

**Jo Daviess County Planning Commission/Zoning Board of Appeals
Minutes for Meeting
At the Courthouse-7:00 PM
January 24, 2007**

Call to Order: Tom Heidenreich called the meeting to order at 7:00 p.m.

Roll Call Present:

Planning Commission:

- Melvin Gratton
- ✓ Susie Davis
- ✓ Tom Heidenreich
- ✓ William Tonne
- ✓ Nick Tranel
- ✓ Dave Jansen (Alternate)

Staff & County Board Members:

- ✓ Steve Keeffer, Highway Engineer
- ✓ Heather Miller, Environmental Health
- Terry Kurt, State's Attorney
- ✓ Linda Delvaux, Building & Zoning
- Ron Mapes, Jo Daviess County Board Member

Approval of Minutes: A motion was made by Nick Tranel to accept the December 21, 2006 minutes. Seconded by Bill Tonne. Voice Vote: All Ayes. Susie Davis - Abstain.

Tom Heidenreich swore in all who might want to testify on any request this evening.

New Business

Elaine Schlichting, owner and Kay Schlichting, petitioner, requesting rezoning from Ag-1 General Agriculture District to R-1 Rural Residential with one lot subdivision approval. Common Address: E. Schuller Road, Stockton

Staff Report

- Comprehensive Plan: The Comprehensive Plan would indicate this parcel to be in the Agriculture preservation area 1. This area is shown to have mostly important farmland soils with pockets of prime farmland soils. This parcel sits just south of Stockton. Our Comprehensive plan recognizes this area to be outside of the mile and half of the City limits.
- Waste Treatment: Soil borings completed 06/30/06. Suitable soil for a conventional septic system with expansion area is available on the lot.
- Access Considerations: A new access will be required for this proposal. Sight distance to the west will be adequate if the drive is properly located. At best,

sight distance to the east will be approximately 350' because of the vertical alignment of Schuler Road. Short of a major Schuler Road improvement, the sight distance cannot be improved. There are several other entrances next to this parcel that have the same sight distance issues.

- Other Considerations: A LESA was done and resulted in a score of 200. There are quite a few larger parcels surrounding this request.

Paul Brashaw, surveyor representing owner

- Owner of the property requested a survey be done on this parcel for her daughter to build a house and help her mother with the total 10 acres. In regards to the site distance I would not have done this if I didn't feel it was safe. I came up with about 440 feet; this location would put the driveway at the far west of the lot.

Elaine Schlichting, owner

- This would be important to have her daughter next to her and help with the land
- States there is a big street light at the property so it would not be dark at the driveway entrance and most people are older on the road.

Public Testimony

None

Public Testimony Closed

Discussion:

- Tom asks Steve Keeffer about the site distance
 - Steve talked to Paul the day before about the site distance. The difference is they were not looking at the same spot. This is a gravel road and you should have 500 feet for 55 MPH.
 - Paul states that it is directly across from the entrance across the road.
- Bill asks how much property the owner owns
 - Paul states they own approximately 10.5 acres
- Bill states that there is a contiguous residence, but what is the quantity of the farming in the area.
- Tom states that the LESA score was 122 for site assessment and the land was 78. There are other contiguous rural residential parcels and no large farming operations. I think the 200 LESA score reflects that area.
- Susie states that the 200 LESA score weighs heavy with her, but there are other parcels in the area, this is family, and we have done this before for family.
- Bill states that there is adjoining lots which are used residentially, and the ordinance does not address family.
- Tom states the commission likes to see clustering of housing and not scattering of housing.

A motion was made by Bill Tonne to recommend approval of the rezoning with a one lot subdivision.

Seconded by Nick Tranel

Roll Call: Nick Tranel – Aye
Dave Jansen – Aye
Susie Davis – Aye
Bill Tonne – Aye
Tom Heidenreich – Aye

Lyle & Charlotte Dittmar, owners, requesting rezoning from Ag-1 General Agriculture District to R-1 Rural Residential – 2 parcels. Common Address: South Rocky Hill Road, Galena

