

**Jo Daviess County Planning Commission/Zoning Board of Appeals
Minutes for Meeting
At the Courthouse-7:00 PM
August 27, 2014**

Call to Order: Mel Gratton called the meeting to order at 7:00 p.m.

Roll Call Present:

Planning Commission:

- ✓ Melvin Gratton
- ✓ Nick Tranel
- ✓ Laura Winter, Alternate
- ✓ Ron Mapes
- ✓ Gary Diedrick
- Jody Carroll, Alternate

Staff & County Board Members:

- ✓ Steve Keeffer, Highway Engineer
- Matt Calvert, JDC Health Dept.
- John Hay, State's Attorney
- ✓ Linda Delvaux, Building & Zoning
- ✓ John O'Boyle, JDC Board Member

Approval of Minutes: A motion was made by Ron Mapes to accept the July minutes. Seconded by Nick Tranel Voice Vote: All Ayes

Mel Gratton swore in all who might want to testify on any request this evening.

New Business

Jo-Carroll Depot, LRA, (address:18933 A Street, Savanna Depot Park, Savanna IL), owners and Greenstar Growing LLC, (address: 7 N. Grant St., Garden Suite, Hinsdale, IL 60521); Jonathan Loiterman (address: 3750 W. Wrightwood Ave. #1, Chicago, IL 60647), David Loiterman (address: 1806 Midwest Club, Oak Brook, IL 60523), Lawrence LaPalio (address: 5709 South Garfield, Hinsdale, IL 60521), Anthony LaPalio (address; 397 South Holly Ave., Elmhurst, IL 60126), requesting a variance from the required 150' of Road Frontage, 8-3F-4, B, Intensity of Use Regulations on part of parcel 09-000-484-09, 12+- acres. The common location: Adjacent to G Road off of McIntyre Road in the Jo Carroll Depot.

Staff Report

- Comprehensive Plan: The Comprehensive Plan does not address Variances, but does recognize the importance of planning for future infrastructure such as roadway expansion, and variances should be reviewed with that in mind.
- Wastewater Treatment: According to the USDA soil survey, the soils on this parcel are Group I and suitable for a conventional septic system. On-site soil borings have not been completed at this time and would ultimately determine the soil type and best location for the septic system. This property will be served by a central water system.
- Access Considerations: The parcel will be accessed from G Road. An entrance can be located onto G Road with adequate sight distance.
- Other Considerations: When the Savanna Army Depot closed, Jo Daviess and Carroll Counties developed the Local Redevelopment Authority, in order to market and develop the area. As the Government cleans up the property it is being turned over to the LRA.

All of the Jo Daviess County property that wasn't taken by the Corp's of Engineers was rezoned to Industrial. This was done in order to market the area for development. There are many interior roadways that are not public at this time. Because of the lack of public roadways it makes it impossible for the parcels intended for development to meet the one hundred fifty (150) foot road frontage requirement. This is a very unique area of the County.

Jonathon Loiterman, petitioner

- Requesting a variance from the required road frontage. This is a potential site for medical cultivation cannabis center with the State of Illinois. The lack of road frontage is actually a good thing and an advantage because of the limited access for that type of use that the state is requiring.

Gratton states this property is zoned Industrial and the use described would be a permitted use.

Public Testimony

None

Public Testimony Closed

Discussion:

Linda Delvaux states that an easement has been recorded for access to G Road.

A motion was made by Mapes for approval of the Variation from the required road frontage requirement stating:

The standards have been discussed and met.

Seconded by Diedrick

Further Discussion:

Tranel indicates this is appropriate and acceptable with our ordinance.

Gratton states this is in an Enterprise Zone.

Roll Call: Nick Tranel – Aye
 Laura Winter - Aye
 Gary Diedrick – Aye

Ron Mapes – Aye
Mel Gratton– Aye

Rodney Haberkamp, owner (address: 1388 S. Goose Hollow Road, Elizabeth) requesting a Special Use Permit to allow for a single family residence in the Ag Agricultural District on a lot less than forty (40) acres. Common Location: 1388 S. Goose Hollow Road, Elizabeth

Staff Report

- Comprehensive Plan: The Comprehensive Plan would indicate this parcel to be in Agricultural Area, a classification of mostly not prime farmland with fingers of farmland of statewide importance. This is land that although it does not qualify as prime farmland it can have a positive impact on the production of food, feed, fiber, forage and oilseed crop production. This request is approximately 2.5 miles north of the Village of Elizabeth. Although this is an existing residence, the County's Comprehensive Plan

recognizes that home building provides an enormous infusion of dollars to the local economy. It contributes not only the construction value of the homes but also increases the tax base and provides hundreds of well paying jobs. The County recognizes the importance of this sector of the local economy. At the same time The Comprehensive Plan also recognizes concerns with rural residential development such as: increased loss of farmland, nuisance conflicts with agricultural uses, increased cost of services such as fire, ambulance, police and school bus transportation traveling longer distances as well as concerns about proliferation of septic systems and safety with access points.

