PUBLIC HEARING

___ **APPLICANT:**	✓ Dibble Family, LLC	**File No:**	MY-16-08
Mailing Address:	5345 E. Greenfield Dr. Morris	Hearing Date:	8/4/2016
Site Address:	25330 E. Five Points Rd. Sycamore, IL 60178	Location:	CRE
___ **ATTORNEY:**	✓ David J. Bzdill	Parcel #:	05-26-451-002
Address:	105 W. Main St. PO Box 685 Morris, IL 60450	Township:	Mayfield

HEARING REQUEST: Special Use Hearing-Agri Business

___ TWP Supervisor: ✓ Joe Totman 26925 Church Rd. Sycamore, IL 60178

___ TWP Assessor: ✓ Kevin Schnetzler 150 North Cross St. Sycamore, IL 60178

___ TWN Clerk: ✓ Dale Sanderson 26925 Church Rd. Sycamore, IL 60178

___ TWP Road Commissioner: ✓ Paul Mollet 25240 N. First. St. Sycamore, IL 60178

___ City Clerk: ✓ Candy Smith 308 W. State St. Sycamore, IL 60178

___ Plan Commission: ✓ Ken Munday 308 W. State St. Sycamore, IL 60178

___ School Dist. #: ✓ Sycamore School Dist. #427 245 W. Exchange St. Sycamore, IL 60178

___ Fire District: ✓ Sycamore Fire District 535 DeKalb Ave. Sycamore, IL 60178

✓ X **County Health Dept.**
Attn: Mr. Greg Maurice

✓ X **County Highway Dept.**
Attn: Mr. Nathan Schwartz

✓ X **Sheriff**

✓ X **State's Attorney**

✓ X **State Highway Dept.**
700 East Norris Dr. Ottawa, IL 61350

✓ X **Soil and Water District**
1350 West Prairie Dr., Sycamore 60178

Hearing Officer

X **Ron Klein**
2045 Aberdeen Ct, Suite A
Sycamore, IL 60178

___ **Dale Clark**
114 W. State St.
Sycamore, IL 60178

___ **Dave Dockus**
338 W. Boone St.
Belvidere 61008

County Board District: 1

✓ Kevin Bunge 25729 Schafer Rd Clare, IL 60111

✓ Tracy Jones 6644 Old State Rd. Kirkland, IL 60146

MAILING DATE:

Applicant Confirmation:	6/29/2016	Aerial Maps Ordered:	6/30/16	Hearing Officer Packet Mailed:	7/28/16
Reserved Room:	6/26/2016	Hearing Notices:	7/15/16	Mailed Invoice & Findings:	8/12/16
E-mailed Notices:	7/15/16	Mailed Staff Report:	7/28/16	P&Z Agenda & Memo Mailed :	
Legal Typed:	6/30/16	Notice Sent to Website:	7/15/16	Ordinance Mailed :	

Parcel Number	Last Name	Title	First Name	Mailing Address 1	Mailing Address 2
0526200017	BICKNER		BRIAN P & AMY E	10827 OLD STATE RD	SYCAMORE IL 60178
0526401010	BRONS		KEVIN A & JULIE A	10601 IL ROUTE 64	SYCAMORE IL 60178
0526401011	BRYER		THOMAS	25401 5 POINTS RD	SYCAMORE IL 60178
0525300006 0526402002 0526476007	JANET L CULLISON		DAVID W WILSON &	21134 OAK LN	MAPLE PARK IL 60151
0526200008	HAEFFNER		ROGER L & ELIZABETH R	25491 5 POINTS RD	SYCAMORE IL 60178
0525300008	JOINER		JOYCE	135 LIBERTY LN APT 4	SYCAMORE IL 60178
0526476005	KELM		WARREN	13984 ASH RD	GENOA IL 60135
0526451002	MAPLEHURST FARMS INC			936 S MOORE RD	ROCHELLE IL 61068
0526401012	MIKAN		JOSEPH T	25345 5 POINTS RD	SYCAMORE IL 60178
0526451001	MOLLET		PAUL D & MARY A	25240 N 1ST ST	SYCAMORE IL 60178
0526200016 0526476009	NELLIGAN		MAURICE & BRIDIE	8204 W SUMMERDALE AVE	CHICAGO IL 60656
0526402001	OTTO ENGINEERING INC			2 E MAIN ST	CARPENTERSVILLE IL 60110
0526401009	RICCARDI		FRANK	10555 IL ROUTE 64	SYCAMORE IL 60178
0525100007 0526200007	ROSENWINKEL		SHERRY & STEVEN	13403 NORTH GROVE RD	SYCAMORE IL 60178
0526328005	SANDY		JULIUS W & GERALDINE F	10480 IL ROUTE 64	SYCAMORE IL 60178
0526401008	SCOTT		MICHAEL	10519 STATE RTE 64	SYCAMORE IL 60178
0526476002	SWEET		MARJORIE	25174 N 1ST ST	SYCAMORE IL 60178
0526326005	THORNTON		MICHAEL W & JENNIFER E	10327 IL RTE 64	SYCAMORE IL 60178
0526200014	THROWER		SHAWN G & LORRI A	10861 OLD STATE RD	SYCAMORE IL 60178
0526376001	WEEDEN		CHARLES L & DONNA M	2944 GREENWOOD ACRES DR - N 306	DEKALB IL 60115
0526401002	YATES		JOSEPH S & ALLISON M	25455 5 POINTS RD	SYCAMORE IL 60178

