be changed by Petitioners.

Ms. Tenney stated that all roadway areas on the subject parcel are asphalt and will be repaired. She acknowledged that the asphalt in the front of the building needs to be striped and indicated that will be done by Petitioner as soon as possible. She also stated that the driveway would be paved.

Ms. Tenney indicated that Petitioner did not intend to install any new signs, but noted that Petitioner repainted and put its business name on the existing sign on the premises.

Dave Tenney stated that bulk seal coating material is not stored on site, but is held in the truck's tank when there is leftover material. He indicated that the warehouse stored material, wood, tools, and some trucks were occasionally parked inside at night.

Mr. Tenney noted that the semi-trailers on the site are there because they transport the mobile offices to their customers directly. He stated that he obtained all of the necessary permits and nothing is overweight when transporting the mobile office units to their Buyers.

In response to questions from Staff, Mr. Tenney acknowledged that the trailers currently located in the northeast corner of the property can be moved onto asphalt surfaces after the snow melts. He indicated that the snow has inhibited their ability to store the trailers in a neat fashion, but that will be rectified in spring weather.

Staff Comments and Input:

Assistant Planner **Rebecca Von Drasek** commented that Business Conservation District zoning customarily contemplates commercial uses such as a restaurant, mortuary, or automobile service station. She noted that the business operations of Petitioner tended to skew towards manufacturing.

Planning Director **Paul Miller** stated that the use made by Petitioner was akin to automobile sales, but that automobile sales don't normally contemplate rehabilitation of the vehicle. He expressed his concern as one of precedent in these circumstances. Mr. Miller did, however acknowledge the history of the subject property and its immediately-surrounding neighbors as being somewhat unique. He noted the quasi-manufacturing uses on both sides of the subject property, and indicated that Staff's primary desire would be to establish conditions that any rehabilitation/refurbishment efforts would be contained and limited to the existing building and that

a more uniform appearance on the site could be established. Mr. Miller suggested that because of the issue of precedent in terms of the use of the subject property, that the specific uses permitted on this site should be specifically iterated for clarity's sake.

Mr. Miller further noted that a Sign Permit would be necessary for the subject property, and stated that numerous items were not included on the existing site plan, which he suggested should be improved to identify such items as trees, the loading dock, parking, and lights. Given the nature of the surrounding properties, Mr. Miller conceded that a Special Use permit with appropriate restrictions on use would not be inconsistent with the aims and goals of the DeKalb County Zoning Ordinance.

Petitioner's Final Word:

In concluding the Public Hearing, Dave Tenney explained the nature of the business decisions that the company has made in order to cope with the present economy. He stated the Petitioner is attempting to exist in survival mode, and noted that most of Elite Mobile Service, Inc. activity is service-oriented. In addition to the sale and refurbishing of mobile office units, the seal coating, paving, garage door residential installation, and hardwood flooring work constituted the entire scope of the uses made of the subject property by Petitioner. He expressed willingness to work with staff in improving the site plan and indicated that Petitioner had no problem accepting limitations as to the types of uses to be conducted on the property.

Findings and Recommendation

Subject to the conditions set forth below, I find that the Petitioner has presented sufficient facts necessary to demonstrate that the proposed Special Use will meet the necessary requirements of Section 9.02.B.3 of the DeKalb County Zoning Ordinance. In so finding, I acknowledge that the business operations on the site as contemplated by Petitioner so indeed "skew toward manufacturing," but find that given the unique character of this property and its surrounding properties, the proposed Special Use can be operated in harmony with the overall aims and goals of the DeKalb County Zoning Ordinance.

I would condition the issuance of a Special Use Permit upon the presentation of a finalized site plan relating to the site, addressing parking, landscaping, and lighting concerns, subject to staff's approval. I would further condition the issuance of the Special Use Permit upon a limitation that the site only be used for the rehabilitation and storage of mobile office units, seal coating and asphalt work, the repair of garage doors, and service and installation of residential hard surface flooring. I would further condition the proposed special use upon a restriction that limits refurbishing of mobile office units to the confines of the existing building on the site.

I find that the proposed Special Use complies with all applicable provisions of the applicable District Regulations, and I find that the proposed Special Use will not be unreasonably detrimental to the value of other property in the neighborhood in which it is to be located or to the public welfare at large. I specifically find that the proposed Special Use will operate in harmony with the surrounding property in the neighborhood in which it is to be located.