- Waste Treatment The existing septic system was installed 9/1/10 and meets current code for a two bedroom house. The septic tank and conventional septic drainfield is located northeast of the house. Expansion room is available on this lot for a conventional replacement system. The well is located on the southeast corner of the house. All parts of the septic system and well are located within the proposed 5.65 acre lot.
- Access Considerations: The property has an existing entrance onto Woodbine Township maintained Goosehollow Road. The existing entrance has adequate sight distance for the lower speed traffic anticipated on an aggregate surfaced road.
- Other Considerations: This property is surrounded by Agriculture, a mixture of timber, tilled and pasture land. This home was built in 2010 on a parcel over 40 acres. The Land Evaluation score on this property is 63, which is barely above the County average of 62.2 with an overall LESA score of 215. Some of the contributing scores to the Site Assessment end of the LESA were the percent of Agricultural land adjacent coming in at 20 points, percent of land in agriculture within 1 mile coming in at 12 points, commitment to agriculture adjacent to site at 10 points, availability of public water and sewer came in at 10 points each, soil suitability for onsite disposal at 20 points and the consistency with the County Comprehensive Plan came in at 20 points.

Paul Brashaw, surveyor representing owner

- Owner wants to separate 5.65 acres from the 52.7 acre property. Trying to get a residential rate with the bank for the last few years. Not taking any farm ground out of production. All utilities and access are in place

Diedrick asks about the access to the property to the north

Paul Brashaw indicates that the access goes to the property that has no house, only farm buildings and for hunting property.

Diedrick asks what the distance is from the pipeline that runs through the property

Paul Brashaw indicates there is no specific width of the pipeline, but the owner was aware at the time he bought the property.

Public Testimony

- Dwight Vought, 1566 Goosehollow Road – Bought property in this area because of the Ag land, did not want a lot of houses around him. Talked to someone who is going to buy the remaining ground and build on that. When they built the present ordinance should remain in effect.
- Remigijus Gorys, owns 968 S. Goosehollow Road – When bought wanted less people around and have the farming, not houses and subdivisions.
- Paul Brashaw indicates that he is not sure if sale is pending to sell the remaining property.

Public Testimony Closed

Discussion:

LESA score of 215 needs to be addressed

Tranel asks about the remaining acreage and how it is going to be accessed.

Paul Brashaw indicates that it has road frontage, but the farmer that farms to the north would continue to farm this property as well, otherwise it would be a challenging road, there might be a spot to put in an access.

Gratton asks if the access for the house is the field access as well.

Paul Brashaw indicates that the field is accessed from the north because the same farmer farms that property as well.

Gratton states it has been raised that the applicant has over 40 acres and could build a house on the property, but if the remainder was sold another individual would have the option to build on that as well. This could circumvent our ordinance.

Diedrick asks if the 5.65 acres is tillable

Paul Brashaw indicates that we kept the west line on the edge of the field. The remaining acreage would be about 47 acres.

Gratton talks about LESA and the higher score contributes to distance to communities and the agricultural surrounding the property. We need to justify if we do this.

Tranel indicates this is non-tillable, additional access would be a challenge

Mapes indicates not the best ground and this is unique

Diedrick states acres left over would allow an additional home

Paul Brashaw states that the owner has tried 2 times to get a lower rate for mortgage and has not been able to, his loan comes due in November and would like to have something in place

Gratton states there is very little residential in the area

A motion was made by Tranel to recommend approval of a Special Use Permit to allow for a single family residence in the Ag Agricultural District on a lot less than forty (40) acres stating:

The standards have been reviewed.