6771

850.00

NOTES

RECEIPT

DATE 6/29/16 NO. 496629

RECEIVED FROM Dibble Enterprises, Inc.

ADDRESS

$ 850 00

FOR Special Use Hearing MY-16-8

ACCOUNT			HOW PAID		
AMT. OF ACCOUNT			CASH		
AMT. PAID			CHECK	850	00
BALANCE DUE			MONEY ORDER		

BY CWest

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850.00

Business Checking

Daily Chronicle

Residents could sue to block propane storage plan

County committee backs plan despite residents' safety concerns

Published: Thursday, Aug. 25, 2016 11:47 p.m. CDT

SYCAMORE – Opponents of a propane distribution facility proposed for property at the northeast corner of Route 64 and Five Points Road say they plan to file suit to stop it.

If approved by the Executive Committee, the DeKalb County Board could consider the proposal from Morris-based Dibble Family LLC at its next meeting, which is Sept. 21.

Despite receiving a recommendation to deny the proposal from a public hearing officer, members of the county's Planning and Zoning Committee voted, 5-1, Wednesday to recommend it for approval to the County Board, which has the final say. Committee member Anita Jo Turner, A Democrat from District 4, cast the sole vote in opposition, DeKalb County Planning Zoning and Building Director Paul Miller said. Voting in favor were committee members John Emerson (R-2), Tim Bagby (R-3), Kevin Bunge (R-1), Tracy Jones (R-1) and Suzanne Willis. Committee member Steve Faivre (D-4) was absent.

Eight residents spoke in opposition to the plan during a public hearing in July. They also submitted a petition in opposition signed by more than 30 residents, according to county records. They cited concerns about safety and how the facility would affect property values.

J.W. Sandy, who lives on Route 64 near the proposed facility, said he felt like the committee disregarded residents' safety concerns, especially in light of a recent seven-alarm fire at a propane facility in Gurnee. He also said neighbors are considering suing to block the project.

Dibble Family wants to renovate the existing building on the 2.77-acre site and build two 30,000-gallon propane storage tanks on the northeast corner of the property. A fence would be built to enclose the tanks and office areas. The facility would be used to serve the company's existing DeKalb County customers. About 90 percent of the company's customers are farmers and agriculture businesses, according to the proposal.

County Board Vice President Tracy Jones, a Republican from District 1 who serves on the Planning and Zoning Committee, told the Daily Chronicle last month that it would be difficult for him to support the proposal after hearing from concerned residents. However, Jones said he was swayed by comments from fellow committee member Suzanne Willis, D-10. Willis, a retired Northern Illinois University physics professor, spoke at length about the safety of such facilities.

"Safety with these tanks should not be a concern," she told the Daily Chronicle. "The residents' fear is not well-founded."

Jones predicted the 24-member County Board would approve the special-use permit needed to allow for construction of the propane distribution facility.

DeKalb County Board Chairman Mark Pietrowski Jr., who attended Wednesday's committee meeting, said he hasn't decided how he will vote on the proposal. He said he understood the safety concerns of neighboring property owners, but said he would "ultimately rely on the science."

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DeKalb County
Planning/Zoning/Building Department
110 East Sycamore Street
Sycamore, IL 60178
(815) 895-7188
Fax: (815) 895-1669

INVOICE

DATE 8/12/2016

NAME: Dibble Family Farm, LLC

FILE NUMBER: MY-16-08

HEARING TYPE: Special Use

FOR:	COST:	
STAFF REVIEW	$	400.00
HEARING COST	$	450.00
POSTAGE FOR NOTICES/SUPPLIES	$	19.00
PUBLIC NOTICE PUBLICATION	$	202.00
MAP ORDER	$	15.00
TOTAL	$	1,086.00
DEPOSIT PAID(FEE)	$	850.00
BALANCE DUE	$	236.00

MAKE CHECK PAYABLE TO: DEKALB COUNTY TREASURER

PLEASE REMIT PAYMENT TO THE ABOVE ADDRESS BY NO LATER THAN: August 26, 2016

KLEIN, STODDARD, BUCK & LEWIS, LLC

ATTORNEYS AT LAW

MEMBER
JAMES A. STODDARD
JAMES R. BUCK
JEFFREY L. LEWIS
PETER THOMAS SMITH
JEFFREY A. MEYER

OF COUNSEL
RONALD G. KLEIN
GARY W. CORDES

ASSOCIATE
AMANDA C. WIELGUS

August 8, 2016

DeKalb County Planning & Zoning Department
110 East Sycamore Street
Sycamore, IL 60178