I find that the location and size of the Special Use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the Special Use will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the applicable Zoning District Regulations. I note that the berms and walls implemented by Petitioner on the site does appear to ameliorate the visual effects on neighboring properties and from the roadway. I would direct Petitioner to work with Staff regarding the nature and extent of proposed landscaping to be set forth on the revised site plan.

I further find that off-street parking and loading areas will be provided in accordance with the standards set forth in these Regulations, and should be explicitly delineated on the revised site plan subject to Staff's approval. I find that adequate utility, drainage, and other such necessary facilities have been or will be provided.

I find that the proposed uses, as specifically set forth herein, can be operated in a manner that is not detrimental to the permitted developments and uses in the District; can be developed and operated in a manner that is visually compatible with the permitted uses in the surrounding area; and shall in all other respects conform to the applicable Regulations of the District in which it is located. I find that the proposed Special Uses iterated below are deemed essential or desirable to preserve and promote the public health, safety, and general welfare of DeKalb County.

I therefore recommend the granting of the Special Use Permit subject to the following conditions:

1. Submission of a detailed, revised site plan, subject to Staff approval;
2. That the uses of the property be limited to the following:
 - (a) Sales, storage, and rehabilitation/refurbishment of mobile office units;
 - (b) Seal coating and asphalt work;
 - (c) Residential hard surface flooring installation and repair; and
 - (d) Residential garage door installation and repair.
3. That refurbishment efforts with respect to the mobile office units shall be contained within the existing building on the site.

Respectfully submitted,

Kevin E. Buick
DeKalb County Zoning Hearing Officer

STATE OF ILLINOIS)
)SS
COUNTY OF DEKALB)

ORDINANCE 2009-03

**AN ORDINANCE AMENDING A SPECIAL USE PERMIT
GRANTED BY ORDINANCE 2005-07
FOR A GUN CLUB AND RECREATIONAL CAMP
(AURORA SPORTSMEN'S CLUB)
ON 518 ACRES LOCATED SOUTHWEST OF THE VILLAGE OF WATERMAN
IN CLINTON TOWNSHIP**

WHEREAS, the DeKalb County Board approved Ordinance 2005-07 on March 16, 2005, which granted a Special Use Permit to the Aurora Sportsmen's Club for the construction and operation of a gun club and recreational camp on 753 acres generally located southwest of the Village of Waterman in Clinton Township, with most of the activities to take place on 108 acres located on the north and south side of Rueff Road, west of Waterman Road, and on an 80-acre parcel located at the southeast corner of Leland and Preserve Roads, said properties being zoned A-1, Agricultural District with a Special Use Permit; and

WHEREAS, the Aurora Sportsmen's Club has subsequently sold some of the property covered by the Special Use Permit, reducing the area for the gun club and recreational camp to 518 acres, said properties being legally described in Exhibit "A" attached hereto, and further desires to phase the improvements shown on the approved Site Plan for the project over a number of years rather than building all of the improvements at once; and

WHEREAS, the reduction in site area coupled with phasing of the project represents a substantial deviation from the approved project, thereby necessitating an amendment to the Special Use Permit granted by Ordinance 2005-07, and the Aurora Sportsmen's Club has filed an application for such an Amendment in accordance with the requirements of Section 9.02.B.2 of the DeKalb County Zoning Ordinance

WHEREAS, following due and proper notice by publication in the Daily Chronicle not less than fifteen (15) nor more than thirty (30) days prior thereto, and by mailing notice to all owners of property abutting the subject property at least ten (10) days prior thereto, the DeKalb County Hearing Officer conducted a public hearing on February 5, 2009, at which the petitioner presented evidence, testimony, and exhibits in support of the requested Amendment to a Special Use Permit, and no members of the public testified in favor of the request and none in opposition thereto; and

WHEREAS, the Hearing Officer, having considered the evidence, testimony and exhibits presented, has made his findings of fact and recommended that the requested Amendment to the Special Use Permit be approved with conditions, as set forth in the Findings of Fact and Recommendation of the DeKalb County Hearing Officer, dated February 13, 2009, a copy of which is appended hereto as Exhibit "B"; and

WHEREAS, the Planning and Zoning Committee of the DeKalb County Board has reviewed the

exhibits and testimony presented at the public hearing and has considered the findings of fact and recommendations of the Hearing Officer, and has forwarded a recommendation to the DeKalb County Board that the Amendment to the Special Use Permit for the proposed gun club and recreational camp be granted; and