Seconded by Mapes

Roll Call:	Laura Winter - Aye	Mel Gratton– Nay
	Gary Diedrick – Aye	Nick Tranel – Aye
	Ron Mapes – Aye	

James B. Vincent Trust, Mary M. Vincent (Trustee), (address: PO Box 685, Warren IL), and Sarah Newton (Trustee), (address PO Box 319, Galena IL), owners, and, Arc Design Resources, Inc. (address: 5291 Zenith Parkway, Loves Park, IL 61111), requesting a Special Use Permit to allow for a service station, automotive in the Commercial District. Also requesting a variation from the required one hundred twenty five (125) foot setback from the centerline of the right of way to one hundred (100) feet, a twenty five (25) foot variation. Common Location: 10850 & 10862 US Route 20 West, Galena

Staff Report

- **Comprehensive Plan:** In the County's Comprehensive Plan it is stated that Jo Daviess County is strongly supportive of commercial and industrial growth. The County recognizes the need to stimulate and diversify the economy. It places a high value on new well-planned commercial and industrial growth and encourages them in areas which have the best capacity for supporting growth and where services are easily provided.
By directing growth towards a community it helps to promote the economic viability of our cities and villages. This request is adjacent to the City of Galena. The City of Galena has identified this area in their Contiguous Growth area on the County's Comprehensive Plan map 7.2 as an area for growth as well as Map #15, Plan Area Proposed Land Use of Galena's Comprehensive Plan showing this area as desired commercial use.
- **Wastewater Treatment:** No private septic system or private well is located on this property.
- According to the Jo Daviess County Private Sewage Disposal Systems Ordinance, "The board of health or its authorized representative may refuse to grant a permit for the construction of a private sewage disposal system where public or community sewage systems are available. A sewer shall be deemed available when a public sewer line is in place within any street, alley, right of way, or easement that adjoins or abuts the premises for which the permit is requested, or when the improvement to be served is located within a reasonable distance of a public sewer to which a connection is practical and is permitted by the controlling authority for the sewer. A reasonable distance, for the purpose of this provision, shall be deemed to be not greater than three hundred feet (300') for a single-family residence and not greater than one thousand feet (1,000') for a commercial establishment, subdivision, or multi-family dwelling." Public sewer is located under the highway approximately 50 feet east of the eastern lot line.
- According to the Jo Daviess County Protection of Water Supply Ordinance, "In those locations where a public water supply is reasonably available, that supply shall be the sole source of water for drinking and culinary purposes. A public water supply shall be deemed reasonably available when the subject property is located within two hundred feet (200') of the public water supply to which connection is practical and is permitted by the controlling authority for said water supply." Public water is located under the highway approximately 50 feet east of the eastern lot line.
- **Access Considerations:** The proposed access is from West Galena Township maintained Red Gates Road. Red Gates Road has a grade in excess of 10% where the two access points are indicated on the site plan. Sight distance is adequate at this location for traffic coming from the east. Traffic from the west will be regulated by the adjacent signalized intersection of Red Gates Road and US Route 20. West bound traffic patterns may be difficult to anticipate due to the traffic signals, however the vast majority of the traffic leaving the site will be heading back to US Route 20.
- **Other Considerations:** Since this parcel is adjacent to the City of Galena, the applicant has been working closely with the City on items such as design criteria, infrastructure and drainage. I have spoken with IDOT about this application. They are pleased with the access being off of Red Gates as opposed to Highway 20 and have indicated petitioner will need to get a permit to close off the current access off of Highway 20 and will need to reestablish the walk way.

Gratton asks if the City of Galena has commented on this request.

Linda Delvaux states that I do know they have been talking with the city, but we have not gotten anything directly from them.

Ryan Swanson, ARC Design Resources, petitioner

- Requesting special use and variance to place a Casey's store on this site. Property runs a total of 60 to 65 feet from Highway 20 to extreme end of parcel with an 8% to 12% slope. The curb cut onto Highway 20 will be eliminated and will fix the sidewalk per IDOT requirements. Not wanting to annex into the City of Galena, but have been working with them on their design codes and signage. We are looking to put a 4,200 square foot store with a 6 pump island, there will be 17 parking spaces with a separate paved delivery area. We will also have a trash building and a maintenance building for supplies such as salt. Agriculture does surround the parcel and with the houses to the west and south we would put an evergreen screening to the south. Evergreen screening would sit lower than Highway 20. Lighting and signage would be with LED lighting and cut off per dark sky requirements. The sign will be a monument sign with a brick base. The building will have brick banding with the mechanicals to the rear in the hip roof of the building. The back of the building will be brick banding as well. Signage and lighting will be to a minimum. Trash enclosure will be brick, as well as the shed for recyclables, salt and other items. Water and sewer are at the corner of Highway 20 and Red Gates and will hook into those with a lift station on the property. The retaining walls will be about 16 feet high on the east property line and about 9 feet to the west. We will have to re-grade the ditch on Red Gates Road to manage the drainage issues.