For Services rendered re:
Dibble Family, LLC
(Petition No. MY-16-08)

FEE .....$ 450.00

TOTAL DUE.....$ 450.00

RGK

RECEIVED
AUG 12 2016

T: (815) 748-0380
F: (815) 748-4030

2045 ABERDEEN COURT, SUITE A
SYCAMORE, ILLINOIS 60178

STAFF@KLEINSTODDARD.COM
WWW.KLEINSTODDARD.COM

SHAW MEDIA
PO BOX 250
CRYSTAL LAKE IL 60039-0250
(815)459-4040

ORDER CONFIRMATION

Salesperson: KANDI TOMISEK Printed at 07/15/16 10:00 by ktomi

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Acct #: 133717 Ad #: 1207538 Status: N

DEKALB COUNTY PLANNING/ZONING/
110 E SYCAMORE ST
SYCAMORE IL 60178

Start: 07/16/2016 Stop: 07/16/2016
Times Ord: 1 Times Run: ***
LEG 1.00 X 156.00 Words: 745
Total LEG 156.00
Class: 8100 PUBLIC NOTICES
Rate: LEGAL Cost: 202.20

Contact: KATE
Phone: (815)895-7188
Fax#:
Email: kwest@dekalbcounty.org
Agency:

Ad Descrpt: DIBBLE
Given by: *
Created: ktomi 07/15/16 09:47
Last Changed: ktomi 07/15/16 09:52

Source: _____ Section: _____ Page: __
Camera Ready: N Group: LEGALS AdType: _____
Misc: _____ Color: _____
Proof: __ _____ Pickup Date: _____ Ad#: _____
Delivery Instr: _____ Gang Ad #: _____
Changes: None __ Copy __ _____ Art __ Size __ Copy Chg Every Run __
Coupon: __
Special Instr: _____

PUB	ZONE	EDT	TP	START	INS	STOP	SMTWTFS
DC	CL	97	S	07/16			
WED	CL	99	S	07/16			
APNW	CL	97	S	07/16			

(CONTINUED ON NEXT PAGE)

SHAW MEDIA
PO BOX 250
CRYSTAL LAKE IL 60039-0250
(815)459-4040

ORDER CONFIRMATION (CONTINUED)

Salesperson: KANDI TOMISEK Printed at 07/15/16 10:00 by ktomi

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Acct #: 133717 Ad #: 1207538 Status: N

PUBLIC NOTICE

Dibble Family LLC would like to operate a propane storage and distribution business on property located at 25330 Five Points Road in unincorporated Mayfield Township. However, because the property is zoned for agriculture, the proposed business would require a Special Use Permit to be granted by the DeKalb County Board. Before the County Board can approve a Special Use, a public hearing must be held before the DeKalb County Hearing Officer.

Dibble Family LLC is requesting approval of a Special Use Permit for a proposed agribusiness. A public hearing will be held before the DeKalb County Hearing Officer on Thursday, August 4, 2016, at 1:00 p.m. in the DeKalb County Administration Building, East Conference Room, south entrance, 110 E. Sycamore Street, Sycamore, IL, 60178. Because this will be the only opportunity for public input on this request, all interested persons are encouraged to attend and be heard. The Special Use Permit petition, MY-16-08, is available for inspection at the DeKalb County Planning Department, 110 E. Sycamore Street, Sycamore, IL, (815) 895-7188.

The subject property is located at the northeast corner of Five Points and State Rte. 64, and is legally described as follows:

That part of the North Half of the Southeast Quarter of Section 26, Township 41 North, Range 4 East of the Third Principal Meridian, DeKalb County, Illinois, bounded and described as follows: Commencing at a point on the centerline of a public road known as Five Points Road, or North First Street, distant 50.0 feet Northeasterly measured at right angle from the centerline of the main track of the Minnesota and Northwesterly Railroad Company (later the Chicago Great Western Railway Company, now the Chicago and Northwestern Transportation Company), as said main track centerline was originally located and established across said Section 26; thence Southeasterly parallel with said original main track centerline, 991.2 feet to the point of beginning of the parcel of land herein described, said point also known as Original (1910) Chaining Station 3084+38; thence Northeasterly at right angle to the last described course, 21.9 feet; thence Northwesterly parallel with said original main track centerline, 997.60 feet to a point on the centerline of said Five Points Road; thence Southerly along said centerline of Five Points Road, 52.05 feet to a point distance 21.9 feet, Northeasterly measured at right angle from the centerline of the main track of the Chicago and Northwestern Transportation Company (formerly the Chicago Great Western Railway Company), as said main track is now located; thence Southeasterly parallel with said last described main track centerline, 982.99 feet to a point on a line drawn at right angle to said original main track centerline through the point of beginning; thence Northeasterly along said last described right angle line, 28.10 feet to the point of beginning, also that part of the North Half of the Southeast Quarter of Section 26, Township 41 North, Range 4 East of the Third Principal Meridian, DeKalb County, Illinois, bounded and described as follows: Commencing at a point on the centerline of a public road, known as Five Points Road or North First Street, distant 50 feet Northeasterly measured at right angles from the centerline of the main track of the Minnesota and Northwestern Transportation Railway Company (later the Chicago Great Western Railway Company, now the Chicago and Northwestern Company), as said main track centerline was originally located and established across said Sections 26; thence Southeasterly parallel with the original main track centerline, a distance of 991.2 feet to a point of beginning, also known as Original (1910) Chaining Station 3084+38; thence Southwesterly at right angles to the last described course, to a point 21.9 feet North of said railroad centerline to the point of beginning; thence continuing Southwesterly on the same course to the Southerly line of the said railroad (now abandoned); thence Northwesterly along Southerly line of said railroad right of way (now abandoned) to the centerline of Five Points Road; thence Northwesterly along the centerline of said road to a point 21. 9 feet measured at right angles to said railroad centerline, Northerly of said centerline; thence Southeasterly to the point of beginning.

P.I.N.s: 05-26-451-002

The application for a Special Use Permit has been filed in accordance with the requirements of Section 9.02.B. of the DeKalb County Zoning Ordinance in order to approve an agribusiness on property zoned A-1, Agricultural District.

Paul R. Miller, Director
DeKalb County Planning, Zoning, and Building Department

(Published in the Daily Chronicle, July 16, 2016.)1207538

DeKalb County Government
Supervisor of Assessments
110 East Sycamore Street
Sycamore, IL 60178

(815) 895-7120 Fax (815) 895-1669

MAP ORDER ☒
INVOICE ☐

To: Bridget

need by 7/8/16

Invoice No.

my-16-8

+ Deliver

DATE	DATE MAILED	MAILED VIA	PAID Y/N?	CASH/CHECK	INITIALS
6/29/16	7/1/16	email			BM

QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
1	Ariel Map 8½x11		N/C
1	" " 24x30		$15.00
	Dibble Family, LLC		
	25330 Five Points Rd. + State Rt 64		
	Sycamore, IL 60178		
	05-26-451-002		
		SUBTOTAL	$15.00
		OTHER	
		TOTAL DUE	$15.00

Make all checks payable to: Assessment Maps
If you have any questions concerning this invoice, call: *Mapping Department (815) 895-7123 or (815) 895-7270*

The DeKalb County computerized property maps were complied using county, state and other data. The map files are not an official survey of the land. These maps are protected under a copyright notice. No other distribution of the cadastral map data shall be made, other than for the explicit purpose of supporting the Special Use.
(Describe use)

Please sign here K. West

STATE OF ILLINOIS)
)SS
COUNTY OF DEKALB)

ORDINANCE 2016-10

AN ORDINANCE APPROVING A SPECIAL USE PERMIT FOR AN AGRIBUSINESS ON PROPERTY LOCATED AT 25330 FIVE POINTS ROAD IN MAYFIELD TOWNSHIP

WHEREAS, Dibble Family, LLC, representing the property owner, Maplehurst Farms, has filed an application for a Special Use Permit, in accordance with the requirements of Section 9.02.B.3 of the DeKalb County Zoning Ordinance, to allow an agribusiness in the form of a propane storage and distribution business on a 2.77-acre parcel located at 24330 Five Points Road in unincorporated Mayfield Township, said property being zoned A-1, Agricultural District and legally described as shown in Exhibit "A" attached hereto; 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 August 4, 2016 at which the petitioners presented evidence, testimony, and exhibits in support of the requested Special Use Permit, and eight members of the public testified in opposition and one in favor of the proposal; and

WHEREAS, the Hearing Officer, having considered the evidence, testimony and exhibits presented has made his report and findings of fact, and recommended that the requested Special Use Permit be denied, as set forth in the Reports of the DeKalb County Hearing Officer, dated August 4, 2016, 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 aforestated 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 Special Use Permit be approved, based on the following findings:

1. The proposed agribusiness will comply with all applicable provisions of the A-1, Agricultural District regulations;

2. The proposed agribusiness will not be unreasonably detrimental to the value of other property in the neighborhood or the public welfare at large;

3. The location and size of the proposed agribusiness, and the nature and intensity of the propane storage and distribution business, 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 area so as

to prevent use of neighboring property in accordance with the applicable A-1, Agricultural District regulations;

4. Off-street parking and loading areas will be provided in accordance with the standards set forth in the DeKalb County Zoning Ordinance;