Staff Report

- **Comprehensive Plan:** The Comprehensive Plan would indicate this parcel to be in the Agriculture area. This area is shown to have some pockets of important farmland soils. This parcel sits just south of Galena. Our Comprehensive plan recognizes this area to be just outside of the mile and half of the City.
- **Waste Treatment:** No soil borings completed. According to the county soil survey, parcel 3 is comprised of suitable soils for a conventional septic system. Soil wetness may have to be addressed depending on house location. Parcel 1 is split with suitable soils on the western side and unsuitable soils on the eastern side. The size of the parcels allow for expansion/replacement area.
- **Access Considerations:** Two residential accesses are proposed for this request. One of the access points is an existing field entrance, and the other access point is a new access. The access to parcel 1 is on a sharp curve and does not have 500 feet of sight distance in both directions. Moving the access one way or the other improves sight distance one direction and reduces sight distance the other way. As it is currently configured, sight distance to the east is less than 300'. Removing the bank on the opposite side of the road may offer some improvement. The access point for parcel 3 is currently impeded by vegetation to the east. Sight distance in that direction is 300'. Removing trees and brush will improve the sight distance.
- **Other Considerations:** A LESA was done and resulted in a score of 196. Just north of this request, the County Board approved Rezoning of two separate parcels from Ag-1 to Residential Zoning in 2003. Just south there is an existing subdivision that was in existence prior to zoning, these lots range in size from 5 to 10 acres. As stated previously, the mapping of the zoning is easier when a whole parcel is rezoned, but, in this instance the commission may want to ask for a separate 2 acre legal for zoning purposes. There is quite a bit of road frontage on this parcel and dividing it without further process would be a concern if the entire 31.87 acres were rezoned.

Charlotte Dittmar, owner

- Would like to sell the property, but couldn't sell the whole 50+ acres, and would like to sell smaller parcels for people to build on. Other smaller parcels in the area. Site

distance was approved by the Rice Township road commissioner and they require 300 feet of site distance.

Andy Ehrler, buyer of parcel - 3

- Would be closer to his family. Willing to trim and remove trees to get site distance

Public Testimony

None

Public Testimony Closed

Discussion:

- Steve talked to Charles Flynn and they met at the site and found that some trimming of trees at the sharp corner could get the site distance. The other smaller parcel just needs some trees trimmed and removed and the potential buyer indicated he would be willing to do that.
- Bill comments on rezoning a smaller parcel within parcel 1 instead of rezoning the whole parcel.
- Heather Miller states that they should be able to get the septic on the property because it does not need to be on the smaller rezoned piece that possibly is to be rezoned.
- Nick states this is a good division of the property because it is not very productive and there is other residential in the area.

A motion was made by Nick Tranel to approve the request stating the following:

1. Approved entrances with the site distance
2. Smaller legal within the larger parcel to be rezoned

Seconded by Dave Jansen

Roll Call: Dave Jansen – Aye
Susie Davis – Aye
Bill Tonne – Aye
Tom Heidenreich – Aye
Nick Tranel – Aye

Glenn & Genevieve Wiene, owners, requesting rezoning from Ag-1 General Agriculture District to R-2 Rural Residential, approximately 105 acres. Common Location: Buckhill Road, Galena

Staff Report

- Comprehensive Plan: The Comprehensive Plan would indicate this parcel to be in the Agriculture area. This area is shown to have some pockets of important farmland soils. This parcel sits just north of Galena. Our Comprehensive plan recognizes this area to be within a mile and half from the City and at the same time also recognizes this area as not being part of the

City's Contiguous Growth area, meaning the City does not encourage growth in this area.

- **Waste Treatment:** No soil borings completed. The county soil survey indicates the majority of the soil is suitable for conventional septic systems. The exception is a pocket of soil located near the end of the middle road. The underground pipeline may cause construction hardships where it bisects lots.
- **Access Considerations:** The concept plan submitted with this proposal indicates three new points of access for new roads onto Buckhill Road. One of the access points is a 50' wide strip of land 'to be conveyed to Rawlins Township'. Presumably, the developer intends to have this strip of land become a Rawlins Township road before submitting a subdivision plat to avoid the 66' roadway right of way width required by the subdivision ordinance. Sight distance for the three access points should be adequate with some improvements. Some vegetation may have to be removed and buildings will have to be razed. While sufficient access can be provided from Buckhill Road, access to the development is a concern. If all 49 proposed lots are occupied with a single family home, trip generation formulas developed by the Institute of Transportation Engineers indicate 500 vehicles a day will be added to the existing roadway system. The vast majority of these trips will be to the west on Buckhill Road. Per the IDOT website, the current traffic count on Buckhill Road in the vicinity of this proposal is 75 vehicles per day. All of the additional traffic will either go to the City of Galena via School Section Road/Donagan Street entering Stagecoach Trail by Recreation Park or Dewey Avenue, or north on Council Hill Road. Current Traffic counts on these roads are 100 for School Section Road, 550 for Dewey Avenue, and 300 for Council Hill Road. School Section Road/Donagan Street has some very steep grades and sharp curves. Dewey Avenue is very narrow, and parked cars do not allow for two way traffic. The surface condition of Dewey Avenue is also quite poor. The best road out of the three is Council Hill, but it will probably see the least traffic. The possibility of adding more traffic to these already over stressed roads should be carefully considered. Additional property tax revenue from this development will not directly impact the City of Galena, whose street system will be affected from the additional traffic.
- **Other Considerations:** A LESA was done and resulted in a score of 178. This area has a great deal of smaller parcels along Buckhill Road being used residentially, but zoned Ag-1 General Agriculture. These parcels existed prior to the adoption of zoning. As shown on the concept plan, the proposed new highway will be going through the middle of this proposed development as well as an existing underground pipeline easement that is currently in place. The City of Galena's Zoning Board has reviewed this proposal and has sent the following to their City Council:
 - It is not within our Contiguous Growth Area (CGA), which has been approved by both the City Council and the Jo Daviess County Board.
 - The Jo Daviess County Comprehensive Plan defines the CGA for each municipality as: "that area around a municipality in which that community