WHEREAS, the DeKalb County Board has considered the findings of fact and recommendations of the Hearing Officer and Planning and Zoning Committee, and has determined that approving the Amendment to the Special Use Permit for a gun club and recreational camp on the subject properties is consistent with the requirements of Section 9.01.B.3 of the DeKalb County Zoning Ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY BOARD OF DEKALB COUNTY, ILLINOIS, as follows:

SECTION ONE: The Findings of Fact and Recommendation of the DeKalb County Hearing Officer, Exhibit "B" attached hereto, is hereby accepted, and the findings of fact set forth above are hereby adopted as the findings of fact and conclusions of the DeKalb County Board.

SECTION TWO: Based on the findings of fact set forth above, the request of the Aurora Sportsmen's Club is approved, and an Amendment to the Special Use Permit approved by DeKalb County Ordinance 2005-07 is hereby granted for the construction and operation of a gun club and recreational camp on 518 acres generally located southwest of the Village of Waterman in Clinton Township, said property being legally described in Exhibit "A" attached hereto.

SECTION THREE: This approval of a Special Use Permit on the subject property is subject to the following conditions:

1. Construction and operation of Phase I of the gun club shall be in accordance with the plans prepared by Intech Consultants, Inc. dated 12/2/2008 and submitted as part of the petitioner's application for Amendment to a Special Use Permit. Previous plans and documents submitted as part of the petitioner's original application and contained within Paragraph 1 of Section 3 of Ordinance 2005-07 shall continue to serve as the "Master Plan" for any subsequent development of the property in substantial accord with such plans and documents submitted therein;
2. No shooting activities shall take place on the gun club property later than 9:30 p.m. Monday through Thursday, no later than 10:00 p.m. on Friday and Saturday, and not later than sunset on Sunday;
3. The Aurora Sportsmen's Club shall cooperate with the Clinton Township Road Commissioner on any and all improvements deemed necessary or appropriate to Rueff Road as a consequence of the construction and operation of the gun club, including participation in the cost of improvements and construction as necessary;
4. A final landscape plan for the subject property, including parking lot and street trees, shall be submitted for review and approval by Planning, Zoning and Building Department staff as part of the future Building Permit process for any subsequent improvements;
5. The Aurora Sportsmen's Club shall reserve sufficient area to provide a 15-foot wide

easement to the DeKalb County Forest Preserve District for the future hike/bike trail along the entire right-of-way of the subject properties on Preserve Road;

6. No camping be permitted or allowed as part of Phase I improvements on any portion of the subject properties;
7. The Petitioner shall cooperate with DeKalb County Health Department and Planning, Zoning and Building Department staff to create a mutually acceptable plan to provide sanitary services on the subject property; and
8. No construction trailers shall be used for storage of items upon the subject property.

SECTION FOUR: This Ordinance shall be in full force and effect upon its adoption by the County Board of DeKalb County, Illinois.

SECTION FIVE: Failure of the owners or other party in interest or a subsequent owner or other party in interest to comply with the terms of this Ordinance, after execution of such Ordinance, shall subject the owners or party in interest to the penalties set forth in Section 11.07.C of the DeKalb County Zoning Ordinance.

PASSED BY THE COUNTY BOARD THIS 18TH DAY OF MARCH, 2009, A.D.

Chairman, DeKalb County Board

ATTEST:

County Clerk

Legal Description of Subject Property

The Southeast Quarter of the Northeast Quarter of Section 20, the Northeast Quarter of the Northeast Quarter of Section 20, the East half of the Southeast Quarter of Section 20, the South half of the Northwest Quarter of Section 21, the North half of the Northwest Quarter of Section 21, the Southwest Quarter of Section 21 and the Northwest Quarter of the Northwest Quarter of Section 21, All in Township 38 North, Range 4 East of the Third Principal Meridian, excepting Therefrom that part of the Southwest Quarter of said Section 21, described as follows: Commencing at the Southwest corner of the Northeast Quarter of said Southwest Quarter; Thence Easterly, along the South line of the Northeast Quarter of said Southeast Quarter, 1200.00 feet for the point of beginning; Thence Northerly, at right angle to said South line, 364.20 feet; Thence Easterly, at right angle to the last described course, 115.85 feet to the East line of said Southwest Quarter; Thence Southerly, at an angle of $89^{\circ}37'26''$, measured counterclockwise from the last described course, along said East line, 454.00 feet to the center line of Reuff Road; Thence Westerly, at an angle of $90^{\circ}22'34''$, measured counterclockwise from said east line, 112.87 feet; Thence Northerly, at right angle to the last described course, 89.80 feet to the point of beginning, all in Clinton Township, DeKalb County, Illinois.