5. Adequate utility, drainage, and other such necessary facilities will be provided;

6. The proposed propane storage and distribution business is consistent with good planning practice; can be operated in a manner that is not detrimental to the permitted developments and uses in the A-1 District; can be developed and operated in a manner that is visually compatible with the permitted uses in the surrounding area; and will in other respects conform to the applicable regulations of the A-1 District; and is deemed desirable to promote the general welfare of DeKalb County; and

WHEREAS, the DeKalb County Board, having considered the report and findings of fact and recommendation of the Hearing Officer and the recommendation of the Planning and Zoning Committee, and has determined that granting the Special Use Permit to allow the propane storage and distribution business 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", 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 and the recommendation of the Planning and Zoning Committee, the request of Dibble Family, LLC for a Special Use Permit for an agribusiness in the form of a propane storage and distribution business on property located at 24330 Five Points Road in Mayfield Township, legally described in Exhibit "A" attached hereto, is hereby approved.

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

1. The design and operation of the propane storage and distribution business shall be in substantial conformance with the petitioner's application for Special Use Permit;

2. Two, 30,000 gallon propane tanks shall be permitted on the subject property. Any additional proposed storage tanks shall require an Amendment to the Special Use Permit, in accordance with the procedures set forth in Article 9 of the DeKalb County Zoning Ordinance;

3. The petitioner shall seek approval and, if approved by the Illinois Department of Transportation, construct a new access to the subject property from State Route 64, which shall thereafter serve as the primary access for vehicle trips associated with the propane business;

4. Prior to commencement of operations, the plans for the propane business shall be finalized to address the requirements and recommendations from staff set forth in the Staff Report dated July 25, 2016, including parking, landscaping, lighting, site drainage, signage, well and septic, and building improvements, such finalized plans being subject to review and approval by County staff;

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

PASSED BY THE COUNTY BOARD THIS 21ST DAY OF SEPTEMBER, 2016, A.D.

_____
Chairman, DeKalb County Board

ATTEST:

_____
County Clerk

Exhibit "A"

That part of the North Half of the Southeast Quarter of Section 26, Township 41 North, Range 4 East of the Third Principal Meridian, DeKalb County, Illinois, bounded and described as follows: Commencing at a point on the centerline of a public road known as Five Points Road, or North First Street, distant 50.0 feet Northeasterly measured at right angle from the centerline of the main track of the Minnesota and Northwesterly Railroad Company (later the Chicago Great Western Railway Company, now the Chicago and Northwestern Transportation Company), as said main track centerline was originally located and established across said Section 26; thence Southeasterly parallel with said original main track centerline, 991.2 feet to the point of beginning of the parcel of land herein described, said point also known as Original (1910) Chaining Station 3084+38; thence Northeasterly at right angle to the last described course, 21.9 feet; thence Northwesterly parallel with said original main track centerline, 997.60 feet to a point on the centerline of said Five Points Road; thence Southerly along said centerline of Five Points Road, 52.05 feet to a point distance 21.9 feet, Northeasterly measured at right angle from the centerline of the main track of the Chicago and Northwestern Transportation Company (formerly the Chicago Great Western Railway Company), as said main track is now located; thence Southeasterly parallel with said last described main tract centerline, 982.99 feet to a point on a line drawn at right angle to said original main track centerline through the point of beginning; thence Northeasterly along said last described right angle line, 28.10 feet to the point of beginning, also that part of the North Half of the Southeast Quarter of Section 26, Township 41 North, Range 4 East of the Third Principal Meridian, DeKalb County, Illinois, bounded and described as follows: Commencing at a point on the centerline of a public road, known as Five Points Road or North First Street, distant 50 feet Northeasterly measured at right angles from the centerline of the main tract of the Minnesota and Northwestern Transportation Railway Company (later the Chicago Great Western Railway Company, now the Chicago and Northwestern Company), as said main track centerline was originally located and established across said Sections 26; thence Southeasterly parallel with the original main track centerline, a distance of 991.2 feet to a point of beginning, also known as Original (1910) Chaining Station 3084+38; thence Southwesterly at right angles to the last described course, to a point 21.9 feet North of said railroad centerline to the point of beginning; thence continuing Southwesterly on the same course to the Southerly line of the said railroad (now abandoned); thence Northwesterly along Southerly line of said railroad right of way (now abandoned) to the centerline of Five Points Road; thence Northwesterly along the centerline of said road to a point 21. 9 feet measured at right angles to said railroad centerline, Northerly of said centerline; thence Southeasterly to the point of beginning.

P.I.N.s: 05-26-451-002

EXHIBIT "B"

RECEIVED
AUG 12 2016
DEKALB COUNTY
PLANNING & ZONING

Petition: MY-16-08
Date: August 4, 2016

FINDINGS OF FACT

This matter comes before the DeKalb County Zoning Hearing Officer on August 4, 2016 for consideration of petition requesting a Special Use Permit to operate a propane storage distribution business on property zoned for agriculture.

The application of the Petitioner was duly filed in accord with the DeKalb County Code. The Petition and its attachments are incorporated into the record of proceedings herein by reference.