anticipates and desires growth to occur in the foreseeable future. These areas were identified with input from the communities and take into consideration a number of factors including but not limited to: 1) the community's official plan(s) [i.e., Comprehensive Plan]; 2) the feasibility of providing the area with municipal water, sewer and other infrastructure; and 3) the community's expressed desires with regard to the amount and location of growth."

- The primary reason this property was not included in the CGA is because the city is not able to provide water and sewer to this area and most likely never will get City water and sewer to this area, based on a number of factors.
- According to the City's Comprehensive Plan and accompanying Proposed Land Use Map #15, this is not an area of desired growth.
- The roads that provide ingress and egress to the subdivision need to also be considered. Most households will have a minimum of 2 cars. There are 49 lots being proposed, which would probably mean approximately an additional 98 vehicles making any number of daily trips. Dewey Ave. is basically a one lane street and Donegan is not built to handle large volumes of traffic.
- One of the goals of both the County and City Comprehensive Plans is to discourage inefficient use of rural land and preserving the rural character of the County.
- The primary reason, however, is that this property does not fall within the City of Galena's CGA which has been approved by both the City and the County.

The City's Zoning Board is only advisory to the City Council and the City Council has the responsibility to forward comment to the County Board. An objection on the rezoning from the City Council to the County would mean that in order for the County to approve rezoning of this property, a super-majority vote or 3/4 of the members of the County Board would have to vote to approve rezoning.

Paul Brashaw, surveyor representing owner

- Contacted to prepare a concept plan for the rezoning of this property. The State is going to take about 20 acres of the 105 acres for the bypass. Comment was made on the road between the two existing property owners. There was a strip of land 51 feet wide for a future roadway. Talking with the developer that road can be abandoned and the design can be reconfigured. The pipeline is also through the property. Addresses the roadways into Galena and not the best for adding more traffic. Glenn Wiene has developed 11 additions prior to this one and was done prior to zoning. This will have individual wells and septic, but soil borings may determine the lot size to get adequate septic. The farm buildings are to be torn down to get the site distance for the road entrance. This is within the mile and a half, but not in the contiguous growth area of City of Galena. The concept plan is only for information only and will probably be configured different. This property will be split by the highway

Public Testimony

Suzanne Hollingworth, City of Galena

- Shows the Contiguous Growth Area that has been approved by the City Council and the Jo Daviess County Board. This redefines the growth area for the City. This proposed area has severe limitations for septic area. They reviewed the county comprehensive plan and found the things that were important to both, which are natural resources, view shed, and scenic byway. The growth should be next to the city and grow out from there and not to have inefficient growth and use of natural resources further out. Would have problems with running water and sewer and improving road systems.
- This is not in the Cities Contiguous Growth Area.
- Road systems – Dewey Avenue is a single lane road and in poor condition, Donegan Street is a paved, country road, but is very curvy. The city would not be getting any tax money to help defray the cost of improving Donegan or Dewey Avenue. City Zoning Board recommended to the City Council to object to the rezoning and they filed a resolution with the County Clerk, and sent also to the applicant and the County Zoning Officer.

Dean Bristow, father owns property to the south of the request

- What is the difference between R-1 and R-2?
 - Linda states the R-2 would allow lots as small as an acre and R-1 would allow lots as small as two acres.
- Questions about the septic and the assurance there would be no septic runoff onto our property.
 - Heather states the majority of the property has deep soil and should have conventional septic systems installed so you would get downward treatment.
- Questions the distance from a septic to the well?
 - The distance is 75 feet from a septic system.