Gratton asks about the water retention and controlled release of the underground system that will be installed.

Ryan Swanson indicates that it would be a controlled release and will be no need for a retention pond everything should be handled underground.

Mapes asks if there is any intention of annexation.

Ryan Swanson indicates they do not have interest to annex into the City of Galena.

Gratton asks what the elevation from Highway 20 to the finished floor will be.

Ryan Swanson indicates 18 feet lower than the highway.

Gratton asks about the barrier for the house to the south

Ryan Swanson indicates that there will be a berm of trees to the south at least 4 feet high and a berm continuing up the west side of the corner.

Gratton asks what the remaining property will be used for

Ryan Swanson indicates that they would be moving the excess dirt from excavation to that area, and help with erosion control measures, but no intention to sell or subdivide that part.

Have you had contact with the Township Road Commissioner?

Ryan Swanson indicates no we have not.

Discussion may be that IDOT may own the ground, but West Galena Township maintains the roadway.

Public Testimony

- Dave Hahn, 10844 Route 20 West, Galena – wondering if there will be a berm of trees on the west end of the property toward his property.
 - Ryan Swanson indicates there will be a retaining wall to the west there and we can extend the ground berm if need to.
- Questions the water control and the access from the intersection of Highway 20, thought you had to be at least 200 feet from an intersection.

Public Testimony Closed

Discussion:

Tranel asks what the distance of the retaining wall will be from Highway 20

Ryan Swanson indicates about 35 feet from the curb line and there will be a black vinyl chain link fence installed.

Gratton asks about the lighting plan that was submitted and the sign that will be installed and to meet the site triangle requirement at the intersection.

Linda Delvaux states that they will have to meet the requirement and using LED is a plus.

Ryan Swanson indicates the sign will be the same elevation of Highway 20.

Gratton asks about the stormwater and if room for detention area on site if needed.

Ryan Swanson indicates there should not be a need for a detention area, but yes there should be room. There are storm sewer inlets that will be on the property

Gratton asks about the ingress and egress on to the property

Ryan Swanson indicates each access will be two-way traffic.

Steve Keeffer points out that both accesses off of Red Gates into the property will have about a 9.5% slope.

Ryan Swanson indicates once you get onto the property it is then a 1.5% slope.

Steve Keeffer asked if the Highway 20 access was ever an option.

Ryan Swanson indicates no it was not an option for this.

Steve Keeffer states his concern with the degree of slope when entering and leaving the property.

The delivery trucks have looked at this plan and they do not have a problem with this.

Diedrick asks if we have contacted the Road Commissioner.

Linda Delvaux indicated we sent him a packet but he has not contacted the office.

Public Testimony for Variance

None

Public Testimony Closed

A motion was made by Tranel to approve the variation from the required 125 foot setback

from the centerline of the right of way to 100 feet stating the following:

Standards have been met

Seconded by Mapes

Roll Call: Gary Diedrick – Aye
Ron Mapes – Aye
Mel Gratton– Aye

Nick Tranel – Aye
Laura Winter - Aye

Board discussed conditions for the request.

A motion was made by Diedrick to recommend approval of a Special Use Permit to allow for a service station, automotive in the Commercial District, with the following conditions:

1. Applicant is to meet with Road Commissioner on access
2. Stormwater retention system engineered to 110% of expected runoff
3. Lighting to meet Zoning Ordinance
4. Signage to meet Zoning Ordinance
5. Water and sewer are to hook to the City of Galena’s public system
6. Screening to follow plan or better and to extend berm on west side
7. Abandon Highway 20 access
8. Fencing to meet code requirement and work with City of Galena on visual look

Seconded by Tranel

Standards have been reviewed and met

Question of traffic at peak hours.

Ryan Swanson indicates that we expect about 60%. Most traffic will be people driving by not coming from home to the store and back home.

Roll Call: Ron Mapes – Aye
Mel Gratton– Aye
Nick Tranel – Aye

Laura Winter - Aye
Gary Diedrick – Aye

Reports and Comments:

Zoning Ad Hoc Committee Meeting September 11, 2014 at Hanover.

Tranel made a motion to adjourn at 9:00 PM. Mapes seconded. Voice Vote: All Ayes