Publication of Notice

The notice of public hearing has been duly published in accord with the DeKalb County Code. A certificate of publication has been received into the record and reflects publication in the Daily Chronicle on July 16-17, 2016. Correspondence has been sent to all adjacent property owners.

Location of Subject Property

The subject property is located at 25330 Five Points Road in the Northeast corner of State Route 64 and Five Points Road in Mayfield Township, DeKalb County, Illinois.

Site Characteristics

A. Location – Access

The subject parcel totals approximately 2.77 acres and is presently zoned A-1, Agriculture. The property has been the site of a variety of commercial services over the years. The most recent being a roofing company. The parcel lies approximately 1 mile west of the City of Sycamore, Illinois and approximately 2 miles north of the City of DeKalb, Illinois. The United Future Land Use Plan of the DeKalb County Unified Comprehensive Plan designates agricultural use for the subject property.

B. Proposed Use.

Dibble Family LLC is proposing to use the site for propane storage and loading for its existing propane business. Dibble provides propane to farmers who apparently account for 90% of its business and appears to qualify as an agribusiness.

C. Correspondence

Correspondence was received from Vincent Leonforte, DeKalb County Health Department indicating that the sewage disposal system is not functioning properly and they recommend that the well pump be serviced.

Correspondence was also received from Nathan Schwartz, County Engineer who recommended getting access on to Route 64 because of weight limits on Five Points Road. He also stated that he needs to review the storm water runoff when the information is available.

A Staff Report was received into the record from Paul Miller, Planning Director.

Mr. Miller opened the meeting with some comments pointing out that this is an Agri-business planned by requesting the Special Use Permit. Although the property is zoned Agricultural, certain uses such as this need to be reviewed by the DeKalb County Board and submitted to the County Board for decision.

D. Persons appearing on behalf of the Petitioner.

Ronald Dibble, the principal in Dibble Family LLC was present together with Attorney David J. Bzdill, both of Morris, Illinois.

Attorney Bzdill stated that they had been working with the County to take care of all of the issues relative to their proposal. He stated that this is a 2.78 acre parcel which is not presently being farmed and had once been the location of a grain elevator as well as other businesses. He stated that his client desires to keep the existing building on the property which would be remodeled and updated. He stated that the current owner of the property, namely Maplehurst Farms, Inc. had taken care of all the issues that had been raised with regard to the sewage system, the well and other health issues. He also stated that IDOT had been contacted with regarding to having an access directly on to Route 64. They will address all storm water issues as well.

He stated that Dibble Family LLC desires to place two 30,000 gallon tanks on the east end of the property for the storage of propane. They would erect a fence to enclose the tanks and office areas. They expect there would be 2 to 3 small trucks per day coming out of the property to load propane gas from the large tanks so that it could be delivered to local customers. The 2- 3 trucks per day initially would only appear approximately 3 days and only during daylight hours. In the peak season there may be 6-8 trucks per day. The site would only be used by employees of Dibble Family LLC.

He stated that 90% of their customers are agriculture and he showed pictures of proposed use of the property to the people present. He pointed out that the Dibble Family LLC keeps their properties well maintained and fenced. He does not expect to add any lights to the property except possibly some security lights. He again stated the property would only be used during the day and they would install some trees for landscaping along Route 64.

E. Persons Speaking in Opposition or Requesting the Proposal:

Mr. Frank Riccardi of 10555 Illinois Route 64 spoke of his concerns regarding the safety of the tanks. He felt that with the number of homes located across the road from the proposed site, that there is a possibility of explosion which could be dangerous for the people in the neighborhood and he opposed granting this petition. He also questioned if the value of his home would be adversely affected by the location of these tanks in this location.

In response, Mr. Dibble stated that there are many safety factors built in to the tank and in the country there have been very few incidents regarding propane tanks. They are constructed so that if a valve was sheared off, it would still not be an incident since the bulk of the value is located inside the tank. He stated that he had been in the business for many years and has never had an incident. He stated that this facility in effect would be a storage place for smaller tanks which would be filled with product into larger tanks. He would not be doing any retailing to small operators at this location. He stated that at least one police department had converted all their cars to propane tanks and the tanks were such that they would stand up to even a gunshot. The industry has a good safety record and that there are many small tanks located in the neighborhood, of which none had created a problem.

Mrs. Lorri Thrower of 10861 Old State Road testified that she is also concerned about the safety element and objected to this petition. She is not so concerned about the appearance but very concerned about the possibility of an explosion that would impact all of the homes in the neighborhood. She submitted an article where there had been a very substantial explosion in Gurnee which resulted in a 7-alarm propane fire closing Route 41. She submitted a copy of the article, which is made a part of this record. It is not subject to State inspections and she felt that the location should be in an industrial park and that there were several such locations in DeKalb County.