P.I.N.s: 14-20-200-002, 14-20-400-002, 14-20-400-003, 14-21-100-005, 14-21-100-006, 14-21-300-004, 14-21-300-007, 14-21-300-009, 14-21-300-010 (part of), 14-28-100-001

Aurora Sportsmen's Club
Amendment to Special Use Permit
Petition Number: CL-08-18
Date: February 13, 2009

FINDING OF FACT

This matter came before DeKalb County Zoning Hearing Officer Kevin E. Buick on February 5, 2009, for consideration of an Application by the Aurora Sportsmen's Club for an Amendment to the Special Use Permit previously issued to it in accordance with DeKalb County Ordinance 2005-07. The Amendment seeks significant modification of the plans set forth and approved in 2005. The amended Special Use permit would allow operation of a gun club on property consisting of 518 acres (reduced from the original 753 acres) and allow development of the project in phases over a number of years rather than all at once. The subject property is zoned A-1, Agricultural District.

The Application of the Petitioner was duly filed in accordance with the DeKalb County Code. The Petition and its attachments, including revised site plans, are incorporated into the Record of Proceedings by reference.

Publication of Notice:

The Notice of Public Hearing was duly published in the Daily Chronicle on January 18, 2009.

Location of Subject Property:

The subject property consists of 518 acres located on the South side of Preserve Road, West of Waterman Road, extending South of Rueff Road, in Clinton Township. The subject property is zoned A-1, Agricultural District with a Special Use Permit.

Site Characteristics:

a. **Surrounding Uses and Zoning**

The properties are generally surrounded by land that is in agricultural use and zoned A-1 Agricultural District, with some scattered, non-farm residences in the vicinity. The Village of Waterman is located to the Northeast.

b. **Access**

Access to the main proposed shooting areas would primarily involve travel upon Waterman Road to Rueff Road, and, on the south edge of the property, Preserve Road. A traffic study prepared in 2004 was resubmitted by Petitioner for purposes of the application for amendment of the Special Use permit, and is incorporated into the Record of Proceedings by reference.

c. Proposed Use

Petitioner proposes essentially the same activities as originally presented, consistent with the operation of a gun club, although the application for amendment makes clear that the previously accepted camping areas for RV's, tents, and cabins would not be included in Phase 1 for which Petitioner currently seeks approval. For purposes of Phase 1, the uses and activities contemplated includes several firing ranges for trap, skeet, sporting clays, rifle, and pistol, and an archery range.

Correspondence:

No correspondence was received with respect to the proposed Amendment to the Special Use Permit.

A Staff Report dated January 22, 2009 prepared by Paul R. Miller, AICP, was received and incorporated into the Record of Proceedings by reference.

Site Visit:

The undersigned viewed the property on February 4, 2009.

Persons Testifying at Public Hearing:

Six members of the public were in attendance at the public hearing. None of the attendees voiced objection to the proposed amendment to the Special Use permit.

Cliff Pixler, 5413 Walnut Avenue, Downers Grove, Illinois spoke in his capacity as Engineering Consultant on behalf of the Aurora Sportsmen's Club. Mr. Pixler identified two main aspects of the request to Amend the Special Use Permit. The first was to reduce the overall size of the development from 753 acres to 518 acres. He indicated that virtually all of the land that the club had, or will be divesting itself in this effort was originally planned to be buffer areas. The second aspect to the request, said Mr. Pixler, was to implement a phasing of the development which would extend the time line for completion significantly. Mr. Pixler stated that Phase I was to include all of the drainage and construction of all shooting and archery ranges. He indicted that a significant amount of the infrastructure was already in place on the subject property. However, Phase 1 would exclude buildings, wells, septic fields, and paving as improvements to be deferred until future construction is warranted. He stated that the intent of the Aurora Sportsmen's Club remained to complete all improvements eventually, but that practical realities have resulted in the Petitioner taking the position that it cannot immediately construct the entire facility. He also noted the possibility that, should the 2016 Olympics take place in Chicago, this facility would be the site venue for shooting events and the Chicago 2016 Olympic Organizing Committee was requesting certain modifications in construction of trap and skeet areas. By way of example, he noted that the original plans called for the trap and skeet areas to be arranged in a semi-circle, but stated that competitive requirements for Chicago 2016 would require the construction of the trap and skeet areas in a straight line.