Joseph Bristow, property to the south of the request

- Requested a copy of the Staff Report
- If a home was on each of the 49 lots then you would create a major problem. The properties along Buckhill Road have had failures with the septic and they go down the ravine and into my property and have killed some trees.
 - Tom states that we look at the concerns of the area.

Kishore Thampy, 8506 West Buckhill Road, Galena

- Concern is that this will compromise the enjoyment of the land. Concerned with the increase of noise pollution that the highway and this property will generate. The illegal dumping and littering along the road that is already happening. We have serious problems of drunken driving on this road and this will get much worse. There is minimal policing on these roads. I believe with the construction of Highway 20 through this and the homes this will bring more drug trafficking on US Highway 20

and are less policed roadway than others such as I80. I believe that the drug traffickers will buy in this subdivision. The revenue will be collected by the county, but my property I believe will be diminished because this will be a slum.

Joseph Bristow, property to the south of the request

- There is noise that will be generated from the highway and would you want to live next to that, they would be good people, but they will want to add vegetation and make the lots above 5 acres.

Pat & Martha Beadle, 9583 West Buckhill Road, Galena

- Owners next to the first entrance of the 51 foot roadway. This is a major issue for us. The potential roadway would front about 210 feet on our property. Currently Buckhill Road is 35 MPH, but nobody travels that, this will just get worse. This will create noise, light pollution in our 4 year olds bedroom at night. The daily number of cars would be about 35 to 50 cars every day and this would be a lifestyle change. Concerned about our son because he plays along where this potential roadway could be. Our house is 75 feet from the edge of this proposed road, I don't know where the water runoff will be, ditches, snow plowed in our yard. On that side we have a well, hydrant, and a utility pole about 30 feet from the edge of the road. I think communication is good and they had none with us. Thinking of putting a privacy fence 210 feet long or even moving if have to. The site distance is not the best at this location to the right.

Larry Ties, 9561 West Buckhill Road, Galena

- If this doesn't fit with the comprehensive plan that Galena has drawn up, or City Zoning Board or the City Council, I think the County should follow their request. There is a lot of Ag land that is being turned into residential. There is three ways to get to this, but the roads are curvy and not in good shape for more traffic.

Paul Brashaw,

- Addressing the drug trafficking and Highway 20, but there will be no direct access to Buckhill Road. They may be traveling Highway 20, but not necessarily own in this subdivision.

Martha Beadle, 9583 West Buckhill Road, Galena

- We pick up beer cans along our property all the time and that does most often lead to bigger drugs.

Chris Kirkpatrick, Jo Daviess County Conservation District

- Scenic and natural areas – we are to preserve these areas and a natural area is just to the south with a certain species. The development of this property will have a direct impact on that natural area. Helped with citizen advisory group that is helping IDOT with the Galena Bypass. IDOT will have to plant trees and this would be great place to buffer that natural area. Highway 20 is part of the Mississippi Scenic Byway and this will be a direct view and you will see this subdivision.

Joseph Bristow, property to the south of the request

- Talks about a different development around Horseshoe Mound and roadways.

Public Testimony Closed

Discussion:

- Bill asks about the bypass and how the road will be configured
 - Steve states that the four lane bypass will go under Buckhill Road and a bridge will be configured for Buckhill Road at that location.
- Linda has a letter from IDOT and petitioner gave the letter to the Building and Zoning and IDOT asks them to delineate the area out for the Highway.
- Bill talks about the R-2 and the smaller lots would generate more traffic and the roadways are not the best for added traffic. This is within the City mile and a half, but not the development area and they object to the request. The view shed is a concern and is a natural area. Have concerns with both the R-2 and even an R-1 request.
- Dave talks about traffic generation and roadways. This area is not the development area and we should follow the cities request. This is very similar to another request regarding scenic and view from roadway.
- Tom talks about the NRI Report and the productivity of the property being above the county average.
- Nick talks about the safety and property values and these are a concern in this area.

Paul Brashaw requests a continuance.

Linda states this request should be continued for at least two months and no longer than three to give the City time to review any proposed changes.

A motion was made by Nick Tranel to continue the request no earlier than two months and no longer than three months

Seconded by Susie Davis

Voice Vote: All Ayes

Reports and Comments:

Tom Heidenreich made a motion to adjourn at 9:00 PM. Dave Jansen seconded the motion.

Voice Vote: All Ayes