Mr. Julius W. Sandy of 10480 State Route 64 testified that he is located about 300 yards from this facility. He is opposed to this project because of the safety aspect and submitted a petition signed by over 30 local residents objecting to the proposal. He stated that he is also concerned about the market value of his home if this petition is granted. He suggested that there are other locations that would be better and safer than this one which would be located farther away from residences.

Mr. Joe Mikan who resides on Five Points Road stated that they just bought their home and he felt that this was a big issue because of the adverse effect of the market value of his home and that this would be an eyesore. He moved out to the country and was very concerned about the granting of this petition and opposed it.

Mr. Tracy Jones of 6644 Old State Road, Kirkland, Illinois stated that he is a local farmer and is familiar with the company. He has a large tank on his own farm located close to his home and does not feel that it is a problem. He stated that the Dibble company had an excellent safety record and felt that this would be an improvement to what is presently located on the property. He wants the company located in the County to service his own tanks and he also pointed out that this would help the increase the tax base and increase tax revenues.

Mr. John Broerman of 309 Greenwood Acres, DeKalb, Illinois questioned what constitutes agriculture. He felt that if this was allowed on agricultural zoning, it would create less tax than if it was commercial. He felt that the sales tax would go to Grundy County which is the home base of Dibble Family LLC.

Mr. Paul Miller, Planning Director, pointed out that the zoning does not affect the taxes. That is established by the tax assessor.

Ms. Julie Brons of 10601 Illinois Route 64 questioned whether there would be more trucks in the future than at the present time. She felt that Mr. Dibble answered that there possibly would be more traffic in the future as the business grew. Mrs. Brons pointed out that this was only 2 miles from the high school and she felt it was a major safety issue. Mr. Dibble responded that there are annual inspections of all of their equipment and that there would be fences around the tank. Ms. Brons felt that her homeowner's insurance would go up in cost and wondered if there could be more tanks. She was advised that the Special Use Permit could limit the property to the two 30,000 gallon tanks and that if they wanted more they would have to come back for another hearing.

Mr. Michael Scott of 10519 Route 64 stated that in his job he works with propane every day and that there is definitely a safety issue.

Mr. Shawn Thrower of 10861 Old State Road also stated that he was concerned about the safety issue. He pointed out that a lot of people have fires in their yards where they are burning such things as cardboard and other debris and that would add to the safety hazard.

FINDINGS OF FACT AND RECOMMENDATIONS

The undersigned finds that the Petitioner has presented evidence that the issues regarding the septic system and the well have been adequately resolved. They do not plan to have exterior lighting which would be disturbing to local property owners and they do plan to do the recommend landscaping. Evidence indicates that Dibble Family LLC has run other operations similar to this in a safe and proper manner and that their properties appear to be well maintained. Mr. Dibble pointed out in his testimony that they do not have any other of the operations located close to residence, as in this case. The Petitioner has the burden of showing that the Special Use will not be unreasonably detrimental to the value of other property in the neighborhood in which

it is to be located and the public welfare at large. They further have the burden of showing that the Special Use will not dominate the immediate neighborhood so that it will prevent development and use of neighboring property in accordance with the applicable zoning district regulations.

The undersigned finds that there is a safety issue involved with this operation. Although Mr. Dibble has pointed out that they have an excellent safety record and that this rarely happens, the 7-alarm fire at the propane storage facility in Gurnee indicates that such things are possible. The neighbors have all opposed the proposal as shown not only by the petition but by the fact that a number of neighbors spoke against it all citing the possibility of a safety issue. Several of the homes are very close, being directly across the street from this proposed location for two 30,000 gallon propane tanks. No evidence was provided showing that the location of this facility would lower property values, however, it seems reasonable to believe that it certainly may deter many people from attempting to buy property in this area because of the two tanks located there.

Accordingly the undersigned finds that the proposed Special Use will be unreasonably detrimental to the value of the other property in the neighborhood in which it is located and that the location and the size of the Special Use and the nature and intensity of the operation involved with it, and the location of the site with respect to local homes could dominate the neighborhood so as to prevent development and use of neighboring property for residential uses.

The undersigned recommends that the petition be denied.

Respectfully Submitted,

Ronald G. Klein
Hearing Officer

RGK/vjm

DeKalb County
Planning/Zoning/Building Department
110 East Sycamore Street
Sycamore, IL 60178
(815) 895-7188
PlanningDept@dekalbcounty.org

STAFF REPORT

TO: Planning and Zoning Committee

FROM: Paul R. Miller, AICP
Planning Director

DATE: August 10, 2016

SUBJECT: Dibble Special Use Permit
Petition MY-16-08

Dibble Family LLC has filed a petition for a Special Use Permit in order to allow an agribusiness in the form of a propane storage and distribution facility at property located at 25330 Five Points Road. The subject property is at the northeast corner of State Rt. 64 and Five Points Road in unincorporated Mayfield Township. The 2.77-acre parcel is zoned A-1, Agricultural.