Mr. Pixler noted that the camping area and clubhouse area would be excluded from Phase I. He stated that roughly 188 acres would be used for active shooting, and that did not represent any change from the previous plans. Mr. Pixler stated that the Club was resubmitting the 2004 traffic study without updating and revisions because it contemplates a higher volume of traffic than is likely to be affecting the area, which Petitioner felt was a conservative approach.

He noted that the Amendment was not proposing any reduction in storm water management facilities or other infrastructure.

David Liddy, 815 South Main Street, Wheaton, Illinois identified himself as the current President of the Aurora Sportsmen's Club. He reiterated that two primary events were driving the request to Amend the Special Use Permit; the first being the economy and the second being the possibility of using the site for the 2016 Olympics.

Mr. Liddy stated that an agreement had been finalized with the Chicago 2016 Olympic Organizing Committee and that this location would serve as the venue for shooting competition if Chicago is awarded the 2016 Olympics. He commented regarding the Olympic Organizing Committee's desire for "legacy" facilities, and stated that the Club did not want to prematurely build something that would be unsuitable for broadcast events and support purposes if this becomes an Olympic facility. He further stated that any necessary modifications may accompany a Phase II application with regard to the facility.

In response to questions from DeKalb County Planning Director **Paul Miller**, Mr. Liddy indicated that the Petitioner would accept, as a condition of an Amendment to the Special Use Permit, a prohibition against camping until Phase II was completed. With regard to Mr. Miller's question regarding designation of parking spaces on the gravel, Mr. Pixler indicated that railroad tie bumpers would be utilized and handicapped areas would be paved and striped as required by Federal Law. Mr. Miller inquired about whether access ways to the handicapped area would be paved, and Mr. Pixler responded that if doing so was required by Federal Law, the Club would implement such access ways.

Responding to a question regarding the use of portable lights at night and how the Club intended to minimize nuisance light pollution, Mr. Pixler commented that the lights would only be installed at trap and skeet areas and would be sited significantly away from roads. He further noted that the only adjoining property owner in the area is the Aurora Sportsmen's Club itself.

In response to a question regarding how the Club intended to keep people from parking on Rueff Road if the sporting clays area South of Rueff Road were being utilized, Mr. Liddy indicated that they understood they would need to address parking, and if that area were to be used, they would proactively address the parking issues.

Mr. Miller inquired about the potentially "permanent" use of portable toilet facilities. He asked if the Club would entertain the possibility of constructing permanent toilet facilities in Phase I. Mr. Pixler and Mr. Liddy stated that the office building on Preserve Road had permanent toilet facility but did not respond affirmatively at this point in the hearing as to the possibility of

constructing permanent toilet facilities as part of Phase I.

In response to a question about construction storage trailers, which Mr. Miller characterized as having the potential to become unsightly, Mr. Liddy responded that in the efforts to accommodate the 2016 Olympics, the Petitioner did not wish to build permanent storage facilities prematurely. However, they would consider utilizing moveable truck trailers for storage as an alternative to a construction storage trailer for site facilities.

In response to a question from Planning Director Miller regarding his contention that the County was contacted by the 2016 Olympic Committee and told that this site was no longer under consideration for the 2016 Olympics, Mr. Liddy emphatically stated that the agreement was signed Monday (February 2, 2009) and had no explanation for why Mr. Miller would have previously received a phone call indicating that the site was no longer under consideration. Mr. Liddy stated that he was certain that the 2016 Olympics, if awarded to the City of Chicago, would locate the shooting events on the subject property.

Staff Comments and Input:

Paul Miller, DeKalb County Planning Director, stated that Staff's position was that a number of conditions should be associated with any Ordinance modifying the previous Ordinance regarding the proposed Special Use. Primarily, however, he hoped that the original plans could be used as an overall master plan for the site notwithstanding the idea and concept of subsequent Phases. Mr. Miller engaged in some discussion regarding road access. **Scott Hunt**, Clinton Township Road Commissioner, who was present at the hearing, commented on his belief that the sightline was an issue with regard to the hill on Waterman Road as it approaches Rueff Road and the turnoff to the shooting area. He expressed his strong belief that if the 2016 Olympics do come to the facility, it would be necessary to address the sightline issue. Mr. Liddy disclosed that the property has been sold (is under contract for sale) with regard to the area where improvements would need to be made, and indicated Petitioner's willingness to assist in working with the Buyers and the Road Commissioner to ensure a proper roadway widening and approach can be crafted with regard to the facility as it relates to the hill on Waterman Road.