The required public hearing was held on August 4, 2016 by DeKalb County Hearing Officer Ron Klein. The petitioner provided testimony and exhibits in support of the requested Special Use, explaining that the business is propane storage and distribution and that 90 percent of its customers are farmers. Two, 30,000-gallon tanks would be installed on the site, and initially there would be two or three trucks per day coming in and out of the site. The applicant indicated that a new access on to State Rte. 64 would be sought from the Illinois Department of Transportation so that the existing Five Points Road access would not be the primary entrance to the property. There business would not include the storage and sales of small propane tanks. Eight members of the public spoke in opposition to the request, citing safety concerns related to the number of residences located in close proximity to the subject property, and a petition of opposition was presented. One member of the public spoke in favor of the petition.

The Hearing Officer has submitted his findings, and recommends denial of the Special Use Permit (see attached Findings of Fact). The Planning and Zoning Committee is requested to make a recommendation to the full County Board on the requested Special Use in the form of an ordinance. The Committee may recommend approval, approval with conditions, or denial of the request.

cc: Dibble Family, LLC
David J. Bzdill, attorney for petitioner

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RECEIVED
AUG 8 2016
DEKALB COUNTY
PLANNING & ZONING

Petition: MY-16-08
Date: August 4, 2016

FINDINGS OF FACT

This matter comes before the DeKalb County Zoning Hearing Officer on August 4, 2016 for consideration of petition requesting a Special Use Permit to operate a propane storage distribution business on property zoned for agriculture.

The application of the Petitioner was duly filed in accord with the DeKalb County Code. The Petition and its attachments are incorporated into the record of proceedings herein by reference.

Publication of Notice

The notice of public hearing has been duly published in accord with the DeKalb County Code. A certificate of publication has been received into the record and reflects publication in the Daily Chronicle on July 16-17, 2016. Correspondence has been sent to all adjacent property owners.

Location of Subject Property

The subject property is located at 25330 Five Points Road in the Northeast corner of State Route 64 and Five Points Road in Mayfield Township, DeKalb County, Illinois.

Site Characteristics

A. Location – Access

The subject parcel totals approximately 2.77 acres and is presently zoned A-1, Agriculture. The property has been the site of a variety of commercial services over the years. The most recent being a roofing company. The parcel lies approximately 1 mile west of the City of Sycamore, Illinois and approximately 2 miles north of the City of DeKalb, Illinois. The United Future Land Use Plan of the DeKalb County Unified Comprehensive Plan designates agricultural use for the subject property.

B. Proposed Use.

Dibble Family LLC is proposing to use the site for propane storage and loading for its existing propane business. Dibble provides propane to farmers who apparently account for 90% of its business and appears to qualify as an agribusiness.

C. Correspondence

Correspondence was received from Vincent Leonforte, DeKalb County Health Department indicating that the sewage disposal system is not functioning properly and they recommend that the well pump be serviced.

Correspondence was also received from Nathan Schwartz, County Engineer who recommended getting access on to Route 64 because of weight limits on Five Points Road. He also stated that he needs to review the storm water runoff when the information is available.

A Staff Report was received into the record from Paul Miller, Planning Director.

Mr. Miller opened the meeting with some comments pointing out that this is an Agri-business planned by requesting the Special Use Permit. Although the property is zoned Agricultural, certain uses such as this need to be reviewed by the DeKalb County Board and submitted to the County Board for decision.

D. Persons appearing on behalf of the Petitioner.

Ronald Dibble, the principal in Dibble Family LLC was present together with Attorney David J. Bzdill, both of Morris, Illinois.

Attorney Bzdill stated that they had been working with the County to take care of all of the issues relative to their proposal. He stated that this is a 2.78 acre parcel which is not presently being farmed and had once been the location of a grain elevator as well as other businesses. He stated that his client desires to keep the existing building on the property which would be remodeled and updated. He stated that the current owner of the property, namely Maplehurst Farms, Inc. had taken care of all the issues that had been raised with regard to the sewage system, the well and other health issues. He also stated that IDOT had been contacted with regarding to having an access directly on to Route 64. They will address all storm water issues as well.

He stated that Dibble Family LLC desires to place two 30,000 gallon tanks on the east end of the property for the storage of propane. They would erect a fence to enclose the tanks and office areas. They expect there would be 2 to 3 small trucks per day coming out of the property to load propane gas from the large tanks so that it could be delivered to local customers. The 2- 3 trucks per day initially would only appear approximately 3 days and only during daylight hours. In the peak season there may be 6-8 trucks per day. The site would only be used by employees of Dibble Family LLC.

He stated that 90% of their customers are agriculture and he showed pictures of proposed use of the property to the people present. He pointed out that the Dibble Family LLC keeps their properties well maintained and fenced. He does not expect to add any lights to the property except possibly some security lights. He again stated the property would only be used during the day and they would install some trees for landscaping along Route 64.

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