In response to a question from **Ryan Alltop**, 403 South 1st Street, DeKalb, Illinois as to what the County's objection was with regard to portable toilet facilities, Mr. Miller repeated his concern if such facilities were to be used on a more or less "permanent" basis it would concern staff. After further discussion over possible solutions to the quandary, Mr. Miller stated that any solution that was acceptable to the DeKalb County Health Department would satisfy Staff's concerns in this regard.

Findings and Recommendation

In considering the Petitioner's request for Amendment to the Special Use Permit, it appears to the undersigned that the Petitioner's motivations for the request are understandable and well grounded in present circumstances. In evaluating the request, however, I would recommend to the County Board that approval of an amended ordinance be subject to specific conditions enumerated below, noting my understanding that Petitioner does not raise significant objection to such

conditions.

I accordingly find that, subject to conditions as set forth herein, the proposed amendment to the Special Use permit will comply with all applicable provisions of the applicable District Regulations. I find that the proposed Special Use, as amended, will not be unreasonably detrimental to the value of other property in the neighborhood in which it is to be located or to the public welfare at large. I find that the location and size of the Special Use, as amended, its nature and intensity with regard to the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the Special Use, as amended, will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the applicable Zoning District Regulations.

I find that off-street parking and loading areas will be provided in accordance with the standards set forth in the Regulations of the County. I find that adequate utility, drainage, and other such necessary facilities have been or will be provided, and I find that the proposed uses can be operated in a manner that is not detrimental to the permitted developments and uses in the District. I further find that the Amendments reflect the Special Use may be developed in a manner that is visually compatible with the permitted uses in the surrounding area and in all other respects conforms to the applicable Regulations of the District in which it is located, and may be deemed desirable to preserve the public health, safety, and general welfare of DeKalb County.

Importantly, I would note that the approval of the Amendment would acknowledge that further modification of the facility beyond what is presently identified as “Phase I” would require future consideration by the DeKalb County Board to approve any such further development beyond Phase I. Petitioner did express understanding and acquiescence to the requirement of seeking the approval of the County Board for any future development beyond Phase I, and Petitioner further acknowledged the preference of Staff and agreed to treat the plans and documents previously approved by the County Board as the “Master Plan,” while noting that even future construction of those items in accordance with the Master Plan will require the specifics to be revisited with the County Board when Phase 2 and subsequent phases are pursued by Petitioner.

I therefore recommend the granting of the Petitioner’s Application to Amend its proposed Special Use, subject to the following conditions:

1. Construction and operation of Phase I of the gun club shall be in accordance with the plans prepared by Intech Consultants, Inc. dated 12/2/2008. Previous plans and documents submitted as part of the Petitioner’s original Application and contained within Paragraph 1 of Section 3 of Ordinance 2005-07, shall continue to serve as the “Master Plan” for any subsequent development of the property in substantial accord with such plans and documents submitted therein.
2. No shooting activities shall take place on the gun club property later than 9:30 p.m. Monday through Thursday, no later than 10:00 p.m. on Friday and Saturday, and not later than sunset on Sunday.
3. The Aurora Sportsmen’s Club shall cooperate with the Clinton Township Road Commissioner on any and all improvements deemed necessary or appropriate to

Rueff Road as a consequence of the construction and operation of the gun club, including participation in the cost of improvements and construction as necessary.

4. A final landscape plan for the subject property, including parking lot and street trees, shall be submitted for review and approval by County Staff as part of the future Building Permit process for any subsequent improvements.
5. The Aurora Sportsmen's Club shall reserve sufficient area to provide a 15-foot wide easement to the DeKalb County Forest Preserve District for the future hike/bike trail along the entire right-of-way of the subject properties on Preserve Road.
6. That no camping be permitted or allowed as part of Phase I improvements with regard to the subject property.
7. That Petitioner shall cooperate with DeKalb County Health Department officials to address a mutually acceptable plan seeking to avoid permanent or semi-permanent use of portable toilet facilities on the subject property.
8. That no construction trailers are used for storage of items upon the subject property.

Respectfully submitted,

Kevin E. Buick
DeKalb County Zoning Hearing Officer